



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2394

Introduced 2/7/2025, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

See Index

Creates the First 2025 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

LRB104 09208 AMC 19265 b

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2025 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive
9 change in the law. It reconciles conflicts that have arisen
10 from multiple amendments and enactments and makes technical
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain
13 Sections that have been added or amended by more than one
14 Public Act. In certain cases in which a repealed Act or Section
15 has been replaced with a successor law, this Act may
16 incorporate amendments to the repealed Act or Section into the
17 successor law. This Act also corrects errors, revises
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended
20 Section indicates the sources in the Session Laws of Illinois
21 that were used in the preparation of the text of that Section.
22 The text of the Section included in this Act is intended to
23 include the different versions of the Section found in the
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public
2 Acts not included in the list of sources. The list of sources
3 is not a part of the text of the Section.

4 (d) Public Acts 103-584 through 103-1059 were considered
5 in the preparation of the combining revisories included in
6 this Act. Many of those combining revisories contain no
7 striking or underscoring because no additional changes are
8 being made in the material that is being combined.

9 Section 5. The Statute on Statutes is amended by changing
10 Section 1.33 as follows:

11 (5 ILCS 70/1.33) (from Ch. 1, par. 1034)

12 Sec. 1.33. Whenever there is a reference in any Act to the
13 School Construction Bond Act~~7~~, or the Illinois Coal and Energy
14 Development Bond Act~~7~~, such reference shall be interpreted to
15 include the General Obligation Bond Act.

16 (Source: P.A. 103-616, eff. 7-1-24; revised 10-23-24.)

17 Section 10. The Regulatory Sunset Act is amended by
18 changing Sections 4.39 and 4.40 as follows:

19 (5 ILCS 80/4.39)

20 Sec. 4.39. Acts and Section repealed on January 1, 2029
21 and December 31, 2029.

22 (a) The following Acts and Section are repealed on January

1, 2029:

The Electrologist Licensing Act.

The Environmental Health Practitioner Licensing Act.

The Illinois Occupational ~~Occupation~~ Therapy Practice Act.

The Crematory Regulation Act.

The Illinois Public Accounting Act.

The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

Section 2.5 of the Illinois Plumbing License Law.

The Veterinary Medicine and Surgery Practice Act of 2004.

The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.

(b) The following Act is repealed on December 31, 2029:

The Structural Pest Control Act.

(Source: P.A. 103-251, eff. 6-30-23; 103-253, eff. 6-30-23; 103-309, eff. 7-28-23; 103-387, eff. 7-28-23; 103-505, eff. 8-4-23; 103-605, eff. 7-1-24; revised 10-24-24.)

(5 ILCS 80/4.40)

Sec. 4.40. Acts repealed on January 1, 2030. The following Acts are repealed on January 1, 2030:

The Auction License Act.

The Genetic Counselor Licensing Act.

The Illinois Architecture Practice Act of 1989.

1 The Illinois Certified Shorthand Reporters Act of 1984.
2 The Illinois Professional Land Surveyor Act of 1989.
3 The Orthotics, Prosthetics, and Pedorthics Practice Act.
4 The Perfusionist Practice Act.
5 The Professional Engineering Practice Act of 1989.
6 The Real Estate License Act of 2000.
7 The Structural Engineering Practice Act of 1989.
8 (Source: P.A. 102-558, eff. 8-20-21; 103-763, eff. 1-1-25;
9 103-816, eff. 8-9-24; revised 11-26-24.)

10 (5 ILCS 80/4.35 rep.)

11 Section 12. The Regulatory Sunset Act is amended by
12 repealing Section 4.35.

13 Section 15. The Illinois Administrative Procedure Act is
14 amended by changing Section 5-45.52 and by setting forth,
15 renumbering, and changing multiple versions of Section 5-45.55
16 as follows:

17 (5 ILCS 100/5-45.52)

18 (Section scheduled to be repealed on August 4, 2025)

19 Sec. 5-45.52. Emergency rulemaking; Public Act 103-568. To
20 provide for the expeditious and timely implementation of
21 Public Act 103-568, emergency rules implementing Public Act
22 103-568 may be adopted in accordance with Section 5-45 by the
23 Department of Financial and Professional Regulation. The

1 adoption of emergency rules authorized by Section 5-45 and
2 this Section is deemed to be necessary for the public
3 interest, safety, and welfare.

4 This Section is repealed on August 4, 2025 ~~on December 8,~~
5 ~~2024 (Public Act 103-568).~~

6 (Source: P.A. 103-568, eff. 12-8-23; 103-601, eff. 7-1-24;
7 103-605, eff. 7-1-24; revised 7-23-24.)

8 (5 ILCS 100/5-45.55)

9 (Section scheduled to be repealed on January 1, 2026)

10 Sec. 5-45.55. Emergency rulemaking; the Department of
11 Natural Resources. To provide for the expeditious and timely
12 implementation of Section 13 of the Rivers, Lakes, and Streams
13 Act, emergency rules implementing Section 13 of the Rivers,
14 Lakes, and Streams Act may be adopted in accordance with
15 Section 5-45 by the Department of Natural Resources. The
16 adoption of emergency rules authorized by Section 5-45 and
17 this Section is deemed to be necessary for the public
18 interest, safety, and welfare.

19 This Section is repealed January 1, 2026 (one year after
20 the effective date of Public Act 103-905) ~~this amendatory Act~~
21 ~~of the 103rd General Assembly.~~

22 (Source: P.A. 103-905, eff. 1-1-25; revised 12-3-24.)

23 (5 ILCS 100/5-45.58)

24 (Section scheduled to be repealed on June 5, 2025)

1 Sec. 5-45.58 ~~5-45.55~~. Emergency rulemaking; Substance Use
2 Disorder Act. To provide for the expeditious and timely
3 implementation of the changes made to Section 55-30 of the
4 Substance Use Disorder Act by Public Act 103-588 ~~this~~
5 ~~amendatory Act of the 103rd General Assembly~~, emergency rules
6 implementing the changes made to that Section by Public Act
7 103-588 ~~this amendatory Act of the 103rd General Assembly~~ may
8 be adopted in accordance with Section 5-45 by the Department
9 of Human Services or other department essential to the
10 implementation of the changes. The adoption of emergency rules
11 authorized by Section 5-45 and this Section is deemed to be
12 necessary for the public interest, safety, and welfare.

13 This Section is repealed June 5, 2025 (one year after the
14 effective date of this Section).

15 (Source: P.A. 103-588, eff. 6-5-24; revised 10-3-24.)

16 (5 ILCS 100/5-45.59)

17 (Section scheduled to be repealed on June 7, 2025)

18 Sec. 5-45.59 ~~5-45.55~~. Emergency rulemaking; Medicaid
19 hospital rate updates. To provide for the expeditious and
20 timely implementation of the changes made to Section 14-12.5
21 of the Illinois Public Aid Code by Public Act 103-593 ~~this~~
22 ~~amendatory Act of the 103rd General Assembly~~, emergency rules
23 implementing the changes made by Public Act 103-593 ~~this~~
24 ~~amendatory Act of the 103rd General Assembly~~ to Section
25 14-12.5 of the Illinois Public Aid Code may be adopted in

1 accordance with Section 5-45 by the Department of Healthcare
2 and Family Services. The adoption of emergency rules
3 authorized by Section 5-45 and this Section is deemed to be
4 necessary for the public interest, safety, and welfare.

5 This Section is repealed June 7, 2025 (one year after the
6 effective date of Public Act 103-593) ~~this amendatory Act of~~
7 ~~the 103rd General Assembly.~~

8 (Source: P.A. 103-593, eff. 6-7-24; revised 10-7-24.)

9 (5 ILCS 100/5-45.60)

10 Sec. 5-45.60 ~~5-45.55~~. Emergency rulemaking; Network
11 Adequacy and Transparency Act. To provide for the expeditious
12 and timely implementation of the Network Adequacy and
13 Transparency Act, emergency rules implementing federal
14 standards for provider ratios, travel time and distance, and
15 appointment wait times if such standards apply to health
16 insurance coverage regulated by the Department of Insurance
17 and are more stringent than the State standards extant at the
18 time the final federal standards are published may be adopted
19 in accordance with Section 5-45 by the Department of
20 Insurance. The adoption of emergency rules authorized by
21 Section 5-45 and this Section is deemed to be necessary for the
22 public interest, safety, and welfare.

23 (Source: P.A. 103-650, eff. 1-1-25; revised 12-3-24.)

24 Section 20. The Freedom of Information Act is amended by

1 changing Section 7.5 as follows:

2 (5 ILCS 140/7.5)

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

6 (a) All information determined to be confidential
7 under Section 4002 of the Technology Advancement and
8 Development Act.

9 (b) Library circulation and order records identifying
10 library users with specific materials under the Library
11 Records Confidentiality Act.

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

18 (d) Information and records held by the Department of
19 Public Health and its authorized representatives relating
20 to known or suspected cases of sexually transmitted
21 infection or any information the disclosure of which is
22 restricted under the Illinois Sexually Transmitted
23 Infection Control Act.

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

1 (f) Firm performance evaluations under Section 55 of
2 the Architectural, Engineering, and Land Surveying
3 Qualifications Based Selection Act.

4 (g) Information the disclosure of which is restricted
5 and exempted under Section 50 of the Illinois Prepaid
6 Tuition Act.

7 (h) Information the disclosure of which is exempted
8 under the State Officials and Employees Ethics Act, and
9 records of any lawfully created State or local inspector
10 general's office that would be exempt if created or
11 obtained by an Executive Inspector General's office under
12 that Act.

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

17 (j) Information and data concerning the distribution
18 of surcharge moneys collected and remitted by carriers
19 under the Emergency Telephone System Act.

20 (k) Law enforcement officer identification information
21 or driver identification information compiled by a law
22 enforcement agency or the Department of Transportation
23 under Section 11-212 of the Illinois Vehicle Code.

24 (l) Records and information provided to a residential
25 health care facility resident sexual assault and death
26 review team or the Executive Council under the Abuse

1 Prevention Review Team Act.

2 (m) Information provided to the predatory lending
3 database created pursuant to Article 3 of the Residential
4 Real Property Disclosure Act, except to the extent
5 authorized under that Article.

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

13 (o) Information that is prohibited from being
14 disclosed under Section 4 of the Illinois Health and
15 Hazardous Substances Registry Act.

16 (p) Security portions of system safety program plans,
17 investigation reports, surveys, schedules, lists, data, or
18 information compiled, collected, or prepared by or for the
19 Department of Transportation under Sections 2705-300 and
20 2705-616 of the Department of Transportation Law of the
21 Civil Administrative Code of Illinois, the Regional
22 Transportation Authority under Section 2.11 of the
23 Regional Transportation Authority Act, or the St. Clair
24 County Transit District under the Bi-State Transit Safety
25 Act (repealed).

26 (q) Information prohibited from being disclosed by the

1 Personnel Record Review Act.

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

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

6 (t) (Blank).

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

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

20 (v-5) Records of the Firearm Owner's Identification
21 Card Review Board that are exempted from disclosure under
22 Section 10 of the Firearm Owners Identification Card Act.

23 (w) Personally identifiable information which is
24 exempted from disclosure under subsection (g) of Section
25 19.1 of the Toll Highway Act.

26 (x) Information which is exempted from disclosure

1 under Section 5-1014.3 of the Counties Code or Section
2 8-11-21 of the Illinois Municipal Code.

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

11 (z) Records and information provided to a fatality
12 review team or the Illinois Fatality Review Team Advisory
13 Council under Section 15 of the Adult Protective Services
14 Act.

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

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

19 (cc) Recordings made under the Law Enforcement
20 Officer-Worn Body Camera Act, except to the extent
21 authorized under that Act.

22 (dd) Information that is prohibited from being
23 disclosed under Section 45 of the Condominium and Common
24 Interest Community Ombudsperson Act.

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

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

3 (gg) Information that is prohibited from being
4 disclosed under Section 7-603.5 of the Illinois Vehicle
5 Code.

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

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

11 (jj) Information and reports that are required to be
12 submitted to the Department of Labor by registering day
13 and temporary labor service agencies but are exempt from
14 disclosure under subsection (a-1) of Section 45 of the Day
15 and Temporary Labor Services Act.

16 (kk) Information prohibited from disclosure under the
17 Seizure and Forfeiture Reporting Act.

18 (ll) Information the disclosure of which is restricted
19 and exempted under Section 5-30.8 of the Illinois Public
20 Aid Code.

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

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

25 (oo) Communications, notes, records, and reports
26 arising out of a peer support counseling session

1 prohibited from disclosure under the First Responders
2 Suicide Prevention Act.

3 (pp) Names and all identifying information relating to
4 an employee of an emergency services provider or law
5 enforcement agency under the First Responders Suicide
6 Prevention Act.

7 (qq) Information and records held by the Department of
8 Public Health and its authorized representatives collected
9 under the Reproductive Health Act.

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

12 (ss) Data reported by an employer to the Department of
13 Human Rights pursuant to Section 2-108 of the Illinois
14 Human Rights Act.

15 (tt) Recordings made under the Children's Advocacy
16 Center Act, except to the extent authorized under that
17 Act.

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

20 (vv) Information that is exempt from disclosure under
21 subsections (f) and (j) of Section 5-36 of the Illinois
22 Public Aid Code.

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

25 (xx) Information that is exempt from disclosure or
26 information that shall not be made public under the

1 Illinois Insurance Code.

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

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

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

8 (bbb) Information that is prohibited from disclosure
9 by the Illinois Police Training Act and the Illinois State
10 Police Act.

11 (ccc) Records exempt from disclosure under Section
12 2605-304 of the Illinois State Police Law of the Civil
13 Administrative Code of Illinois.

14 (ddd) Information prohibited from being disclosed
15 under Section 35 of the Address Confidentiality for
16 Victims of Domestic Violence, Sexual Assault, Human
17 Trafficking, or Stalking Act.

18 (eee) Information prohibited from being disclosed
19 under subsection (b) of Section 75 of the Domestic
20 Violence Fatality Review Act.

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

24 (ggg) Information prohibited from disclosure under
25 paragraph (3) of subsection (a) of Section 14 of the Nurse
26 Agency Licensing Act.

1 (hhh) Information submitted to the Illinois State
2 Police in an affidavit or application for an assault
3 weapon endorsement, assault weapon attachment endorsement,
4 .50 caliber rifle endorsement, or .50 caliber cartridge
5 endorsement under the Firearm Owners Identification Card
6 Act.

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

9 (jjj) Information exempt from disclosure under Section
10 30 of the Insurance Data Security Law.

11 (kkk) Confidential business information prohibited
12 from disclosure under Section 45 of the Paint Stewardship
13 Act.

14 (lll) Data exempt from disclosure under Section
15 2-3.196 of the School Code.

16 (mmm) Information prohibited from being disclosed
17 under subsection (e) of Section 1-129 of the Illinois
18 Power Agency Act.

19 (nnn) Materials received by the Department of Commerce
20 and Economic Opportunity that are confidential under the
21 Music and Musicians Tax Credit and Jobs Act.

22 (ooo) ~~(nnn)~~ Data or information provided pursuant to
23 Section 20 of the Statewide Recycling Needs and Assessment
24 Act.

25 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
26 under Section 28-11 of the Lawful Health Care Activity

1 Act.

2 (ggg) ~~(nnn)~~ Information that is exempt from disclosure
3 under Section 7-101 of the Illinois Human Rights Act.

4 (rrr) ~~(mmm)~~ Information prohibited from being
5 disclosed under Section 4-2 of the Uniform Money
6 Transmission Modernization Act.

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

9 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
10 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
11 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
12 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
13 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
14 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
15 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
16 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,
17 eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;
18 103-1049, eff. 8-9-24; revised 11-26-24.)

19 Section 25. The Illinois Public Labor Relations Act is
20 amended by changing Sections 5 and 15 as follows:

21 (5 ILCS 315/5) (from Ch. 48, par. 1605)

22 Sec. 5. Illinois Labor Relations Board; State Panel; Local
23 Panel.

24 (a) There is created the Illinois Labor Relations Board.

1 The Board shall be comprised of 2 panels, to be known as the
2 State Panel and the Local Panel.

3 (a-5) The State Panel shall have jurisdiction over
4 collective bargaining matters between employee organizations
5 and the State of Illinois, excluding the General Assembly of
6 the State of Illinois, between employee organizations and
7 units of local government and school districts with a
8 population not in excess of 2 million persons, and between
9 employee organizations and the Regional Transportation
10 Authority.

11 The State Panel shall consist of 5 members appointed by
12 the Governor, with the advice and consent of the Senate. The
13 Governor shall appoint to the State Panel only persons who
14 have had a minimum of 5 years of experience directly related to
15 labor and employment relations in representing public
16 employers, private employers, or labor organizations; or
17 teaching labor or employment relations; or administering
18 executive orders or regulations applicable to labor or
19 employment relations. At the time of his or her appointment,
20 each member of the State Panel shall be an Illinois resident.
21 The Governor shall designate one member to serve as the
22 Chairman of the State Panel and the Board.

23 Notwithstanding any other provision of this Section, the
24 term of each member of the State Panel who was appointed by the
25 Governor and is in office on June 30, 2003 shall terminate at
26 the close of business on that date or when all of the successor

1 members to be appointed pursuant to Public Act 93-509 ~~this~~
2 ~~amendatory Act of the 93rd General Assembly~~ have been
3 appointed by the Governor, whichever occurs later. As soon as
4 possible, the Governor shall appoint persons to fill the
5 vacancies created by this amendatory Act.

6 The initial appointments under Public Act 93-509 ~~this~~
7 ~~amendatory Act of the 93rd General Assembly~~ shall be for terms
8 as follows: The Chairman shall initially be appointed for a
9 term ending on the 4th Monday in January, 2007; 2 members shall
10 be initially appointed for terms ending on the 4th Monday in
11 January, 2006; one member shall be initially appointed for a
12 term ending on the 4th Monday in January, 2005; and one member
13 shall be initially appointed for a term ending on the 4th
14 Monday in January, 2004. Each subsequent member shall be
15 appointed for a term of 4 years, commencing on the 4th Monday
16 in January. Upon expiration of the term of office of any
17 appointive member, that member shall continue to serve until a
18 successor shall be appointed and qualified. In case of a
19 vacancy, a successor shall be appointed to serve for the
20 unexpired portion of the term. If the Senate is not in session
21 at the time the initial appointments are made, the Governor
22 shall make temporary appointments in the same manner
23 successors are appointed to fill vacancies. A temporary
24 appointment shall remain in effect no longer than 20 calendar
25 days after the commencement of the next Senate session.

26 (b) The Local Panel shall have jurisdiction over

1 collective bargaining agreement matters between employee
2 organizations and units of local government with a population
3 in excess of 2 million persons, but excluding the Regional
4 Transportation Authority.

5 The Local Panel shall consist of one person appointed by
6 the Governor with the advice and consent of the Senate (or, if
7 no such person is appointed, the Chairman of the State Panel)
8 and two additional members, one appointed by the Mayor of the
9 City of Chicago and one appointed by the President of the Cook
10 County Board of Commissioners. Appointees to the Local Panel
11 must have had a minimum of 5 years of experience directly
12 related to labor and employment relations in representing
13 public employers, private employers, or labor organizations;
14 or teaching labor or employment relations; or administering
15 executive orders or regulations applicable to labor or
16 employment relations. Each member of the Local Panel shall be
17 an Illinois resident at the time of his or her appointment. The
18 member appointed by the Governor (or, if no such person is
19 appointed, the Chairman of the State Panel) shall serve as the
20 Chairman of the Local Panel.

21 Notwithstanding any other provision of this Section, the
22 term of the member of the Local Panel who was appointed by the
23 Governor and is in office on June 30, 2003 shall terminate at
24 the close of business on that date or when his or her successor
25 has been appointed by the Governor, whichever occurs later. As
26 soon as possible, the Governor shall appoint a person to fill

1 the vacancy created by this amendatory Act. The initial
2 appointment under Public Act 93-509 ~~this amendatory Act of the~~
3 ~~93rd General Assembly~~ shall be for a term ending on the 4th
4 Monday in January, 2007.

5 The initial appointments under Public Act 91-798 ~~this~~
6 ~~amendatory Act of the 91st General Assembly~~ shall be for terms
7 as follows: The member appointed by the Governor shall
8 initially be appointed for a term ending on the 4th Monday in
9 January, 2001; the member appointed by the President of the
10 Cook County Board shall be initially appointed for a term
11 ending on the 4th Monday in January, 2003; and the member
12 appointed by the Mayor of the City of Chicago shall be
13 initially appointed for a term ending on the 4th Monday in
14 January, 2004. Each subsequent member shall be appointed for a
15 term of 4 years, commencing on the 4th Monday in January. Upon
16 expiration of the term of office of any appointive member, the
17 member shall continue to serve until a successor shall be
18 appointed and qualified. In the case of a vacancy, a successor
19 shall be appointed by the applicable appointive authority to
20 serve for the unexpired portion of the term.

21 (c) Three members of the State Panel shall at all times
22 constitute a quorum. Two members of the Local Panel shall at
23 all times constitute a quorum. A vacancy on a panel does not
24 impair the right of the remaining members to exercise all of
25 the powers of that panel. Each panel shall adopt an official
26 seal which shall be judicially noticed. The salary of the

1 Chairman of the State Panel shall be \$82,429 per year, or as
2 set by the Compensation Review Board, whichever is greater,
3 and that of the other members of the State and Local Panels
4 shall be \$74,188 per year, or as set by the Compensation Review
5 Board, whichever is greater.

6 (d) Each member shall devote his or her entire time to the
7 duties of the office, and shall hold no other office or
8 position of profit, nor engage in any other business,
9 employment, or vocation. No member shall hold any other public
10 office or be employed as a labor or management representative
11 by the State or any political subdivision of the State or of
12 any department or agency thereof, or actively represent or act
13 on behalf of an employer or an employee organization or an
14 employer in labor relations matters. Any member of the State
15 Panel may be removed from office by the Governor for
16 inefficiency, neglect of duty, misconduct or malfeasance in
17 office, and for no other cause, and only upon notice and
18 hearing. Any member of the Local Panel may be removed from
19 office by the applicable appointive authority for
20 inefficiency, neglect of duty, misconduct or malfeasance in
21 office, and for no other cause, and only upon notice and
22 hearing.

23 (e) Each panel at the end of every State fiscal year shall
24 make a report in writing to the Governor and the General
25 Assembly, stating in detail the work it has done to carry out
26 the policy of the Act in hearing and deciding cases and

1 otherwise. Each panel's report shall include:

2 (1) the number of unfair labor practice charges filed
3 during the fiscal year;

4 (2) the number of unfair labor practice charges
5 resolved during the fiscal year;

6 (3) the total number of unfair labor charges pending
7 before the Board at the end of the fiscal year;

8 (4) the number of unfair labor charge cases at the end
9 of the fiscal year that have been pending before the Board
10 between 1 and 100 days, 101 and 150 days, 151 and 200 days,
11 201 and 250 days, 251 and 300 days, 301 and 350 days, 351
12 and 400 days, 401 and 450 days, 451 and 500 days, 501 and
13 550 days, 551 and 600 days, 601 and 650 days, 651 and 700
14 days, and over 701 days;

15 (5) the number of representation cases and unit
16 clarification cases filed during the fiscal year;

17 (6) the number of representation cases and unit
18 clarification cases resolved during the fiscal year;

19 (7) the total number of representation cases and unit
20 clarification cases pending before the Board at the end of
21 the fiscal year;

22 (8) the number of representation cases and unit
23 clarification cases at the end of the fiscal year that
24 have been pending before the Board between 1 and 120 days,
25 121 and 180 days, and over 180 days; and

26 (9) the Board's progress in meeting the timeliness

1 goals established pursuant to the criteria in subsection
2 (j) of Section 11 of this Act; the report shall include,
3 but is not limited to:

4 (A) the average number of days taken to complete
5 investigations and issue complaints, dismissals, or
6 deferrals;

7 (B) the average number of days taken for the Board
8 to issue decisions on appeals of dismissals or
9 deferrals;

10 (C) the average number of days taken to schedule a
11 hearing on complaints once issued;

12 (D) the average number of days taken to issue a
13 recommended decision and order once the record is
14 closed;

15 (E) the average number of days taken for the Board
16 to issue final decisions on recommended decisions when
17 ~~where~~ exceptions have been filed;

18 (F) the average number of days taken for the Board
19 to issue final decisions ~~decision~~ on recommended
20 decisions when no exceptions have been filed; and

21 (G) in cases where the Board was unable to meet the
22 timeliness goals established in subsection (j) of
23 Section 11, an explanation as to why the goal was not
24 met.

25 (f) In order to accomplish the objectives and carry out
26 the duties prescribed by this Act, a panel or its authorized

1 designees may hold elections to determine whether a labor
2 organization has majority status; investigate and attempt to
3 resolve or settle charges of unfair labor practices; hold
4 hearings in order to carry out its functions; develop and
5 effectuate appropriate impasse resolution procedures for
6 purposes of resolving labor disputes; require the appearance
7 of witnesses and the production of evidence on any matter
8 under inquiry; and administer oaths and affirmations. The
9 panels shall sign and report in full an opinion in every case
10 which they decide.

11 (g) Each panel may appoint or employ an executive
12 director, attorneys, hearing officers, mediators,
13 fact-finders, arbitrators, and such other employees as it may
14 deem necessary to perform its functions. The governing boards
15 shall prescribe the duties and qualifications of such persons
16 appointed and, subject to the annual appropriation, fix their
17 compensation and provide for reimbursement of actual and
18 necessary expenses incurred in the performance of their
19 duties. The Board shall employ a minimum of 16 attorneys and 6
20 investigators.

21 (h) Each panel shall exercise general supervision over all
22 attorneys which it employs and over the other persons employed
23 to provide necessary support services for such attorneys. The
24 panels shall have final authority in respect to complaints
25 brought pursuant to this Act.

26 (i) The following rules and regulations shall be adopted

1 by the panels meeting in joint session: (1) procedural rules
2 and regulations which shall govern all Board proceedings; (2)
3 procedures for election of exclusive bargaining
4 representatives pursuant to Section 9, except for the
5 determination of appropriate bargaining units; and (3)
6 appointment of counsel pursuant to subsection (k) of this
7 Section.

8 (j) Rules and regulations may be adopted, amended or
9 rescinded only upon a vote of 5 of the members of the State and
10 Local Panels meeting in joint session. The adoption,
11 amendment, or rescission of rules and regulations shall be in
12 conformity with the requirements of the Illinois
13 Administrative Procedure Act.

14 (k) The panels in joint session shall promulgate rules and
15 regulations providing for the appointment of attorneys or
16 other Board representatives to represent persons in unfair
17 labor practice proceedings before a panel. The regulations
18 governing appointment shall require the applicant to
19 demonstrate an inability to pay for or inability to otherwise
20 provide for adequate representation before a panel. Such rules
21 must also provide: (1) that an attorney may not be appointed in
22 cases which, in the opinion of a panel, are clearly without
23 merit; (2) the stage of the unfair labor proceeding at which
24 counsel will be appointed; and (3) the circumstances under
25 which a client will be allowed to select counsel.

26 (1) The panels in joint session may promulgate rules and

1 regulations which allow parties in proceedings before a panel
2 to be represented by counsel or any other representative of
3 the party's choice.

4 (m) The Chairman of the State Panel shall serve as
5 Chairman of a joint session of the panels. Attendance of at
6 least 2 members of the State Panel and at least one member of
7 the Local Panel, in addition to the Chairman, shall constitute
8 a quorum at a joint session. The panels shall meet in joint
9 session at least annually.

10 (Source: P.A. 103-856, eff. 1-1-25; revised 11-21-24.)

11 (5 ILCS 315/15) (from Ch. 48, par. 1615)

12 (Text of Section WITHOUT the changes made by P.A. 98-599,
13 which has been held unconstitutional)

14 Sec. 15. Act takes precedence ~~Takes Precedence~~.

15 (a) In case of any conflict between the provisions of this
16 Act and any other law (other than Section 5 of the State
17 Employees Group Insurance Act of 1971 and other than the
18 changes made to the Illinois Pension Code by Public Act 96-889
19 ~~this amendatory Act of the 96th General Assembly~~), executive
20 order or administrative regulation relating to wages, hours
21 and conditions of employment and employment relations, the
22 provisions of this Act or any collective bargaining agreement
23 negotiated thereunder shall prevail and control. Nothing in
24 this Act shall be construed to replace or diminish the rights
25 of employees established by Sections 28 and 28a of the

1 Metropolitan Transit Authority Act, Sections 2.15 through 2.19
2 of the Regional Transportation Authority Act. The provisions
3 of this Act are subject to Section 5 of the State Employees
4 Group Insurance Act of 1971. Nothing in this Act shall be
5 construed to replace the necessity of complaints against a
6 sworn peace officer, as defined in Section 2(a) of the Uniform
7 Peace Officers' ~~Officer~~ Disciplinary Act, from having a
8 complaint supported by a sworn affidavit.

9 (b) Except as provided in subsection (a) above, any
10 collective bargaining contract between a public employer and a
11 labor organization executed pursuant to this Act shall
12 supersede any contrary statutes, charters, ordinances, rules
13 or regulations relating to wages, hours and conditions of
14 employment and employment relations adopted by the public
15 employer or its agents. Any collective bargaining agreement
16 entered into prior to the effective date of this Act shall
17 remain in full force during its duration.

18 (c) It is the public policy of this State, pursuant to
19 paragraphs (h) and (i) of Section 6 of Article VII of the
20 Illinois Constitution, that the provisions of this Act are the
21 exclusive exercise by the State of powers and functions which
22 might otherwise be exercised by home rule units. Such powers
23 and functions may not be exercised concurrently, either
24 directly or indirectly, by any unit of local government,
25 including any home rule unit, except as otherwise authorized
26 by this Act.

1 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11;
2 revised 7-23-24.)

3 Section 30. The State Employees Group Insurance Act of
4 1971 is amended by changing Sections 3, 6.11, and 10 and by
5 setting forth and renumbering multiple versions of Section
6 6.11D as follows:

7 (5 ILCS 375/3) (from Ch. 127, par. 523)

8 Sec. 3. Definitions. Unless the context otherwise
9 requires, the following words and phrases as used in this Act
10 shall have the following meanings. The Department may define
11 these and other words and phrases separately for the purpose
12 of implementing specific programs providing benefits under
13 this Act.

14 (a) "Administrative service organization" means any
15 person, firm, or corporation experienced in the handling of
16 claims which is fully qualified, financially sound, and
17 capable of meeting the service requirements of a contract of
18 administration executed with the Department.

19 (b) "Annuitant" means (1) an employee who retires, or has
20 retired, on or after January 1, 1966 on an immediate annuity
21 under the provisions of Articles 2, 14 (including an employee
22 who has elected to receive an alternative retirement
23 cancellation payment under Section 14-108.5 of the Illinois
24 Pension Code in lieu of an annuity or who meets the criteria

1 for retirement, but in lieu of receiving an annuity under that
2 Article has elected to receive an accelerated pension benefit
3 payment under Section 14-147.5 of that Article), 15 (including
4 an employee who has retired under the optional retirement
5 program established under Section 15-158.2 or who meets the
6 criteria for retirement but in lieu of receiving an annuity
7 under that Article has elected to receive an accelerated
8 pension benefit payment under Section 15-185.5 of the
9 Article), paragraph (2), (3), or (5) of Section 16-106
10 (including an employee who meets the criteria for retirement,
11 but in lieu of receiving an annuity under that Article has
12 elected to receive an accelerated pension benefit payment
13 under Section 16-190.5 of the Illinois Pension Code), or
14 Article 18 of the Illinois Pension Code; (2) any person who was
15 receiving group insurance coverage under this Act as of March
16 31, 1978 by reason of his status as an annuitant, even though
17 the annuity in relation to which such coverage was provided is
18 a proportional annuity based on less than the minimum period
19 of service required for a retirement annuity in the system
20 involved; (3) any person not otherwise covered by this Act who
21 has retired as a participating member under Article 2 of the
22 Illinois Pension Code but is ineligible for the retirement
23 annuity under Section 2-119 of the Illinois Pension Code; (4)
24 the spouse of any person who is receiving a retirement annuity
25 under Article 18 of the Illinois Pension Code and who is
26 covered under a group health insurance program sponsored by a

1 governmental employer other than the State of Illinois and who
2 has irrevocably elected to waive his or her coverage under
3 this Act and to have his or her spouse considered as the
4 "annuitant" under this Act and not as a "dependent"; or (5) an
5 employee who retires, or has retired, from a qualified
6 position, as determined according to rules promulgated by the
7 Director, under a qualified local government, a qualified
8 rehabilitation facility, a qualified domestic violence shelter
9 or service, or a qualified child advocacy center. (For
10 definition of "retired employee", see subsection (p) ~~post~~).

11 (b-5) (Blank).

12 (b-6) (Blank).

13 (b-7) (Blank).

14 (c) "Carrier" means (1) an insurance company, a
15 corporation organized under the Limited Health Service
16 Organization Act or the Voluntary Health Services Plans Act, a
17 partnership, or other nongovernmental organization, which is
18 authorized to do group life or group health insurance business
19 in Illinois, or (2) the State of Illinois as a self-insurer.

20 (d) "Compensation" means salary or wages payable on a
21 regular payroll by the State Treasurer on a warrant of the
22 State Comptroller out of any State, trust or federal fund, or
23 by the Governor of the State through a disbursing officer of
24 the State out of a trust or out of federal funds, or by any
25 Department out of State, trust, federal, or other funds held
26 by the State Treasurer or the Department, to any person for

1 personal services currently performed, and ordinary or
2 accidental disability benefits under Articles 2, 14, 15
3 (including ordinary or accidental disability benefits under
4 the optional retirement program established under Section
5 15-158.2), paragraph (2), (3), or (5) of Section 16-106, or
6 Article 18 of the Illinois Pension Code, for disability
7 incurred after January 1, 1966, or benefits payable under the
8 Workers' Compensation Act or the Workers' Occupational
9 Diseases Act or benefits payable under a sick pay plan
10 established in accordance with Section 36 of the State Finance
11 Act. "Compensation" also means salary or wages paid to an
12 employee of any qualified local government, qualified
13 rehabilitation facility, qualified domestic violence shelter
14 or service, or qualified child advocacy center.

15 (e) "Commission" means the State Employees Group Insurance
16 Advisory Commission authorized by this Act. Commencing July 1,
17 1984, "Commission" as used in this Act means the Commission on
18 Government Forecasting and Accountability as established by
19 the Legislative Commission Reorganization Act of 1984.

20 (f) "Contributory", when referred to as contributory
21 coverage, shall mean optional coverages or benefits elected by
22 the member toward the cost of which such member makes
23 contribution, or which are funded in whole or in part through
24 the acceptance of a reduction in earnings or the foregoing of
25 an increase in earnings by an employee, as distinguished from
26 noncontributory coverage or benefits which are paid entirely

1 by the State of Illinois without reduction of the member's
2 salary.

3 (g) "Department" means any department, institution, board,
4 commission, officer, court, or any agency of the State
5 government receiving appropriations and having power to
6 certify payrolls to the Comptroller authorizing payments of
7 salary and wages against such appropriations as are made by
8 the General Assembly from any State fund, or against trust
9 funds held by the State Treasurer and includes boards of
10 trustees of the retirement systems created by Articles 2, 14,
11 15, 16, and 18 of the Illinois Pension Code. "Department" also
12 includes the Illinois Comprehensive Health Insurance Board,
13 the Board of Examiners established under the Illinois Public
14 Accounting Act, and the Illinois Finance Authority.

15 (h) "Dependent", when the term is used in the context of
16 the health and life plan, means a member's spouse and any child
17 (1) from birth to age 26, including an adopted child, a child
18 who lives with the member from the time of the placement for
19 adoption until entry of an order of adoption, a stepchild or
20 adjudicated child, or a child who lives with the member if such
21 member is a court appointed guardian of the child or (2) age 19
22 or over who has a mental or physical disability from a cause
23 originating prior to the age of 19 (age 26 if enrolled as an
24 adult child dependent). For the health plan only, the term
25 "dependent" also includes (1) any person enrolled prior to the
26 effective date of this Section who is dependent upon the

1 member to the extent that the member may claim such person as a
2 dependent for income tax deduction purposes and (2) any person
3 who has received after June 30, 2000 an organ transplant and
4 who is financially dependent upon the member and eligible to
5 be claimed as a dependent for income tax purposes. A member
6 requesting to cover any dependent must provide documentation
7 as requested by the Department of Central Management Services
8 and file with the Department any and all forms required by the
9 Department.

10 (i) "Director" means the Director of the Illinois
11 Department of Central Management Services.

12 (j) "Eligibility period" means the period of time a member
13 has to elect enrollment in programs or to select benefits
14 without regard to age, sex, or health.

15 (k) "Employee" means and includes each officer or employee
16 in the service of a department who (1) receives his
17 compensation for service rendered to the department on a
18 warrant issued pursuant to a payroll certified by a department
19 or on a warrant or check issued and drawn by a department upon
20 a trust, federal or other fund or on a warrant issued pursuant
21 to a payroll certified by an elected or duly appointed officer
22 of the State or who receives payment of the performance of
23 personal services on a warrant issued pursuant to a payroll
24 certified by a Department and drawn by the Comptroller upon
25 the State Treasurer against appropriations made by the General
26 Assembly from any fund or against trust funds held by the State

1 Treasurer, and (2) is employed full-time or part-time in a
2 position normally requiring actual performance of duty during
3 not less than 1/2 of a normal work period, as established by
4 the Director in cooperation with each department, except that
5 persons elected by popular vote will be considered employees
6 during the entire term for which they are elected regardless
7 of hours devoted to the service of the State, and (3) except
8 that "employee" does not include any person who is not
9 eligible by reason of such person's employment to participate
10 in one of the State retirement systems under Articles 2, 14, 15
11 (either the regular Article 15 system or the optional
12 retirement program established under Section 15-158.2), or 18,
13 or under paragraph (2), (3), or (5) of Section 16-106, of the
14 Illinois Pension Code, but such term does include persons who
15 are employed during the 6-month qualifying period under
16 Article 14 of the Illinois Pension Code. Such term also
17 includes any person who (1) after January 1, 1966, is
18 receiving ordinary or accidental disability benefits under
19 Articles 2, 14, 15 (including ordinary or accidental
20 disability benefits under the optional retirement program
21 established under Section 15-158.2), paragraph (2), (3), or
22 (5) of Section 16-106, or Article 18 of the Illinois Pension
23 Code, for disability incurred after January 1, 1966, (2)
24 receives total permanent or total temporary disability under
25 the Workers' Compensation Act or the Workers' Occupational
26 Diseases ~~Disease~~ Act as a result of injuries sustained or

1 illness contracted in the course of employment with the State
2 of Illinois, or (3) is not otherwise covered under this Act and
3 has retired as a participating member under Article 2 of the
4 Illinois Pension Code but is ineligible for the retirement
5 annuity under Section 2-119 of the Illinois Pension Code.
6 However, a person who satisfies the criteria of the foregoing
7 definition of "employee" except that such person is made
8 ineligible to participate in the State Universities Retirement
9 System by clause (4) of subsection (a) of Section 15-107 of the
10 Illinois Pension Code is also an "employee" for the purposes
11 of this Act. "Employee" also includes any person receiving or
12 eligible for benefits under a sick pay plan established in
13 accordance with Section 36 of the State Finance Act.
14 "Employee" also includes (i) each officer or employee in the
15 service of a qualified local government, including persons
16 appointed as trustees of sanitary districts regardless of
17 hours devoted to the service of the sanitary district, (ii)
18 each employee in the service of a qualified rehabilitation
19 facility, (iii) each full-time employee in the service of a
20 qualified domestic violence shelter or service, and (iv) each
21 full-time employee in the service of a qualified child
22 advocacy center, as determined according to rules promulgated
23 by the Director.

24 (1) "Member" means an employee, annuitant, retired
25 employee, or survivor. In the case of an annuitant or retired
26 employee who first becomes an annuitant or retired employee on

1 or after January 13, 2012 (the effective date of Public Act
2 97-668), the individual must meet the minimum vesting
3 requirements of the applicable retirement system in order to
4 be eligible for group insurance benefits under that system. In
5 the case of a survivor who is not entitled to occupational
6 death benefits pursuant to an applicable retirement system or
7 death benefits pursuant to the ~~Illinois~~ Workers' Compensation
8 Act, and who first becomes a survivor on or after January 13,
9 2012 (the effective date of Public Act 97-668), the deceased
10 employee, annuitant, or retired employee upon whom the annuity
11 is based must have been eligible to participate in the group
12 insurance system under the applicable retirement system in
13 order for the survivor to be eligible for group insurance
14 benefits under that system.

15 In the case of a survivor who is entitled to occupational
16 death benefits pursuant to the deceased employee's applicable
17 retirement system or death benefits pursuant to the ~~Illinois~~
18 Workers' Compensation Act, and first becomes a survivor on or
19 after January 1, 2022, the survivor is eligible for group
20 health insurance benefits regardless of the deceased
21 employee's minimum vesting requirements under the applicable
22 retirement system, with a State contribution rate of 100%,
23 until an unmarried child dependent reaches the age of 18, or
24 the age of 22 if the dependent child is a full-time student, or
25 until the adult survivor becomes eligible for benefits under
26 the federal Medicare health insurance program (Title XVIII of

1 the Social Security Act, as added by Public Law 89-97). In the
2 case of a survivor currently receiving occupational death
3 benefits pursuant to the deceased employee's applicable
4 retirement system or has received death benefits pursuant to
5 the ~~Illinois~~ Workers' Compensation Act, who first became a
6 survivor prior to January 1, 2022, the survivor is eligible
7 for group health insurance benefits regardless of the deceased
8 employee's minimum vesting requirements under the applicable
9 retirement system, with a State contribution rate of 100%,
10 until an unmarried child dependent reaches the age of 18, or
11 the age of 22 if the dependent child is a full-time student, or
12 until the adult survivor becomes eligible for benefits under
13 the federal Medicare health insurance program (Title XVIII of
14 the Social Security Act, as added by Public Law 89-97). The
15 changes made by Public Act 102-714 ~~this amendatory Act of the~~
16 ~~102nd General Assembly~~ with respect to survivors who first
17 became survivors prior to January 1, 2022 shall apply upon
18 request of the survivor on or after April 29, 2022 (the
19 effective date of Public Act 102-714) ~~this amendatory Act of~~
20 ~~the 102nd General Assembly~~.

21 (m) "Optional coverages or benefits" means those coverages
22 or benefits available to the member on his or her voluntary
23 election, and at his or her own expense.

24 (n) "Program" means the group life insurance, health
25 benefits, and other employee benefits designed and contracted
26 for by the Director under this Act.

1 (o) "Health plan" means a health benefits program offered
2 by the State of Illinois for persons eligible for the plan.

3 (p) "Retired employee" means any person who would be an
4 annuitant as that term is defined herein but for the fact that
5 such person retired prior to January 1, 1966. Such term also
6 includes any person formerly employed by the University of
7 Illinois in the Cooperative Extension Service who would be an
8 annuitant but for the fact that such person was made
9 ineligible to participate in the State Universities Retirement
10 System by clause (4) of subsection (a) of Section 15-107 of the
11 Illinois Pension Code.

12 (q) "Survivor" means a person receiving an annuity as a
13 survivor of an employee or of an annuitant. "Survivor" also
14 includes: (1) the surviving dependent of a person who
15 satisfies the definition of "employee" except that such person
16 is made ineligible to participate in the State Universities
17 Retirement System by clause (4) of subsection (a) of Section
18 15-107 of the Illinois Pension Code; (2) the surviving
19 dependent of any person formerly employed by the University of
20 Illinois in the Cooperative Extension Service who would be an
21 annuitant except for the fact that such person was made
22 ineligible to participate in the State Universities Retirement
23 System by clause (4) of subsection (a) of Section 15-107 of the
24 Illinois Pension Code; (3) the surviving dependent of a person
25 who was an annuitant under this Act by virtue of receiving an
26 alternative retirement cancellation payment under Section

1 14-108.5 of the Illinois Pension Code; and (4) a person who
2 would be receiving an annuity as a survivor of an annuitant
3 except that the annuitant elected on or after June 4, 2018 to
4 receive an accelerated pension benefit payment under Section
5 14-147.5, 15-185.5, or 16-190.5 of the Illinois Pension Code
6 in lieu of receiving an annuity.

7 (q-2) "SERS" means the State Employees' Retirement System
8 of Illinois, created under Article 14 of the Illinois Pension
9 Code.

10 (q-3) "SURS" means the State Universities Retirement
11 System, created under Article 15 of the Illinois Pension Code.

12 (q-4) "TRS" means the Teachers' Retirement System of the
13 State of Illinois, created under Article 16 of the Illinois
14 Pension Code.

15 (q-5) (Blank).

16 (q-6) (Blank).

17 (q-7) (Blank).

18 (r) "Medical services" means the services provided within
19 the scope of their licenses by practitioners in all categories
20 licensed under the Medical Practice Act of 1987.

21 (s) "Unit of local government" means any county,
22 municipality, township, school district (including a
23 combination of school districts under the Intergovernmental
24 Cooperation Act), special district or other unit, designated
25 as a unit of local government by law, which exercises limited
26 governmental powers or powers in respect to limited

1 governmental subjects, any not-for-profit association with a
2 membership that primarily includes townships and township
3 officials, that has duties that include provision of research
4 service, dissemination of information, and other acts for the
5 purpose of improving township government, and that is funded
6 wholly or partly in accordance with Section 85-15 of the
7 Township Code; any not-for-profit corporation or association,
8 with a membership consisting primarily of municipalities, that
9 operates its own utility system, and provides research,
10 training, dissemination of information, or other acts to
11 promote cooperation between and among municipalities that
12 provide utility services and for the advancement of the goals
13 and purposes of its membership; the Southern Illinois
14 Collegiate Common Market, which is a consortium of higher
15 education institutions in Southern Illinois; the Illinois
16 Association of Park Districts; and any hospital provider that
17 is owned by a county that has 100 or fewer hospital beds and
18 has not already joined the program. "Qualified local
19 government" means a unit of local government approved by the
20 Director and participating in a program created under
21 subsection (i) of Section 10 of this Act.

22 (t) "Qualified rehabilitation facility" means any
23 not-for-profit organization that is accredited by the
24 Commission on Accreditation of Rehabilitation Facilities or
25 certified by the Department of Human Services (as successor to
26 the Department of Mental Health and Developmental

1 Disabilities) to provide services to persons with disabilities
2 and which receives funds from the State of Illinois for
3 providing those services, approved by the Director and
4 participating in a program created under subsection (j) of
5 Section 10 of this Act.

6 (u) "Qualified domestic violence shelter or service" means
7 any Illinois domestic violence shelter or service and its
8 administrative offices funded by the Department of Human
9 Services (as successor to the Illinois Department of Public
10 Aid), approved by the Director and participating in a program
11 created under subsection (k) of Section 10.

12 (v) "TRS benefit recipient" means a person who:

13 (1) is not a "member" as defined in this Section; and

14 (2) is receiving a monthly benefit or retirement
15 annuity under Article 16 of the Illinois Pension Code or
16 would be receiving such monthly benefit or retirement
17 annuity except that the benefit recipient elected on or
18 after June 4, 2018 to receive an accelerated pension
19 benefit payment under Section 16-190.5 of the Illinois
20 Pension Code in lieu of receiving an annuity; and

21 (3) either (i) has at least 8 years of creditable
22 service under Article 16 of the Illinois Pension Code, or
23 (ii) was enrolled in the health insurance program offered
24 under that Article on January 1, 1996, or (iii) is the
25 survivor of a benefit recipient who had at least 8 years of
26 creditable service under Article 16 of the Illinois

1 Pension Code or was enrolled in the health insurance
2 program offered under that Article on June 21, 1995 (the
3 effective date of Public Act 89-25), or (iv) is a
4 recipient or survivor of a recipient of a disability
5 benefit under Article 16 of the Illinois Pension Code.

6 (w) "TRS dependent beneficiary" means a person who:

7 (1) is not a "member" or "dependent" as defined in
8 this Section; and

9 (2) is a TRS benefit recipient's: (A) spouse, (B)
10 dependent parent who is receiving at least half of his or
11 her support from the TRS benefit recipient, or (C)
12 natural, step, adjudicated, or adopted child who is (i)
13 under age 26, (ii) was, on January 1, 1996, participating
14 as a dependent beneficiary in the health insurance program
15 offered under Article 16 of the Illinois Pension Code, or
16 (iii) age 19 or over who has a mental or physical
17 disability from a cause originating prior to the age of 19
18 (age 26 if enrolled as an adult child).

19 "TRS dependent beneficiary" does not include, as indicated
20 under paragraph (2) of this subsection (w), a dependent of the
21 survivor of a TRS benefit recipient who first becomes a
22 dependent of a survivor of a TRS benefit recipient on or after
23 January 13, 2012 (the effective date of Public Act 97-668)
24 unless that dependent would have been eligible for coverage as
25 a dependent of the deceased TRS benefit recipient upon whom
26 the survivor benefit is based.

1 (x) "Military leave" refers to individuals in basic
2 training for reserves, special/advanced training, annual
3 training, emergency call up, activation by the President of
4 the United States, or any other training or duty in service to
5 the United States Armed Forces.

6 (y) (Blank).

7 (z) "Community college benefit recipient" means a person
8 who:

9 (1) is not a "member" as defined in this Section; and

10 (2) is receiving a monthly survivor's annuity or
11 retirement annuity under Article 15 of the Illinois
12 Pension Code or would be receiving such monthly survivor's
13 annuity or retirement annuity except that the benefit
14 recipient elected on or after June 4, 2018 to receive an
15 accelerated pension benefit payment under Section 15-185.5
16 of the Illinois Pension Code in lieu of receiving an
17 annuity; and

18 (3) either (i) was a full-time employee of a community
19 college district or an association of community college
20 boards created under the Public Community College Act
21 (other than an employee whose last employer under Article
22 15 of the Illinois Pension Code was a community college
23 district subject to Article VII of the Public Community
24 College Act) and was eligible to participate in a group
25 health benefit plan as an employee during the time of
26 employment with a community college district (other than a

1 community college district subject to Article VII of the
2 Public Community College Act) or an association of
3 community college boards, or (ii) is the survivor of a
4 person described in item (i).

5 (aa) "Community college dependent beneficiary" means a
6 person who:

7 (1) is not a "member" or "dependent" as defined in
8 this Section; and

9 (2) is a community college benefit recipient's: (A)
10 spouse, (B) dependent parent who is receiving at least
11 half of his or her support from the community college
12 benefit recipient, or (C) natural, step, adjudicated, or
13 adopted child who is (i) under age 26, or (ii) age 19 or
14 over and has a mental or physical disability from a cause
15 originating prior to the age of 19 (age 26 if enrolled as
16 an adult child).

17 "Community college dependent beneficiary" does not
18 include, as indicated under paragraph (2) of this subsection
19 (aa), a dependent of the survivor of a community college
20 benefit recipient who first becomes a dependent of a survivor
21 of a community college benefit recipient on or after January
22 13, 2012 (the effective date of Public Act 97-668) unless that
23 dependent would have been eligible for coverage as a dependent
24 of the deceased community college benefit recipient upon whom
25 the survivor annuity is based.

26 (bb) "Qualified child advocacy center" means any Illinois

1 child advocacy center and its administrative offices funded by
2 the Department of Children and Family Services, as defined by
3 the Children's Advocacy Center Act ~~(55 ILCS 80/)~~, approved by
4 the Director and participating in a program created under
5 subsection (n) of Section 10.

6 (cc) "Placement for adoption" means the assumption and
7 retention by a member of a legal obligation for total or
8 partial support of a child in anticipation of adoption of the
9 child. The child's placement with the member terminates upon
10 the termination of such legal obligation.

11 (Source: P.A. 101-242, eff. 8-9-19; 102-558, eff. 8-20-21;
12 102-714, eff. 4-29-22; 102-813, eff 5-13-22; revised 7-23-24.)

13 (5 ILCS 375/6.11)

14 Sec. 6.11. Required health benefits; Illinois Insurance
15 Code requirements. The program of health benefits shall
16 provide the post-mastectomy care benefits required to be
17 covered by a policy of accident and health insurance under
18 Section 356t of the Illinois Insurance Code. The program of
19 health benefits shall provide the coverage required under
20 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356u.10,
21 356w, 356x, 356z.2, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8,
22 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15,
23 356z.17, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32,
24 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47,
25 356z.51, 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.59,

1 356z.60, 356z.61, 356z.62, 356z.64, 356z.67, 356z.68, ~~and~~
2 356z.70, ~~and~~ 356z.71, 356z.74, 356z.76, and 356z.77 of the
3 Illinois Insurance Code. The program of health benefits must
4 comply with Sections 155.22a, 155.37, 355b, 356z.19, 370c, and
5 370c.1 and Article XXXIIB of the Illinois Insurance Code. The
6 program of health benefits shall provide the coverage required
7 under Section 356m of the Illinois Insurance Code and, for the
8 employees of the State Employee Group Insurance Program only,
9 the coverage as also provided in Section 6.11B of this Act. The
10 Department of Insurance shall enforce the requirements of this
11 Section with respect to Sections 370c and 370c.1 of the
12 Illinois Insurance Code; all other requirements of this
13 Section shall be enforced by the Department of Central
14 Management Services.

15 Rulemaking authority to implement Public Act 95-1045, if
16 any, is conditioned on the rules being adopted in accordance
17 with all provisions of the Illinois Administrative Procedure
18 Act and all rules and procedures of the Joint Committee on
19 Administrative Rules; any purported rule not so adopted, for
20 whatever reason, is unauthorized.

21 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;
22 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff.
23 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-768,
24 eff. 1-1-24; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;
25 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.
26 1-1-23; 102-1117, eff. 1-13-23; 103-8, eff. 1-1-24; 103-84,

1 eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24;
2 103-445, eff. 1-1-24; 103-535, eff. 8-11-23; 103-551, eff.
3 8-11-23; 103-605, eff. 7-1-24; 103-718, eff. 7-19-24; 103-751,
4 eff. 8-2-24; 103-870, eff. 1-1-25; 103-914, eff. 1-1-25;
5 103-918, eff. 1-1-25; 103-951, eff. 1-1-25; 103-1024, eff.
6 1-1-25; revised 11-26-24.)

7 (5 ILCS 375/6.11D)

8 Sec. 6.11D. Joint mental health therapy services.

9 (a) The State Employees Group Insurance Program shall
10 provide coverage for joint mental health therapy services for
11 any Illinois State Police officer or police officer of an
12 institution of higher education and any spouse or partner of
13 the officer who resides with the officer.

14 (b) The joint mental health therapy services provided
15 under subsection (a) shall be performed by a physician
16 licensed to practice medicine in all of its branches, a
17 licensed clinical psychologist, a licensed clinical social
18 worker, a licensed clinical professional counselor, a licensed
19 marriage and family therapist, a licensed social worker, or a
20 licensed professional counselor.

21 (Source: P.A. 103-818, eff. 1-1-25.)

22 (5 ILCS 375/6.11E)

23 Sec. 6.11E ~~6.11D~~. Coverage for treatments to slow the
24 progression of Alzheimer's disease and related dementias.

1 Beginning on July 1, 2025, the State Employees Group Insurance
2 Program shall provide coverage for all medically necessary
3 FDA-approved treatments or medications prescribed to slow the
4 progression of Alzheimer's disease or another related
5 dementia, as determined by a physician licensed to practice
6 medicine in all its branches. Coverage for all FDA-approved
7 treatments or medications prescribed to slow the progression
8 of Alzheimer's disease or another related dementia shall not
9 be subject to step therapy. Any diagnostic testing necessary
10 for a physician to determine appropriate use of these
11 treatments or medications shall be covered by the State
12 Employees Group Insurance Program.

13 (Source: P.A. 103-975, eff. 1-1-25; revised 12-1-24.)

14 (5 ILCS 375/10) (from Ch. 127, par. 530)

15 Sec. 10. Contributions by the State and members.

16 (a) The State shall pay the cost of basic non-contributory
17 group life insurance and, subject to member paid contributions
18 set by the Department or required by this Section and except as
19 provided in this Section, the basic program of group health
20 benefits on each eligible member, except a member, not
21 otherwise covered by this Act, who has retired as a
22 participating member under Article 2 of the Illinois Pension
23 Code but is ineligible for the retirement annuity under
24 Section 2-119 of the Illinois Pension Code, and part of each
25 eligible member's and retired member's premiums for health

1 insurance coverage for enrolled dependents as provided by
2 Section 9. The State shall pay the cost of the basic program of
3 group health benefits only after benefits are reduced by the
4 amount of benefits covered by Medicare for all members and
5 dependents who are eligible for benefits under Social Security
6 or the Railroad Retirement system or who had sufficient
7 Medicare-covered government employment, except that such
8 reduction in benefits shall apply only to those members and
9 dependents who (1) first become eligible for such Medicare
10 coverage on or after July 1, 1992; or (2) are
11 Medicare-eligible members or dependents of a local government
12 unit which began participation in the program on or after July
13 1, 1992; or (3) remain eligible for, but no longer receive
14 Medicare coverage which they had been receiving on or after
15 July 1, 1992. The Department may determine the aggregate level
16 of the State's contribution on the basis of actual cost of
17 medical services adjusted for age, sex or geographic or other
18 demographic characteristics which affect the costs of such
19 programs.

20 The cost of participation in the basic program of group
21 health benefits for the dependent or survivor of a living or
22 deceased retired employee who was formerly employed by the
23 University of Illinois in the Cooperative Extension Service
24 and would be an annuitant but for the fact that he or she was
25 made ineligible to participate in the State Universities
26 Retirement System by clause (4) of subsection (a) of Section

1 15-107 of the Illinois Pension Code shall not be greater than
2 the cost of participation that would otherwise apply to that
3 dependent or survivor if he or she were the dependent or
4 survivor of an annuitant under the State Universities
5 Retirement System.

6 (a-1) (Blank).

7 (a-2) (Blank).

8 (a-3) (Blank).

9 (a-4) (Blank).

10 (a-5) (Blank).

11 (a-6) (Blank).

12 (a-7) (Blank).

13 (a-8) Any annuitant, survivor, or retired employee may
14 waive or terminate coverage in the program of group health
15 benefits. Any such annuitant, survivor, or retired employee
16 who has waived or terminated coverage may enroll or re-enroll
17 in the program of group health benefits only during the annual
18 benefit choice period, as determined by the Director; except
19 that in the event of termination of coverage due to nonpayment
20 of premiums, the annuitant, survivor, or retired employee may
21 not re-enroll in the program.

22 (a-8.5) Beginning on July 1, 2012 (the effective date of
23 Public Act 97-695) ~~this amendatory Act of the 97th General~~
24 ~~Assembly,~~ the Director of Central Management Services shall,
25 on an annual basis, determine the amount that the State shall
26 contribute toward the basic program of group health benefits

1 on behalf of annuitants (including individuals who (i)
2 participated in the General Assembly Retirement System, the
3 State Employees' Retirement System of Illinois, the State
4 Universities Retirement System, the Teachers' Retirement
5 System of the State of Illinois, or the Judges Retirement
6 System of Illinois and (ii) qualify as annuitants under
7 subsection (b) of Section 3 of this Act), survivors (including
8 individuals who (i) receive an annuity as a survivor of an
9 individual who participated in the General Assembly Retirement
10 System, the State Employees' Retirement System of Illinois,
11 the State Universities Retirement System, the Teachers'
12 Retirement System of the State of Illinois, or the Judges
13 Retirement System of Illinois and (ii) qualify as survivors
14 under subsection (q) of Section 3 of this Act), and retired
15 employees (as defined in subsection (p) of Section 3 of this
16 Act). The remainder of the cost of coverage for each
17 annuitant, survivor, or retired employee, as determined by the
18 Director of Central Management Services, shall be the
19 responsibility of that annuitant, survivor, or retired
20 employee.

21 Contributions required of annuitants, survivors, and
22 retired employees shall be the same for all retirement systems
23 and shall also be based on whether an individual has made an
24 election under Section 15-135.1 of the Illinois Pension Code.
25 Contributions may be based on annuitants', survivors', or
26 retired employees' Medicare eligibility, but may not be based

1 on Social Security eligibility.

2 (a-9) No later than May 1 of each calendar year, the
3 Director of Central Management Services shall certify in
4 writing to the Executive Secretary of the State Employees'
5 Retirement System of Illinois the amounts of the Medicare
6 supplement health care premiums and the amounts of the health
7 care premiums for all other retirees who are not Medicare
8 eligible.

9 A separate calculation of the premiums based upon the
10 actual cost of each health care plan shall be so certified.

11 The Director of Central Management Services shall provide
12 to the Executive Secretary of the State Employees' Retirement
13 System of Illinois such information, statistics, and other
14 data as he or she may require to review the premium amounts
15 certified by the Director of Central Management Services.

16 The Department of Central Management Services, or any
17 successor agency designated to procure health care ~~healthcare~~
18 contracts pursuant to this Act, is authorized to establish
19 funds, separate accounts provided by any bank or banks as
20 defined by the Illinois Banking Act, or separate accounts
21 provided by any savings and loan association or associations
22 as defined by the Illinois Savings and Loan Act of 1985 to be
23 held by the Director, outside the State treasury, for the
24 purpose of receiving the transfer of moneys from the Local
25 Government Health Insurance Reserve Fund. The Department may
26 promulgate rules further defining the methodology for the

1 transfers. Any interest earned by moneys in the funds or
2 accounts shall inure to the Local Government Health Insurance
3 Reserve Fund. The transferred moneys, and interest accrued
4 thereon, shall be used exclusively for transfers to
5 administrative service organizations or their financial
6 institutions for payments of claims to claimants and providers
7 under the self-insurance health plan. The transferred moneys,
8 and interest accrued thereon, shall not be used for any other
9 purpose including, but not limited to, reimbursement of
10 administration fees due the administrative service
11 organization pursuant to its contract or contracts with the
12 Department.

13 (a-10) To the extent that participation, benefits, or
14 premiums under this Act are based on a person's service credit
15 under an Article of the Illinois Pension Code, service credit
16 terminated in exchange for an accelerated pension benefit
17 payment under Section 14-147.5, 15-185.5, or 16-190.5 of that
18 Code shall be included in determining a person's service
19 credit for the purposes of this Act.

20 (b) State employees who become eligible for this program
21 on or after January 1, 1980 in positions normally requiring
22 actual performance of duty not less than 1/2 of a normal work
23 period but not equal to that of a normal work period, shall be
24 given the option of participating in the available program. If
25 the employee elects coverage, the State shall contribute on
26 behalf of such employee to the cost of the employee's benefit

1 and any applicable dependent supplement, that sum which bears
2 the same percentage as that percentage of time the employee
3 regularly works when compared to normal work period.

4 (c) The basic non-contributory coverage from the basic
5 program of group health benefits shall be continued for each
6 employee not in pay status or on active service by reason of
7 (1) leave of absence due to illness or injury, (2) authorized
8 educational leave of absence or sabbatical leave, or (3)
9 military leave. This coverage shall continue until expiration
10 of authorized leave and return to active service, but not to
11 exceed 24 months for leaves under item (1) or (2). This
12 24-month limitation and the requirement of returning to active
13 service shall not apply to persons receiving ordinary or
14 accidental disability benefits or retirement benefits through
15 the appropriate State retirement system or benefits under the
16 Workers' Compensation Act or the Workers' Occupational
17 Diseases ~~Occupational Disease~~ Act.

18 (d) The basic group life insurance coverage shall
19 continue, with full State contribution, where such person is
20 (1) absent from active service by reason of disability arising
21 from any cause other than self-inflicted, (2) on authorized
22 educational leave of absence or sabbatical leave, or (3) on
23 military leave.

24 (e) Where the person is in non-pay status for a period in
25 excess of 30 days or on leave of absence, other than by reason
26 of disability, educational or sabbatical leave, or military

1 leave, such person may continue coverage only by making
2 personal payment equal to the amount normally contributed by
3 the State on such person's behalf. Such payments and coverage
4 may be continued: (1) until such time as the person returns to
5 a status eligible for coverage at State expense, but not to
6 exceed 24 months or (2) until such person's employment or
7 annuitant status with the State is terminated (exclusive of
8 any additional service imposed pursuant to law).

9 (f) The Department shall establish by rule the extent to
10 which other employee benefits will continue for persons in
11 non-pay status or who are not in active service.

12 (g) The State shall not pay the cost of the basic
13 non-contributory group life insurance, program of health
14 benefits and other employee benefits for members who are
15 survivors as defined by paragraphs (1) and (2) of subsection
16 (q) of Section 3 of this Act. The costs of benefits for these
17 survivors shall be paid by the survivors or by the University
18 of Illinois Cooperative Extension Service, or any combination
19 thereof. However, the State shall pay the amount of the
20 reduction in the cost of participation, if any, resulting from
21 the amendment to subsection (a) made by Public Act 91-617 ~~this~~
22 ~~amendatory Act of the 91st General Assembly.~~

23 (h) Those persons occupying positions with any department
24 as a result of emergency appointments pursuant to Section 8b.8
25 of the Personnel Code who are not considered employees under
26 this Act shall be given the option of participating in the

1 programs of group life insurance, health benefits and other
2 employee benefits. Such persons electing coverage may
3 participate only by making payment equal to the amount
4 normally contributed by the State for similarly situated
5 employees. Such amounts shall be determined by the Director.
6 Such payments and coverage may be continued until such time as
7 the person becomes an employee pursuant to this Act or such
8 person's appointment is terminated.

9 (i) Any unit of local government within the State of
10 Illinois may apply to the Director to have its employees,
11 annuitants, and their dependents provided group health
12 coverage under this Act on a non-insured basis. To
13 participate, a unit of local government must agree to enroll
14 all of its employees, who may select coverage under any group
15 health benefits plan made available by the Department under
16 the health benefits program established under this Section or
17 a health maintenance organization that has contracted with the
18 State to be available as a health care provider for employees
19 as defined in this Act. A unit of local government must remit
20 the entire cost of providing coverage under the health
21 benefits program established under this Section or, for
22 coverage under a health maintenance organization, an amount
23 determined by the Director based on an analysis of the sex,
24 age, geographic location, or other relevant demographic
25 variables for its employees, except that the unit of local
26 government shall not be required to enroll those of its

1 employees who are covered spouses or dependents under the
2 State group health benefits plan or another group policy or
3 plan providing health benefits as long as (1) an appropriate
4 official from the unit of local government attests that each
5 employee not enrolled is a covered spouse or dependent under
6 this plan or another group policy or plan, and (2) at least 50%
7 of the employees are enrolled and the unit of local government
8 remits the entire cost of providing coverage to those
9 employees, except that a participating school district must
10 have enrolled at least 50% of its full-time employees who have
11 not waived coverage under the district's group health plan by
12 participating in a component of the district's cafeteria plan.
13 A participating school district is not required to enroll a
14 full-time employee who has waived coverage under the
15 district's health plan, provided that an appropriate official
16 from the participating school district attests that the
17 full-time employee has waived coverage by participating in a
18 component of the district's cafeteria plan. For the purposes
19 of this subsection, "participating school district" includes a
20 unit of local government whose primary purpose is education as
21 defined by the Department's rules.

22 Employees of a participating unit of local government who
23 are not enrolled due to coverage under another group health
24 policy or plan may enroll in the event of a qualifying change
25 in status, special enrollment, special circumstance as defined
26 by the Director, or during the annual benefit choice period

1 ~~Benefit Choice Period.~~ A participating unit of local
2 government may also elect to cover its annuitants. Dependent
3 coverage shall be offered on an optional basis, with the costs
4 paid by the unit of local government, its employees, or some
5 combination of the two as determined by the unit of local
6 government. The unit of local government shall be responsible
7 for timely collection and transmission of dependent premiums.

8 The Director shall annually determine monthly rates of
9 payment, subject to the following constraints:

10 (1) In the first year of coverage, the rates shall be
11 equal to the amount normally charged to State employees
12 for elected optional coverages or for enrolled dependents
13 coverages or other contributory coverages, or contributed
14 by the State for basic insurance coverages on behalf of
15 its employees, adjusted for differences between State
16 employees and employees of the local government in age,
17 sex, geographic location or other relevant demographic
18 variables, plus an amount sufficient to pay for the
19 additional administrative costs of providing coverage to
20 employees of the unit of local government and their
21 dependents.

22 (2) In subsequent years, a further adjustment shall be
23 made to reflect the actual prior years' claims experience
24 of the employees of the unit of local government.

25 In the case of coverage of local government employees
26 under a health maintenance organization, the Director shall

1 annually determine for each participating unit of local
2 government the maximum monthly amount the unit may contribute
3 toward that coverage, based on an analysis of (i) the age, sex,
4 geographic location, and other relevant demographic variables
5 of the unit's employees and (ii) the cost to cover those
6 employees under the State group health benefits plan. The
7 Director may similarly determine the maximum monthly amount
8 each unit of local government may contribute toward coverage
9 of its employees' dependents under a health maintenance
10 organization.

11 Monthly payments by the unit of local government or its
12 employees for group health benefits plan or health maintenance
13 organization coverage shall be deposited into ~~in~~ the Local
14 Government Health Insurance Reserve Fund.

15 The Local Government Health Insurance Reserve Fund is
16 hereby created as a nonappropriated trust fund to be held
17 outside the State treasury ~~Treasury~~, with the State Treasurer
18 as custodian. The Local Government Health Insurance Reserve
19 Fund shall be a continuing fund not subject to fiscal year
20 limitations. The Local Government Health Insurance Reserve
21 Fund is not subject to administrative charges or charge-backs,
22 including but not limited to those authorized under Section
23 8h of the State Finance Act. All revenues arising from the
24 administration of the health benefits program established
25 under this Section shall be deposited into the Local
26 Government Health Insurance Reserve Fund. Any interest earned

1 on moneys in the Local Government Health Insurance Reserve
2 Fund shall be deposited into the Fund. All expenditures from
3 this Fund shall be used for payments for health care benefits
4 for local government and rehabilitation facility employees,
5 annuitants, and dependents, and to reimburse the Department or
6 its administrative service organization for all expenses
7 incurred in the administration of benefits. No other State
8 funds may be used for these purposes.

9 A local government employer's participation or desire to
10 participate in a program created under this subsection shall
11 not limit that employer's duty to bargain with the
12 representative of any collective bargaining unit of its
13 employees.

14 (j) Any rehabilitation facility within the State of
15 Illinois may apply to the Director to have its employees,
16 annuitants, and their eligible dependents provided group
17 health coverage under this Act on a non-insured basis. To
18 participate, a rehabilitation facility must agree to enroll
19 all of its employees and remit the entire cost of providing
20 such coverage for its employees, except that the
21 rehabilitation facility shall not be required to enroll those
22 of its employees who are covered spouses or dependents under
23 this plan or another group policy or plan providing health
24 benefits as long as (1) an appropriate official from the
25 rehabilitation facility attests that each employee not
26 enrolled is a covered spouse or dependent under this plan or

1 another group policy or plan, and (2) at least 50% of the
2 employees are enrolled and the rehabilitation facility remits
3 the entire cost of providing coverage to those employees.
4 Employees of a participating rehabilitation facility who are
5 not enrolled due to coverage under another group health policy
6 or plan may enroll in the event of a qualifying change in
7 status, special enrollment, special circumstance as defined by
8 the Director, or during the annual benefit choice period
9 ~~Benefit Choice Period~~. A participating rehabilitation facility
10 may also elect to cover its annuitants. Dependent coverage
11 shall be offered on an optional basis, with the costs paid by
12 the rehabilitation facility, its employees, or some
13 combination of the 2 as determined by the rehabilitation
14 facility. The rehabilitation facility shall be responsible for
15 timely collection and transmission of dependent premiums.

16 The Director shall annually determine quarterly rates of
17 payment, subject to the following constraints:

18 (1) In the first year of coverage, the rates shall be
19 equal to the amount normally charged to State employees
20 for elected optional coverages or for enrolled dependents
21 coverages or other contributory coverages on behalf of its
22 employees, adjusted for differences between State
23 employees and employees of the rehabilitation facility in
24 age, sex, geographic location or other relevant
25 demographic variables, plus an amount sufficient to pay
26 for the additional administrative costs of providing

1 coverage to employees of the rehabilitation facility and
2 their dependents.

3 (2) In subsequent years, a further adjustment shall be
4 made to reflect the actual prior years' claims experience
5 of the employees of the rehabilitation facility.

6 Monthly payments by the rehabilitation facility or its
7 employees for group health benefits shall be deposited into ~~in~~
8 the Local Government Health Insurance Reserve Fund.

9 (k) Any domestic violence shelter or service within the
10 State of Illinois may apply to the Director to have its
11 employees, annuitants, and their dependents provided group
12 health coverage under this Act on a non-insured basis. To
13 participate, a domestic violence shelter or service must agree
14 to enroll all of its employees and pay the entire cost of
15 providing such coverage for its employees. The domestic
16 violence shelter shall not be required to enroll those of its
17 employees who are covered spouses or dependents under this
18 plan or another group policy or plan providing health benefits
19 as long as (1) an appropriate official from the domestic
20 violence shelter attests that each employee not enrolled is a
21 covered spouse or dependent under this plan or another group
22 policy or plan and (2) at least 50% of the employees are
23 enrolled and the domestic violence shelter remits the entire
24 cost of providing coverage to those employees. Employees of a
25 participating domestic violence shelter who are not enrolled
26 due to coverage under another group health policy or plan may

1 enroll in the event of a qualifying change in status, special
2 enrollment, or special circumstance as defined by the Director
3 or during the annual benefit choice period ~~Benefit Choice~~
4 ~~Period~~. A participating domestic violence shelter may also
5 elect to cover its annuitants. Dependent coverage shall be
6 offered on an optional basis, with employees, or some
7 combination of the 2 as determined by the domestic violence
8 shelter or service. The domestic violence shelter or service
9 shall be responsible for timely collection and transmission of
10 dependent premiums.

11 The Director shall annually determine rates of payment,
12 subject to the following constraints:

13 (1) In the first year of coverage, the rates shall be
14 equal to the amount normally charged to State employees
15 for elected optional coverages or for enrolled dependents
16 coverages or other contributory coverages on behalf of its
17 employees, adjusted for differences between State
18 employees and employees of the domestic violence shelter
19 or service in age, sex, geographic location or other
20 relevant demographic variables, plus an amount sufficient
21 to pay for the additional administrative costs of
22 providing coverage to employees of the domestic violence
23 shelter or service and their dependents.

24 (2) In subsequent years, a further adjustment shall be
25 made to reflect the actual prior years' claims experience
26 of the employees of the domestic violence shelter or

1 service.

2 Monthly payments by the domestic violence shelter or
3 service or its employees for group health insurance shall be
4 deposited into ~~in~~ the Local Government Health Insurance
5 Reserve Fund.

6 (1) A public community college or entity organized
7 pursuant to the Public Community College Act may apply to the
8 Director initially to have only annuitants not covered prior
9 to July 1, 1992 by the district's health plan provided health
10 coverage under this Act on a non-insured basis. The community
11 college must execute a 2-year contract to participate in the
12 Local Government Health Plan. Any annuitant may enroll in the
13 event of a qualifying change in status, special enrollment,
14 special circumstance as defined by the Director, or during the
15 annual benefit choice period ~~Benefit Choice Period~~.

16 The Director shall annually determine monthly rates of
17 payment subject to the following constraints: for those
18 community colleges with annuitants only enrolled, first year
19 rates shall be equal to the average cost to cover claims for a
20 State member adjusted for demographics, Medicare
21 participation, and other factors; and in the second year, a
22 further adjustment of rates shall be made to reflect the
23 actual first year's claims experience of the covered
24 annuitants.

25 (1-5) The provisions of subsection (1) become inoperative
26 on July 1, 1999.

1 (m) The Director shall adopt any rules deemed necessary
2 for implementation of this amendatory Act of 1989 (Public Act
3 86-978).

4 (n) Any child advocacy center within the State of Illinois
5 may apply to the Director to have its employees, annuitants,
6 and their dependents provided group health coverage under this
7 Act on a non-insured basis. To participate, a child advocacy
8 center must agree to enroll all of its employees and pay the
9 entire cost of providing coverage for its employees. The child
10 advocacy center shall not be required to enroll those of its
11 employees who are covered spouses or dependents under this
12 plan or another group policy or plan providing health benefits
13 as long as (1) an appropriate official from the child advocacy
14 center attests that each employee not enrolled is a covered
15 spouse or dependent under this plan or another group policy or
16 plan and (2) at least 50% of the employees are enrolled and the
17 child advocacy center remits the entire cost of providing
18 coverage to those employees. Employees of a participating
19 child advocacy center who are not enrolled due to coverage
20 under another group health policy or plan may enroll in the
21 event of a qualifying change in status, special enrollment, or
22 special circumstance as defined by the Director or during the
23 annual benefit choice period ~~Benefit Choice Period~~. A
24 participating child advocacy center may also elect to cover
25 its annuitants. Dependent coverage shall be offered on an
26 optional basis, with the costs paid by the child advocacy

1 center, its employees, or some combination of the 2 as
2 determined by the child advocacy center. The child advocacy
3 center shall be responsible for timely collection and
4 transmission of dependent premiums.

5 The Director shall annually determine rates of payment,
6 subject to the following constraints:

7 (1) In the first year of coverage, the rates shall be
8 equal to the amount normally charged to State employees
9 for elected optional coverages or for enrolled dependents
10 coverages or other contributory coverages on behalf of its
11 employees, adjusted for differences between State
12 employees and employees of the child advocacy center in
13 age, sex, geographic location, or other relevant
14 demographic variables, plus an amount sufficient to pay
15 for the additional administrative costs of providing
16 coverage to employees of the child advocacy center and
17 their dependents.

18 (2) In subsequent years, a further adjustment shall be
19 made to reflect the actual prior years' claims experience
20 of the employees of the child advocacy center.

21 Monthly payments by the child advocacy center or its
22 employees for group health insurance shall be deposited into
23 the Local Government Health Insurance Reserve Fund.

24 (Source: P.A. 102-19, eff. 7-1-21; revised 7-23-24.)

25 Section 35. The State Employee Health Savings Account Law

1 is amended by changing Section 10-10 as follows:

2 (5 ILCS 377/10-10)

3 Sec. 10-10. Application; authorized contributions.

4 (a) Beginning in calendar year 2012, each employer shall
5 make available to each eligible individual a health savings
6 account program, if that individual chooses to enroll in the
7 program except that, for an employer who provides coverage
8 pursuant to any one or more of subsections (i) through (n) of
9 Section 10 of the State Employees Group Insurance Act of 1971
10 ~~State Employee Group Insurance Act~~, that employer may make
11 available a health savings account program. An employer who
12 makes a health savings account program available shall
13 annually deposit an amount equal to one-third of the annual
14 deductible into an eligible individual's health savings
15 account. Unused funds in a health savings account shall become
16 the property of the account holder at the end of a taxable
17 year.

18 (b) Beginning in calendar year 2012, an eligible
19 individual may deposit contributions into a health savings
20 account in accordance with the restrictions set forth in
21 subsection (e) of Section 10-5.

22 (Source: P.A. 97-142, eff. 7-14-11; 97-644, eff. 12-30-11;
23 revised 7-23-24.)

24 Section 40. The First Responders Suicide Prevention Act is

1 amended by changing Section 40 as follows:

2 (5 ILCS 840/40)

3 Sec. 40. Task Force recommendations.

4 (a) Task Force members shall recommend that agencies and
5 organizations guarantee access to mental health and wellness
6 services, including, but not limited to, peer support programs
7 and providing ongoing education related to the ever-evolving
8 concept of mental health wellness. These recommendations could
9 be accomplished by:

10 (1) Revising agencies' and organizations' employee
11 assistance programs (EAPs).

12 (2) Urging health care providers to replace outdated
13 healthcare plans and include more progressive options
14 catering to the needs and disproportionate risks
15 shouldered by our first responders.

16 (3) Allocating funding or resources for public service
17 announcements (PSA) and messaging campaigns aimed at
18 raising awareness of available assistance options.

19 (4) Encouraging agencies and organizations to attach
20 lists of all available resources to training manuals and
21 continuing education requirements.

22 (b) Task Force members shall recommend agencies and
23 organizations sponsor or facilitate first responders with
24 specialized training in the areas of psychological fitness,
25 depressive disorders, early detection, and mitigation best

1 practices. Such trainings could be accomplished by:

2 (1) Assigning, appointing, or designating one member
3 of an agency or organization to attend specialized
4 training(s) sponsored by an accredited agency,
5 association, or organization recognized in their fields of
6 study.

7 (2) Seeking sponsorships or conducting fund-raisers,
8 to host annual or semiannual on-site visits from qualified
9 clinicians or physicians to provide early detection
10 training techniques, or to provide regular access to
11 mental health professionals.

12 (3) Requiring a minimum number of hours of disorders
13 and wellness training be incorporated into reoccurring,
14 annual or biannual training standards, examinations, and
15 curriculums, taking into close consideration respective
16 agency or organization size, frequency, and number of all
17 current federal and state mandatory examinations and
18 trainings expected respectively.

19 (4) Not underestimating the crucial importance of a
20 balanced diet, sleep, mindfulness-based stress reduction
21 techniques, moderate and vigorous intensity activities,
22 and recreational hobbies, which have been scientifically
23 proven to play a major role in brain health and mental
24 wellness.

25 (c) Task Force members shall recommend that administrators
26 and leadership personnel solicit training services from

1 evidence-based, data driven organizations. Organizations with
2 personnel trained on the analytical review and interpretation
3 of specific fields related to the nature of first responders'
4 exploits, such as PTSD, substance abuse, and chronic state of
5 duress. Task Force members shall further recommend funding for
6 expansion and messaging campaigns of preliminary
7 self-diagnosing technologies like the one described above.
8 These objectives could be met by:

9 (1) Contacting an accredited agency, association, or
10 organization recognized in the field or fields of specific
11 study. Unbeknownst to the majority, many of the agencies
12 and organizations listed above receive grants and
13 allocations to assist communities with the very issues
14 being discussed in this Section.

15 (2) Normalizing help-seeking behaviors for both first
16 responders and their families through regular messaging
17 and peer support outreach, beginning with academy
18 curricula and continuing education throughout individuals'
19 careers.

20 (3) Funding and implementing PSA campaigns that
21 provide clear and concise calls to action about mental
22 health and wellness, resiliency, help-seeking, treatment,
23 and recovery.

24 (4) Promoting and raising awareness of not-for-profit
25 organizations currently available to assist individuals in
26 search of care and treatment. Organizations have intuitive

1 user-friendly sites, most of which have mobile
2 applications, so first responders can access at a moment's
3 notice. However, because of limited funds, these
4 organizations have a challenging time of getting the word
5 out there about their existence.

6 (5) Expanding Family and Medical Leave Act protections
7 for individuals voluntarily seeking preventative
8 treatment.

9 (6) Promoting and ensuring complete patient
10 confidentiality protections.

11 (d) Task Force members shall recommend that agencies and
12 organizations incorporate the following training components
13 into already existing modules and educational curriculums.
14 Doing so could be done by:

15 (1) Bolstering academy and school curricula by
16 requiring depressive disorder training catered to PTSD,
17 substance abuse, and early detection techniques training,
18 taking into close consideration respective agency or
19 organization size, and the frequency and number of all
20 current federal and state mandatory examinations and
21 trainings expected respectively.

22 (2) Continuing to allocate or match federal and state
23 funds to maintain Mobile Training Units (MTUs).

24 (3) Incorporating a state certificate for peer support
25 training into already existing statewide curriculums and
26 mandatory examinations, annual State Fire Marshal

1 examinations, and physical fitness examinations. The
2 subject matter of the certificate should have an emphasis
3 on mental health and wellness, as well as familiarization
4 with topics ranging from clinical social work, clinical
5 psychology, clinical behaviorist, and clinical psychiatry.

6 (4) Incorporating and performing statewide mental
7 health check-ins during the same times as already mandated
8 trainings. These checks are not to be compared or used as
9 measures of fitness for duty evaluations or structured
10 psychological examinations.

11 (5) Recommending comprehensive and evidence-based
12 training on the importance of preventative measures on the
13 topics of sleep, nutrition, mindfulness, and physical
14 movement.

15 (6) Law enforcement agencies should provide training
16 on the Firearm Owners ~~Owner's~~ Identification Card Act,
17 including seeking relief from the Illinois State Police
18 under Section 10 of the Firearm Owners Identification Card
19 Act and a FOID card being a continued condition of
20 employment under Section 7.2 of the Uniform Peace
21 Officers' Disciplinary Act.

22 (Source: P.A. 102-352, eff. 6-1-22; 103-154, eff. 6-30-23;
23 103-605, eff. 7-1-24; revised 10-23-24.)

24 Section 45. The Election Code is amended by changing
25 Sections 16-3, 17-5, 17-12, and 28-3 and the heading of

1 Article 29 as follows:

2 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

3 Sec. 16-3. (a) The names of all candidates to be voted for
4 in each election district or precinct shall be printed on one
5 ballot, except as is provided in Sections 16-6, 16-6.1, and
6 21-1.01 of this Code and except as otherwise provided in this
7 Code with respect to the odd year regular elections and the
8 emergency referenda. The lettering of candidate names on a
9 ballot shall be in both capital and lowercase letters in
10 conformance with standard English language guidelines, unless
11 compliance is not feasible due to the election system utilized
12 by the election authority. All nominations of any political
13 party shall be placed under the party appellation or title of
14 such party as designated in the certificates of nomination or
15 petitions. The names of all independent candidates shall be
16 printed upon the ballot in a column or columns under the
17 heading "independent" arranged under the names or titles of
18 the respective offices for which such independent candidates
19 shall have been nominated and so far as practicable, the name
20 or names of any independent candidate or candidates for any
21 office shall be printed upon the ballot opposite the name or
22 names of any candidate or candidates for the same office
23 contained in any party column or columns upon said ballot. The
24 ballot shall contain no other names, except that in cases of
25 electors for President and Vice-President of the United

1 States, the names of the candidates for President and
2 Vice-President may be added to the party designation and words
3 calculated to aid the voter in his choice of candidates may be
4 added, such as "Vote for one," or "Vote for not more than
5 three".⁴ If no candidate or candidates file for an office and
6 if no person or persons file a declaration as a write-in
7 candidate for that office, then below the title of that office
8 the election authority instead shall print "No Candidate".
9 When an electronic voting system is used which utilizes a
10 ballot label booklet, the candidates and questions shall
11 appear on the pages of such booklet in the order provided by
12 this Code; and, in any case where candidates for an office
13 appear on a page which does not contain the name of any
14 candidate for another office, and where less than 50% of the
15 page is utilized, the name of no candidate shall be printed on
16 the lowest 25% of such page. On the back or outside of the
17 ballot, so as to appear when folded, shall be printed the words
18 "Official Ballot", followed by the designation of the polling
19 place for which the ballot is prepared, the date of the
20 election and a facsimile of the signature of the election
21 authority who has caused the ballots to be printed. The
22 ballots shall be of plain white paper, through which the
23 printing or writing cannot be read. However, ballots for use
24 at the nonpartisan and consolidated elections may be printed
25 on different color paper, except blue paper, whenever
26 necessary or desirable to facilitate distinguishing between

1 ballots for different political subdivisions. In the case of
2 nonpartisan elections for officers of a political subdivision,
3 unless the statute or an ordinance adopted pursuant to Article
4 VII of the Constitution providing the form of government
5 therefor requires otherwise, the column listing such
6 nonpartisan candidates shall be printed with no appellation or
7 circle at its head. The party appellation or title, or the word
8 "independent" at the head of any column provided for
9 independent candidates, shall be printed in letters not less
10 than one-fourth of an inch in height and a circle one-half inch
11 in diameter shall be printed at the beginning of the line in
12 which such appellation or title is printed, provided, however,
13 that no such circle shall be printed at the head of any column
14 or columns provided for such independent candidates. The names
15 of candidates shall be printed in letters not less than
16 one-eighth nor more than one-fourth of an inch in height, and
17 at the beginning of each line in which a name of a candidate is
18 printed a square shall be printed, the sides of which shall be
19 not less than one-fourth of an inch in length. However, the
20 names of the candidates for Governor and Lieutenant Governor
21 on the same ticket shall be printed within a bracket and a
22 single square shall be printed in front of the bracket. The
23 list of candidates of the several parties and any such list of
24 independent candidates shall be placed in separate columns on
25 the ballot in such order as the election authorities charged
26 with the printing of the ballots shall decide; provided, that

1 the names of the candidates of the several political parties,
2 certified by the State Board of Elections to the several
3 county clerks shall be printed by the county clerk of the
4 proper county on the official ballot in the order certified by
5 the State Board of Elections. Any county clerk refusing,
6 neglecting or failing to print on the official ballot the
7 names of candidates of the several political parties in the
8 order certified by the State Board of Elections, and any
9 county clerk who prints or causes to be printed upon the
10 official ballot the name of a candidate, for an office to be
11 filled by the Electors of the entire State, whose name has not
12 been duly certified to him upon a certificate signed by the
13 State Board of Elections shall be guilty of a Class C
14 misdemeanor.

15 (b) When an electronic voting system is used which
16 utilizes a ballot card, on the inside flap of each ballot card
17 envelope there shall be printed a form for write-in voting
18 which shall be substantially as follows:

19 WRITE-IN VOTES

20 (See card of instructions for specific information.
21 Duplicate form below by hand for additional write-in votes.)

22

23 Title of Office

24 ()

25 Name of Candidate

26 Write-in lines equal to the number of candidates for which

1 a voter may vote shall be printed for an office only if one or
2 more persons filed declarations of intent to be write-in
3 candidates or qualify to file declarations to be write-in
4 candidates under Sections 17-16.1 and 18-9.1 when the
5 certification of ballot contains the words "OBJECTION
6 PENDING".

7 (c) When an electronic voting system is used which uses a
8 ballot sheet, the instructions to voters on the ballot sheet
9 shall refer the voter to the card of instructions for specific
10 information on write-in voting. Below each office appearing on
11 such ballot sheet there shall be a provision for the casting of
12 a write-in vote. Write-in lines equal to the number of
13 candidates for which a voter may vote shall be printed for an
14 office only if one or more persons filed declarations of
15 intent to be write-in candidates or qualify to file
16 declarations to be write-in candidates under Sections 17-16.1
17 and 18-9.1 when the certification of ballot contains the words
18 "OBJECTION PENDING".

19 (d) When such electronic system is used, there shall be
20 printed on the back of each ballot card, each ballot card
21 envelope, and the first page of the ballot label when a ballot
22 label is used, the words "Official Ballot," followed by the
23 number of the precinct or other precinct identification, which
24 may be stamped, in lieu thereof and, as applicable, the number
25 and name of the township, ward or other election district for
26 which the ballot card, ballot card envelope, and ballot label

1 are prepared, the date of the election and a facsimile of the
2 signature of the election authority who has caused the ballots
3 to be printed. The back of the ballot card shall also include a
4 method of identifying the ballot configuration such as a
5 listing of the political subdivisions and districts for which
6 votes may be cast on that ballot, or a number code identifying
7 the ballot configuration or color coded ballots, except that
8 where there is only one ballot configuration in a precinct,
9 the precinct identification, and any applicable ward
10 identification, shall be sufficient. Ballot card envelopes
11 used in punch card systems shall be of paper through which no
12 writing or punches may be discerned and shall be of sufficient
13 length to enclose all voting positions. However, the election
14 authority may provide ballot card envelopes on which no
15 precinct number or township, ward or other election district
16 designation, or election date are preprinted, if space and a
17 preprinted form are provided below the space provided for the
18 names of write-in candidates where such information may be
19 entered by the judges of election. Whenever an election
20 authority utilizes ballot card envelopes on which the election
21 date and precinct is not preprinted, a judge of election shall
22 mark such information for the particular precinct and election
23 on the envelope in ink before tallying and counting any
24 write-in vote written thereon. If some method of insuring
25 ballot secrecy other than an envelope is used, such
26 information must be provided on the ballot itself.

1 (e) In the designation of the name of a candidate on the
2 ballot, the candidate's given name or names, initial or
3 initials, a nickname by which the candidate is commonly known,
4 or a combination thereof, may be used in addition to the
5 candidate's surname. If a candidate has changed his or her
6 name, whether by a statutory or common law procedure in
7 Illinois or any other jurisdiction, within 3 years before the
8 last day for filing the petition for nomination, nomination
9 papers, or certificate of nomination for that office,
10 whichever is applicable, then (i) the candidate's name on the
11 ballot must be followed by "formerly known as (list all prior
12 names during the 3-year period) until name changed on (list
13 date of each such name change)" and (ii) the petition, papers,
14 or certificate must be accompanied by the candidate's
15 affidavit stating the candidate's previous names during the
16 period specified in (i) and the date or dates each of those
17 names was changed; failure to meet these requirements shall be
18 grounds for denying certification of the candidate's name for
19 the ballot or removing the candidate's name from the ballot,
20 as appropriate, but these requirements do not apply to name
21 changes resulting from adoption to assume an adoptive parent's
22 or parents' surname, marriage or civil union to assume a
23 spouse's surname, or dissolution of marriage or civil union or
24 declaration of invalidity of marriage or civil union to assume
25 a former surname or a name change that conforms the
26 candidate's name to his or her gender identity. No other

1 designation such as a political slogan, title, or degree or
2 nickname suggesting or implying possession of a title, degree
3 or professional status, or similar information may be used in
4 connection with the candidate's surname. For purposes of this
5 Section, a "political slogan" is defined as any word or words
6 expressing or connoting a position, opinion, or belief that
7 the candidate may espouse, including, but not limited to, any
8 word or words conveying any meaning other than that of the
9 personal identity of the candidate. A candidate may not use a
10 political slogan as part of his or her name on the ballot,
11 notwithstanding that the political slogan may be part of the
12 candidate's name.

13 (f) The State Board of Elections, a local election
14 official, or an election authority shall remove any
15 candidate's name designation from a ballot that is
16 inconsistent with subsection (e) of this Section. In addition,
17 the State Board of Elections, a local election official, or an
18 election authority shall not certify to any election authority
19 any candidate name designation that is inconsistent with
20 subsection (e) of this Section.

21 (g) If the State Board of Elections, a local election
22 official, or an election authority removes a candidate's name
23 designation from a ballot under subsection (f) of this
24 Section, then the aggrieved candidate may seek appropriate
25 relief in circuit court.

26 Where voting machines or electronic voting systems are

1 used, the provisions of this Section may be modified as
2 required or authorized by Article 24 or Article 24A, whichever
3 is applicable.

4 Nothing in this Section shall prohibit election
5 authorities from using or reusing ballot card envelopes which
6 were printed before January 1, 1986 (the effective date of
7 Public Act 84-820).

8 (Source: P.A. 102-15, eff. 6-17-21; 103-154, eff. 6-30-23;
9 103-467, eff. 8-4-23; revised 7-23-24.)

10 (10 ILCS 5/17-5) (from Ch. 46, par. 17-5)

11 Sec. 17-5. The manner of voting shall be by ballot. The
12 ballot shall be printed or written, or partly printed and
13 partly written, and shall be, ~~except as otherwise provided in~~
14 ~~Article 8A,~~ in the form ~~as~~ prescribed in Article 16 of this
15 Act.

16 (Source: Laws 1964, 1st S.S., p. 711; revised 7-23-24.)

17 (10 ILCS 5/17-12) (from Ch. 46, par. 17-12)

18 Sec. 17-12. The ballot shall be folded by the voter and
19 delivered to one of the judges of election; and if the judge is
20 ~~be~~ satisfied, that the person offering the vote is a legal
21 voter, the judges of election shall enter the name of the
22 voter, and his number, under the proper heading in the poll
23 books, (except as otherwise provided in Article ~~Articles~~ 4, 5,
24 or 6) and shall immediately put the ballot into the ballot box.

1 The voter shall in like manner fold and deliver the
2 separate blue ballot or ballots pertaining to a proposal or
3 proposals for constitutional amendments or the calling of a
4 constitutional convention, if such proposal or proposals have
5 been submitted to a vote of the people at such election ~~and~~
6 ~~shall also in like manner fold and deliver the separate~~
7 ~~representative ballot provided for in Article 8A in cases~~
8 ~~where that Article is applicable.~~ The judge of election to
9 whom the voter delivers his ballots shall not accept the same
10 unless all of the ballots given to the voter are returned by
11 him. If a voter delivers less than all of the ballots given to
12 him, the judge to whom the same are offered shall advise him in
13 a voice clearly audible to the other judges of election that
14 the voter must return the remainder of the ballots. The
15 statement of the judge to the voter shall clearly express the
16 fact that the voter is not required to vote such remaining
17 ballots but that whether or not he votes them he must fold and
18 deliver them to the judge. In making such statement, the judge
19 of election shall not indicate by word, gesture, or intonation
20 of voice that the unreturned ballots shall be voted in any
21 particular manner. No new voter shall be permitted to enter
22 the voting booth of a voter who has failed to deliver the total
23 number of ballots received by him until such voter has
24 returned to the voting booth pursuant to the judge's request
25 and again quit the booth with all of the ballots required to be
26 returned by him. Upon receipt of all such ballots, the judges

1 of election shall enter the name of the voter, and his number,
2 as above provided in this Section ~~section~~, and the judge to
3 whom the ballots are delivered shall immediately put the
4 ballots into the ballot box ~~but, in the case of an election for~~
5 ~~Representatives in the General Assembly pursuant to Article~~
6 ~~8A, the official representative ballot shall be placed in the~~
7 ~~separate ballot box provided for such purpose.~~ If any voter
8 who has failed to deliver all the ballots received by him
9 refuses to return to the voting booth after being advised by
10 the judge of election as herein provided, the judge shall
11 inform the other judges of such refusal, and thereupon the
12 ballot or ballots returned to the judge shall be deposited
13 into ~~in~~ the ballot box, the voter shall be permitted to depart
14 from the polling place, and a new voter shall be permitted to
15 enter the voting booth.

16 No judge of election shall accept from any voter less than
17 the full number of ballots received by such voter without
18 first advising the voter in the manner above provided of the
19 necessity of returning all of the ballots, nor shall any judge
20 advise such voter in a manner contrary to that which is herein
21 permitted, or in any other manner violate the provisions of
22 this Section ~~section~~; provided that the acceptance by a judge
23 of election of less than the full number of ballots delivered
24 to a voter who refuses to return to the voting booth after
25 being properly advised by the judge shall not be a violation of
26 this Section ~~section~~.

1 (Source: Laws 1964, 1st S.S., p. 711; revised 7-23-24.)

2 (10 ILCS 5/28-3) (from Ch. 46, par. 28-3)

3 Sec. 28-3. Form of petition for public question. Petitions
4 for the submission of public questions shall consist of sheets
5 of uniform size and each sheet shall contain, above the space
6 for signature, an appropriate heading, giving the information
7 as to the question of public policy to be submitted, and
8 specifying the state at large or the political subdivision or
9 district or precinct or combination of precincts or other
10 territory in which it is to be submitted and, where by law the
11 public question must be submitted at a particular election,
12 the election at which it is to be submitted. In the case of a
13 petition for the submission of a public question described in
14 subsection (b) of Section 28-6, the heading shall also specify
15 the regular election at which the question is to be submitted
16 and include the precincts included in the territory concerning
17 which the public question is to be submitted, as well as a
18 common description of such territory in plain and nonlegal
19 language, such description to describe the territory by
20 reference to streets, natural or artificial landmarks,
21 addresses or any other method which would enable a voter
22 signing the petition to be informed of the territory
23 concerning which the question is to be submitted. The heading
24 of each sheet shall be the same. Such petition shall be signed
25 by the registered voters of the political subdivision or

1 district or precinct or combination of precincts in which the
2 question of public policy is to be submitted in their own
3 proper persons only, and opposite the signature of each signer
4 his residence address shall be written or printed, which
5 residence address shall include the street address or rural
6 route number of the signer, as the case may be, as well as the
7 signer's county, and city, village or town, and state;
8 provided that the county or city, village or town, and state of
9 residence of such electors may be printed on the petition
10 forms where all of the electors signing the petition reside in
11 the same county or city, village or town, and state. Standard
12 abbreviations may be used in writing the residence address,
13 including street number, if any. No signature shall be valid
14 or be counted in considering the validity or sufficiency of
15 such petition unless the requirements of this Section are
16 complied with.

17 At the bottom of each sheet of such petition shall be added
18 a circulator's statement, signed by a person 18 years of age or
19 older who is a citizen of the United States, stating the street
20 address or rural route number, as the case may be, as well as
21 the county, city, village or town, and state; certifying that
22 the signatures on that sheet of the petition were signed in his
23 or her presence and are genuine, and that to the best of his or
24 her knowledge and belief the persons so signing were at the
25 time of signing the petition registered voters of the
26 political subdivision or district or precinct or combination

1 of precincts in which the question of public policy is to be
2 submitted and that their respective residences are correctly
3 stated therein. Such statement shall be sworn to before some
4 officer authorized to administer oaths in this State.

5 Such sheets, before being filed with the proper officer or
6 board, shall be bound securely and numbered consecutively. The
7 sheets shall not be fastened by pasting them together end to
8 end, so as to form a continuous strip or roll. All petition
9 sheets which are filed with the proper local election
10 officials, election authorities or the State Board of
11 Elections shall be the original sheets which have been signed
12 by the voters and by the circulator, and not photocopies or
13 duplicates of such sheets. A petition, when presented or
14 filed, shall not be withdrawn, altered, or added to, and no
15 signature shall be revoked except by revocation in writing
16 presented or filed with the board or officer with whom the
17 petition is required to be presented or filed, and before the
18 presentment or filing of such petition, except as may
19 otherwise be provided in another statute which authorize the
20 public question. Whoever forges any name of a signer upon any
21 petition shall be deemed guilty of a forgery, and on
22 conviction thereof, shall be punished accordingly.

23 In addition to the foregoing requirements, a petition
24 proposing an amendment to Article IV of the Constitution
25 pursuant to Section 3 of Article XIV of the Constitution or a
26 petition proposing a question of public policy to be submitted

1 to the voters of the entire State shall be in conformity with
2 the requirements of Section 28-9 of this Article.

3 If multiple sets of petitions for submission of the same
4 public questions are filed, the State Board of Elections,
5 appropriate election authority or local election official
6 where the petitions are filed shall within 2 business days
7 notify the proponent of his or her multiple petition filings
8 and that proponent has 3 business days after receipt of the
9 notice to notify the State Board of Elections, appropriate
10 election authority or local election official that he or she
11 may cancel prior sets of petitions. If the proponent notifies
12 the State Board of Elections, appropriate election authority
13 or local election official, the last set of petitions filed
14 shall be the only petitions to be considered valid by the State
15 Board of Elections, appropriate election authority or local
16 election official. If the proponent fails to notify the State
17 Board of Elections, appropriate election authority or local
18 election official then only the first set of petitions filed
19 shall be valid and all subsequent petitions shall be void.

20 (Source: P.A. 98-756, eff. 7-16-14; revised 7-23-24.)

21 (10 ILCS 5/Art. 29 heading)

22 ARTICLE 29. PROHIBITIONS AND PENALTIES~~-~~

23 Section 50. The Uniform Faithful Presidential Electors Act
24 is amended by changing Section 5-1 as follows:

1 (10 ILCS 22/5-1)

2 Sec. 5-1. Short title. This Article ~~Act~~ may be cited as the
3 Uniform Faithful Presidential Electors Act. As used in this
4 Article, "this Act" refers to this Article.

5 (Source: P.A. 103-600, eff. 7-1-24; revised 10-23-24.)

6 Section 55. The Language Equity and Access Act is amended
7 by changing Section 10 as follows:

8 (15 ILCS 56/10)

9 Sec. 10. Definitions. In this Act:

10 "Interpretation" means listening to a communication in one
11 language and orally converting it to another language in a
12 manner that preserves the intent and meaning of the original
13 message.

14 "Language assistance services" means oral and written
15 language services needed to assist LEP persons ~~individuals~~ to
16 communicate effectively with staff, and to provide LEP persons
17 ~~individuals~~ with meaningful access to, and equal opportunity
18 to participate fully in, the services, activities, or other
19 programs administered by the State.

20 "Limited English proficient (LEP) person" means an
21 individual who does not speak English as his or her primary
22 language and who has a limited ability to read, speak, write,
23 or understand English.

1 "Meaningful access" means language assistance that results
2 in accurate, timely, and effective communication at no cost to
3 limited English proficient persons. For LEP persons,
4 meaningful access denotes access that is not unreasonably
5 restricted, delayed, or inferior as compared to access to
6 programs or activities provided to English proficient persons
7 ~~individuals~~.

8 "State agency" means an executive agency, department,
9 board, commission, or authority directly responsible to the
10 Governor.

11 "Translation" means the conversion of text from one
12 language to another in a written form to convey the intent and
13 essential meaning of the original text.

14 "Vital documents" means paper or electronic written
15 material that contains information that affects a person's
16 access to, retention of, termination of, or exclusion from
17 program services or benefits or is required by law.

18 (Source: P.A. 103-723, eff. 8-2-24; revised 10-23-24.)

19 Section 60. The Illinois Identification Card Act is
20 amended by changing Sections 4, 5, and 12 as follows:

21 (15 ILCS 335/4)

22 Sec. 4. Identification card.

23 (a) In accordance with the requirements of this Section,
24 the Secretary of State shall issue a standard Illinois

1 Identification Card, as well as a mobile Illinois
2 Identification Card, to any natural person who is a resident
3 of the State of Illinois who applies for such a card, or
4 renewal thereof. No identification card shall be issued to any
5 person who holds a valid foreign state identification card,
6 license, or permit unless the person first surrenders to the
7 Secretary of State the valid foreign state identification
8 card, license, or permit. The card shall be prepared and
9 supplied by the Secretary of State and shall include a
10 photograph and signature or mark of the applicant. However,
11 the Secretary of State may provide by rule for the issuance of
12 Illinois Identification Cards without photographs if the
13 applicant has a bona fide religious objection to being
14 photographed or to the display of his or her photograph. The
15 Illinois Identification Card may be used for identification
16 purposes in any lawful situation only by the person to whom it
17 was issued. As used in this Act, "photograph" means any color
18 photograph or digitally produced and captured image of an
19 applicant for an identification card. As used in this Act,
20 "signature" means the name of a person as written by that
21 person and captured in a manner acceptable to the Secretary of
22 State.

23 (a-5) If an applicant for an identification card has a
24 current driver's license or instruction permit issued by the
25 Secretary of State, the Secretary may require the applicant to
26 utilize the same residence address and name on the

1 identification card, driver's license, and instruction permit
2 records maintained by the Secretary. The Secretary may
3 promulgate rules to implement this provision.

4 (a-10) If the applicant is a judicial officer as defined
5 in Section 1-10 of the Judicial Privacy Act or a peace officer,
6 the applicant may elect to have his or her office or work
7 address listed on the card instead of the applicant's
8 residence or mailing address. The Secretary may promulgate
9 rules to implement this provision. For the purposes of this
10 subsection (a-10), "peace officer" means any person who by
11 virtue of his or her office or public employment is vested by
12 law with a duty to maintain public order or to make arrests for
13 a violation of any penal statute of this State, whether that
14 duty extends to all violations or is limited to specific
15 violations.

16 (a-15) The Secretary of State may provide for an expedited
17 process for the issuance of an Illinois Identification Card.
18 The Secretary shall charge an additional fee for the expedited
19 issuance of an Illinois Identification Card, to be set by
20 rule, not to exceed \$75. All fees collected by the Secretary
21 for expedited Illinois Identification Card service shall be
22 deposited into the Secretary of State Special Services Fund.
23 The Secretary may adopt rules regarding the eligibility,
24 process, and fee for an expedited Illinois Identification
25 Card. If the Secretary of State determines that the volume of
26 expedited identification card requests received on a given day

1 exceeds the ability of the Secretary to process those requests
2 in an expedited manner, the Secretary may decline to provide
3 expedited services, and the additional fee for the expedited
4 service shall be refunded to the applicant.

5 (a-20) The Secretary of State shall issue a standard
6 Illinois Identification Card to a person committed to the
7 Department of Corrections, the Department of Juvenile Justice,
8 a Federal Bureau of Prisons facility located in Illinois, or a
9 county jail or county department of corrections as follows: ~~if~~
10 ~~the person has a social security number,~~

11 (1) A committed person who has previously held an
12 Illinois Identification Card or an Illinois driver's
13 license shall submit an Identification Card verification
14 form to the Secretary of State, including a photograph
15 taken by the correctional facility, proof of residency
16 upon discharge, and a social security number, if the
17 committed person has a social security number. If the
18 committed person does not have a social security number
19 and is eligible for a social security number, the
20 Secretary of State shall not issue a standard Illinois
21 Identification Card until the committed person obtains a
22 social security number. If the committed person's
23 photograph and demographic information matches an existing
24 Illinois Identification Card or Illinois driver's license
25 and the Secretary of State verifies the applicant's social
26 security number with the Social Security Administration,

1 the Secretary of State shall issue the committed person a
2 standard Illinois Identification Card. If the photograph
3 or demographic information matches an existing Illinois
4 Identification Card or Illinois driver's license in
5 another person's name or identity, a standard Illinois
6 Identification Card shall not be issued until the
7 committed person submits a certified birth certificate and
8 social security card to the Secretary of State and the
9 Secretary of State verifies the identity of the committed
10 person. If the Secretary of State cannot find a match to an
11 existing Illinois Identification Card or Illinois driver's
12 license, the committed person may apply for a standard
13 Illinois Identification card as described in paragraph
14 (2).

15 (2) A committed person who has not previously held an
16 Illinois Identification Card or Illinois driver's license
17 or for whom a match cannot be found as described in
18 paragraph (1) shall submit an Illinois Identification Card
19 verification form, including a photograph taken by the
20 correctional facility, a certified birth certificate,
21 proof of residency upon discharge, and a social security
22 number, if the committed has a social security number. If
23 the committed person does not have a social security
24 number and is eligible for a social security number, the
25 Secretary of State shall not issue a standard Illinois
26 Identification Card until the committed person obtains a

1 social security number. If the Secretary of State verifies
2 the applicant's social security number with the Social
3 Security Administration, the Secretary of State shall
4 issue the committed person a standard Illinois
5 Identification Card.

6 The Illinois Identification Card verification form
7 described in this subsection shall be prescribed by the
8 Secretary of State. The Secretary of State and correctional
9 facilities in this State shall establish a secure method to
10 transfer the form.

11 (a-25) The Secretary of State shall issue a limited-term
12 Illinois Identification Card valid for 90 days to a committed
13 person upon release on parole, mandatory supervised release,
14 aftercare release, final discharge, or pardon from the
15 Department of Corrections, the Department of Juvenile Justice,
16 a Federal Bureau of Prisons facility located in Illinois, or a
17 county jail or county department of corrections, if the
18 released person does not obtain a standard Illinois
19 Identification Card as described in subsection (a-20) prior to
20 release but does present a Secretary of State prescribed
21 Identification Card verification form completed by the
22 correctional facility, verifying the released person's date of
23 birth, social security number, if the person has a social
24 security number, and his or her Illinois residence address.
25 The verification form must have been completed no more than 30
26 days prior to the date of application for the Illinois

1 Identification Card.

2 Prior to the expiration of the 90-day period of the
3 limited-term Illinois Identification Card, if the released
4 person submits to the Secretary of State a certified copy of
5 his or her birth certificate and his or her social security
6 card, if the person has a social security number, or other
7 documents authorized by the Secretary, a standard Illinois
8 Identification Card shall be issued. A limited-term Illinois
9 Identification Card may not be renewed.

10 This subsection shall not apply to a released person who
11 was unable to obtain a standard Illinois Identification Card
12 because his or her photograph or demographic information
13 matched an existing Illinois Identification Card or Illinois
14 driver's license in another person's name or identity or to a
15 released person who does not have a social security number and
16 is eligible for a social security number.

17 (a-30) The Secretary of State shall issue a standard
18 Illinois Identification Card to a person upon conditional
19 release or absolute discharge from the custody of the
20 Department of Human Services, if the person presents a
21 certified copy of his or her birth certificate, social
22 security card, if the person has a social security number, or
23 other documents authorized by the Secretary, and a document
24 proving his or her Illinois residence address. The Secretary
25 of State shall issue a standard Illinois Identification Card
26 to a person prior to his or her conditional release or absolute

1 discharge if personnel from the Department of Human Services
2 bring the person to a Secretary of State location with the
3 required documents. Documents proving residence address may
4 include any official document of the Department of Human
5 Services showing the person's address after release and a
6 Secretary of State prescribed verification form, which may be
7 executed by personnel of the Department of Human Services.

8 (a-35) The Secretary of State shall issue a limited-term
9 Illinois Identification Card valid for 90 days to a person
10 upon conditional release or absolute discharge from the
11 custody of the Department of Human Services, if the person is
12 unable to present a certified copy of his or her birth
13 certificate and social security card, if the person has a
14 social security number, or other documents authorized by the
15 Secretary, but does present a Secretary of State prescribed
16 verification form completed by the Department of Human
17 Services, verifying the person's date of birth and social
18 security number, if the person has a social security number,
19 and a document proving his or her Illinois residence address.
20 The verification form must have been completed no more than 30
21 days prior to the date of application for the Illinois
22 Identification Card. The Secretary of State shall issue a
23 limited-term Illinois Identification Card to a person no
24 sooner than 14 days prior to his or her conditional release or
25 absolute discharge if personnel from the Department of Human
26 Services bring the person to a Secretary of State location

1 with the required documents. Documents proving residence
2 address shall include any official document of the Department
3 of Human Services showing the person's address after release
4 and a Secretary of State prescribed verification form, which
5 may be executed by personnel of the Department of Human
6 Services.

7 (b) The Secretary of State shall issue a special Illinois
8 Identification Card, which shall be known as an Illinois
9 Person with a Disability Identification Card, to any natural
10 person who is a resident of the State of Illinois, who is a
11 person with a disability as defined in Section 4A of this Act,
12 who applies for such card, or renewal thereof. No Illinois
13 Person with a Disability Identification Card shall be issued
14 to any person who holds a valid foreign state identification
15 card, license, or permit unless the person first surrenders to
16 the Secretary of State the valid foreign state identification
17 card, license, or permit. The Secretary of State shall charge
18 no fee to issue such card. The card shall be prepared and
19 supplied by the Secretary of State, and shall include a
20 photograph and signature or mark of the applicant, a
21 designation indicating that the card is an Illinois Person
22 with a Disability Identification Card, and shall include a
23 comprehensible designation of the type and classification of
24 the applicant's disability as set out in Section 4A of this
25 Act. However, the Secretary of State may provide by rule for
26 the issuance of Illinois Person with a Disability

1 Identification Cards without photographs if the applicant has
2 a bona fide religious objection to being photographed or to
3 the display of his or her photograph. If the applicant so
4 requests, the card shall include a description of the
5 applicant's disability and any information about the
6 applicant's disability or medical history which the Secretary
7 determines would be helpful to the applicant in securing
8 emergency medical care. If a mark is used in lieu of a
9 signature, such mark shall be affixed to the card in the
10 presence of 2 ~~two~~ witnesses who attest to the authenticity of
11 the mark. The Illinois Person with a Disability Identification
12 Card may be used for identification purposes in any lawful
13 situation by the person to whom it was issued.

14 The Illinois Person with a Disability Identification Card
15 may be used as adequate documentation of disability in lieu of
16 a physician's determination of disability, a determination of
17 disability from a physician assistant, a determination of
18 disability from an advanced practice registered nurse, or any
19 other documentation of disability whenever any State law
20 requires that a person with a disability provide such
21 documentation of disability, however an Illinois Person with a
22 Disability Identification Card shall not qualify the
23 cardholder to participate in any program or to receive any
24 benefit which is not available to all persons with like
25 disabilities. Notwithstanding any other provisions of law, an
26 Illinois Person with a Disability Identification Card, or

1 evidence that the Secretary of State has issued an Illinois
2 Person with a Disability Identification Card, shall not be
3 used by any person other than the person named on such card to
4 prove that the person named on such card is a person with a
5 disability or for any other purpose unless the card is used for
6 the benefit of the person named on such card, and the person
7 named on such card consents to such use at the time the card is
8 so used.

9 An optometrist's determination of a visual disability
10 under Section 4A of this Act is acceptable as documentation
11 for the purpose of issuing an Illinois Person with a
12 Disability Identification Card.

13 When medical information is contained on an Illinois
14 Person with a Disability Identification Card, the Office of
15 the Secretary of State shall not be liable for any actions
16 taken based upon that medical information.

17 (c) The Secretary of State shall provide that each
18 original or renewal Illinois Identification Card or Illinois
19 Person with a Disability Identification Card issued to a
20 person under the age of 21 shall be of a distinct nature from
21 those Illinois Identification Cards or Illinois Person with a
22 Disability Identification Cards issued to individuals 21 years
23 of age or older. The color designated for Illinois
24 Identification Cards or Illinois Person with a Disability
25 Identification Cards for persons under the age of 21 shall be
26 at the discretion of the Secretary of State.

1 (c-1) Each original or renewal Illinois Identification
2 Card or Illinois Person with a Disability Identification Card
3 issued to a person under the age of 21 shall display the date
4 upon which the person becomes 18 years of age and the date upon
5 which the person becomes 21 years of age.

6 (c-3) The General Assembly recognizes the need to identify
7 military veterans living in this State for the purpose of
8 ensuring that they receive all of the services and benefits to
9 which they are legally entitled, including healthcare,
10 education assistance, and job placement. To assist the State
11 in identifying these veterans and delivering these vital
12 services and benefits, the Secretary of State is authorized to
13 issue Illinois Identification Cards and Illinois Person with a
14 Disability Identification Cards with the word "veteran"
15 appearing on the face of the cards. This authorization is
16 predicated on the unique status of veterans. The Secretary may
17 not issue any other identification card which identifies an
18 occupation, status, affiliation, hobby, or other unique
19 characteristics of the identification card holder which is
20 unrelated to the purpose of the identification card.

21 (c-5) Beginning on or before July 1, 2015, the Secretary
22 of State shall designate a space on each original or renewal
23 identification card where, at the request of the applicant,
24 the word "veteran" shall be placed. The veteran designation
25 shall be available to a person identified as a veteran under
26 subsection (b) of Section 5 of this Act who was discharged or

1 separated under honorable conditions.

2 (d) The Secretary of State may issue a Senior Citizen
3 discount card, to any natural person who is a resident of the
4 State of Illinois who is 60 years of age or older and who
5 applies for such a card or renewal thereof. The Secretary of
6 State shall charge no fee to issue such card. The card shall be
7 issued in every county and applications shall be made
8 available at, but not limited to, nutrition sites, senior
9 citizen centers and Area Agencies on Aging. The applicant,
10 upon receipt of such card and prior to its use for any purpose,
11 shall have affixed thereon in the space provided therefor his
12 signature or mark.

13 (e) The Secretary of State, in his or her discretion, may
14 designate on each Illinois Identification Card or Illinois
15 Person with a Disability Identification Card a space where the
16 card holder may place a sticker or decal, issued by the
17 Secretary of State, of uniform size as the Secretary may
18 specify, that shall indicate in appropriate language that the
19 card holder has renewed his or her Illinois Identification
20 Card or Illinois Person with a Disability Identification Card.

21 (f)(1) The Secretary of State may issue a mobile
22 identification card to an individual who is otherwise eligible
23 to hold a physical credential in addition to, and not instead
24 of, an identification card if the Secretary of State has
25 issued an identification card to the person. The data elements
26 that are used to build an electronic credential must match the

1 individual's current Department record.

2 (2) The Secretary may enter into agreements or contract
3 with an agency of the State, another state, the United States,
4 or a third party to facilitate the issuance, use, and
5 verification of a mobile identification card issued by the
6 Secretary or another state.

7 (3) Any mobile identification card issued by the Secretary
8 shall be in accordance with the most recent AAMVA standards.

9 (4) The Secretary shall design the mobile identification
10 card in a manner that allows the credential holder to maintain
11 physical possession of the device on which the mobile
12 identification card is accessed during verification.

13 (g) The verification process shall be implemented to
14 require:

15 (1) the relying parties to authenticate electronic
16 credentials in accordance with applicable AAMVA standards
17 prior to acceptance of the electronic credential;

18 (2) the Secretary to ensure that electronic credential
19 data is subject to all jurisdictional data security and
20 privacy protection laws and regulations; and

21 (3) the relying parties to request only electronic
22 credential data elements that are necessary to complete
23 the transaction for which data is being requested.

24 (h) Privacy and tracking of data shall be restricted by
25 implementing the following requirements:

26 (1) the relying parties shall retain only electronic

1 credential data elements for which the relying party
2 explicitly obtained consent from the electronic credential
3 holder and shall inform the electronic credential holder
4 of the use and retention period of the electronic data
5 elements;

6 (2) the Secretary shall use an electronic credential
7 system that is designed to maximize the privacy of the
8 credential holder in accordance with State and federal law
9 and shall not track or compile information without the
10 credential holder's consent; and

11 (3) the Department shall only compile and disclose
12 information regarding the use of the credential as
13 required by State or federal law.

14 (i) (1) The electronic credential holder shall be required
15 to have the holder's ~~their~~ physical credential on the holder's
16 ~~their~~ person for all purposes for which an identification card
17 is required. No person, public entity, private entity, or
18 agency shall establish a policy that requires an electronic
19 credential instead of a physical credential.

20 (2) Electronic credential systems shall be designed so
21 that there is no requirement for the electronic credential
22 holder to display or relinquish possession of the credential
23 holder's mobile device to relying parties for the acceptance
24 of an electronic credential.

25 (3) When required by law and upon request by law
26 enforcement, a credential holder must provide the credential

1 holder's physical credential.

2 (4) Any law or regulation that requires an individual to
3 surrender the individual's ~~their~~ physical credential to law
4 enforcement does not apply to the device on which an
5 electronic credential has been provisioned.

6 (j) A person may be required to produce when so requested a
7 physical identification card to a law enforcement officer, a
8 representative of a State or federal department or agency, or
9 a private entity and is subject to all applicable laws and
10 consequences for failure to produce such an identification
11 card.

12 (k) The Secretary of State shall adopt such rules as are
13 necessary to implement a mobile identification card.

14 (l) The display of a mobile identification card shall not
15 serve as consent or authorization for a law enforcement
16 officer, or any other person, to search, view, or access any
17 other data or application on the mobile device. If a person
18 presents the person's mobile device to a law enforcement
19 officer for purposes of displaying a mobile identification
20 card, the law enforcement officer shall promptly return the
21 mobile device to the person once the officer has had an
22 opportunity to verify the identity of the person. Except for
23 willful and wanton misconduct, any law enforcement officer,
24 court, or officer of the court presented with the device shall
25 be immune from any liability resulting from damage to the
26 mobile device.

1 (m) The fee to install the application to display a mobile
2 identification card as defined in this subsection shall not
3 exceed \$6.

4 (n) As used in this Section:

5 "AAMVA" means the American Association of Motor Vehicle
6 Administrators.

7 "Credential" means a driver's license, learner's permit,
8 or identification card.

9 "Credential holder" means the individual to whom a mobile
10 driver's license or a mobile identification card is issued.

11 "Data element" means a distinct component of a customer's
12 information that is found on the Department's customer record.

13 "Department" means the Secretary of State Department of
14 Driver Services.

15 "Electronic credential" means an electronic extension of
16 the departmental issued physical credential that conveys
17 identity and complies with AAMVA's mobile driver license
18 Implementation guidelines and the ISO/IEC 18013-5 standard.

19 "Electronic credential system" means a digital process
20 that includes a method for provisioning electronic
21 credentials, requesting and transmitting electronic credential
22 data elements, and performing tasks to maintain the system.

23 "Full profile" means all the information provided on an
24 identification card.

25 "ISO" means the International Organization for
26 Standardization, which creates uniform processes and

1 procedures.

2 "Limited profile" means a portion of the information
3 provided on an Identification Card.

4 "Mobile identification card" means a data file that is
5 available on any mobile device that has connectivity to the
6 Internet through an application that allows the mobile device
7 to download the data file from the Secretary of State, that
8 contains all the data elements visible on the face and back of
9 an identification card, and that displays the current status
10 of the identification card. "Mobile identification card" does
11 not include a copy, photograph, or image of an Illinois
12 Identification Card that is not downloaded through the
13 application on a mobile device.

14 "Physical credential" means a Department-issued ~~Department~~
15 ~~issued~~ document that conveys identity in accordance with the
16 Illinois Identification Card Act.

17 "Provision" means the initial loading of an electronic
18 credential onto a device.

19 "Relying party" means the entity to which the credential
20 holder presents the electronic credential.

21 "Verification process" means a method of authenticating
22 the electronic credential through the use of secured
23 encryption communication.

24 (o) ~~(f)~~ Upon providing the required documentation, at the
25 request of the applicant, the identification card may reflect
26 Gold Star Family designation. The Secretary shall designate a

1 space on each original or renewal of an identification card
2 for such designation. This designation shall be available to a
3 person eligible for Gold Star license plates under subsection
4 (f) of Section 6-106 of the Illinois Vehicle Code.

5 (Source: P.A. 102-299, eff. 8-6-21; 103-210, eff. 7-1-24;
6 103-345, eff. 1-1-24; 103-605, eff. 7-1-24; 103-782, eff.
7 8-6-24; 103-824, eff. 1-1-25; 103-933, eff. 1-1-25; revised
8 11-26-24.)

9 (15 ILCS 335/5)

10 Sec. 5. Applications.

11 (a) Any natural person who is a resident of the State of
12 Illinois may file an application for an identification card,
13 or for the renewal thereof, in a manner prescribed by the
14 Secretary. Each original application shall be completed by the
15 applicant in full and shall set forth the legal name,
16 residence address and zip code, social security number, if the
17 person has a social security number, birth date, sex and a
18 brief description of the applicant. The applicant shall be
19 photographed, unless the Secretary of State has provided by
20 rule for the issuance of identification cards without
21 photographs and the applicant is deemed eligible for an
22 identification card without a photograph under the terms and
23 conditions imposed by the Secretary of State, and he or she
24 shall also submit any other information as the Secretary may
25 deem necessary or such documentation as the Secretary may

1 require to determine the identity of the applicant. In
2 addition to the residence address, the Secretary may allow the
3 applicant to provide a mailing address. If the applicant is an
4 employee of the Department of Children and Family Services
5 with a job title of "Child Protection Specialist Trainee",
6 "Child Protection Specialist", "Child Protection Advanced
7 Specialist", "Child Welfare Specialist Trainee", "Child
8 Welfare Specialist", or "Child Welfare Advanced Specialist" or
9 a judicial officer as defined in Section 1-10 of the Judicial
10 Privacy Act or a peace officer, the applicant may elect to have
11 his or her office or work address in lieu of the applicant's
12 residence or mailing address. An applicant for an Illinois
13 Person with a Disability Identification Card must also submit
14 with each original or renewal application, on forms prescribed
15 by the Secretary, such documentation as the Secretary may
16 require, establishing that the applicant is a "person with a
17 disability" as defined in Section 4A of this Act, and setting
18 forth the applicant's type and class of disability as set
19 forth in Section 4A of this Act. For the purposes of this
20 subsection (a), "peace officer" means any person who by virtue
21 of his or her office or public employment is vested by law with
22 a duty to maintain public order or to make arrests for a
23 violation of any penal statute of this State, whether that
24 duty extends to all violations or is limited to specific
25 violations.

26 (a-5) Upon the first issuance of a request for proposals

1 for a digital driver's license and identification card
2 issuance and facial recognition system issued after January 1,
3 2020 (the effective date of Public Act 101-513), and upon
4 implementation of a new or revised system procured pursuant to
5 that request for proposals, the Secretary shall permit
6 applicants to choose between "male", "female", or "non-binary"
7 when designating the applicant's sex on the identification
8 card application form. The sex designated by the applicant
9 shall be displayed on the identification card issued to the
10 applicant.

11 (b) Beginning on or before July 1, 2015, for each original
12 or renewal identification card application under this Act, the
13 Secretary shall inquire as to whether the applicant is a
14 veteran for purposes of issuing an identification card with a
15 veteran designation under subsection (c-5) of Section 4 of
16 this Act. The acceptable forms of proof shall include, but are
17 not limited to, Department of Defense form DD-214, Department
18 of Defense form DD-256 for applicants who did not receive a
19 form DD-214 upon the completion of initial basic training,
20 Department of Defense form DD-2 (Retired), an identification
21 card issued under the federal Veterans Identification Card Act
22 of 2015, or a United States Department of Veterans Affairs
23 summary of benefits letter. If the document cannot be stamped,
24 the Illinois Department of Veterans' Affairs shall provide a
25 certificate to the veteran to provide to the Secretary of
26 State. The Illinois Department of Veterans' Affairs shall

1 advise the Secretary as to what other forms of proof of a
2 person's status as a veteran are acceptable.

3 For each applicant who is issued an identification card
4 with a veteran designation, the Secretary shall provide the
5 Department of Veterans' Affairs with the applicant's name,
6 address, date of birth, gender, and such other demographic
7 information as agreed to by the Secretary and the Department.
8 The Department may take steps necessary to confirm the
9 applicant is a veteran. If after due diligence, including
10 writing to the applicant at the address provided by the
11 Secretary, the Department is unable to verify the applicant's
12 veteran status, the Department shall inform the Secretary, who
13 shall notify the applicant that he or she must confirm status
14 as a veteran, or the identification card will be canceled
15 ~~cancelled~~.

16 For purposes of this subsection (b):

17 "Armed forces" means any of the Armed Forces of the United
18 States, including a member of any reserve component or
19 National Guard unit.

20 "Veteran" means a person who has served in the armed
21 forces and was discharged or separated under honorable
22 conditions.

23 (b-1) An applicant who is eligible for Gold Star license
24 plates under Section 3-664 of the Illinois Vehicle Code may
25 apply for an identification card with space for a designation
26 as a Gold Star Family. The Secretary may waive any fee for this

1 application. If the Secretary does not waive the fee, any fee
2 charged to the applicant must be deposited into the Illinois
3 Veterans Assistance Fund. The Secretary is authorized to issue
4 rules to implement this subsection.

5 (c) All applicants for REAL ID compliant standard Illinois
6 Identification Cards and Illinois Person with a Disability
7 Identification Cards shall provide proof of lawful status in
8 the United States as defined in 6 CFR 37.3, as amended.
9 Applicants who are unable to provide the Secretary with proof
10 of lawful status are ineligible for REAL ID compliant
11 identification cards under this Act.

12 (d) The Secretary of State may accept, as proof of date of
13 birth and written signature for any applicant for a standard
14 identification card who does not have a social security number
15 or documentation issued by the United States Department of
16 Homeland Security authorizing the applicant's presence in this
17 country, any passport validly issued to the applicant from the
18 applicant's country of citizenship or a consular
19 identification document validly issued to the applicant by a
20 consulate of that country as defined in Section 5 of the
21 Consular Identification Document Act. Any such documents must
22 be either unexpired or presented by an applicant within 2
23 years of its expiration date.

24 (Source: P.A. 102-558, eff. 8-20-21; 103-210, eff. 7-1-24;
25 103-888, eff. 8-9-24; 103-933, eff. 1-1-25; revised 12-1-24.)

(15 ILCS 335/12) (from Ch. 124, par. 32)

Sec. 12. Fees concerning standard Illinois Identification Cards. The fees required under this Act for standard Illinois Identification Cards must accompany any application provided for in this Act, and the Secretary shall collect such fees as follows:

a. Original card	\$20
b. Renewal card	20
c. Corrected card	10
d. Duplicate card	20
e. Certified copy with seal	5
f. (Blank)	
g. Applicant 65 years of age or over	No Fee
h. (Blank)	
i. Individual living in Veterans	
Home or Hospital	No Fee
j. Original card under 18 years of age	\$5
k. Renewal card under 18 years of age	\$5
l. Corrected card under 18 years of age	\$5
m. Duplicate card under 18 years of age	\$5
n. Homeless person	No Fee
o. Duplicate card issued to an active-duty	
member of the United States Armed Forces,	
the member's spouse, or dependent children	
living with the member	No Fee
p. Duplicate temporary card	\$5

1 q. First card issued to a youth
2 for whom the Department of Children
3 and Family Services is legally responsible
4 or a foster child upon turning the age of
5 16 years old until he or she reaches
6 the age of 21 years old No Fee

7 r. Original card issued to a committed
8 person upon release from the
9 Department of Corrections, the
10 Department of Juvenile Justice,
11 a Federal Bureau of Prisons
12 facility located in Illinois,
13 or a county jail or a county
14 department of corrections No Fee

15 s. Limited-term Illinois Identification
16 Card issued to a committed person
17 upon release from the Department of
18 Corrections, the Department of
19 Juvenile Justice, a Federal Bureau
20 of Prisons facility located in
21 Illinois, or a county jail or a
22 county department of corrections No Fee

23 t. Original card issued to a
24 person up to 14 days prior
25 to or upon conditional release
26 or absolute discharge from

1 the Department of Human Services No Fee
2 u. Limited-term Illinois Identification
3 Card issued to a person up to
4 14 days prior to or upon
5 conditional release or absolute discharge
6 from the Department of Human Services No Fee
7

8 All fees collected under this Act shall be paid into the
9 Road Fund of the State treasury, except that the following
10 amounts shall be paid into the General Revenue Fund: (i) 80% of
11 the fee for an original, renewal, or duplicate Illinois
12 Identification Card issued on or after January 1, 2005; and
13 (ii) 80% of the fee for a corrected Illinois Identification
14 Card issued on or after January 1, 2005.

15 An individual, who resides in a veterans home or veterans
16 hospital operated by the State or federal government, who
17 makes an application for an Illinois Identification Card to be
18 issued at no fee, must submit, along with the application, an
19 affirmation by the applicant on a form provided by the
20 Secretary of State, that such person resides in a veterans
21 home or veterans hospital operated by the State or federal
22 government.

23 The application of a homeless individual for an Illinois
24 Identification Card to be issued at no fee must be accompanied
25 by an affirmation by a qualified person, as defined in Section
26 4C of this Act, on a form provided by the Secretary of State,

1 that the applicant is currently homeless as defined in Section
2 1A of this Act.

3 For the application for the first Illinois Identification
4 Card of a youth for whom the Department of Children and Family
5 Services is legally responsible or a foster child to be issued
6 at no fee, the youth must submit, along with the application,
7 an affirmation by his or her court appointed attorney or an
8 employee of the Department of Children and Family Services on
9 a form provided by the Secretary of State, that the person is a
10 youth for whom the Department of Children and Family Services
11 is legally responsible or a foster child.

12 The fee for any duplicate identification card shall be
13 waived for any person who presents the Secretary of State's
14 Office with a police report showing that his or her
15 identification card was stolen.

16 The fee for any duplicate identification card shall be
17 waived for any person age 60 or older whose identification
18 card has been lost or stolen.

19 As used in this Section, "active-duty member of the United
20 States Armed Forces" means a member of the Armed Services or
21 Reserve Forces of the United States or a member of the Illinois
22 National Guard who is called to active duty pursuant to an
23 executive order of the President of the United States, an act
24 of the Congress of the United States, or an order of the
25 Governor.

26 (Source: P.A. 103-782, eff. 8-6-24; revised 10-21-24.)

1 Section 65. The State Treasurer Act is amended by changing
2 Section 16.8 as follows:

3 (15 ILCS 505/16.8)

4 Sec. 16.8. Illinois Higher Education Savings Program.

5 (a) Definitions. As used in this Section:

6 "Beneficiary" means an eligible child named as a recipient
7 of seed funds.

8 "Eligible child" means a child born or adopted after
9 December 31, 2022, to a parent who is a resident of Illinois at
10 the time of the birth or adoption, as evidenced by
11 documentation received by the State Treasurer from the
12 Department of Revenue, the Department of Public Health,
13 another State or local government agency, or a parent or legal
14 guardian of the child.

15 "Eligible educational institution" means institutions that
16 are described in Section 1001 of the federal Higher Education
17 Act of 1965 that are eligible to participate in Department of
18 Education student aid programs.

19 "Fund" means the Illinois Higher Education Savings Program
20 Fund.

21 "Omnibus account" means the pooled collection of seed
22 funds owned and managed by the State Treasurer in the College
23 Savings Pool under this Act.

24 "Program" means the Illinois Higher Education Savings

1 Program.

2 "Qualified higher education expense" means the following:

3 (i) tuition, fees, and the costs of books, supplies, and
4 equipment required for enrollment or attendance at an eligible
5 educational institution; (ii) expenses for special needs
6 services, in the case of a special needs beneficiary, which
7 are incurred in connection with such enrollment or attendance;
8 (iii) certain expenses for the purchase of computer or
9 peripheral equipment, computer software, or Internet access
10 and related services as defined under Section 529 of the
11 Internal Revenue Code; (iv) room and board expenses incurred
12 while attending an eligible educational institution at least
13 half-time; (v) expenses for fees, books, supplies, and
14 equipment required for the participation of a designated
15 beneficiary in an apprenticeship program registered and
16 certified with the Secretary of Labor under the National
17 Apprenticeship Act (29 U.S.C. 50); and (vi) amounts paid as
18 principal or interest on any qualified education loan of the
19 designated beneficiary or a sibling of the designated
20 beneficiary, as allowed under Section 529 of the Internal
21 Revenue Code.

22 "Seed funds" means the deposit made by the State Treasurer
23 into the Omnibus Accounts for Program beneficiaries.

24 (b) Program established. The State Treasurer shall
25 establish the Illinois Higher Education Savings Program as a
26 part of the College Savings Pool under Section 16.5 of this

1 Act, subject to appropriation by the General Assembly. The
2 State Treasurer shall administer the Program for the purposes
3 of expanding access to higher education through savings.

4 (c) Program enrollment. The State Treasurer shall enroll
5 all eligible children in the Program beginning in 2023, after
6 receiving records of recent births, adoptions, or dependents
7 from the Department of Revenue, the Department of Public
8 Health, another State or local government agency designated by
9 the State Treasurer, or documentation as may be required by
10 the State Treasurer from a parent or legal guardian of the
11 eligible child. Notwithstanding any court order which would
12 otherwise prevent the release of information, the Department
13 of Public Health is authorized to release the information
14 specified under this subsection (c) to the State Treasurer for
15 the purposes of the Program established under this Section.

16 (1) Beginning in 2021, the Department of Public Health
17 shall provide the State Treasurer with information on
18 recent Illinois births and adoptions including, but not
19 limited to: the full name, residential address, birth
20 date, and birth record number of the child and the full
21 name and residential address of the child's parent or
22 legal guardian for the purpose of enrolling eligible
23 children in the Program. This data shall be provided to
24 the State Treasurer by the Department of Public Health on
25 a quarterly basis, no later than 30 days after the end of
26 each quarter, or some other date and frequency as mutually

1 agreed to by the State Treasurer and the Department of
2 Public Health.

3 (1.5) Beginning in 2021, the Department of Revenue
4 shall provide the State Treasurer with information on tax
5 filers claiming dependents or the adoption tax credit,
6 including, but not limited to: the full name, residential
7 address, email address, phone number, birth date, and
8 social security number or taxpayer identification number
9 of the dependent child and of the child's parent or legal
10 guardian for the purpose of enrolling eligible children in
11 the Program. Beginning July 1, 2024, the Department of
12 Revenue shall provide the State Treasurer with the
13 adjusted gross income of tax filers claiming dependents or
14 the adoption tax credit. This data shall be provided to
15 the State Treasurer by the Department of Revenue on at
16 least an annual basis, by July 1 of each year or another
17 date jointly determined by the State Treasurer and the
18 Department of Revenue. Notwithstanding anything to the
19 contrary contained within this paragraph (2), the
20 Department of Revenue shall not be required to share any
21 information that would be contrary to federal law,
22 regulation, or Internal Revenue Service Publication 1075.

23 (2) The State Treasurer shall ensure the security and
24 confidentiality of the information provided by the
25 Department of Revenue, the Department of Public Health, or
26 another State or local government agency, and it shall not

1 be subject to release under the Freedom of Information
2 Act.

3 (3) Information provided under this Section shall only
4 be used by the State Treasurer for the Program and shall
5 not be used for any other purpose.

6 (4) The State Treasurer and any vendors working on the
7 Program shall maintain strict confidentiality of any
8 information provided under this Section, and shall
9 promptly provide written or electronic notice to the
10 providing agency of any security breach. The providing
11 State or local government agency shall remain the sole and
12 exclusive owner of information provided under this
13 Section.

14 (d) Seed funds. After receiving information on recent
15 births, adoptions, or dependents from the Department of
16 Revenue, the Department of Public Health, another State or
17 local government agency, or documentation as may be required
18 by the State Treasurer from a parent or legal guardian of the
19 eligible child, the State Treasurer shall make deposits into
20 an omnibus account on behalf of eligible children. The State
21 Treasurer shall be the owner of the omnibus accounts.

22 (1) Deposit amount. The seed fund deposit for each
23 eligible child shall be in the amount of \$50. This amount
24 may be increased by the State Treasurer by rule. The State
25 Treasurer may use or deposit funds appropriated by the
26 General Assembly together with moneys received as gifts,

1 grants, or contributions into the Fund. If insufficient
2 funds are available in the Fund, the State Treasurer may
3 reduce the deposit amount or forgo ~~forfe~~ deposits.

4 (2) Use of seed funds. Seed funds, including any
5 interest, dividends, and other earnings accrued, will be
6 eligible for use by a beneficiary for qualified higher
7 education expenses if:

8 (A) the parent or guardian of the eligible child
9 claimed the seed funds for the beneficiary by the
10 beneficiary's 10th birthday;

11 (B) the beneficiary has completed secondary
12 education or has reached the age of 18; and

13 (C) the beneficiary is currently a resident of the
14 State of Illinois. Non-residents are not eligible to
15 claim or use seed funds.

16 (3) Notice of seed fund availability. The State
17 Treasurer shall make a good faith effort to notify
18 beneficiaries and their parents or legal guardians of the
19 seed funds' availability and the deadline to claim such
20 funds.

21 (4) Unclaimed seed funds. Seed funds and any interest
22 earnings that are unclaimed by the beneficiary's 10th
23 birthday or unused by the beneficiary's 26th birthday will
24 be considered forfeited. Unclaimed and unused seed funds
25 and any interest earnings will remain in the omnibus
26 account for future beneficiaries.

1 (e) Financial education. The State Treasurer may develop
2 educational materials that support the financial literacy of
3 beneficiaries and their legal guardians, and may do so in
4 collaboration with State and federal agencies, including, but
5 not limited to, the Illinois State Board of Education and
6 existing nonprofit agencies with expertise in financial
7 literacy and education.

8 (f) Supplementary deposits and partnerships. The State
9 Treasurer may make supplementary deposits if sufficient funds
10 are available and if funds are deposited into the omnibus
11 accounts as described in subsection (d). Subject to
12 appropriation, the State Treasurer may make supplementary
13 deposits of \$50, or greater if designated by the State
14 Treasurer by rule, into the account of each beneficiary whose
15 parent or legal guardian has an adjusted gross income below
16 the Illinois median household income as determined by the most
17 recent U.S. Census Bureau American Community Survey 5-Year
18 Data for the previous calendar year. The supplementary
19 deposits shall be limited to one deposit per beneficiary.
20 Furthermore, the State Treasurer may develop partnerships with
21 private, nonprofit, or governmental organizations to provide
22 additional savings incentives, including conditional cash
23 transfers or matching contributions that provide a savings
24 incentive based on specific actions taken or other criteria.

25 (g) Illinois Higher Education Savings Program Fund. The
26 Illinois Higher Education Savings Program Fund is hereby

1 established as a special fund in the State treasury. The Fund
2 shall be the official repository of all contributions,
3 appropriated funds, interest, and dividend payments, gifts, or
4 other financial assets received by the State Treasurer in
5 connection with the operation of the Program or related
6 partnerships. All such moneys shall be deposited into the Fund
7 and held by the State Treasurer as custodian thereof. The
8 State Treasurer may accept gifts, grants, awards, matching
9 contributions, interest income, and appropriated funds from
10 individuals, businesses, governments, and other third-party
11 sources to implement the Program on terms that the State
12 Treasurer deems advisable. All interest or other earnings
13 accruing or received on amounts in the Illinois Higher
14 Education Savings Program Fund shall be credited to and
15 retained by the Fund and used for the benefit of the Program.
16 Assets of the Fund must at all times be preserved, invested,
17 and expended only for the purposes of the Program and must be
18 held for the benefit of the beneficiaries. Assets may not be
19 transferred or used by the State or the State Treasurer for any
20 purposes other than the purposes of the Program. In addition,
21 no moneys, interest, or other earnings paid into the Fund
22 shall be used, temporarily or otherwise, for inter-fund
23 borrowing or be otherwise used or appropriated except as
24 expressly authorized by this Act. Notwithstanding the
25 requirements of this subsection (g), amounts in the Fund may
26 be used by the State Treasurer to pay the administrative costs

1 of the Program.

2 (g-5) Fund deposits and payments. On July 15 of each year,
3 beginning July 15, 2023, or as soon thereafter as practical,
4 the State Comptroller shall direct and the State Treasurer
5 shall transfer the sum of \$2,500,000, or the amount that is
6 appropriated annually by the General Assembly, whichever is
7 greater, from the General Revenue Fund to the Illinois Higher
8 Education Savings Program Fund to be used for the
9 administration and operation of the Program.

10 (h) Audits and reports. The State Treasurer shall include
11 the Illinois Higher Education Savings Program as part of the
12 audit of the College Savings Pool described in Section 16.5.
13 The State Treasurer shall annually prepare a report that
14 includes a summary of the Program operations for the preceding
15 fiscal year, including the number of children enrolled in the
16 Program, the total amount of seed fund deposits, the rate of
17 seed deposits claimed, and, to the extent data is reported and
18 available, the racial, ethnic, socioeconomic, and geographic
19 data of beneficiaries and of children who may receive
20 automatic bonus deposits. Such other information that is
21 relevant to make a full disclosure of the operations of the
22 Program and Fund may also be reported. The report shall be made
23 available on the State Treasurer's website by January 31 each
24 year, starting in January of 2024. The State Treasurer may
25 include the Program in other reports as warranted.

26 (i) Rules. The State Treasurer may adopt rules necessary

1 to implement this Section.

2 (Source: P.A. 102-129, eff. 7-23-21; 102-558, eff. 8-20-21;
3 102-1047, eff. 1-1-23; 103-8, eff. 6-7-23; 103-604, eff.
4 7-1-24; 103-778, eff. 8-2-24; revised 10-7-24.)

5 Section 70. The Civil Administrative Code of Illinois is
6 amended by changing Sections 5-10 and 5-717 as follows:

7 (20 ILCS 5/5-10)

8 Sec. 5-10. "Director". As used in the Civil Administrative
9 Code of Illinois, unless the context clearly indicates
10 otherwise, the word "director" means the directors of the
11 departments of State government as designated in Section 5-20
12 of this Law and includes the Secretary of Early Childhood, the
13 Secretary of Financial and Professional Regulation, the
14 Secretary of Innovation and Technology, the Secretary of Human
15 Services, and the Secretary of Transportation.

16 (Source: P.A. 103-594, eff. 6-25-24; 103-708, eff. 1-1-25;
17 revised 11-26-24.)

18 (20 ILCS 5/5-717)

19 Sec. 5-717. Military portability licensure for service
20 members and service members' spouses.

21 (a) In this Section:

22 "Division" means the Division of Professional Regulation
23 of the Department of Financial and Professional Regulation or

1 the Division of Real Estate of the Department of Financial and
2 Professional Regulation.

3 "Service member" means any person who, at the time of
4 application under this Section, is an active duty member of
5 the United States Armed Forces or any reserve component of the
6 United States Armed Forces, the Coast Guard, or the National
7 Guard of any state, commonwealth, or territory of the United
8 States or the District of Columbia.

9 "Spouse" means a party to a marriage, civil union, or
10 registered domestic partnership.

11 (b) The Department of Financial and Professional
12 Regulation is authorized to issue a professional portability
13 license to (1) a service member who is an out-of-state
14 licensee and is under official United States military orders
15 to relocate to the State of Illinois or (2) an out-of-state
16 licensee whose spouse is a service member under official
17 United States military orders to relocate to the State of
18 Illinois. The service member or the service member's spouse
19 need not reside in this State at the time of application.
20 Notwithstanding any other law to the contrary, the portability
21 license shall be issued by the Division only if the applicant
22 fulfills all the requirements of this Section and Section
23 2105-135 of the Department of Professional Regulation Law of
24 the Civil Administrative Code of Illinois.

25 (c) The portability license shall be issued after a
26 complete application is submitted to the Division that

1 includes proof of the following:

2 (1) The applicant is a service member or the spouse of
3 a service member.

4 (2) The applicant or applicant's spouse is assigned to
5 a duty station in this State, has established legal
6 residence or will reside in this State pursuant to
7 military relocation orders after the date of application,
8 and can provide an official copy of those orders.

9 (3) The applicant's license is in good standing and is
10 not subject to a disciplinary order encumbering the
11 license in any other state, commonwealth, district, or
12 territory of the United States or any foreign jurisdiction
13 where the applicant holds a license and practices in the
14 same profession with the same or similar scope of practice
15 for which the applicant is applying, and the applicant can
16 submit official verification of good standing and
17 disciplinary history from each of those licensing
18 authorities. For health care professional applicants, the
19 Division's review of good standing is governed by this
20 subsection, subsection (h), and all other applicable State
21 laws and rules.

22 (4) The applicant was actively licensed in the same
23 profession with the same or similar scope of practice for
24 which the applicant is applying for at least 2 years
25 immediately preceding the relocation.

26 (5) A complete set of the applicant's fingerprints has

1 been submitted to the Illinois State Police for statewide
2 and national criminal history checks, if applicable to the
3 requirements of the professional regulatory Act. The
4 applicant shall pay the fee to the Illinois State Police
5 or to the vendor for electronic fingerprint processing. No
6 license shall be issued to an applicant if any review of
7 criminal history or disclosure would cause the denial of
8 an application for licensure under the applicable
9 licensing Act.

10 (6) The applicant has submitted the application for
11 portability licensure and paid the required, nonrefundable
12 initial application fee for that profession under its
13 respective Act and rules.

14 (d) Service members or the spouses of service members
15 granted portability licenses under this Section shall submit
16 to the jurisdiction of the Division for purposes of the laws
17 and rules administered, related standards of practice, and
18 disciplinary authority. A license granted under this Section
19 is subject to all statutes, rules, and regulations governing
20 the license. This includes compliance with renewal and
21 continuing education requirements of the licensing act and
22 rules adopted during the period of licensure.

23 (e) Notwithstanding any other law, if the Division finds
24 that the applicant failed to meet the requirements of
25 subsection (c) or provided inaccurate or misleading
26 information on the application, the Division may suspend the

1 license pending further investigation or notice to discipline
2 the portability license.

3 (f)(1) The duration of the portability license is from
4 issuance through the next renewal period for that regulated
5 profession. At the time of the license's renewal, the service
6 member or the service member's spouse may apply for another
7 portability license if the military orders continue or are
8 extended past the renewal date or if new orders are given for
9 duty in this State. While the portability license is held, the
10 service member or the service member's spouse may apply for
11 full licensure by examination, endorsement, or reciprocity
12 pursuant to the service member's or the service member's
13 spouse's respective professional licensing Act or rules.

14 (2) Once a portability license has expired or is not
15 renewed, the service member or the service member's spouse
16 cannot continue practicing in this State until the service
17 member or the service member's spouse obtains licensure by
18 examination, endorsement, or reciprocity, which includes
19 completion and passage of all pre-license education and
20 examination requirements under the applicable professional
21 licensing Act and rules.

22 (g) An individual is ineligible to apply under this
23 Section if:

24 (1) the individual is disqualified under Section
25 2105-165;

26 (2) the license the individual is seeking is subject

1 to an interstate compact; or

2 (3) the individual seeks a real estate appraiser
3 license.

4 (h) All service members and the spouses of service members
5 who apply under this Section and Section 5-715 who are
6 licensed in another jurisdiction as health care professionals,
7 and who are seeking a health care professional license
8 regulated by the Division and subject to the applicable
9 licensing Acts shall not be denied an initial or renewal
10 license:

11 (1) if the applicant has a prior, current, or pending
12 disciplinary action in another jurisdiction solely based
13 on providing, authorizing, recommending, aiding,
14 assisting, referring for, or otherwise participating in
15 health care services that are not unlawful in this State
16 and consistent with the standards of conduct in Illinois;

17 (2) if the applicant has a prior, current, or pending
18 disciplinary action in another jurisdiction solely based
19 on violating another jurisdiction or state's laws
20 prohibiting the provision of, authorization of,
21 recommendation of, aiding or assisting in, referring for,
22 or participation in any health care service if that
23 service as provided is not unlawful under the laws of this
24 State and is consistent with the standards of conduct in
25 Illinois; or

26 (3) based solely upon the applicant providing,

1 authorizing, recommending, aiding, assisting, referring
2 for, or otherwise participating in health care services
3 that are not unlawful in this State and consistent with
4 the standards of conduct in Illinois.

5 Nothing in this subsection shall be construed as
6 prohibiting the Division from evaluating the applicant's
7 conduct and disciplinary history and making a determination
8 regarding the licensure or authorization to practice.

9 (i) The Department of Financial and Professional
10 Regulation may adopt rules necessary for the implementation
11 and administration of this Section.

12 (Source: P.A. 103-708, eff. 1-1-25; revised 12-1-24.)

13 Section 75. The Illinois Act on the Aging is amended by
14 changing Sections 4.01, 4.02, and 4.04 as follows:

15 (20 ILCS 105/4.01)

16 Sec. 4.01. Additional powers and duties of the Department.
17 In addition to powers and duties otherwise provided by law,
18 the Department shall have the following powers and duties:

19 (1) To evaluate all programs, services, and facilities for
20 the aged and for minority senior citizens within the State and
21 determine the extent to which present public or private
22 programs, services, and facilities meet the needs of the aged.

23 (2) To coordinate and evaluate all programs, services, and
24 facilities for the aging ~~Aging~~ and for minority senior

1 citizens presently furnished by State agencies and make
2 appropriate recommendations regarding such services, programs,
3 and facilities to the Governor and/or the General Assembly.

4 (2-a) To request, receive, and share information
5 electronically through the use of data-sharing agreements for
6 the purpose of (i) establishing and verifying the initial and
7 continuing eligibility of older adults to participate in
8 programs administered by the Department; (ii) maximizing
9 federal financial participation in State assistance
10 expenditures; and (iii) investigating allegations of fraud or
11 other abuse of publicly funded benefits. Notwithstanding any
12 other law to the contrary, but only for the limited purposes
13 identified in the preceding sentence, this paragraph (2-a)
14 expressly authorizes the exchanges of income, identification,
15 and other pertinent eligibility information by and among the
16 Department and the Social Security Administration, the
17 Department of Employment Security, the Department of
18 Healthcare and Family Services, the Department of Human
19 Services, the Department of Revenue, the Secretary of State,
20 the U.S. Department of Veterans Affairs, and any other
21 governmental entity. The confidentiality of information
22 otherwise shall be maintained as required by law. In addition,
23 the Department on Aging shall verify employment information at
24 the request of a community care provider for the purpose of
25 ensuring program integrity under the Community Care Program.

26 (3) To function as the sole State agency to develop a

1 comprehensive plan to meet the needs of the State's senior
2 citizens and the State's minority senior citizens.

3 (4) To receive and disburse State and federal funds made
4 available directly to the Department including those funds
5 made available under the Older Americans Act and the Senior
6 Community Service Employment Program for providing services
7 for senior citizens and minority senior citizens or for
8 purposes related thereto, and shall develop and administer any
9 State Plan for the Aging required by federal law.

10 (5) To solicit, accept, hold, and administer in behalf of
11 the State any grants or legacies of money, securities, or
12 property to the State of Illinois for services to senior
13 citizens and minority senior citizens or purposes related
14 thereto.

15 (6) To provide consultation and assistance to communities,
16 area agencies on aging, and groups developing local services
17 for senior citizens and minority senior citizens.

18 (7) To promote community education regarding the problems
19 of senior citizens and minority senior citizens through
20 institutes, publications, radio, television, and the local
21 press.

22 (8) To cooperate with agencies of the federal government
23 in studies and conferences designed to examine the needs of
24 senior citizens and minority senior citizens and to prepare
25 programs and facilities to meet those needs.

26 (9) To establish and maintain information and referral

1 sources throughout the State when not provided by other
2 agencies.

3 (10) To provide the staff support that may reasonably be
4 required by the Council.

5 (11) To make and enforce rules and regulations necessary
6 and proper to the performance of its duties.

7 (12) To establish and fund programs or projects or
8 experimental facilities that are specially designed as
9 alternatives to institutional care.

10 (13) To develop a training program to train the counselors
11 presently employed by the Department's aging network to
12 provide Medicare beneficiaries with counseling and advocacy in
13 Medicare, private health insurance, and related health care
14 coverage plans.

15 (14) To make a grant to an institution of higher learning
16 to study the feasibility of establishing and implementing an
17 affirmative action employment plan for the recruitment,
18 hiring, training and retraining of persons 60 or more years
19 old for jobs for which their employment would not be precluded
20 by law.

21 (15) To present one award annually in each of the
22 categories of community service, education, the performance
23 and graphic arts, and the labor force to outstanding Illinois
24 senior citizens and minority senior citizens in recognition of
25 their individual contributions to either community service,
26 education, the performance and graphic arts, or the labor

1 force. Nominations shall be solicited from senior citizens'
2 service providers, area agencies on aging, senior citizens'
3 centers, and senior citizens' organizations. If there are no
4 nominations in a category, the Department may award a second
5 person in one of the remaining categories. The Department
6 shall establish a central location within the State to be
7 designated as the Senior Illinoisans Hall of Fame for the
8 public display of all the annual awards, or replicas thereof.

9 (16) To establish multipurpose senior centers through area
10 agencies on aging and to fund those new and existing
11 multipurpose senior centers through area agencies on aging,
12 the establishment and funding to begin in such areas of the
13 State as the Department shall designate by rule and as
14 specifically appropriated funds become available.

15 (17) (Blank).

16 (18) To develop a pamphlet in English and Spanish which
17 may be used by physicians licensed to practice medicine in all
18 of its branches pursuant to the Medical Practice Act of 1987,
19 pharmacists licensed pursuant to the Pharmacy Practice Act,
20 and Illinois residents 65 years of age or older for the purpose
21 of assisting physicians, pharmacists, and patients in
22 monitoring prescriptions provided by various physicians and to
23 aid persons 65 years of age or older in complying with
24 directions for proper use of pharmaceutical prescriptions. The
25 pamphlet may provide space for recording information,
26 including but not limited to the following:

1 (a) name and telephone number of the patient;

2 (b) name and telephone number of the prescribing
3 physician;

4 (c) date of prescription;

5 (d) name of drug prescribed;

6 (e) directions for patient compliance; and

7 (f) name and telephone number of dispensing pharmacy.

8 In developing the pamphlet, the Department shall consult
9 with the Illinois State Medical Society, the Center for
10 Minority Health Services, the Illinois Pharmacists
11 Association, and senior citizens organizations. The Department
12 shall distribute the pamphlets to physicians, pharmacists and
13 persons 65 years of age or older or various senior citizen
14 organizations throughout the State.

15 (19) To conduct a study of the feasibility of implementing
16 the Senior Companion Program throughout the State.

17 (20) The reimbursement rates paid through the community
18 care program for chore housekeeping services and home care
19 aides shall be the same.

20 (21) (Blank).

21 (22) To distribute, through its area agencies on aging,
22 information alerting seniors on safety issues regarding
23 emergency weather conditions, including extreme heat and cold,
24 flooding, tornadoes, electrical storms, and other severe storm
25 weather. The information shall include all necessary
26 instructions for safety and all emergency telephone numbers of

1 organizations that will provide additional information and
2 assistance.

3 (23) To develop guidelines for the organization and
4 implementation of Volunteer Services Credit Programs to be
5 administered by Area Agencies on Aging or community-based
6 ~~community-based~~ senior service organizations. The Department
7 shall hold public hearings on the proposed guidelines for
8 public comment, suggestion, and determination of public
9 interest. The guidelines shall be based on the findings of
10 other states and of community organizations in Illinois that
11 are currently operating volunteer services credit programs or
12 demonstration volunteer services credit programs. The
13 Department shall offer guidelines for all aspects of the
14 programs, including, but not limited to, the following:

15 (a) types of services to be offered by volunteers;

16 (b) types of services to be received upon the
17 redemption of service credits;

18 (c) issues of liability for the volunteers and the
19 administering organizations;

20 (d) methods of tracking service credits earned and
21 service credits redeemed;

22 (e) issues of time limits for redemption of service
23 credits;

24 (f) methods of recruitment of volunteers;

25 (g) utilization of community volunteers, community
26 service groups, and other resources for delivering

1 services to be received by service credit program clients;

2 (h) accountability and assurance that services will be
3 available to individuals who have earned service credits;
4 and

5 (i) volunteer screening and qualifications.

6 (24) To function as the sole State agency to receive and
7 disburse State and federal funds for providing adult
8 protective services in a domestic living situation in
9 accordance with the Adult Protective Services Act.

10 (25) To hold conferences, trainings, and other programs
11 for which the Department shall determine by rule a reasonable
12 fee to cover related administrative costs. Rules to implement
13 the fee authority granted by this paragraph (25) must be
14 adopted in accordance with all provisions of the Illinois
15 Administrative Procedure Act and all rules and procedures of
16 the Joint Committee on Administrative Rules; any purported
17 rule not so adopted, for whatever reason, is unauthorized.

18 (Source: P.A. 103-616, eff. 7-1-24; 103-670, eff. 1-1-25;
19 revised 11-26-24.)

20 (20 ILCS 105/4.02)

21 Sec. 4.02. Community Care Program. The Department shall
22 establish a program of services to prevent unnecessary
23 institutionalization of persons age 60 and older in need of
24 long term care or who are established as persons who suffer
25 from Alzheimer's disease or a related disorder under the

1 Alzheimer's Disease Assistance Act, thereby enabling them to
2 remain in their own homes or in other living arrangements.
3 Such preventive services, which may be coordinated with other
4 programs for the aged, may include, but are not limited to, any
5 or all of the following:

- 6 (a) (blank);
- 7 (b) (blank);
- 8 (c) home care aide services;
- 9 (d) personal assistant services;
- 10 (e) adult day services;
- 11 (f) home-delivered meals;
- 12 (g) education in self-care;
- 13 (h) personal care services;
- 14 (i) adult day health services;
- 15 (j) habilitation services;
- 16 (k) respite care;
- 17 (k-5) community reintegration services;
- 18 (k-6) flexible senior services;
- 19 (k-7) medication management;
- 20 (k-8) emergency home response;
- 21 (l) other nonmedical social services that may enable
22 the person to become self-supporting; or
- 23 (m) (blank).

24 The Department shall establish eligibility standards for
25 such services. In determining the amount and nature of
26 services for which a person may qualify, consideration shall

1 not be given to the value of cash, property, or other assets
2 held in the name of the person's spouse pursuant to a written
3 agreement dividing marital property into equal but separate
4 shares or pursuant to a transfer of the person's interest in a
5 home to his spouse, provided that the spouse's share of the
6 marital property is not made available to the person seeking
7 such services.

8 The Department shall require as a condition of eligibility
9 that all new financially eligible applicants apply for and
10 enroll in medical assistance under Article V of the Illinois
11 Public Aid Code in accordance with rules promulgated by the
12 Department.

13 The Department shall, in conjunction with the Department
14 of Public Aid (now Department of Healthcare and Family
15 Services), seek appropriate amendments under Sections 1915 and
16 1924 of the Social Security Act. The purpose of the amendments
17 shall be to extend eligibility for home and community based
18 services under Sections 1915 and 1924 of the Social Security
19 Act to persons who transfer to or for the benefit of a spouse
20 those amounts of income and resources allowed under Section
21 1924 of the Social Security Act. Subject to the approval of
22 such amendments, the Department shall extend the provisions of
23 Section 5-4 of the Illinois Public Aid Code to persons who, but
24 for the provision of home or community-based services, would
25 require the level of care provided in an institution, as is
26 provided for in federal law. Those persons no longer found to

1 be eligible for receiving noninstitutional services due to
2 changes in the eligibility criteria shall be given 45 days
3 notice prior to actual termination. Those persons receiving
4 notice of termination may contact the Department and request
5 the determination be appealed at any time during the 45 day
6 notice period. The target population identified for the
7 purposes of this Section are persons age 60 and older with an
8 identified service need. Priority shall be given to those who
9 are at imminent risk of institutionalization. The services
10 shall be provided to eligible persons age 60 and older to the
11 extent that the cost of the services together with the other
12 personal maintenance expenses of the persons are reasonably
13 related to the standards established for care in a group
14 facility appropriate to the person's condition. These
15 noninstitutional ~~non-institutional~~ services, pilot projects,
16 or experimental facilities may be provided as part of or in
17 addition to those authorized by federal law or those funded
18 and administered by the Department of Human Services. The
19 Departments of Human Services, Healthcare and Family Services,
20 Public Health, Veterans' Affairs, and Commerce and Economic
21 Opportunity and other appropriate agencies of State, federal,
22 and local governments shall cooperate with the Department on
23 Aging in the establishment and development of the
24 noninstitutional ~~non-institutional~~ services. The Department
25 shall require an annual audit from all personal assistant and
26 home care aide vendors contracting with the Department under

1 this Section. The annual audit shall assure that each audited
2 vendor's procedures are in compliance with Department's
3 financial reporting guidelines requiring an administrative and
4 employee wage and benefits cost split as defined in
5 administrative rules. The audit is a public record under the
6 Freedom of Information Act. The Department shall execute,
7 relative to the nursing home prescreening project, written
8 inter-agency agreements with the Department of Human Services
9 and the Department of Healthcare and Family Services, to
10 effect the following: (1) intake procedures and common
11 eligibility criteria for those persons who are receiving
12 noninstitutional ~~non-institutional~~ services; and (2) the
13 establishment and development of noninstitutional
14 ~~non-institutional~~ services in areas of the State where they
15 are not currently available or are undeveloped. On and after
16 July 1, 1996, all nursing home prescreenings for individuals
17 60 years of age or older shall be conducted by the Department.

18 As part of the Department on Aging's routine training of
19 case managers and case manager supervisors, the Department may
20 include information on family futures planning for persons who
21 are age 60 or older and who are caregivers of their adult
22 children with developmental disabilities. The content of the
23 training shall be at the Department's discretion.

24 The Department is authorized to establish a system of
25 recipient copayment for services provided under this Section,
26 such copayment to be based upon the recipient's ability to pay

1 but in no case to exceed the actual cost of the services
2 provided. Additionally, any portion of a person's income which
3 is equal to or less than the federal poverty standard shall not
4 be considered by the Department in determining the copayment.
5 The level of such copayment shall be adjusted whenever
6 necessary to reflect any change in the officially designated
7 federal poverty standard.

8 The Department, or the Department's authorized
9 representative, may recover the amount of moneys expended for
10 services provided to or in behalf of a person under this
11 Section by a claim against the person's estate or against the
12 estate of the person's surviving spouse, but no recovery may
13 be had until after the death of the surviving spouse, if any,
14 and then only at such time when there is no surviving child who
15 is under age 21 or blind or who has a permanent and total
16 disability. This paragraph, however, shall not bar recovery,
17 at the death of the person, of moneys for services provided to
18 the person or in behalf of the person under this Section to
19 which the person was not entitled; provided that such recovery
20 shall not be enforced against any real estate while it is
21 occupied as a homestead by the surviving spouse or other
22 dependent, if no claims by other creditors have been filed
23 against the estate, or, if such claims have been filed, they
24 remain dormant for failure of prosecution or failure of the
25 claimant to compel administration of the estate for the
26 purpose of payment. This paragraph shall not bar recovery from

1 the estate of a spouse, under Sections 1915 and 1924 of the
2 Social Security Act and Section 5-4 of the Illinois Public Aid
3 Code, who precedes a person receiving services under this
4 Section in death. All moneys for services paid to or in behalf
5 of the person under this Section shall be claimed for recovery
6 from the deceased spouse's estate. "Homestead", as used in
7 this paragraph, means the dwelling house and contiguous real
8 estate occupied by a surviving spouse or relative, as defined
9 by the rules and regulations of the Department of Healthcare
10 and Family Services, regardless of the value of the property.

11 The Department shall increase the effectiveness of the
12 existing Community Care Program by:

13 (1) ensuring that in-home services included in the
14 care plan are available on evenings and weekends;

15 (2) ensuring that care plans contain the services that
16 eligible participants need based on the number of days in
17 a month, not limited to specific blocks of time, as
18 identified by the comprehensive assessment tool selected
19 by the Department for use statewide, not to exceed the
20 total monthly service cost maximum allowed for each
21 service; the Department shall develop administrative rules
22 to implement this item (2);

23 (3) ensuring that the participants have the right to
24 choose the services contained in their care plan and to
25 direct how those services are provided, based on
26 administrative rules established by the Department;

1 (4) (blank);

2 (5) ensuring that homemakers can provide personal care
3 services that may or may not involve contact with clients,
4 including, but not limited to:

5 (A) bathing;

6 (B) grooming;

7 (C) toileting;

8 (D) nail care;

9 (E) transferring;

10 (F) respiratory services;

11 (G) exercise; or

12 (H) positioning;

13 (6) ensuring that homemaker program vendors are not
14 restricted from hiring homemakers who are family members
15 of clients or recommended by clients; the Department may
16 not, by rule or policy, require homemakers who are family
17 members of clients or recommended by clients to accept
18 assignments in homes other than the client;

19 (7) ensuring that the State may access maximum federal
20 matching funds by seeking approval for the Centers for
21 Medicare and Medicaid Services for modifications to the
22 State's home and community based services waiver and
23 additional waiver opportunities, including applying for
24 enrollment in the Balance Incentive Payment Program by May
25 1, 2013, in order to maximize federal matching funds; this
26 shall include, but not be limited to, modification that

1 reflects all changes in the Community Care Program
2 services and all increases in the services cost maximum;

3 (8) ensuring that the determination of need tool
4 accurately reflects the service needs of individuals with
5 Alzheimer's disease and related dementia disorders;

6 (9) ensuring that services are authorized accurately
7 and consistently for the Community Care Program (CCP); the
8 Department shall implement a Service Authorization policy
9 directive; the purpose shall be to ensure that eligibility
10 and services are authorized accurately and consistently in
11 the CCP program; the policy directive shall clarify
12 service authorization guidelines to Care Coordination
13 Units and Community Care Program providers no later than
14 May 1, 2013;

15 (10) working in conjunction with Care Coordination
16 Units, the Department of Healthcare and Family Services,
17 the Department of Human Services, Community Care Program
18 providers, and other stakeholders to make improvements to
19 the Medicaid claiming processes and the Medicaid
20 enrollment procedures or requirements as needed,
21 including, but not limited to, specific policy changes or
22 rules to improve the up-front enrollment of participants
23 in the Medicaid program and specific policy changes or
24 rules to insure more prompt submission of bills to the
25 federal government to secure maximum federal matching
26 dollars as promptly as possible; the Department on Aging

1 shall have at least 3 meetings with stakeholders by
2 January 1, 2014 in order to address these improvements;

3 (11) requiring home care service providers to comply
4 with the rounding of hours worked provisions under the
5 federal Fair Labor Standards Act (FLSA) and as set forth
6 in 29 CFR 785.48(b) by May 1, 2013;

7 (12) implementing any necessary policy changes or
8 promulgating any rules, no later than January 1, 2014, to
9 assist the Department of Healthcare and Family Services in
10 moving as many participants as possible, consistent with
11 federal regulations, into coordinated care plans if a care
12 coordination plan that covers long term care is available
13 in the recipient's area; and

14 (13) (blank).

15 By January 1, 2009 or as soon after the end of the Cash and
16 Counseling Demonstration Project as is practicable, the
17 Department may, based on its evaluation of the demonstration
18 project, promulgate rules concerning personal assistant
19 services, to include, but need not be limited to,
20 qualifications, employment screening, rights under fair labor
21 standards, training, fiduciary agent, and supervision
22 requirements. All applicants shall be subject to the
23 provisions of the Health Care Worker Background Check Act.

24 The Department shall develop procedures to enhance
25 availability of services on evenings, weekends, and on an
26 emergency basis to meet the respite needs of caregivers.

1 Procedures shall be developed to permit the utilization of
2 services in successive blocks of 24 hours up to the monthly
3 maximum established by the Department. Workers providing these
4 services shall be appropriately trained.

5 No ~~September 23, 1991 (Public Act 87-729)~~ person may
6 perform chore/housekeeping and home care aide services under a
7 program authorized by this Section unless that person has been
8 issued a certificate of pre-service to do so by his or her
9 employing agency. Information gathered to effect such
10 certification shall include (i) the person's name, (ii) the
11 date the person was hired by his or her current employer, and
12 (iii) the training, including dates and levels. Persons
13 engaged in the program authorized by this Section before the
14 effective date of this amendatory Act of 1991 shall be issued a
15 certificate of all pre-service and in-service training from
16 his or her employer upon submitting the necessary information.
17 The employing agency shall be required to retain records of
18 all staff pre-service and in-service training, and shall
19 provide such records to the Department upon request and upon
20 termination of the employer's contract with the Department. In
21 addition, the employing agency is responsible for the issuance
22 of certifications of in-service training completed to their
23 employees.

24 The Department is required to develop a system to ensure
25 that persons working as home care aides and personal
26 assistants receive increases in their wages when the federal

1 minimum wage is increased by requiring vendors to certify that
2 they are meeting the federal minimum wage statute for home
3 care aides and personal assistants. An employer that cannot
4 ensure that the minimum wage increase is being given to home
5 care aides and personal assistants shall be denied any
6 increase in reimbursement costs.

7 The Community Care Program Advisory Committee is created
8 in the Department on Aging. The Director shall appoint
9 individuals to serve in the Committee, who shall serve at
10 their own expense. Members of the Committee must abide by all
11 applicable ethics laws. The Committee shall advise the
12 Department on issues related to the Department's program of
13 services to prevent unnecessary institutionalization. The
14 Committee shall meet on a bi-monthly basis and shall serve to
15 identify and advise the Department on present and potential
16 issues affecting the service delivery network, the program's
17 clients, and the Department and to recommend solution
18 strategies. Persons appointed to the Committee shall be
19 appointed on, but not limited to, their own and their agency's
20 experience with the program, geographic representation, and
21 willingness to serve. The Director shall appoint members to
22 the Committee to represent provider, advocacy, policy
23 research, and other constituencies committed to the delivery
24 of high quality home and community-based services to older
25 adults. Representatives shall be appointed to ensure
26 representation from community care providers, including, but

1 not limited to, adult day service providers, homemaker
2 providers, case coordination and case management units,
3 emergency home response providers, statewide trade or labor
4 unions that represent home care aides and direct care staff,
5 area agencies on aging, adults over age 60, membership
6 organizations representing older adults, and other
7 organizational entities, providers of care, or individuals
8 with demonstrated interest and expertise in the field of home
9 and community care as determined by the Director.

10 Nominations may be presented from any agency or State
11 association with interest in the program. The Director, or his
12 or her designee, shall serve as the permanent co-chair of the
13 advisory committee. One other co-chair shall be nominated and
14 approved by the members of the committee on an annual basis.
15 Committee members' terms of appointment shall be for 4 years
16 with one-quarter of the appointees' terms expiring each year.
17 A member shall continue to serve until his or her replacement
18 is named. The Department shall fill vacancies that have a
19 remaining term of over one year, and this replacement shall
20 occur through the annual replacement of expiring terms. The
21 Director shall designate Department staff to provide technical
22 assistance and staff support to the committee. Department
23 representation shall not constitute membership of the
24 committee. All Committee papers, issues, recommendations,
25 reports, and meeting memoranda are advisory only. The
26 Director, or his or her designee, shall make a written report,

1 as requested by the Committee, regarding issues before the
2 Committee.

3 The Department on Aging and the Department of Human
4 Services shall cooperate in the development and submission of
5 an annual report on programs and services provided under this
6 Section. Such joint report shall be filed with the Governor
7 and the General Assembly on or before March 31 of the following
8 fiscal year.

9 The requirement for reporting to the General Assembly
10 shall be satisfied by filing copies of the report as required
11 by Section 3.1 of the General Assembly Organization Act and
12 filing such additional copies with the State Government Report
13 Distribution Center for the General Assembly as is required
14 under paragraph (t) of Section 7 of the State Library Act.

15 Those persons previously found eligible for receiving
16 noninstitutional ~~non-institutional~~ services whose services
17 were discontinued under the Emergency Budget Act of Fiscal
18 Year 1992, and who do not meet the eligibility standards in
19 effect on or after July 1, 1992, shall remain ineligible on and
20 after July 1, 1992. Those persons previously not required to
21 cost-share and who were required to cost-share effective March
22 1, 1992, shall continue to meet cost-share requirements on and
23 after July 1, 1992. Beginning July 1, 1992, all clients will be
24 required to meet eligibility, cost-share, and other
25 requirements and will have services discontinued or altered
26 when they fail to meet these requirements.

1 For the purposes of this Section, "flexible senior
2 services" refers to services that require one-time or periodic
3 expenditures, including, but not limited to, respite care,
4 home modification, assistive technology, housing assistance,
5 and transportation.

6 The Department shall implement an electronic service
7 verification based on global positioning systems or other
8 cost-effective technology for the Community Care Program no
9 later than January 1, 2014.

10 The Department shall require, as a condition of
11 eligibility, application for the medical assistance program
12 under Article V of the Illinois Public Aid Code.

13 The Department may authorize Community Care Program
14 services until an applicant is determined eligible for medical
15 assistance under Article V of the Illinois Public Aid Code.

16 The Department shall continue to provide Community Care
17 Program reports as required by statute, which shall include an
18 annual report on Care Coordination Unit performance and
19 adherence to service guidelines and a 6-month supplemental
20 report.

21 In regard to community care providers, failure to comply
22 with Department on Aging policies shall be cause for
23 disciplinary action, including, but not limited to,
24 disqualification from serving Community Care Program clients.
25 Each provider, upon submission of any bill or invoice to the
26 Department for payment for services rendered, shall include a

1 notarized statement, under penalty of perjury pursuant to
2 Section 1-109 of the Code of Civil Procedure, that the
3 provider has complied with all Department policies.

4 The Director of the Department on Aging shall make
5 information available to the State Board of Elections as may
6 be required by an agreement the State Board of Elections has
7 entered into with a multi-state voter registration list
8 maintenance system.

9 The Department shall pay an enhanced rate of at least
10 \$1.77 per unit under the Community Care Program to those
11 in-home service provider agencies that offer health insurance
12 coverage as a benefit to their direct service worker employees
13 pursuant to rules adopted by the Department. The Department
14 shall review the enhanced rate as part of its process to rebase
15 in-home service provider reimbursement rates pursuant to
16 federal waiver requirements. Subject to federal approval,
17 beginning on January 1, 2024, rates for adult day services
18 shall be increased to \$16.84 per hour and rates for each way
19 transportation services for adult day services shall be
20 increased to \$12.44 per unit transportation.

21 Subject to federal approval, on and after January 1, 2024,
22 rates for homemaker services shall be increased to \$28.07 to
23 sustain a minimum wage of \$17 per hour for direct service
24 workers. Rates in subsequent State fiscal years shall be no
25 lower than the rates put into effect upon federal approval.
26 Providers of in-home services shall be required to certify to

1 the Department that they remain in compliance with the
2 mandated wage increase for direct service workers. Fringe
3 benefits, including, but not limited to, paid time off and
4 payment for training, health insurance, travel, or
5 transportation, shall not be reduced in relation to the rate
6 increases described in this paragraph.

7 Subject to and upon federal approval, on and after January
8 1, 2025, rates for homemaker services shall be increased to
9 \$29.63 to sustain a minimum wage of \$18 per hour for direct
10 service workers. Rates in subsequent State fiscal years shall
11 be no lower than the rates put into effect upon federal
12 approval. Providers of in-home services shall be required to
13 certify to the Department that they remain in compliance with
14 the mandated wage increase for direct service workers. Fringe
15 benefits, including, but not limited to, paid time off and
16 payment for training, health insurance, travel, or
17 transportation, shall not be reduced in relation to the rate
18 increases described in this paragraph.

19 The General Assembly finds it necessary to authorize an
20 aggressive Medicaid enrollment initiative designed to maximize
21 federal Medicaid funding for the Community Care Program which
22 produces significant savings for the State of Illinois. The
23 Department on Aging shall establish and implement a Community
24 Care Program Medicaid Initiative. Under the Initiative, the
25 Department on Aging shall, at a minimum: (i) provide an
26 enhanced rate to adequately compensate care coordination units

1 to enroll eligible Community Care Program clients into
2 Medicaid; (ii) use recommendations from a stakeholder
3 committee on how best to implement the Initiative; and (iii)
4 establish requirements for State agencies to make enrollment
5 in the State's Medical Assistance program easier for seniors.

6 The Community Care Program Medicaid Enrollment Oversight
7 Subcommittee is created as a subcommittee of the Older Adult
8 Services Advisory Committee established in Section 35 of the
9 Older Adult Services Act to make recommendations on how best
10 to increase the number of medical assistance recipients who
11 are enrolled in the Community Care Program. The Subcommittee
12 shall consist of all of the following persons who must be
13 appointed within 30 days after June 4, 2018 (the effective
14 date of Public Act 100-587):

15 (1) The Director of Aging, or his or her designee, who
16 shall serve as the chairperson of the Subcommittee.

17 (2) One representative of the Department of Healthcare
18 and Family Services, appointed by the Director of
19 Healthcare and Family Services.

20 (3) One representative of the Department of Human
21 Services, appointed by the Secretary of Human Services.

22 (4) One individual representing a care coordination
23 unit, appointed by the Director of Aging.

24 (5) One individual from a non-governmental statewide
25 organization that advocates for seniors, appointed by the
26 Director of Aging.

1 (6) One individual representing Area Agencies on
2 Aging, appointed by the Director of Aging.

3 (7) One individual from a statewide association
4 dedicated to Alzheimer's care, support, and research,
5 appointed by the Director of Aging.

6 (8) One individual from an organization that employs
7 persons who provide services under the Community Care
8 Program, appointed by the Director of Aging.

9 (9) One member of a trade or labor union representing
10 persons who provide services under the Community Care
11 Program, appointed by the Director of Aging.

12 (10) One member of the Senate, who shall serve as
13 co-chairperson, appointed by the President of the Senate.

14 (11) One member of the Senate, who shall serve as
15 co-chairperson, appointed by the Minority Leader of the
16 Senate.

17 (12) One member of the House of Representatives, who
18 shall serve as co-chairperson, appointed by the Speaker of
19 the House of Representatives.

20 (13) One member of the House of Representatives, who
21 shall serve as co-chairperson, appointed by the Minority
22 Leader of the House of Representatives.

23 (14) One individual appointed by a labor organization
24 representing frontline employees at the Department of
25 Human Services.

26 The Subcommittee shall provide oversight to the Community

1 Care Program Medicaid Initiative and shall meet quarterly. At
2 each Subcommittee meeting the Department on Aging shall
3 provide the following data sets to the Subcommittee: (A) the
4 number of Illinois residents, categorized by planning and
5 service area, who are receiving services under the Community
6 Care Program and are enrolled in the State's Medical
7 Assistance Program; (B) the number of Illinois residents,
8 categorized by planning and service area, who are receiving
9 services under the Community Care Program, but are not
10 enrolled in the State's Medical Assistance Program; and (C)
11 the number of Illinois residents, categorized by planning and
12 service area, who are receiving services under the Community
13 Care Program and are eligible for benefits under the State's
14 Medical Assistance Program, but are not enrolled in the
15 State's Medical Assistance Program. In addition to this data,
16 the Department on Aging shall provide the Subcommittee with
17 plans on how the Department on Aging will reduce the number of
18 Illinois residents who are not enrolled in the State's Medical
19 Assistance Program but who are eligible for medical assistance
20 benefits. The Department on Aging shall enroll in the State's
21 Medical Assistance Program those Illinois residents who
22 receive services under the Community Care Program and are
23 eligible for medical assistance benefits but are not enrolled
24 in the State's Medicaid Assistance Program. The data provided
25 to the Subcommittee shall be made available to the public via
26 the Department on Aging's website.

1 The Department on Aging, with the involvement of the
2 Subcommittee, shall collaborate with the Department of Human
3 Services and the Department of Healthcare and Family Services
4 on how best to achieve the responsibilities of the Community
5 Care Program Medicaid Initiative.

6 The Department on Aging, the Department of Human Services,
7 and the Department of Healthcare and Family Services shall
8 coordinate and implement a streamlined process for seniors to
9 access benefits under the State's Medical Assistance Program.

10 The Subcommittee shall collaborate with the Department of
11 Human Services on the adoption of a uniform application
12 submission process. The Department of Human Services and any
13 other State agency involved with processing the medical
14 assistance application of any person enrolled in the Community
15 Care Program shall include the appropriate care coordination
16 unit in all communications related to the determination or
17 status of the application.

18 The Community Care Program Medicaid Initiative shall
19 provide targeted funding to care coordination units to help
20 seniors complete their applications for medical assistance
21 benefits. On and after July 1, 2019, care coordination units
22 shall receive no less than \$200 per completed application,
23 which rate may be included in a bundled rate for initial intake
24 services when Medicaid application assistance is provided in
25 conjunction with the initial intake process for new program
26 participants.

1 The Community Care Program Medicaid Initiative shall cease
2 operation 5 years after June 4, 2018 (the effective date of
3 Public Act 100-587), after which the Subcommittee shall
4 dissolve.

5 Effective July 1, 2023, subject to federal approval, the
6 Department on Aging shall reimburse Care Coordination Units at
7 the following rates for case management services: \$252.40 for
8 each initial assessment; \$366.40 for each initial assessment
9 with translation; \$229.68 for each redetermination assessment;
10 \$313.68 for each redetermination assessment with translation;
11 \$200.00 for each completed application for medical assistance
12 benefits; \$132.26 for each face-to-face, choices-for-care
13 screening; \$168.26 for each face-to-face, choices-for-care
14 screening with translation; \$124.56 for each 6-month,
15 face-to-face visit; \$132.00 for each MCO participant
16 eligibility determination; and \$157.00 for each MCO
17 participant eligibility determination with translation.

18 (Source: P.A. 102-1071, eff. 6-10-22; 103-8, eff. 6-7-23;
19 103-102, Article 45, Section 45-5, eff. 1-1-24; 103-102,
20 Article 85, Section 85-5, eff. 1-1-24; 103-102, Article 90,
21 Section 90-5, eff. 1-1-24; 103-588, eff. 6-5-24; 103-605, eff.
22 7-1-24; 103-670, eff. 1-1-25; revised 11-26-24.)

23 (20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

24 Sec. 4.04. Long Term Care Ombudsman Program. The purpose
25 of the Long Term Care Ombudsman Program is to ensure that older

1 persons and persons with disabilities receive quality
2 services. This is accomplished by providing advocacy services
3 for residents of long term care facilities and participants
4 receiving home care and community-based care. Managed care is
5 increasingly becoming the vehicle for delivering health and
6 long-term services and supports to seniors and persons with
7 disabilities, including dual eligible participants. The
8 additional ombudsman authority will allow advocacy services to
9 be provided to Illinois participants for the first time and
10 will produce a cost savings for the State of Illinois by
11 supporting the rebalancing efforts of the Patient Protection
12 and Affordable Care Act.

13 (a) Long Term Care Ombudsman Program. The Department shall
14 establish a Long Term Care Ombudsman Program, through the
15 Office of State Long Term Care Ombudsman ("the Office"), in
16 accordance with the provisions of the Older Americans Act of
17 1965, as now or hereafter amended. The Long Term Care
18 Ombudsman Program is authorized, subject to sufficient
19 appropriations, to advocate on behalf of older persons and
20 persons with disabilities residing in their own homes or
21 community-based settings, relating to matters which may
22 adversely affect the health, safety, welfare, or rights of
23 such individuals.

24 (b) Definitions. As used in this Section, unless the
25 context requires otherwise:

26 (1) "Access" means the right to:

1 (i) Enter any long term care facility or assisted
2 living or shared housing establishment or supportive
3 living facility;

4 (ii) Communicate privately and without restriction
5 with any resident, regardless of age, who consents to
6 the communication;

7 (iii) Seek consent to communicate privately and
8 without restriction with any participant or resident,
9 regardless of age;

10 (iv) Inspect and copy the clinical and other
11 records of a participant or resident, regardless of
12 age, with the express written consent of the
13 participant or resident, or if consent is given
14 orally, visually, or through the use of auxiliary aids
15 and services, such consent is documented
16 contemporaneously by a representative of the Office in
17 accordance with such procedures;

18 (v) Observe all areas of the long term care
19 facility or supportive living facilities, assisted
20 living or shared housing establishment except the
21 living area of any resident who protests the
22 observation; and

23 (vi) Subject to permission of the participant or
24 resident requesting services or his or her
25 representative, enter a home or community-based
26 setting.

1 (2) "Long Term Care Facility" means (i) any facility
2 as defined by Section 1-113 of the Nursing Home Care Act,
3 as now or hereafter amended; (ii) any skilled nursing
4 facility or a nursing facility which meets the
5 requirements of Section 1819(a), (b), (c), and (d) or
6 Section 1919(a), (b), (c), and (d) of the Social Security
7 Act, as now or hereafter amended (42 U.S.C. 1395i-3(a),
8 (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and
9 (d)); (iii) any facility as defined by Section 1-113 of
10 the ID/DD Community Care Act, as now or hereafter amended;
11 (iv) any facility as defined by Section 1-113 of MC/DD
12 Act, as now or hereafter amended; and (v) any facility
13 licensed under Section 4-105 or 4-201 of the Specialized
14 Mental Health Rehabilitation Act of 2013, as now or
15 hereafter amended.

16 (2.5) "Assisted living establishment" and "shared
17 housing establishment" have the meanings given those terms
18 in Section 10 of the Assisted Living and Shared Housing
19 Act.

20 (2.7) "Supportive living facility" means a facility
21 established under Section 5-5.01a of the Illinois Public
22 Aid Code.

23 (2.8) "Community-based setting" means any place of
24 abode other than an individual's private home.

25 (3) "State Long Term Care Ombudsman" means any person
26 employed by the Department to fulfill the requirements of

1 the Office of State Long Term Care Ombudsman as required
2 under the Older Americans Act of 1965, as now or hereafter
3 amended, and Departmental policy.

4 (3.1) "Ombudsman" means any designated representative
5 of the State Long Term Care Ombudsman Program; provided
6 that the representative, whether he is paid for or
7 volunteers his ombudsman services, shall be qualified and
8 designated by the Office to perform the duties of an
9 ombudsman as specified by the Department in rules and in
10 accordance with the provisions of the Older Americans Act
11 of 1965, as now or hereafter amended.

12 (4) "Participant" means an older person aged 60 or
13 over or an adult with a disability aged 18 through 59 who
14 is eligible for services under any of the following:

15 (i) A medical assistance waiver administered by
16 the State.

17 (ii) A managed care organization providing care
18 coordination and other services to seniors and persons
19 with disabilities.

20 (5) "Resident" means an older person aged 60 or over
21 or an adult with a disability aged 18 through 59 who
22 resides in a long-term care facility.

23 (c) Ombudsman; rules. The Office of State Long Term Care
24 Ombudsman shall be composed of at least one full-time
25 ombudsman and shall include a system of designated regional
26 long term care ombudsman programs. Each regional program shall

1 be designated by the State Long Term Care Ombudsman as a
2 subdivision of the Office and any representative of a regional
3 program shall be treated as a representative of the Office.

4 The Department, in consultation with the Office, shall
5 promulgate administrative rules in accordance with the
6 provisions of the Older Americans Act of 1965, as now or
7 hereafter amended, to establish the responsibilities of the
8 Department and the Office of State Long Term Care Ombudsman
9 and the designated regional Ombudsman programs. The
10 administrative rules shall include the responsibility of the
11 Office and designated regional programs to investigate and
12 resolve complaints made by or on behalf of residents of long
13 term care facilities, supportive living facilities, and
14 assisted living and shared housing establishments, and
15 participants residing in their own homes or community-based
16 settings, including the option to serve residents and
17 participants under the age of 60, relating to actions,
18 inaction, or decisions of providers, or their representatives,
19 of such facilities and establishments, of public agencies, or
20 of social services agencies, which may adversely affect the
21 health, safety, welfare, or rights of such residents and
22 participants. The Office and designated regional programs may
23 represent all residents and participants, but are not required
24 by this Act to represent persons under 60 years of age, except
25 to the extent required by federal law. When necessary and
26 appropriate, representatives of the Office shall refer

1 complaints to the appropriate regulatory State agency. The
2 Department, in consultation with the Office, shall cooperate
3 with the Department of Human Services and other State agencies
4 in providing information and training to designated regional
5 long term care ombudsman programs about the appropriate
6 assessment and treatment (including information about
7 appropriate supportive services, treatment options, and
8 assessment of rehabilitation potential) of the participants
9 they serve.

10 The State Long Term Care Ombudsman and all other
11 ombudsmen, as defined in paragraph (3.1) of subsection (b)
12 must submit to background checks under the Health Care Worker
13 Background Check Act and receive training, as prescribed by
14 the Illinois Department on Aging, before visiting facilities,
15 private homes, or community-based settings. The training must
16 include information specific to assisted living
17 establishments, supportive living facilities, shared housing
18 establishments, private homes, and community-based settings
19 and to the rights of residents and participants guaranteed
20 under the corresponding Acts and administrative rules.

21 (c-5) Consumer Choice Information Reports. The Office
22 shall:

23 (1) In collaboration with the Attorney General, create
24 a Consumer Choice Information Report form to be completed
25 by all licensed long term care facilities to aid
26 Illinoisans and their families in making informed choices

1 about long term care. The Office shall create a Consumer
2 Choice Information Report for each type of licensed long
3 term care facility. The Office shall collaborate with the
4 Attorney General and the Department of Human Services to
5 create a Consumer Choice Information Report form for
6 facilities licensed under the ID/DD Community Care Act or
7 the MC/DD Act.

8 (2) Develop a database of Consumer Choice Information
9 Reports completed by licensed long term care facilities
10 that includes information in the following consumer
11 categories:

12 (A) Medical Care, Services, and Treatment.

13 (B) Special Services and Amenities.

14 (C) Staffing.

15 (D) Facility Statistics and Resident Demographics.

16 (E) Ownership and Administration.

17 (F) Safety and Security.

18 (G) Meals and Nutrition.

19 (H) Rooms, Furnishings, and Equipment.

20 (I) Family, Volunteer, and Visitation Provisions.

21 (3) Make this information accessible to the public,
22 including on the Internet by means of a hyperlink on the
23 Office's World Wide Web home page. Information about
24 facilities licensed under the ID/DD Community Care Act or
25 the MC/DD Act shall be made accessible to the public by the
26 Department of Human Services, including on the Internet by

1 means of a hyperlink on the Department of Human Services'
2 "For Customers" website.

3 (4) Have the authority, with the Attorney General, to
4 verify that information provided by a facility is
5 accurate.

6 (5) Request a new report from any licensed facility
7 whenever it deems necessary.

8 (6) Include in the Office's Consumer Choice
9 Information Report for each type of licensed long term
10 care facility additional information on each licensed long
11 term care facility in the State of Illinois, including
12 information regarding each facility's compliance with the
13 relevant State and federal statutes, rules, and standards;
14 customer satisfaction surveys; and information generated
15 from quality measures developed by the Centers for
16 Medicare and Medicaid Services.

17 (d) Access and visitation rights.

18 (1) In accordance with subparagraphs (A) and (E) of
19 paragraph (3) of subsection (c) of Section 1819 and
20 subparagraphs (A) and (E) of paragraph (3) of subsection
21 (c) of Section 1919 of the Social Security Act, as now or
22 hereafter amended (42 U.S.C. 1395i-3 (c) (3) (A) and (E) and
23 42 U.S.C. 1396r (c) (3) (A) and (E)), and Section 712 of the
24 Older Americans Act of 1965, as now or hereafter amended
25 (42 U.S.C. 3058f), a long term care facility, supportive
26 living facility, assisted living establishment, and shared

1 housing establishment must:

2 (i) permit immediate access to any resident,
3 regardless of age, by a designated ombudsman;

4 (ii) permit representatives of the Office, with
5 the permission of the resident, the resident's legal
6 representative, or the resident's legal guardian, to
7 examine and copy a resident's clinical and other
8 records, including facility reports of incidents or
9 occurrences made to State agencies, regardless of the
10 age of the resident, and if a resident is unable to
11 consent to such review, and has no legal guardian,
12 permit representatives of the Office appropriate
13 access, as defined by the Department, in consultation
14 with the Office, in administrative rules, to the
15 resident's records; and

16 (iii) permit a representative of the Program to
17 communicate privately and without restriction with any
18 participant who consents to the communication
19 regardless of the consent of, or withholding of
20 consent by, a legal guardian or an agent named in a
21 power of attorney executed by the participant.

22 (2) Each long term care facility, supportive living
23 facility, assisted living establishment, and shared
24 housing establishment shall display, in multiple,
25 conspicuous public places within the facility accessible
26 to both visitors and residents and in an easily readable

1 format, the address and phone number of the Office of the
2 Long Term Care Ombudsman, in a manner prescribed by the
3 Office.

4 (e) Immunity. An ombudsman or any representative of the
5 Office participating in the good faith performance of his or
6 her official duties shall have immunity from any liability
7 (civil, criminal or otherwise) in any proceedings (civil,
8 criminal or otherwise) brought as a consequence of the
9 performance of his official duties.

10 (f) Business offenses.

11 (1) No person shall:

12 (i) Intentionally prevent, interfere with, or
13 attempt to impede in any way any representative of the
14 Office in the performance of his official duties under
15 this Act and the Older Americans Act of 1965; or

16 (ii) Intentionally retaliate, discriminate
17 against, or effect reprisals against any long term
18 care facility resident or employee for contacting or
19 providing information to any representative of the
20 Office.

21 (2) A violation of this Section is a business offense,
22 punishable by a fine not to exceed \$501.

23 (3) The State Long Term Care Ombudsman shall notify
24 the State's Attorney of the county in which the long term
25 care facility, supportive living facility, or assisted
26 living or shared housing establishment is located, or the

1 Attorney General, of any violations of this Section.

2 (g) Confidentiality of records and identities. All records
3 containing resident, participant, and complainant information
4 collected by the Long Term Care Ombudsman Program are
5 confidential and shall not be disclosed outside of the program
6 without a lawful subpoena or the permission of the State
7 Ombudsman. The State Ombudsman, at his or her discretion, may
8 disclose resident or participant information if it is in the
9 best interest of the resident or participant. The Department
10 shall establish procedures for the disclosure of program
11 records by the State Ombudsman. The procedures shall prohibit
12 the disclosure of the identity of any complainant, resident,
13 participant, witness, or employee of a long term care provider
14 in case records unless:

15 (1) the complainant, resident, participant, witness,
16 or employee of a long term care provider or his or her
17 legal representative consents to the disclosure and the
18 consent is in writing;

19 (2) the complainant, resident, participant, witness,
20 or employee of a long term care provider or the resident or
21 participant's legal representative gives consent orally;
22 and the consent is documented contemporaneously in writing
23 in accordance with such requirements as the Department
24 shall establish; or

25 (3) the disclosure is required by court order.

26 (h) Legal representation. The Attorney General shall

1 provide legal representation to any representative of the
2 Office against whom suit or other legal action is brought in
3 connection with the performance of the representative's
4 official duties, in accordance with the State Employee
5 Indemnification Act.

6 (i) Treatment by prayer and spiritual means. Nothing in
7 this Act shall be construed to authorize or require the
8 medical supervision, regulation or control of remedial care or
9 treatment of any resident in a long term care facility
10 operated exclusively by and for members or adherents of any
11 church or religious denomination the tenets and practices of
12 which include reliance solely upon spiritual means through
13 prayer for healing.

14 (j) The Long Term Care Ombudsman Fund is created as a
15 special fund in the State treasury to receive moneys for the
16 express purposes of this Section. All interest earned on
17 moneys in the fund shall be credited to the fund. Moneys
18 contained in the fund shall be used to support the purposes of
19 this Section.

20 (k) Each Regional Ombudsman may, in accordance with rules
21 promulgated by the Office, establish a multi-disciplinary team
22 to act in an advisory role for the purpose of providing
23 professional knowledge and expertise in handling complex
24 abuse, neglect, and advocacy issues involving participants.
25 Each multi-disciplinary team may consist of one or more
26 volunteer representatives from any combination of at least 7

1 members from the following professions: banking or finance;
2 disability care; health care; pharmacology; law; law
3 enforcement; emergency responder; mental health care; clergy;
4 coroner or medical examiner; substance abuse; domestic
5 violence; sexual assault; or other related fields. To support
6 multi-disciplinary teams in this role, law enforcement
7 agencies and coroners or medical examiners shall supply
8 records as may be requested in particular cases. The Regional
9 Ombudsman, or his or her designee, of the area in which the
10 multi-disciplinary team is created shall be the facilitator of
11 the multi-disciplinary team.

12 (Source: P.A. 102-1033, eff. 1-1-23; 103-329, eff. 1-1-24;
13 103-762, eff. 1-1-25; 103-767, eff. 1-1-25; revised 11-26-24.)

14 Section 80. The Substance Use Disorder Act is amended by
15 changing Section 5-23 as follows:

16 (20 ILCS 301/5-23)

17 Sec. 5-23. Drug Overdose Prevention Program.

18 (a) Reports.

19 (1) The Department may publish annually a report on
20 drug overdose trends statewide that reviews State death
21 rates from available data to ascertain changes in the
22 causes or rates of fatal and nonfatal drug overdose. The
23 report shall also provide information on interventions
24 that would be effective in reducing the rate of fatal or

1 nonfatal drug overdose and on the current substance use
2 disorder treatment capacity within the State. The report
3 shall include an analysis of drug overdose information
4 reported to the Department of Public Health pursuant to
5 subsection (e) of Section 3-3013 of the Counties Code,
6 Section 6.14g of the Hospital Licensing Act, and
7 subsection (j) of Section 22-30 of the School Code.

8 (2) The report may include:

9 (A) Trends in drug overdose death rates.

10 (B) Trends in emergency room utilization related
11 to drug overdose and the cost impact of emergency room
12 utilization.

13 (C) Trends in utilization of pre-hospital and
14 emergency services and the cost impact of emergency
15 services utilization.

16 (D) Suggested improvements in data collection.

17 (E) A description of other interventions effective
18 in reducing the rate of fatal or nonfatal drug
19 overdose.

20 (F) A description of efforts undertaken to educate
21 the public about unused medication and about how to
22 properly dispose of unused medication, including the
23 number of registered collection receptacles in this
24 State, mail-back programs, and drug take-back events.

25 (G) An inventory of the State's substance use
26 disorder treatment capacity, including, but not

1 limited to:

2 (i) The number and type of licensed treatment
3 programs in each geographic area of the State.

4 (ii) The availability of medication-assisted
5 treatment at each licensed program and which types
6 of medication-assisted treatment are available.

7 (iii) The number of recovery homes that accept
8 individuals using medication-assisted treatment in
9 their recovery.

10 (iv) The number of medical professionals
11 currently authorized to prescribe buprenorphine
12 and the number of individuals who fill
13 prescriptions for that medication at retail
14 pharmacies as prescribed.

15 (v) Any partnerships between programs licensed
16 by the Department and other providers of
17 medication-assisted treatment.

18 (vi) Any challenges in providing
19 medication-assisted treatment reported by programs
20 licensed by the Department and any potential
21 solutions.

22 (b) Programs; drug overdose prevention.

23 (1) The Department may establish a program to provide
24 for the production and publication, in electronic and
25 other formats, of drug overdose prevention, recognition,
26 and response literature. The Department may develop and

1 disseminate curricula for use by professionals,
2 organizations, individuals, or committees interested in
3 the prevention of fatal and nonfatal drug overdose,
4 including, but not limited to, drug users, jail and prison
5 personnel, jail and prison inmates, drug treatment
6 professionals, emergency medical personnel, hospital
7 staff, families and associates of drug users, peace
8 officers, firefighters, public safety officers, needle
9 exchange program staff, and other persons. In addition to
10 information regarding drug overdose prevention,
11 recognition, and response, literature produced by the
12 Department shall stress that drug use remains illegal and
13 highly dangerous and that complete abstinence from illegal
14 drug use is the healthiest choice. The literature shall
15 provide information and resources for substance use
16 disorder treatment.

17 The Department may establish or authorize programs for
18 prescribing, dispensing, or distributing opioid
19 antagonists for the treatment of drug overdose and for
20 dispensing and distributing fentanyl test strips to
21 further promote harm reduction efforts and prevent an
22 overdose. Such programs may include the prescribing of
23 opioid antagonists for the treatment of drug overdose to a
24 person who is not at risk of opioid overdose but who, in
25 the judgment of the health care professional, may be in a
26 position to assist another individual during an

1 opioid-related drug overdose and who has received basic
2 instruction on how to administer an opioid antagonist.

3 (2) The Department may provide advice to State and
4 local officials on the growing drug overdose crisis,
5 including the prevalence of drug overdose incidents,
6 programs promoting the disposal of unused prescription
7 drugs, trends in drug overdose incidents, and solutions to
8 the drug overdose crisis.

9 (3) The Department may support drug overdose
10 prevention, recognition, and response projects by
11 facilitating the acquisition of opioid antagonist
12 medication approved for opioid overdose reversal,
13 facilitating the acquisition of opioid antagonist
14 medication approved for opioid overdose reversal,
15 providing trainings in overdose prevention best practices,
16 facilitating the acquisition of fentanyl test strips to
17 test for the presence of fentanyl, a fentanyl analog, or a
18 drug adulterant within a controlled substance, connecting
19 programs to medical resources, establishing a statewide
20 standing order for the acquisition of needed medication,
21 establishing learning collaboratives between localities
22 and programs, and assisting programs in navigating any
23 regulatory requirements for establishing or expanding such
24 programs.

25 (4) In supporting best practices in drug overdose
26 prevention programming, the Department may promote the

1 following programmatic elements:

2 (A) Training individuals who currently use drugs
3 in the administration of opioid antagonists approved
4 for the reversal of an opioid overdose and in the use
5 of fentanyl test strips to test for the presence of
6 fentanyl, a fentanyl analog, or a drug adulterant
7 within a controlled substance.

8 (B) Directly distributing opioid antagonists
9 approved for the reversal of an opioid overdose rather
10 than providing prescriptions to be filled at a
11 pharmacy.

12 (B-1) Directly distributing fentanyl test strips
13 to test for the presence of fentanyl, a fentanyl
14 analog, or a drug adulterant within a controlled
15 substance.

16 (C) Conducting street and community outreach to
17 work directly with individuals who are using drugs.

18 (D) Employing community health workers or peer
19 recovery specialists who are familiar with the
20 communities served and can provide culturally
21 competent services.

22 (E) Collaborating with other community-based
23 organizations, substance use disorder treatment
24 centers, or other health care providers engaged in
25 treating individuals who are using drugs.

26 (F) Providing linkages for individuals to obtain

1 evidence-based substance use disorder treatment.

2 (G) Engaging individuals exiting jails or prisons
3 who are at a high risk of overdose.

4 (H) Providing education and training to
5 community-based organizations who work directly with
6 individuals who are using drugs and those individuals'
7 families and communities.

8 (I) Providing education and training on drug
9 overdose prevention and response to emergency
10 personnel and law enforcement.

11 (J) Informing communities of the important role
12 emergency personnel play in responding to accidental
13 overdose.

14 (K) Producing and distributing targeted mass media
15 materials on drug overdose prevention and response,
16 the potential dangers of leaving unused prescription
17 drugs in the home, and the proper methods for
18 disposing of unused prescription drugs.

19 (c) Grants.

20 (1) The Department may award grants, in accordance
21 with this subsection, to create or support local drug
22 overdose prevention, recognition, and response projects.
23 Local health departments, correctional institutions,
24 hospitals, universities, community-based organizations,
25 and faith-based organizations may apply to the Department
26 for a grant under this subsection at the time and in the

1 manner the Department prescribes. Eligible grant
2 activities include, but are not limited to, purchasing and
3 distributing opioid antagonists and fentanyl test strips,
4 hiring peer recovery specialists or other community
5 members to conduct community outreach, and hosting public
6 health fairs or events to distribute opioid antagonists
7 and fentanyl test strips, promote harm reduction
8 activities, and provide linkages to community partners.

9 (2) In awarding grants, the Department shall consider
10 the overall rate of opioid overdose, the rate of increase
11 in opioid overdose, and racial disparities in opioid
12 overdose experienced by the communities to be served by
13 grantees. The Department shall encourage all grant
14 applicants to develop interventions that will be effective
15 and viable in their local areas.

16 (3) (Blank).

17 (3.5) Any hospital licensed under the Hospital
18 Licensing Act or organized under the University of
19 Illinois Hospital Act shall be deemed to have met the
20 standards and requirements set forth in this Section to
21 enroll in the drug overdose prevention program upon
22 completion of the enrollment process except that proof of
23 a standing order and attestation of programmatic
24 requirements shall be waived for enrollment purposes.
25 Reporting mandated by enrollment shall be necessary to
26 carry out or attain eligibility for associated resources

1 under this Section for drug overdose prevention projects
2 operated on the licensed premises of the hospital and
3 operated by the hospital or its designated agent. The
4 Department shall streamline hospital enrollment for drug
5 overdose prevention programs by accepting such deemed
6 status under this Section in order to reduce barriers to
7 hospital participation in drug overdose prevention,
8 recognition, or response projects. Subject to
9 appropriation, any hospital under this paragraph and any
10 other organization deemed eligible by the Department shall
11 be enrolled to receive fentanyl test strips from the
12 Department and distribute fentanyl test strips upon
13 enrollment in the Drug Overdose Prevention Program.

14 (4) In addition to moneys appropriated by the General
15 Assembly, the Department may seek grants from private
16 foundations, the federal government, and other sources to
17 fund the grants under this Section and to fund an
18 evaluation of the programs supported by the grants.

19 (d) Health care professional prescription of opioid
20 antagonists.

21 (1) A health care professional who, acting in good
22 faith, directly or by standing order, prescribes or
23 dispenses an opioid antagonist to: (a) a patient who, in
24 the judgment of the health care professional, is capable
25 of administering the drug in an emergency, or (b) a person
26 who is not at risk of opioid overdose but who, in the

1 judgment of the health care professional, may be in a
2 position to assist another individual during an
3 opioid-related drug overdose and who has received basic
4 instruction on how to administer an opioid antagonist
5 shall not, as a result of his or her acts or omissions, be
6 subject to: (i) any disciplinary or other adverse action
7 under the Medical Practice Act of 1987, the Physician
8 Assistant Practice Act of 1987, the Nurse Practice Act,
9 the Pharmacy Practice Act, or any other professional
10 licensing statute or (ii) any criminal liability, except
11 for willful and wanton misconduct.

12 (1.5) Notwithstanding any provision of or requirement
13 otherwise imposed by the Pharmacy Practice Act, the
14 Medical Practice Act of 1987, or any other law or rule,
15 including, but not limited to, any requirement related to
16 labeling, storage, or recordkeeping, a health care
17 professional or other person acting under the direction of
18 a health care professional may, directly or by standing
19 order, obtain, store, and dispense an opioid antagonist to
20 a patient in a facility that includes, but is not limited
21 to, a hospital, a hospital affiliate, or a federally
22 qualified health center if the patient information
23 specified in paragraph (4) of this subsection is provided
24 to the patient. A person acting in accordance with this
25 paragraph shall not, as a result of his or her acts or
26 omissions, be subject to: (i) any disciplinary or other

1 adverse action under the Medical Practice Act of 1987, the
2 Physician Assistant Practice Act of 1987, the Nurse
3 Practice Act, the Pharmacy Practice Act, or any other
4 professional licensing statute; or (ii) any criminal
5 liability, except for willful and wanton misconduct.

6 (2) A person who is not otherwise licensed to
7 administer an opioid antagonist may in an emergency
8 administer without fee an opioid antagonist if the person
9 has received the patient information specified in
10 paragraph (4) of this subsection and believes in good
11 faith that another person is experiencing a drug overdose.
12 The person shall not, as a result of his or her acts or
13 omissions, be (i) liable for any violation of the Medical
14 Practice Act of 1987, the Physician Assistant Practice Act
15 of 1987, the Nurse Practice Act, the Pharmacy Practice
16 Act, or any other professional licensing statute, or (ii)
17 subject to any criminal prosecution or civil liability,
18 except for willful and wanton misconduct.

19 (3) A health care professional prescribing an opioid
20 antagonist to a patient shall ensure that the patient
21 receives the patient information specified in paragraph
22 (4) of this subsection. Patient information may be
23 provided by the health care professional or a
24 community-based organization, substance use disorder
25 program, or other organization with which the health care
26 professional establishes a written agreement that includes

1 a description of how the organization will provide patient
2 information, how employees or volunteers providing
3 information will be trained, and standards for documenting
4 the provision of patient information to patients.
5 Provision of patient information shall be documented in
6 the patient's medical record or through similar means as
7 determined by agreement between the health care
8 professional and the organization. The Department, in
9 consultation with statewide organizations representing
10 physicians, pharmacists, advanced practice registered
11 nurses, physician assistants, substance use disorder
12 programs, and other interested groups, shall develop and
13 disseminate to health care professionals, community-based
14 organizations, substance use disorder programs, and other
15 organizations training materials in video, electronic, or
16 other formats to facilitate the provision of such patient
17 information.

18 (4) For the purposes of this subsection:

19 "Opioid antagonist" means a drug that binds to opioid
20 receptors and blocks or inhibits the effect of opioids
21 acting on those receptors, including, but not limited to,
22 naloxone hydrochloride or any other similarly acting drug
23 approved by the U.S. Food and Drug Administration.

24 "Health care professional" means a physician licensed
25 to practice medicine in all its branches, a licensed
26 physician assistant with prescriptive authority, a

1 licensed advanced practice registered nurse with
2 prescriptive authority, an advanced practice registered
3 nurse or physician assistant who practices in a hospital,
4 hospital affiliate, or ambulatory surgical treatment
5 center and possesses appropriate clinical privileges in
6 accordance with the Nurse Practice Act, or a pharmacist
7 licensed to practice pharmacy under the Pharmacy Practice
8 Act.

9 "Patient" includes a person who is not at risk of
10 opioid overdose but who, in the judgment of the physician,
11 advanced practice registered nurse, or physician
12 assistant, may be in a position to assist another
13 individual during an overdose and who has received patient
14 information as required in paragraph (2) of this
15 subsection on the indications for and administration of an
16 opioid antagonist.

17 "Patient information" includes information provided to
18 the patient on drug overdose prevention and recognition;
19 how to perform rescue breathing and resuscitation; opioid
20 antagonist dosage and administration; the importance of
21 calling 911; care for the overdose victim after
22 administration of the overdose antagonist; and other
23 issues as necessary.

24 (e) Drug overdose response policy.

25 (1) Every State and local government agency that
26 employs a law enforcement officer or fireman as those

1 terms are defined in the Line of Duty Compensation Act
2 must possess opioid antagonists and must establish a
3 policy to control the acquisition, storage,
4 transportation, and administration of such opioid
5 antagonists and to provide training in the administration
6 of opioid antagonists. A State or local government agency
7 that employs a probation officer, as defined in Section 9b
8 of the Probation and Probation Officers Act, or a fireman
9 as defined in the Line of Duty Compensation Act but does
10 not respond to emergency medical calls or provide medical
11 services shall be exempt from this subsection.

12 (2) Every publicly or privately owned ambulance,
13 special emergency medical services vehicle, non-transport
14 vehicle, or ambulance assist vehicle, as described in the
15 Emergency Medical Services (EMS) Systems Act, that
16 responds to requests for emergency services or transports
17 patients between hospitals in emergency situations must
18 possess opioid antagonists.

19 (3) Entities that are required under paragraphs (1)
20 and (2) to possess opioid antagonists may also apply to
21 the Department for a grant to fund the acquisition of
22 opioid antagonists and training programs on the
23 administration of opioid antagonists.

24 (Source: P.A. 102-598, eff. 1-1-22; 103-602, eff. 7-1-24;
25 103-980, eff. 1-1-25; revised 11-26-24.)

1 Section 85. The Department of Central Management Services
2 Law of the Civil Administrative Code of Illinois is amended by
3 changing Section 405-545 as follows:

4 (20 ILCS 405/405-545)

5 (This Section may contain text from a Public Act with a
6 delayed effective date)

7 Sec. 405-545. Opioid antagonists.

8 (a) As used in this Section, "opioid antagonist" has the
9 meaning given to that term in Section 5-23 of the Substance Use
10 Disorder Act

11 (b) A State agency may make opioid antagonists available
12 at a location where its employees work if the State agency
13 trains employees in the use and administration of the opioid
14 antagonists.

15 (c) An employee of a State agency that uses and
16 administers ~~administers~~ opioid antagonists as described in
17 this Section is exempt from civil liability under Section 69
18 of the Good Samaritan Act.

19 (Source: P.A. 103-845, eff. 7-1-25; revised 10-21-24.)

20 Section 90. The Children and Family Services Act is
21 amended by changing Sections 5.15, 5.46, and 7.3b as follows:

22 (20 ILCS 505/5.15)

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

1 Sec. 5.15. Day care; Department of Human Services.

2 (a) For the purpose of ensuring effective statewide
3 planning, development, and utilization of resources for the
4 day care of children, operated under various auspices, the
5 Department of Human Services, or any State agency that assumes
6 these responsibilities, is designated to coordinate all day
7 care activities for children of the State and shall develop or
8 continue, and shall update every year, a State comprehensive
9 day-care plan for submission to the Governor that identifies
10 high-priority areas and groups, relating them to available
11 resources and identifying the most effective approaches to the
12 use of existing day care services. The State comprehensive
13 day-care plan shall be made available to the General Assembly
14 following the Governor's approval of the plan.

15 The plan shall include methods and procedures for the
16 development of additional day care resources for children to
17 meet the goal of reducing short-run and long-run dependency
18 and to provide necessary enrichment and stimulation to the
19 education of young children. Recommendations shall be made for
20 State policy on optimum use of private and public, local,
21 State and federal resources, including an estimate of the
22 resources needed for the licensing and regulation of day care
23 facilities.

24 A written report shall be submitted to the Governor and
25 the General Assembly annually on April 15. The report shall
26 include an evaluation of developments over the preceding

1 fiscal year, including cost-benefit analyses of various
2 arrangements. Beginning with the report in 1990 submitted by
3 the Department's predecessor agency and every 2 years
4 thereafter, the report shall also include the following:

5 (1) An assessment of the child care services, needs
6 and available resources throughout the State and an
7 assessment of the adequacy of existing child care
8 services, including, but not limited to, services assisted
9 under this Act and under any other program administered by
10 other State agencies.

11 (2) A survey of day care facilities to determine the
12 number of qualified caregivers, as defined by rule,
13 attracted to vacant positions, or retained at the current
14 positions, and any problems encountered by facilities in
15 attracting and retaining capable caregivers. The report
16 shall include an assessment, based on the survey, of
17 improvements in employee benefits that may attract capable
18 caregivers. The survey process shall incorporate feedback
19 from groups and individuals with relevant expertise or
20 lived experience, including, but not limited to, educators
21 and child care providers, regarding the collection of data
22 in order to inform strategies and costs related to the
23 Child Care Development Fund and the General Revenue Fund,
24 for the purpose of promoting workforce recruitment and
25 retention. The survey shall, at a minimum, be updated
26 every 4 years based on feedback received. Initial survey

1 updates shall be made prior to the 2025 survey data
2 collection.

3 (3) The average wages and salaries and fringe benefit
4 packages paid to caregivers throughout the State, computed
5 on a regional basis, compared to similarly qualified
6 employees in other but related fields.

7 (4) The qualifications of new caregivers hired at
8 licensed day care facilities during the previous 2-year
9 period.

10 (5) Recommendations for increasing caregiver wages and
11 salaries to ensure quality care for children.

12 (6) Evaluation of the fee structure and income
13 eligibility for child care subsidized by the State.

14 The requirement for reporting to the General Assembly
15 shall be satisfied by filing copies of the report as required
16 by Section 3.1 of the General Assembly Organization Act, and
17 filing such additional copies with the State Government Report
18 Distribution Center for the General Assembly as is required
19 under paragraph (t) of Section 7 of the State Library Act.

20 (b) The Department of Human Services shall establish
21 policies and procedures for developing and implementing
22 interagency agreements with other agencies of the State
23 providing child care services or reimbursement for such
24 services. The plans shall be annually reviewed and modified
25 for the purpose of addressing issues of applicability and
26 service system barriers.

1 (c) In cooperation with other State agencies, the
2 Department of Human Services shall develop and implement, or
3 shall continue, a resource and referral system for the State
4 of Illinois either within the Department or by contract with
5 local or regional agencies. Funding for implementation of this
6 system may be provided through Department appropriations or
7 other inter-agency funding arrangements. The resource and
8 referral system shall provide at least the following services:

9 (1) Assembling and maintaining a data base on the
10 supply of child care services.

11 (2) Providing information and referrals for parents.

12 (3) Coordinating the development of new child care
13 resources.

14 (4) Providing technical assistance and training to
15 child care service providers.

16 (5) Recording and analyzing the demand for child care
17 services.

18 (d) The Department of Human Services shall conduct day
19 care planning activities with the following priorities:

20 (1) Development of voluntary day care resources
21 wherever possible, with the provision for grants-in-aid
22 only where demonstrated to be useful and necessary as
23 incentives or supports. By January 1, 2002, the Department
24 shall design a plan to create more child care slots as well
25 as goals and timetables to improve quality and
26 accessibility of child care.

1 (2) Emphasis on service to children of recipients of
2 public assistance when such service will allow training or
3 employment of the parent toward achieving the goal of
4 independence.

5 (3) (Blank).

6 (4) Care of children from families in stress and
7 crises whose members potentially may become, or are in
8 danger of becoming, non-productive and dependent.

9 (5) Expansion of family day care facilities wherever
10 possible.

11 (6) Location of centers in economically depressed
12 neighborhoods, preferably in multi-service centers with
13 cooperation of other agencies. The Department shall
14 coordinate the provision of grants, but only to the extent
15 funds are specifically appropriated for this purpose, to
16 encourage the creation and expansion of child care centers
17 in high need communities to be issued by the State,
18 business, and local governments.

19 (7) Use of existing facilities free of charge or for
20 reasonable rental whenever possible in lieu of
21 construction.

22 (8) Development of strategies for assuring a more
23 complete range of day care options, including provision of
24 day care services in homes, in schools, or in centers,
25 which will enable a parent or parents to complete a course
26 of education or obtain or maintain employment and the

1 creation of more child care options for swing shift,
2 evening, and weekend workers and for working women with
3 sick children. The Department shall encourage companies to
4 provide child care in their own offices or in the building
5 in which the corporation is located so that employees of
6 all the building's tenants can benefit from the facility.

7 (9) Development of strategies for subsidizing students
8 pursuing degrees in the child care field.

9 (10) Continuation and expansion of service programs
10 that assist teen parents to continue and complete their
11 education.

12 Emphasis shall be given to support services that will help
13 to ensure such parents' graduation from high school and to
14 services for participants in any programs of job training
15 conducted by the Department.

16 (e) The Department of Human Services shall actively
17 stimulate the development of public and private resources at
18 the local level. It shall also seek the fullest utilization of
19 federal funds directly or indirectly available to the
20 Department.

21 Where appropriate, existing non-governmental agencies or
22 associations shall be involved in planning by the Department.

23 (f) To better accommodate the child care needs of low
24 income working families, especially those who receive
25 Temporary Assistance for Needy Families (TANF) or who are
26 transitioning from TANF to work, or who are at risk of

1 depending on TANF in the absence of child care, the Department
2 shall complete a study using outcome-based assessment
3 measurements to analyze the various types of child care needs,
4 including but not limited to: child care homes; child care
5 facilities; before and after school care; and evening and
6 weekend care. Based upon the findings of the study, the
7 Department shall develop a plan by April 15, 1998, that
8 identifies the various types of child care needs within
9 various geographic locations. The plan shall include, but not
10 be limited to, the special needs of parents and guardians in
11 need of non-traditional child care services such as early
12 mornings, evenings, and weekends; the needs of very low income
13 families and children and how they might be better served; and
14 strategies to assist child care providers to meet the needs
15 and schedules of low income families.

16 (g) This Section is repealed on July 1, 2026.

17 (Source: P.A. 103-594, eff. 6-25-24; 103-1054, eff. 12-20-24;
18 revised 1-13-25.)

19 (20 ILCS 505/5.46)

20 Sec. 5.46. Application for Social Security benefits,
21 Supplemental Security Income, Veterans benefits, and Railroad
22 Retirement benefits.

23 (a) Definitions. As used in this Section:

24 "Achieving a Better Life Experience Account" or "ABLE
25 account" means an account established for the purpose of

1 financing certain qualified expenses of eligible individuals
2 as specifically provided for in Section 529A of the Internal
3 Revenue Code and Section 16.6 of the State Treasurer Act.

4 "Benefits" means Social Security benefits, Supplemental
5 Security Income, Veterans benefits, and Railroad Retirement
6 benefits.

7 "DCFS Guardianship Administrator" means a Department
8 representative appointed as guardian of the person or legal
9 custodian of the minor youth in care.

10 "Youth's attorney and guardian ad litem" means the person
11 appointed as the youth's attorney or guardian ad litem in
12 accordance with the Juvenile Court Act of 1987 in the
13 proceeding in which the Department is appointed as the youth's
14 guardian or custodian.

15 (b) Application for benefits.

16 (1) Upon receiving temporary custody or guardianship
17 of a youth in care, the Department shall assess the youth
18 to determine whether the youth may be eligible for
19 benefits. If, after the assessment, the Department
20 determines that the youth may be eligible for benefits,
21 the Department shall ensure that an application is filed
22 on behalf of the youth. The Department shall prescribe by
23 rule how it will review cases of youth in care at regular
24 intervals to determine whether the youth may have become
25 eligible for benefits after the initial assessment. The
26 Department shall make reasonable efforts to encourage

1 youth in care over the age of 18 who are likely eligible
2 for benefits to cooperate with the application process and
3 to assist youth with the application process.

4 (2) When applying for benefits under this Section for
5 a youth in care the Department shall identify a
6 representative payee in accordance with the requirements
7 of 20 CFR 404.2021 and 416.621. If the Department is
8 seeking to be appointed as the youth's representative
9 payee, the Department must consider input, if provided,
10 from the youth's attorney and guardian ad litem regarding
11 whether another representative payee, consistent with the
12 requirements of 20 CFR 404.2021 and 416.621, is available.
13 If the Department serves as the representative payee for a
14 youth over the age of 18, the Department shall request a
15 court order, as described in subparagraph (C) of paragraph
16 (1) of subsection (d) and in subparagraph (C) of paragraph
17 (2) of subsection (d).

18 (c) Notifications. The Department shall immediately notify
19 a youth over the age of 16, the youth's attorney and guardian
20 ad litem, and the youth's parent or legal guardian or another
21 responsible adult of:

22 (1) any application for or any application to become
23 representative payee for benefits on behalf of a youth in
24 care;

25 (2) beginning January 1, 2025, any communications from
26 the Social Security Administration, the U.S. Department of

1 Veterans Affairs, or the Railroad Retirement Board
2 pertaining to the acceptance or denial of benefits or the
3 selection of a representative payee; and

4 (3) beginning January 1, 2025, any appeal or other
5 action requested by the Department regarding an
6 application for benefits.

7 (d) Use of benefits. Consistent with federal law, when the
8 Department serves as the representative payee for a youth
9 receiving benefits and receives benefits on the youth's
10 behalf, the Department shall:

11 (1) Beginning January 1, 2024, ensure that when the
12 youth attains the age of 14 years and until the Department
13 no longer serves as the representative payee, a minimum
14 percentage of the youth's Supplemental Security Income
15 benefits are conserved in accordance with paragraph (4) as
16 follows:

17 (A) From the age of 14 through age 15, at least
18 40%.

19 (B) From the age of 16 through age 17, at least
20 80%.

21 (C) From the age of 18 and older, 100%, when a
22 court order has been entered expressly authorizing the
23 DCFS Guardianship Administrator to serve as the
24 designated representative to establish an ABLE account
25 on behalf of a youth in accordance with paragraph (4).

26 (2) Beginning January 1, 2024, ensure that when the

1 youth attains the age of 14 years and until the Department
2 no longer serves as the representative payee a minimum
3 percentage of the youth's Social Security benefits,
4 Veterans benefits, or Railroad Retirement benefits are
5 conserved in accordance with paragraph (3) or (4), as
6 applicable, as follows:

7 (A) From the age of 14 through age 15, at least
8 40%.

9 (B) From the age of 16 through age 17, at least
10 80%.

11 (C) From the age of 18, 100%. If establishment of
12 an ABLE account is necessary to conserve benefits for
13 youth age 18 and older, then benefits shall be
14 conserved in accordance with paragraph (4) when a
15 court order has been entered expressly authorizing the
16 DCFS Guardianship Administrator to serve as the
17 designated representative to establish an ABLE account
18 on behalf of a youth.

19 (3) Exercise discretion in accordance with federal law
20 and in the best interests of the youth when making
21 decisions to use or conserve the youth's benefits that are
22 less than or not subject to asset or resource limits under
23 federal law, including using the benefits to address the
24 youth's special needs and conserving the benefits for the
25 youth's reasonably foreseeable future needs.

26 (4) Appropriately monitor any federal asset or

1 resource limits for the Supplemental Security Income
2 benefits and ensure that the youth's best interest is
3 served by using or conserving the benefits in a way that
4 avoids violating any federal asset or resource limits that
5 would affect the youth's eligibility to receive the
6 benefits, including, but not limited to: +

7 (A) establishing an ABLE account authorized by
8 Section 529A of the Internal Revenue Code of 1986, for
9 the youth and conserving the youth's benefits in that
10 account in a manner that appropriately avoids any
11 federal asset or resource limits;

12 (B) if the Department determines that using the
13 benefits for services for current special needs not
14 already provided by the Department is in the best
15 interest of the youth, using the benefits for those
16 services;

17 (C) if federal law requires certain back payments
18 of benefits to be placed in a dedicated account,
19 complying with the requirements for dedicated accounts
20 under 20 CFR 416.640(e); and

21 (D) applying any other exclusions from federal
22 asset or resource limits available under federal law
23 and using or conserving the youth's benefits in a
24 manner that appropriately avoids any federal asset or
25 resource limits.

26 (e) By July 1, 2024, the Department shall provide a report

1 to the General Assembly regarding youth in care who receive
2 benefits who are not subject to this Act. The report shall
3 discuss a goal of expanding conservation of children's
4 benefits to all benefits of all children of any age for whom
5 the Department serves as representative payee. The report
6 shall include a description of any identified obstacles, steps
7 to be taken to address the obstacles, and a description of any
8 need for statutory, rule, or procedural changes.

9 (f) (1) Accounting.

10 (A) Beginning on November 17, 2023 (the effective date
11 of Public Act 103-564) ~~this amendatory Act of the 103rd~~
12 ~~General Assembly~~ through December 31, 2024, upon request
13 of the youth's attorney or guardian ad litem, the
14 Department shall provide an annual accounting to the
15 youth's attorney and guardian ad litem of how the youth's
16 benefits have been used and conserved.

17 (B) Beginning January 1, 2025 and every year
18 thereafter, an annual accounting of how the youth's
19 benefits have been used and conserved shall be provided
20 automatically to the youth's attorney and guardian ad
21 litem.

22 (C) In addition, within 10 business days of a request
23 from a youth or the youth's attorney and guardian ad
24 litem, the Department shall provide an accounting to the
25 youth of how the youth's benefits have been used and
26 conserved.

1 (2) The accounting shall include:

2 (A) The amount of benefits received on the youth's
3 behalf since the most recent accounting and the date
4 the benefits were received.

5 (B) Information regarding the youth's benefits and
6 resources, including the youth's benefits, insurance,
7 cash assets, trust accounts, earnings, and other
8 resources.

9 (C) An accounting of the disbursement of benefit
10 funds, including the date, amount, identification of
11 payee, and purpose.

12 (D) Information regarding each request by the
13 youth, the youth's attorney and guardian ad litem, or
14 the youth's caregiver for disbursement of funds and a
15 statement regarding the reason for not granting the
16 request if the request was denied.

17 When the Department's guardianship of the youth is being
18 terminated, prior to or upon the termination of guardianship,
19 the Department shall provide (i) a final accounting to the
20 youth's attorney and guardian ad litem, and to either the
21 person or persons who will assume guardianship of the youth or
22 who is in the process of adopting the youth, if the youth is
23 under 18, or to the youth, if the youth is over 18 and (ii)
24 information to the parent, guardian, or youth regarding how to
25 apply to become the designated representative for the youth's
26 ABLE account.

1 (g) Education. The Department shall provide the youth who
2 have funds conserved under paragraphs (1) and (2) of
3 subsection (d) with education and support, including specific
4 information regarding the existence, availability, and use of
5 funds conserved for the youth in accordance with paragraphs
6 (1) and (2) of subsection (d), beginning by age 14 in a
7 developmentally appropriate manner. The education and support
8 services shall be developed in consultation with input from
9 the Department's Statewide Youth Advisory Board. Education and
10 informational materials related to ABLE accounts shall be
11 developed in consultation with and approved by the State
12 Treasurer.

13 (h) Adoption of rules. The Department shall adopt rules to
14 implement the provisions of this Section by January 1, 2024.

15 (i) Reporting. No later than February 28, 2023, the
16 Department shall file a report with the General Assembly
17 providing the following information for State Fiscal Years
18 2019, 2020, 2021, and 2022 and annually beginning February 28,
19 2023, for the preceding fiscal year:

20 (1) The number of youth entering care.

21 (2) The number of youth entering care receiving each
22 of the following types of benefits: Social Security
23 benefits, Supplemental Security Income, Veterans benefits,
24 Railroad Retirement benefits.

25 (3) The number of youth entering care for whom the
26 Department filed an application for each of the following

1 types of benefits: Social Security benefits, Supplemental
2 Security Income, Veterans benefits, Railroad Retirement
3 benefits.

4 (4) The number of youth entering care who were awarded
5 each of the following types of benefits based on an
6 application filed by the Department: Social Security
7 benefits, Supplemental Security Income, Veterans benefits,
8 Railroad Retirement benefits.

9 (j) Annually beginning December 31, 2023, the Department
10 shall file a report with the General Assembly with the
11 following information regarding the preceding fiscal year:

12 (1) the number of conserved accounts established and
13 maintained for youth in care;

14 (2) the average amount conserved by age group; and

15 (3) the total amount conserved by age group.

16 (Source: P.A. 102-1014, eff. 5-27-22; 103-154, eff. 6-30-23;
17 103-564, eff. 11-17-23; revised 7-18-24.)

18 (20 ILCS 505/7.3b)

19 Sec. 7.3b. Case plan requirements for hair-related needs
20 of youth in care.

21 (a) Purposes. Hair plays an important role in fostering
22 youths' connection to their race, culture, and identity. Hair
23 care ~~Haircare~~ promotes positive messages of self-worth,
24 comfort, and affection. Because these messages typically are
25 developed through interactions with family and community

1 members, it is necessary to establish a framework to ensure
2 that youth in care are not deprived of these messages and that
3 caregivers and appropriate child care facility staff are
4 adequately prepared to provide culturally competent hair care
5 ~~hairecare~~ for youth.

6 (b) Definitions. As used in this Section:

7 (1) "Hair care" ~~"Hairecare"~~ means all care related to
8 the maintenance of hair, including, but not limited to,
9 the daily maintenance routine, cutting, styling, or dying
10 of hair.

11 (2) "Culture" means the norms, traditions, and
12 experiences of a person's community that inform that
13 person's daily life and long-term goals.

14 (3) "Identity" means the memories, experiences,
15 relationships, and values that create one's sense of self.
16 This amalgamation creates a steady sense of who one is
17 over time, even as new facets are developed and
18 incorporated into one's identity.

19 (c) Hair care ~~Hairecare~~ plan. Every case plan shall include
20 a hair care plan ~~Hairecare Plan~~ for each youth in care that is
21 developed in consultation with the youth based upon the
22 youth's developmental abilities, as well as with the youth's
23 parents or caregivers or appropriate child care facility staff
24 if not contrary to the youth's wishes, and that outlines any
25 training or resources required by the caregiver or appropriate
26 child care facility staff to meet the hair care ~~hairecare~~ needs

1 of the youth. At a minimum, the hair care plan ~~Haircare Plan~~
2 must address:

3 (1) necessary hair care ~~haircare~~ steps to be taken to
4 preserve the youth's desired connection to the youth's
5 race, culture, gender, religion, and identity;

6 (2) necessary steps to be taken specific to the
7 youth's hair care ~~haircare~~ needs during emergency and
8 health situations; and

9 (3) the desires of the youth as they pertain to the
10 youth's hair care ~~haircare~~.

11 A youth's hair care plan ~~Haircare Plan~~ must be reviewed at
12 the same time as the case plan review required under Section 6a
13 as well as during monthly visits to ensure compliance with the
14 hair care plan ~~Haircare Plan~~ and identify any needed changes.

15 (d) By June 1, 2025, the Department shall develop training
16 and resources to make available for caregivers and appropriate
17 child care facility staff to provide culturally competent hair
18 care ~~haircare~~ to youth in care.

19 (e) By June 1, 2025, the Department must adopt rules to
20 facilitate the implementation of this Section.

21 (Source: P.A. 103-850, eff. 1-1-25; revised 12-1-24.)

22 Section 95. The Foster Parent Law is amended by changing
23 Sections 1-15 and 1-20 as follows:

24 (20 ILCS 520/1-15)

1 Sec. 1-15. Foster parent rights. A foster parent's rights
2 include, but are not limited to, the following:

3 (1) The right to be treated with dignity, respect, and
4 consideration as a professional member of the child
5 welfare team.

6 (2) The right to be given standardized pre-service
7 training and appropriate ongoing training to meet mutually
8 assessed needs and improve the foster parent's skills.

9 (3) The right to be informed as to how to contact the
10 appropriate child placement agency in order to receive
11 information and assistance to access supportive services
12 for children in the foster parent's care.

13 (4) The right to receive timely financial
14 reimbursement commensurate with the care needs of the
15 child as specified in the service plan.

16 (5) The right to be provided a clear, written
17 understanding of a placement agency's plan concerning the
18 placement of a child in the foster parent's home. Inherent
19 in this right is the foster parent's responsibility to
20 support activities that will promote the child's right to
21 relationships with the child's own family and cultural
22 heritage.

23 (6) The right to be provided a fair, timely, and
24 impartial investigation of complaints concerning the
25 foster parent's licensure, to be provided the opportunity
26 to have a person of the foster parent's choosing present

1 during the investigation, and to be provided due process
2 during the investigation; the right to be provided the
3 opportunity to request and receive mediation or an
4 administrative review of decisions that affect licensing
5 parameters, or both mediation and an administrative
6 review; and the right to have decisions concerning a
7 licensing corrective action plan specifically explained
8 and tied to the licensing standards violated.

9 (7) The right, at any time during which a child is
10 placed with the foster parent, to receive additional or
11 necessary information that is relevant to the care of the
12 child.

13 (7.5) The right to be given information concerning a
14 child (i) from the Department as required under subsection
15 (u) of Section 5 of the Children and Family Services Act
16 and (ii) from a child welfare agency as required under
17 subsection (c-5) of Section 7.4 of the Child Care Act of
18 1969.

19 (8) The right to be notified of scheduled meetings and
20 staffings concerning the foster child in order to actively
21 participate in the case planning and decision-making
22 process regarding the child, including individual service
23 planning meetings, administrative case reviews,
24 interdisciplinary staffings, and individual educational
25 planning meetings; the right to be informed of decisions
26 made by the courts or the child welfare agency concerning

1 the child; the right to provide input concerning the plan
2 of services for the child and to have that input given full
3 consideration in the same manner as information presented
4 by any other professional on the team; and the right to
5 communicate with other professionals who work with the
6 foster child within the context of the team, including
7 therapists, physicians, attending health care
8 professionals, and teachers.

9 (9) The right to be given, in a timely and consistent
10 manner, any information a caseworker has regarding the
11 child and the child's family which is pertinent to the
12 care and needs of the child and to the making of a
13 permanency plan for the child. Disclosure of information
14 concerning the child's family shall be limited to that
15 information that is essential for understanding the needs
16 of and providing care to the child in order to protect the
17 rights of the child's family. When a positive relationship
18 exists between the foster parent and the child's family,
19 the child's family may consent to disclosure of additional
20 information.

21 (10) The right to be given reasonable written notice
22 of (i) any change in a child's case plan, (ii) plans to
23 terminate the placement of the child with the foster
24 parent, and (iii) the reasons for the change or
25 termination in placement. The notice shall be waived only
26 in cases of a court order or when the child is determined

1 to be at imminent risk of harm.

2 (11) The right to be notified in a timely and complete
3 manner of all court hearings, including notice of the date
4 and time of the court hearing, the name of the judge or
5 hearing officer hearing the case, the location of the
6 hearing, and the court docket number of the case; and the
7 right to intervene in court proceedings or to seek
8 mandamus under the Juvenile Court Act of 1987.

9 (12) The right to be considered as a placement option
10 when a foster child who was formerly placed with the
11 foster parent is to be re-entered into foster care, if
12 that placement is consistent with the best interest of the
13 child and other children in the foster parent's home.

14 (13) The right to have timely access to the child
15 placement agency's existing appeals process and the right
16 to be free from acts of harassment and retaliation by any
17 other party when exercising the right to appeal.

18 (14) The right to be informed of the Foster Parent
19 Hotline established under Section 35.6 of the Children and
20 Family Services Act and all of the rights accorded to
21 foster parents concerning reports of misconduct by
22 Department employees, service providers, or contractors,
23 confidential handling of those reports, and investigation
24 by the Inspector General appointed under Section 35.5 of
25 the Children and Family Services Act.

26 (15) The right to timely training necessary to meet

1 the hair care ~~haircare~~ needs of the children placed in the
2 foster parent's care.

3 (Source: P.A. 103-22, eff. 8-8-23; 103-850, eff. 1-1-25;
4 revised 11-21-24.)

5 (20 ILCS 520/1-20)

6 Sec. 1-20. Foster parent responsibilities. A foster
7 parent's responsibilities include, but are not limited to, the
8 following:

9 (1) The responsibility to openly communicate and share
10 information about the child with other members of the
11 child welfare team.

12 (2) The responsibility to respect the confidentiality
13 of information concerning foster children and their
14 families and act appropriately within applicable
15 confidentiality laws and regulations.

16 (3) The responsibility to advocate for children in the
17 foster parent's care.

18 (4) The responsibility to treat children in the foster
19 parent's care and the children's families with dignity,
20 respect, and consideration.

21 (5) The responsibility to recognize the foster
22 parent's own individual and familial strengths and
23 limitations when deciding whether to accept a child into
24 care; and the responsibility to recognize the foster
25 parent's own support needs and utilize appropriate

1 supports in providing care for foster children.

2 (6) The responsibility to be aware of the benefits of
3 relying on and affiliating with other foster parents and
4 foster parent associations in improving the quality of
5 care and service to children and families.

6 (7) The responsibility to assess the foster parent's
7 ongoing individual training needs and take action to meet
8 those needs.

9 (8) The responsibility to develop and assist in
10 implementing strategies to prevent placement disruptions,
11 recognizing the traumatic impact of placement disruptions
12 on a foster child and all members of the foster family; and
13 the responsibility to provide emotional support for the
14 foster children and members of the foster family if
15 preventive strategies fail and placement disruptions
16 occur.

17 (9) The responsibility to know the impact foster
18 parenting has on individuals and family relationships; and
19 the responsibility to endeavor to minimize, as much as
20 possible, any stress that results from foster parenting.

21 (10) The responsibility to know the rewards and
22 benefits to children, parents, families, and society that
23 come from foster parenting and to promote the foster
24 parenting experience in a positive way.

25 (11) The responsibility to know the roles, rights, and
26 responsibilities of foster parents, other professionals in

1 the child welfare system, the foster child, and the foster
2 child's own family.

3 (12) The responsibility to know and, as necessary,
4 fulfill the foster parent's responsibility to serve as a
5 mandated reporter of suspected child abuse or neglect
6 under the Abused and Neglected Child Reporting Act; and
7 the responsibility to know the child welfare agency's
8 policy regarding allegations that foster parents have
9 committed child abuse or neglect and applicable
10 administrative rules and procedures governing
11 investigations of those allegations.

12 (13) The responsibility to know and receive training
13 regarding the purpose of administrative case reviews,
14 client service plans, and court processes, as well as any
15 filing or time requirements associated with those
16 proceedings; and the responsibility to actively
17 participate in the foster parent's designated role in
18 these proceedings.

19 (14) The responsibility to know the child welfare
20 agency's appeal procedure for foster parents and the
21 rights of foster parents under the procedure.

22 (15) The responsibility to know and understand the
23 importance of maintaining accurate and relevant records
24 regarding the child's history and progress; and the
25 responsibility to be aware of and follow the procedures
26 and regulations of the child welfare agency with which the

1 foster parent is licensed or affiliated.

2 (16) The responsibility to share information, through
3 the child welfare team, with the subsequent caregiver
4 (whether the child's parent or another substitute
5 caregiver) regarding the child's adjustment in the foster
6 parent's home.

7 (17) The responsibility to provide care and services
8 that are respectful of and responsive to the child's
9 cultural needs and are supportive of the relationship
10 between the child and the child's own family; the
11 responsibility to recognize the increased importance of
12 maintaining a child's cultural identity when the race or
13 culture of the foster family differs from that of the
14 foster child; the responsibility to provide hair care
15 ~~haircare~~ that preserves the child's desired connection to
16 the child's race, culture, gender, religion, and identity;
17 and the responsibility to take action to address these
18 issues.

19 (Source: P.A. 103-22, eff. 8-8-23; 103-850, eff. 1-1-25;
20 revised 11-21-24.)

21 Section 100. The Foster Children's Bill of Rights Act is
22 amended by changing Section 5 as follows:

23 (20 ILCS 521/5)

24 Sec. 5. Foster Children's Bill of Rights. It is the policy

1 of this State that every child and adult in the care of the
2 Department of Children and Family Services who is placed in
3 foster care shall have the following rights:

4 (1) To live in a safe, healthy, and comfortable home
5 where they are treated with respect.

6 (2) To be free from physical, sexual, emotional, or
7 other abuse, or corporal punishment.

8 (3) To receive adequate and healthy food, adequate
9 clothing, and, for youth in group homes, residential
10 treatment facilities, and foster homes, an allowance.

11 (4) To receive medical, dental, vision, and mental
12 health services.

13 (5) To be free of the administration of medication or
14 chemical substances, unless authorized by a physician.

15 (6) To contact family members, unless prohibited by
16 court order, and social workers, attorneys, foster youth
17 advocates and supporters, Court Appointed Special
18 Advocates (CASAs), and probation officers.

19 (7) To visit and contact siblings, unless prohibited
20 by court order.

21 (8) To contact the Advocacy Office for Children and
22 Families established under the Children and Family
23 Services Act or the Department of Children and Family
24 Services' Office of the Inspector General regarding
25 violations of rights, to speak to representatives of these
26 offices confidentially, and to be free from threats or

1 punishment for making complaints.

2 (9) To make and receive confidential telephone calls
3 and send and receive unopened mail, unless prohibited by
4 court order.

5 (10) To attend religious services and activities of
6 their choice.

7 (11) To maintain an emancipation bank account and
8 manage personal income, consistent with the child's age
9 and developmental level, unless prohibited by the case
10 plan.

11 (12) To not be locked in a room, building, or facility
12 premises, unless placed in a secure child care facility
13 licensed by the Department of Children and Family Services
14 under the Child Care Act of 1969 and placed pursuant to
15 Section 2-27.1 of the Juvenile Court Act of 1987.

16 (13) To attend school and participate in
17 extracurricular, cultural, and personal enrichment
18 activities, consistent with the child's age and
19 developmental level, with minimal disruptions to school
20 attendance and educational stability.

21 (14) To work and develop job skills at an
22 age-appropriate level, consistent with State law.

23 (15) To have social contacts with people outside of
24 the foster care system, including teachers, church
25 members, mentors, and friends.

26 (16) If they meet age requirements, to attend services

1 and programs operated by the Department of Children and
2 Family Services or any other appropriate State agency that
3 aim to help current and former foster youth achieve
4 self-sufficiency prior to and after leaving foster care.

5 (17) To attend court hearings and speak to the judge.

6 (18) To have storage space for private use.

7 (19) To be involved in the development of their own
8 case plan and plan for permanent placement.

9 (20) To review their own case plan and plan for
10 permanent placement, if they are 12 years of age or older
11 and in a permanent placement, and to receive information
12 about their out-of-home placement and case plan, including
13 being told of changes to the case plan.

14 (21) To be free from unreasonable searches of personal
15 belongings.

16 (22) To the confidentiality of all juvenile court
17 records consistent with existing law.

18 (23) To have fair and equal access to all available
19 services, placement, care, treatment, and benefits, and to
20 not be subjected to discrimination or harassment on the
21 basis of actual or perceived race, ethnic group
22 identification, ancestry, national origin, color,
23 religion, sex, sexual orientation, gender identity, mental
24 or physical disability, or HIV status.

25 (24) To have caregivers and child welfare personnel
26 who have received sensitivity training and instruction on

1 matters concerning race, ethnicity, national origin,
2 color, ancestry, religion, mental and physical disability,
3 and HIV status.

4 (25) To have caregivers and child welfare personnel
5 who have received instruction on cultural competency and
6 sensitivity relating to, and best practices for, providing
7 adequate care to lesbian, gay, bisexual, and transgender
8 youth in out-of-home care.

9 (26) At 16 years of age or older, to have access to
10 existing information regarding the educational options
11 available, including, but not limited to, the coursework
12 necessary for vocational and postsecondary educational
13 programs, and information regarding financial aid for
14 postsecondary education.

15 (27) To have access to age-appropriate, medically
16 accurate information about reproductive health care, the
17 prevention of unplanned pregnancy, and the prevention and
18 treatment of sexually transmitted infections at 12 years
19 of age or older.

20 (28) To receive a copy of this Act from and have it
21 fully explained by the Department of Children and Family
22 Services when the child or adult is placed in the care of
23 the Department of Children and Family Services.

24 (29) To be placed in the least restrictive and most
25 family-like setting available and in close proximity to
26 their parent's home consistent with their health, safety,

1 best interests, and special needs.

2 (30) To participate in an age and developmentally
3 appropriate intake process immediately after placement in
4 the custody or guardianship of the Department. During the
5 intake process, the Department shall provide the youth
6 with a document describing inappropriate acts of
7 affection, discipline, and punishment by guardians, foster
8 parents, foster siblings, or any other adult responsible
9 for the youth's welfare. The Department shall review and
10 discuss the document with the child. The Department must
11 document completion of the intake process in the child's
12 records as well as giving a copy of the document to the
13 child.

14 (31) To participate in appropriate intervention and
15 counseling services after removal from the home of origin
16 in order to assess whether the youth is exhibiting signs
17 of traumatic stress, special needs, or mental illness.

18 (32) To receive a home visit by an assigned child
19 welfare specialist, per existing Department policies and
20 procedures, on a monthly basis or more frequently as
21 needed. In addition to what existing policies and
22 procedures outline, home visits shall be used to assess
23 the youth's well-being and emotional health following
24 placement, to determine the youth's relationship with the
25 youth's guardian or foster parent or with any other adult
26 responsible for the youth's welfare or living in or

1 frequenting the home environment, and to determine what
2 forms of discipline, if any, the youth's guardian or
3 foster parent or any other person in the home environment
4 uses to correct the youth.

5 (33) To be enrolled in an independent living services
6 program prior to transitioning out of foster care where
7 the youth will receive classes and instruction,
8 appropriate to the youth's age and developmental capacity,
9 on independent living and self-sufficiency in the areas of
10 employment, finances, meals, and housing as well as help
11 in developing life skills and long-term goals.

12 (34) To be assessed by a third-party entity or agency
13 prior to enrollment in any independent living services
14 program in order to determine the youth's readiness for a
15 transition out of foster care based on the youth's
16 individual needs, emotional development, and ability,
17 regardless of age, to make a successful transition to
18 adulthood.

19 (35) To hair care ~~hairecare~~ that preserves the child's
20 desired connection to the child's race, culture, gender,
21 religion, and identity and to have a corresponding hair
22 care ~~hairecare~~ plan established in accordance with Section
23 7.3b of the Children and Family Services Act. The
24 Department must provide, in a timely and consistent
25 manner, training for all caregivers and child welfare
26 personnel on how to meet the hair care ~~hairecare~~ needs of

1 children.
2 (Source: P.A. 102-810, eff. 1-1-23; 103-22, eff. 8-8-23;
3 103-850, eff. 1-1-25; revised 11-21-24.)

4 Section 105. The Department of Commerce and Economic
5 Opportunity Law of the Civil Administrative Code of Illinois
6 is amended by setting forth, renumbering, and changing
7 multiple versions of Section 605-1115 as follows:

8 (20 ILCS 605/605-1115)

9 Sec. 605-1115. Quantum computing campuses.

10 (a) As used in this Section:

11 "Data center" means a facility: (1) whose primary services
12 are the storage, management, and processing of digital data;
13 and (2) that is used to house (A) computer and network systems,
14 including associated components such as servers, network
15 equipment and appliances, telecommunications, and data storage
16 systems, (B) systems for monitoring and managing
17 infrastructure performance, (C) Internet-related equipment and
18 services, (D) data communications connections, (E)
19 environmental controls, (F) fire protection systems, and (G)
20 security systems and services.

21 "Full-time equivalent job" means a job in which an
22 employee works for a tenant of the quantum campus at a rate of
23 at least 35 hours per week. Vacations, paid holidays, and sick
24 time are included in this computation. Overtime is not

1 considered a part of regular hours.

2 "Quantum computing campus" or "campus" is a contiguous
3 area located in the State of Illinois that is designated by the
4 Department as a quantum computing campus in order to support
5 the demand for quantum computing research, development, and
6 implementation for practical use. A quantum computing campus
7 may include educational institutions ~~intuitions~~, nonprofit
8 research and development organizations, and for-profit
9 organizations serving as anchor tenants and joining tenants
10 that, with approval from the Department, may change. Tenants
11 located at the campus shall have direct and supporting roles
12 in quantum computing activities. Eligible tenants include
13 quantum computer operators and research facilities, data
14 centers, manufacturers and assemblers of quantum computers and
15 component parts, cryogenic or refrigeration facilities, and
16 other facilities determined, by industry and academic leaders,
17 to be fundamental to the research and development of quantum
18 computing for practical solutions. Quantum computing shall
19 include the research, development, and use of computing
20 methods that generate and manipulate quantum bits in a
21 controlled quantum state. This includes the use of photons,
22 semiconductors, superconductors, trapped ions, and other
23 industry and academically regarded methods for simulating
24 quantum bits. Additionally, a quantum campus shall meet the
25 following criteria:

26 (1) the campus must comprise a minimum of one-half

1 square mile and not more than 4 square miles;

2 (2) the campus must contain tenants that demonstrate a
3 substantial plan for using the designation to encourage
4 participation by organizations owned by minorities, women,
5 and persons with disabilities, as those terms are defined
6 in the Business Enterprise for Minorities, Women, and
7 Persons with Disabilities Act, and the hiring of
8 minorities, women, and persons with disabilities;

9 (3) upon being placed in service, within 60 months
10 after designation or incorporation into a campus, the
11 owners of property located in a campus shall certify to
12 the Department that the property is carbon neutral or has
13 attained certification under one or more of the following
14 green building standards:

15 (A) BREEAM for New Construction or BREEAM, In-Use;

16 (B) ENERGY STAR;

17 (C) Envision;

18 (D) ISO 50001-energy management;

19 (E) LEED for Building Design and Construction, or
20 LEED for Operations and Maintenance;

21 (F) Green Globes for New Construction, or Green
22 Globes for Existing Buildings;

23 (G) UL 3223; or

24 (H) an equivalent program approved by the
25 Department.

26 (b) Tenants located in a designated quantum computing

1 campus shall qualify for the following exemptions and credits:

2 (1) the Department may certify a taxpayer for an
3 exemption from any State or local use tax or retailers'
4 occupation tax on building materials that will be
5 incorporated into real estate at a quantum computing
6 campus;

7 (2) an exemption from the charges imposed under
8 Section 9-222 of the Public Utilities Act, Section 5-10 of
9 the Gas Use Tax Law, Section 2-4 of the Electricity Excise
10 Tax Law, Section 2 of the Telecommunications Excise Tax
11 Act, Section 10 of the Telecommunications Infrastructure
12 Maintenance Fee Act, and Section 5-7 of the Simplified
13 Municipal Telecommunications Tax Act; and

14 (3) a credit against the taxes imposed under
15 subsections (a) and (b) of Section 201 of the Illinois
16 Income Tax Act as provided in Section 241 of the Illinois
17 Income Tax Act.

18 (c) Certificates of exemption and credit certificates
19 under this Section shall be issued by the Department. Upon
20 certification by the Department under this Section, the
21 Department shall notify the Department of Revenue of the
22 certification. The exemption status shall take effect within 3
23 months after certification of the taxpayer and notice to the
24 Department of Revenue by the Department.

25 (d) Entities seeking to form a quantum computing campus
26 must apply to the Department in the manner specified by the

1 Department. Entities seeking to join an established campus
2 must apply for an amendment to the existing campus. This
3 application for amendment must be submitted to the Department
4 with support from other campus members.

5 The Department shall determine the duration of
6 certificates of exemption awarded under this Act. The duration
7 of the certificates of exemption may not exceed 20 calendar
8 years and one renewal for an additional 20 years.

9 The Department and any tenant located in a quantum
10 computing campus seeking the benefits under this Section must
11 enter into a memorandum of understanding that, at a minimum,
12 provides:

13 (1) the details for determining the amount of capital
14 investment to be made;

15 (2) the number of new jobs created;

16 (3) the timeline for achieving the capital investment
17 and new job goals;

18 (4) the repayment obligation should those goals not be
19 achieved and any conditions under which repayment by the
20 tenant or tenants claiming the exemption shall be
21 required;

22 (5) the duration of the exemptions; and

23 (6) other provisions as deemed necessary by the
24 Department.

25 The Department shall, within 10 days after the
26 designation, send a letter of notification to each member of

1 the General Assembly whose legislative district or
2 representative district contains all or part of the designated
3 area.

4 (e) Beginning on July 1, 2025, and each year thereafter,
5 the Department shall annually report to the Governor and the
6 General Assembly on the outcomes and effectiveness of Public
7 Act 103-595 ~~this amendatory Act of the 103rd General Assembly.~~

8 The report shall include the following:

9 (1) the names of each tenant located within the
10 quantum computing campus;

11 (2) the location of each quantum computing campus;

12 (3) the estimated value of the credits to be issued to
13 quantum computing campus tenants;

14 (4) the number of new jobs and, if applicable,
15 retained jobs pledged at each quantum computing campus;
16 and

17 (5) whether or not the quantum computing campus is
18 located in an underserved area, an energy transition zone,
19 or an opportunity zone.

20 (f) Tenants at the quantum computing campus seeking a
21 certificate of exemption related to the construction of
22 required facilities shall require the contractor and all
23 subcontractors to:

24 (1) comply with the requirements of Section 30-22 of
25 the Illinois Procurement Code as those requirements apply
26 to responsible bidders and to present satisfactory

1 evidence of that compliance to the Department; and

2 (2) enter into a project labor agreement submitted to
3 the Department.

4 (g) The Department shall not issue any new certificates of
5 exemption under the provisions of this Section after July 1,
6 2030. This sunset shall not affect any existing certificates
7 of exemption in effect on July 1, 2030.

8 (h) The Department shall adopt rules to implement and
9 administer this Section.

10 (Source: P.A. 103-595, eff. 6-26-24; revised 9-27-24.)

11 (20 ILCS 605/605-1116)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 605-1116 ~~605-1115~~. Creative Economy Task Force.

14 (a) Subject to appropriation, the Creative Economy Task
15 Force is created within the Department of Commerce and
16 Economic Opportunity to create a strategic plan to develop the
17 creative economy in this State.

18 (b) The Task Force shall consist of the following members:

19 (1) the Director of Commerce and Economic Opportunity
20 or the Director's designee, who shall serve as chair of
21 the Task Force;

22 (2) the Executive Director of the Illinois Arts
23 Council or the Executive Director's designee, who shall
24 serve as the vice-chair of the Task Force;

25 (3) one member appointed by the Speaker of the House

1 of Representatives;

2 (4) one member appointed by the Minority Leader of the
3 House of Representatives;

4 (5) one member appointed by the President of the
5 Senate;

6 (6) one member appointed by the Minority Leader of the
7 Senate;

8 (7) one member from the banking industry with
9 experience in matters involving the federal Small Business
10 Administration, appointed by the Governor;

11 (8) one member from a certified public accounting firm
12 or other company with experience in financial modeling and
13 the creative arts, appointed by the Governor;

14 (9) one member recommended by a statewide organization
15 representing counties, appointed by the Governor;

16 (10) one member from an Illinois public institution of
17 higher education or nonprofit research institution with
18 experience in matters involving cultural arts, appointed
19 by the Governor;

20 (11) the Director of Labor or the Director's designee;
21 and

22 (12) five members from this State's arts community,
23 appointed by the Governor, including, but not limited to,
24 the following sectors:

25 (A) film, television, and video production;

26 (B) recorded audio and music production;

1 (C) animation production;

2 (D) video game development;

3 (E) live theater, orchestra, ballet, and opera;

4 (F) live music performance;

5 (G) visual arts, including sculpture, painting,
6 graphic design, and photography;

7 (H) production facilities, such as film and
8 television studios;

9 (I) live music or performing arts venues; and

10 (J) arts service organizations.

11 (c) No later than July 1, 2026, the Task Force shall
12 collect and analyze data on the current state of the creative
13 economy in this State and develop a strategic plan to improve
14 this State's creative economy that can be rolled out in
15 incremental phases to reach identified economic, social
16 justice, and business development goals. The goal of the
17 strategic plan shall be to ensure that this State is
18 competitive with respect to attracting creative economy
19 business, retaining talent within this State, and developing
20 marketable content that can be exported for national and
21 international consumption and monetization. The strategic plan
22 shall address support for the creative community within
23 historically marginalized communities, as well as the creative
24 economy at large, and take into account the diverse interests,
25 strengths, and needs of the people of this State. In
26 developing the strategic plan for the creative economy in this

1 State, the Task Force shall:

2 (1) identify existing studies of aspects affecting the
3 creative economy, including studies relating to tax
4 issues, legislation, finance, population and demographics,
5 and employment;

6 (2) conduct a comparative analysis with other
7 jurisdictions that have successfully developed creative
8 economy plans and programs;

9 (3) conduct in-depth interviews to identify best
10 practices for structuring a strategic plan for this State;

11 (4) evaluate existing banking models for financing
12 creative economy projects in the private sector and
13 develop a financial model to promote investment in this
14 State's creative economy;

15 (5) evaluate existing federal, State, and local tax
16 incentives and make recommendations for improvements to
17 support the creative economy;

18 (6) identify the role that counties and cities play
19 with respect to the strategic plan and the specific
20 counties and cities that may need or want a stronger
21 creative economy;

22 (7) identify opportunities for aligning with new
23 business models and the integration of new technologies;

24 (8) identify the role that State education programs in
25 the creative arts play in the creative economy and with
26 respect to advancing the strategic plan;

1 (9) identify geographic areas with the least amount of
2 access or opportunity for a creative economy;

3 (10) identify opportunities for earn-and-learn job
4 training employment for students who have enrolled or
5 completed a program in the arts, low-income or unemployed
6 creative workers, and others with demonstrated interest in
7 creative work in their communities; and

8 (11) identify existing initiatives and projects that
9 can be used as models for earn-and-learn opportunities or
10 as examples of best practices for earn-and-learn
11 opportunities that can be replicated Statewide or in
12 different regions.

13 (d) The Task Force shall submit its findings and
14 recommendations to the General Assembly no later than July 1,
15 2026.

16 (e) Members of the Task Force shall serve without
17 compensation but may be reimbursed for necessary expenses
18 incurred in the performance of their duties. The Department of
19 Commerce and Economic Opportunity shall provide administrative
20 support to the Task Force.

21 (f) Appropriations for the Task Force may be used to
22 support operational expenses of the Department, including
23 entering into a contract with a third-party provider for
24 administrative support.

25 (g) The Director or the Director's designee may, after
26 issuing a request for proposals, designate a third-party

1 provider to help facilitate Task Force meetings, compile
2 information, and prepare the strategic plan described in
3 subsection (c). A third-party provider contracted by the
4 Director shall have experience conducting business in
5 professional arts or experience in business development and
6 drafting business plans and multidisciplinary planning
7 documents.

8 (h) This Section is repealed January 1, 2027.

9 (Source: P.A. 103-811, eff. 8-9-24; revised 9-23-24.)

10 (20 ILCS 605/605-1117)

11 (Section scheduled to be repealed on June 1, 2026)

12 Sec. 605-1117 ~~605-1115~~. Task Force on Interjurisdictional
13 Industrial Zoning Impacts.

14 (a) The General Assembly finds that industrial
15 developments typically have regional impacts, both positive
16 and negative. Those impacts extend beyond the zoning authority
17 of the unit of local government where the development is
18 located. Units of local government may experience impacts on
19 public health, public safety, the environment, traffic,
20 property values, population, and other considerations as a
21 result of industrial development occurring outside of ~~the~~
22 their zoning jurisdiction, including areas adjacent to their
23 borders.

24 (b) The Task Force on Interjurisdictional Industrial
25 Zoning Impacts is created within the Department of Commerce

1 and Economic Opportunity. The Task Force shall examine the
2 following:

3 (1) current State and local zoning laws and policies
4 related to large industrial developments;

5 (2) current State and local laws and policies related
6 to annexation;

7 (3) State and local zoning and annexation laws and
8 policies outside of Illinois;

9 (4) the potential impacts of large industrial
10 developments on neighboring units of local government,
11 including how those developments may affect residential
12 communities;

13 (5) trends in industrial zoning across urban,
14 suburban, and rural regions of Illinois;

15 (6) available methodologies to determine the impact of
16 large industrial developments; and

17 (7) outcomes in recent zoning proceedings for large
18 industrial developments or attempts to develop properties
19 for large industrial purposes, including the recent
20 attempt to convert a 101 acre campus in Lake County near
21 Deerfield.

22 (c) The Task Force on Interjurisdictional Industrial
23 Zoning Impacts shall consist of the following members:

24 (1) the Director of Commerce and Economic Opportunity
25 or his or her designee;

26 (2) one member, appointed by the President of the

1 Senate, representing a statewide organization of
2 municipalities described in Section 1-8-1 of the Illinois
3 Municipal Code;

4 (3) one member, appointed by the President of the
5 Senate, representing a regional association of
6 municipalities and mayors;

7 (4) one member, appointed by the President of the
8 Senate, representing a regional association that
9 represents the commercial real estate industry;

10 (5) one member, appointed by the Speaker of the House
11 of Representatives, representing a statewide association
12 representing counties;

13 (6) one member, appointed by the Speaker of the House
14 of Representatives, representing a regional association of
15 municipalities and mayors;

16 (7) one member, appointed by the Minority Leader of
17 the Senate, representing a statewide professional economic
18 development association;

19 (8) one member, appointed by the Minority Leader of
20 the House of Representatives, representing a statewide
21 association of park districts;

22 (9) one member representing a statewide labor
23 organization, appointed by the Governor;

24 (10) one member representing the Office of the
25 Governor, appointed by the Governor;

26 (11) one member of the Senate, appointed by the

1 President of the Senate;

2 (12) one member of the Senate, appointed by the
3 Minority Leader of the Senate;

4 (13) one member of the House of Representatives,
5 appointed by the Speaker of the House of Representatives;

6 (14) one member of the House of Representatives,
7 appointed by the Minority Leader of the House of
8 Representatives; and

9 (15) one member representing a statewide manufacturing
10 association, appointed by the Governor.

11 (d) The members of the Task Force shall serve without
12 compensation. The Department of Commerce and Economic
13 Opportunity shall provide administrative support to the Task
14 Force.

15 (e) The Task Force shall meet at least once every 2 months.
16 Upon the first meeting of the Task Force, the members of the
17 Task Force shall elect a chairperson of the Task Force.

18 (f) The Task Force shall prepare a report on its findings
19 concerning zoning for large industrial development and
20 associated interjurisdictional impacts, including any
21 recommendations. The report shall be submitted to the Governor
22 and the General Assembly no later than December 31, 2025.

23 (g) This Section is repealed June 1, 2026.

24 (Source: P.A. 103-882, eff. 8-9-24; revised 9-23-24.)

25 Section 110. The Economic Development Area Tax Increment

1 Allocation Act is amended by changing Section 8 as follows:

2 (20 ILCS 620/8) (from Ch. 67 1/2, par. 1008)

3 Sec. 8. Issuance of obligations for economic development
4 project costs. Obligations secured by the special tax
5 allocation fund provided for in Section 7 of this Act for an
6 economic development project area may be issued to provide for
7 economic development project costs. Those obligations, when so
8 issued, shall be retired in the manner provided in the
9 ordinance authorizing the issuance of the obligations by the
10 receipts of taxes levied as specified in Section 6 of this Act
11 against the taxable property included in the economic
12 development project area and by other revenue designated or
13 pledged by the municipality. A municipality may in the
14 ordinance pledge all or any part of the funds in and to be
15 deposited in the special tax allocation fund created pursuant
16 to Section 7 of this Act to the payment of the economic
17 development project costs and obligations. Whenever a
18 municipality pledges all of the funds to the credit of a
19 special tax allocation fund to secure obligations issued or to
20 be issued to pay economic development project costs, the
21 municipality may specifically provide that funds remaining to
22 the credit of such special tax allocation fund after the
23 payment of such obligations shall be accounted for annually
24 and shall be deemed to be "surplus" funds, and such "surplus"
25 funds shall be distributed as hereinafter provided. Whenever a

1 municipality pledges less than all of the monies to the credit
2 of a special tax allocation fund to secure obligations issued
3 or to be issued to pay economic development project costs, the
4 municipality shall provide that monies to the credit of the
5 special tax allocation fund and not subject to such pledge or
6 otherwise encumbered or required for payment of contractual
7 obligations for specific economic development project costs
8 shall be calculated annually and shall be deemed to be
9 "surplus" funds, and such "surplus" funds shall be distributed
10 as hereinafter provided. All funds to the credit of a special
11 tax allocation fund which are deemed to be "surplus" funds
12 shall be distributed annually within 180 days of the close of
13 the municipality's fiscal year by being paid by the municipal
14 treasurer to the county collector. The county collector shall
15 thereafter make distribution to the respective taxing
16 districts in the same manner and proportion as the most recent
17 distribution by the county collector to those taxing districts
18 of real property taxes from real property in the economic
19 development project area.

20 Without limiting the foregoing in this Section, the
21 municipality may, in addition to obligations secured by the
22 special tax allocation fund, pledge for a period not greater
23 than the term of the obligations towards payment of those
24 obligations any part or any combination of the following: (i)
25 net revenues of all or part of any economic development
26 project; (ii) taxes levied and collected on any or all

1 property in the municipality, including, specifically, taxes
2 levied or imposed by the municipality in a special service
3 area pursuant to "An Act to provide the manner of levying or
4 imposing taxes for the provision of special services to areas
5 within the boundaries of home rule units and non-home rule
6 municipalities and counties", approved September 21, 1973, as
7 now or hereafter amended; (iii) the full faith and credit of
8 the municipality; (iv) a mortgage on part or all of the
9 economic development project; or (v) any other taxes or
10 anticipated receipts that the municipality may lawfully
11 pledge.

12 Such obligations may be issued in one or more series
13 bearing interest at such rate or rates as the corporate
14 authorities of the municipality shall determine by ordinance,
15 which rate or rates may be variable or fixed, without regard to
16 any limitations contained in any law now in effect or
17 hereafter adopted. Such obligations shall bear such date or
18 dates, mature at such time or times not exceeding 38 years from
19 their respective dates, but in no event exceeding 38 years
20 from the date of establishment of the economic development
21 project area, be in such denomination, be in such form,
22 whether coupon, registered or book-entry, carry such
23 registration, conversion and exchange privileges, be executed
24 in such manner, be payable in such medium of payment at such
25 place or places within or without the State of Illinois,
26 contain such covenants, terms and conditions, be subject to

1 redemption with or without premium, be subject to defeasance
2 upon such terms, and have such rank or priority, as such
3 ordinance shall provide. Obligations issued pursuant to this
4 Act may be sold at public or private sale at such price as
5 shall be determined by the corporate authorities of the
6 municipalities. Such obligations may, but need not, be issued
7 utilizing the provisions of any one or more of the omnibus bond
8 Acts specified in Section 1.33 of the Statute on Statutes ~~"An~~
9 ~~Act to revise the law in relation to the construction of the~~
10 ~~statutes", approved March 5, 1874, as now or hereafter~~
11 ~~amended~~. No referendum approval of the electors shall be
12 required as a condition to the issuance of obligations
13 pursuant to this Act except as provided in this Section.

14 Whenever a municipality issues bonds for the purpose of
15 financing economic development project costs, the municipality
16 may provide by ordinance for the appointment of a trustee,
17 which may be any trust company within the State, and for the
18 establishment of the funds or accounts to be maintained by
19 such trustee as the municipality shall deem necessary to
20 provide for the security and payment of the bonds. If the
21 municipality provides for the appointment of a trustee, the
22 trustee shall be considered the assignee of any payments
23 assigned by the municipality pursuant to the ordinance and
24 this Section. Any amounts paid to the trustee as assignee
25 shall be deposited in the funds or accounts established
26 pursuant to the trust agreement, and shall be held by the

1 trustee in trust for the benefit of the holders of the bonds,
2 and the holders shall have a lien on and a security interest in
3 those bonds or accounts so long as the bonds remain
4 outstanding and unpaid. Upon retirement of the bonds, the
5 trustee shall pay over any excess amounts held to the
6 municipality for deposit in the special tax allocation fund.

7 In the event the municipality authorizes the issuance of
8 obligations pursuant to the authority of this Act secured by
9 the full faith and credit of the municipality, or pledges ad
10 valorem taxes pursuant to clause (ii) of the second paragraph
11 of this Section, which obligations are other than obligations
12 which may be issued under home rule powers provided by Article
13 VII, Section 6 of the Illinois Constitution or which ad
14 valorem taxes are other than ad valorem taxes which may be
15 pledged under home rule powers provided by Article VII,
16 Section 6 of the Illinois Constitution or which are levied in a
17 special service area pursuant to "An Act to provide the manner
18 of levying or imposing taxes for the provision of special
19 services to areas within the boundaries of home rule units and
20 non-home rule municipalities and counties", approved September
21 21, 1973, as now or hereafter amended, the ordinance
22 authorizing the issuance of those obligations or pledging
23 those taxes shall be published within 10 days after the
24 ordinance has been adopted, in one or more newspapers having a
25 general circulation within the municipality. The publication
26 of the ordinance shall be accompanied by a notice of: (1) the

1 specific number of voters required to sign a petition
2 requesting the question of the issuance of the obligations or
3 pledging such ad valorem taxes to be submitted to the
4 electors; (2) the time within which the petition must be
5 filed; and (3) the date of the prospective referendum. The
6 municipal clerk shall provide a petition form to any
7 individual requesting one.

8 If no petition is filed with the municipal clerk, as
9 hereinafter provided in this Section, within 21 days after the
10 publication of the ordinance, the ordinance shall be in
11 effect. However, if, within that 21-day ~~21-day~~ period, a
12 petition is filed with the municipal clerk, signed by electors
13 numbering not less than 15% of the number of electors voting
14 for the mayor or president at the last general municipal
15 election, asking that the question of issuing obligations
16 using full faith and credit of the municipality as security
17 for the cost of paying for economic development project costs,
18 or of pledging such ad valorem taxes for the payment of those
19 obligations, or both, be submitted to the electors of the
20 municipality, the municipality shall not be authorized to
21 issue obligations of the municipality using the full faith and
22 credit of the municipality as security or pledging such ad
23 valorem taxes for the payment of those obligations, or both,
24 until the proposition has been submitted to and approved by a
25 majority of the voters voting on the proposition at a
26 regularly scheduled election. The municipality shall certify

1 the proposition to the proper election authorities for
2 submission in accordance with the general election law.

3 The ordinance authorizing the obligations may provide that
4 the obligations shall contain a recital that they are issued
5 pursuant to this Act, which recital shall be conclusive
6 evidence of their validity and of the regularity of their
7 issuance.

8 In the event the municipality authorizes issuance of
9 obligations pursuant to this Act secured by the full faith and
10 credit of the municipality, the ordinance authorizing the
11 obligations may provide for the levy and collection of a
12 direct annual tax upon all taxable property within the
13 municipality sufficient to pay the principal thereof and
14 interest thereon as it matures, which levy may be in addition
15 to and exclusive of the maximum of all other taxes authorized
16 to be levied by the municipality, which levy, however, shall
17 be abated to the extent that monies from other sources are
18 available for payment of the obligations and the municipality
19 certifies the amount of those monies available to the county
20 clerk.

21 A certified copy of the ordinance shall be filed with the
22 county clerk of each county in which any portion of the
23 municipality is situated, and shall constitute the authority
24 for the extension and collection of the taxes to be deposited
25 in the special tax allocation fund.

26 A municipality may also issue its obligations to refund,

1 in whole or in part, obligations theretofore issued by the
2 municipality under the authority of this Act, whether at or
3 prior to maturity. However, the last maturity of the refunding
4 obligations shall not be expressed to mature later than 38
5 years from the date of the ordinance establishing the economic
6 development project area.

7 In the event a municipality issues obligations under home
8 rule powers or other legislative authority, the proceeds of
9 which are pledged to pay for economic development project
10 costs, the municipality may, if it has followed the procedures
11 in conformance with this Act, retire those obligations from
12 funds in the special tax allocation fund in amounts and in such
13 manner as if those obligations had been issued pursuant to the
14 provisions of this Act.

15 No obligations issued pursuant to this Act shall be
16 regarded as indebtedness of the municipality issuing those
17 obligations or any other taxing district for the purpose of
18 any limitation imposed by law.

19 Obligations issued pursuant to this Act shall not be
20 subject to the provisions of the Bond Authorization Act "~~An~~
21 ~~Act to authorize public corporations to issue bonds, other~~
22 ~~evidences of indebtedness and tax anticipation warrants~~
23 ~~subject to interest rate limitations set forth therein~~",
24 ~~approved May 26, 1970, as amended.~~

25 (Source: P.A. 97-636, eff. 6-1-12; revised 7-24-24.)

1 Section 115. The Reimagining Energy and Vehicles in
2 Illinois Act is amended by changing Sections 10, 20, 65, and 95
3 as follows:

4 (20 ILCS 686/10)

5 Sec. 10. Definitions. As used in this Act:

6 "Advanced battery" means a battery that consists of a
7 battery cell that can be integrated into a module, pack, or
8 system to be used in energy storage applications, including a
9 battery used in an electric vehicle or the electric grid.

10 "Advanced battery component" means a component of an
11 advanced battery, including materials, enhancements,
12 enclosures, anodes, cathodes, electrolytes, cells, and other
13 associated technologies that comprise an advanced battery.

14 "Agreement" means the agreement between a taxpayer and the
15 Department under the provisions of Section 45 of this Act.

16 "Applicant" means a taxpayer that (i) operates a business
17 in Illinois or is planning to locate a business within the
18 State of Illinois and (ii) is engaged in interstate or
19 intrastate commerce as an electric vehicle manufacturer, an
20 electric vehicle component parts manufacturer, or an electric
21 vehicle power supply equipment manufacturer. For applications
22 for credits under this Act that are submitted on or after
23 February 3, 2023 (the effective date of Public Act 102-1125)
24 ~~this amendatory Act of the 102nd General Assembly~~, "applicant"
25 also includes a taxpayer that (i) operates a business in

1 Illinois or is planning to locate a business within the State
2 of Illinois and (ii) is engaged in interstate or intrastate
3 commerce as a renewable energy manufacturer. "Applicant" does
4 not include a taxpayer who closes or substantially reduces by
5 more than 50% operations at one location in the State and
6 relocates substantially the same operation to another location
7 in the State. This does not prohibit a Taxpayer from expanding
8 its operations at another location in the State. This also
9 does not prohibit a Taxpayer from moving its operations from
10 one location in the State to another location in the State for
11 the purpose of expanding the operation, provided that the
12 Department determines that expansion cannot reasonably be
13 accommodated within the municipality or county in which the
14 business is located, or, in the case of a business located in
15 an incorporated area of the county, within the county in which
16 the business is located, after conferring with the chief
17 elected official of the municipality or county and taking into
18 consideration any evidence offered by the municipality or
19 county regarding the ability to accommodate expansion within
20 the municipality or county.

21 "Battery raw materials" means the raw and processed form
22 of a mineral, metal, chemical, or other material used in an
23 advanced battery component.

24 "Battery raw materials refining service provider" means a
25 business that operates a facility that filters, sifts, and
26 treats battery raw materials for use in an advanced battery.

1 "Battery recycling and reuse manufacturer" means a
2 manufacturer that is primarily engaged in the recovery,
3 retrieval, processing, recycling, or recirculating of battery
4 raw materials for new use in electric vehicle batteries.

5 "Capital improvements" means the purchase, renovation,
6 rehabilitation, or construction of permanent tangible land,
7 buildings, structures, equipment, and furnishings in an
8 approved project sited in Illinois and expenditures for goods
9 or services that are normally capitalized, including
10 organizational costs and research and development costs
11 incurred in Illinois. For land, buildings, structures, and
12 equipment that are leased, the lease must equal or exceed the
13 term of the agreement, and the cost of the property shall be
14 determined from the present value, using the corporate
15 interest rate prevailing at the time of the application, of
16 the lease payments.

17 "Credit" means either a "REV Illinois Credit" or a "REV
18 Construction Jobs Credit" agreed to between the Department and
19 applicant under this Act.

20 "Department" means the Department of Commerce and Economic
21 Opportunity.

22 "Director" means the Director of Commerce and Economic
23 Opportunity.

24 "Electric vehicle" means a vehicle that is exclusively
25 powered by and refueled by electricity, including electricity
26 generated through hydrogen fuel cells or solar technology.

1 "Electric vehicle", except when referencing aircraft with
2 hybrid electric propulsion systems, does not include
3 hybrid-electric ~~hybrid electric~~ vehicles, electric bicycles,
4 or extended-range electric vehicles that are also equipped
5 with conventional fueled propulsion or auxiliary engines.

6 "Electric vehicle manufacturer" means a new or existing
7 manufacturer that is primarily focused on reequipping,
8 expanding, or establishing a manufacturing facility in
9 Illinois that produces electric vehicles as defined in this
10 Section.

11 "Electric vehicle component parts manufacturer" means a
12 new or existing manufacturer that is focused on reequipping,
13 expanding, or establishing a manufacturing facility in
14 Illinois that produces parts or accessories used in electric
15 vehicles, as defined by this Section, including advanced
16 battery component parts. The changes to this definition of
17 "electric vehicle component parts manufacturer" apply to
18 agreements under this Act that are entered into on or after
19 December 21, 2022 (the effective date of Public Act 102-1112)
20 ~~this amendatory Act of the 102nd General Assembly.~~

21 "Electric vehicle power supply equipment" means the
22 equipment used specifically for the purpose of delivering
23 electricity to an electric vehicle, including hydrogen fuel
24 cells or solar refueling infrastructure.

25 "Electric vehicle power supply manufacturer" means a new
26 or existing manufacturer that is focused on reequipping,

1 expanding, or establishing a manufacturing facility in
2 Illinois that produces electric vehicle power supply equipment
3 used for the purpose of delivering electricity to an electric
4 vehicle, including hydrogen fuel cell or solar refueling
5 infrastructure.

6 "Electric vehicle powertrain technology" means equipment
7 used to convert electricity for use in aerospace propulsion.

8 "Electric vehicle powertrain technology manufacturer"
9 means a new or existing manufacturer that is focused on
10 reequipping, expanding, or establishing a manufacturing
11 facility in Illinois that develops and validates electric
12 vehicle powertrain technology for use in aerospace propulsion.

13 "Electric vertical takeoff and landing aircraft" or "eVTOL
14 aircraft" means a fully electric aircraft that lands and takes
15 off vertically.

16 "Energy Transition Area" means a county with less than
17 100,000 people or a municipality that contains one or more of
18 the following:

19 (1) a fossil fuel plant that was retired from service
20 or has significant reduced service within 6 years before
21 the time of the application or will be retired or have
22 service significantly reduced within 6 years following the
23 time of the application; or

24 (2) a coal mine that was closed or had operations
25 significantly reduced within 6 years before the time of
26 the application or is anticipated to be closed or have

1 operations significantly reduced within 6 years following
2 the time of the application.

3 "Full-time employee" means an individual who is employed
4 for consideration for at least 35 hours each week or who
5 renders any other standard of service generally accepted by
6 industry custom or practice as full-time employment. An
7 individual for whom a W-2 is issued by a Professional Employer
8 Organization (PEO) is a full-time employee if employed in the
9 service of the applicant for consideration for at least 35
10 hours each week.

11 "Green steel manufacturer" means an entity that
12 manufactures steel without the use of fossil fuels and with
13 zero net carbon emissions.

14 "Incremental income tax" means the total amount withheld
15 during the taxable year from the compensation of new employees
16 and, if applicable, retained employees under Article 7 of the
17 Illinois Income Tax Act arising from employment at a project
18 that is the subject of an agreement.

19 "Institution of higher education" or "institution" means
20 any accredited public or private university, college,
21 community college, business, technical, or vocational school,
22 or other accredited educational institution offering degrees
23 and instruction beyond the secondary school level.

24 "Minority person" means a minority person as defined in
25 the Business Enterprise for Minorities, Women, and Persons
26 with Disabilities Act.

1 "New employee" means a newly-hired, full-time employee
2 employed to work at the project site and whose work is directly
3 related to the project.

4 "Noncompliance date" means, in the case of a taxpayer that
5 is not complying with the requirements of the agreement or the
6 provisions of this Act, the day following the last date upon
7 which the taxpayer was in compliance with the requirements of
8 the agreement and the provisions of this Act, as determined by
9 the Director, pursuant to Section 70.

10 "Pass-through entity" means an entity that is exempt from
11 the tax under subsection (b) or (c) of Section 205 of the
12 Illinois Income Tax Act.

13 "Placed in service" means the state or condition of
14 readiness, availability for a specifically assigned function,
15 and the facility is constructed and ready to conduct its
16 facility operations to manufacture goods.

17 "Professional employer organization" (PEO) means an
18 employee leasing company, as defined in Section 206.1 of the
19 Illinois Unemployment Insurance Act.

20 "Program" means the Reimagining Energy and Vehicles in
21 Illinois Program (the REV Illinois Program) established in
22 this Act.

23 "Project" or "REV Illinois Project" means a for-profit
24 economic development activity for the manufacture of electric
25 vehicles, electric vehicle component parts, electric vehicle
26 power supply equipment, or renewable energy products, which is

1 designated by the Department as a REV Illinois Project and is
2 the subject of an agreement.

3 "Recycling facility" means a location at which the
4 taxpayer disposes of batteries and other component parts in
5 manufacturing of electric vehicles, electric vehicle component
6 parts, or electric vehicle power supply equipment.

7 "Related member" means a person that, with respect to the
8 taxpayer during any portion of the taxable year, is any one of
9 the following:

10 (1) An individual stockholder, if the stockholder and
11 the members of the stockholder's family (as defined in
12 Section 318 of the Internal Revenue Code) own directly,
13 indirectly, beneficially, or constructively, in the
14 aggregate, at least 50% of the value of the taxpayer's
15 outstanding stock.

16 (2) A partnership, estate, trust and any partner or
17 beneficiary, if the partnership, estate, or trust, and its
18 partners or beneficiaries own directly, indirectly,
19 beneficially, or constructively, in the aggregate, at
20 least 50% of the profits, capital, stock, or value of the
21 taxpayer.

22 (3) A corporation, and any party related to the
23 corporation in a manner that would require an attribution
24 of stock from the corporation under the attribution rules
25 of Section 318 of the Internal Revenue Code, if the
26 Taxpayer owns directly, indirectly, beneficially, or

1 constructively at least 50% of the value of the
2 corporation's outstanding stock.

3 (4) A corporation and any party related to that
4 corporation in a manner that would require an attribution
5 of stock from the corporation to the party or from the
6 party to the corporation under the attribution rules of
7 Section 318 of the Internal Revenue Code, if the
8 corporation and all such related parties own in the
9 aggregate at least 50% of the profits, capital, stock, or
10 value of the taxpayer.

11 (5) A person to or from whom there is an attribution of
12 stock ownership in accordance with Section 1563(e) of the
13 Internal Revenue Code, except, for purposes of determining
14 whether a person is a related member under this paragraph,
15 20% shall be substituted for 5% wherever 5% appears in
16 Section 1563(e) of the Internal Revenue Code.

17 "Renewable energy" means energy produced using the
18 materials and sources of energy through which renewable energy
19 resources are generated.

20 "Renewable energy manufacturer" means a manufacturer whose
21 primary function is to manufacture or assemble: (i) equipment,
22 systems, or products used to produce renewable or nuclear
23 energy; (ii) products used for energy storage, or grid
24 efficiency purposes; or (iii) component parts for that
25 equipment or those systems or products.

26 "Renewable energy resources" has the meaning ascribed to

1 that term in Section 1-10 of the Illinois Power Agency Act.

2 "Research and development" means work directed toward the
3 innovation, introduction, and improvement of products and
4 processes. "Research and development" includes all levels of
5 research and development that directly result in the potential
6 manufacturing and marketability of renewable energy, electric
7 vehicles, electric vehicle component parts, and electric or
8 hybrid aircraft.

9 "Retained employee" means a full-time employee employed by
10 the taxpayer prior to the term of the Agreement who continues
11 to be employed during the term of the agreement whose job
12 duties are directly related to the project. The term "retained
13 employee" does not include any individual who has a direct or
14 an indirect ownership interest of at least 5% in the profits,
15 equity, capital, or value of the taxpayer or a child,
16 grandchild, parent, or spouse, other than a spouse who is
17 legally separated from the individual, of any individual who
18 has a direct or indirect ownership of at least 5% in the
19 profits, equity, capital, or value of the taxpayer. The
20 changes to this definition of "retained employee" apply to
21 agreements for credits under this Act that are entered into on
22 or after December 21, 2022 (the effective date of Public Act
23 102-1112) ~~this amendatory Act of the 102nd General Assembly.~~

24 "REV Illinois credit" means a credit agreed to between the
25 Department and the applicant under this Act that is based on
26 the incremental income tax attributable to new employees and,

1 if applicable, retained employees, and on training costs for
2 such employees at the applicant's project.

3 "REV construction jobs credit" means a credit agreed to
4 between the Department and the applicant under this Act that
5 is based on the incremental income tax attributable to
6 construction wages paid in connection with construction of the
7 project facilities.

8 "Statewide baseline" means the total number of full-time
9 employees of the applicant and any related member employed by
10 such entities at the time of application for incentives under
11 this Act.

12 "Taxpayer" means an individual, corporation, partnership,
13 or other entity that has a legal obligation to pay Illinois
14 income taxes and file an Illinois income tax return.

15 "Training costs" means costs incurred to upgrade the
16 technological skills of full-time employees in Illinois and
17 includes: curriculum development; training materials
18 (including scrap product costs); trainee domestic travel
19 expenses; instructor costs (including wages, fringe benefits,
20 tuition, and domestic travel expenses); rent, purchase, or
21 lease of training equipment; and other usual and customary
22 training costs. "Training costs" do not include costs
23 associated with travel outside the United States (unless the
24 Taxpayer receives prior written approval for the travel by the
25 Director based on a showing of substantial need or other proof
26 the training is not reasonably available within the United

1 States), wages and fringe benefits of employees during periods
2 of training, or administrative cost related to full-time
3 employees of the taxpayer.

4 "Underserved area" means any geographic area as defined in
5 Section 5-5 of the Economic Development for a Growing Economy
6 Tax Credit Act.

7 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22;
8 102-1112, eff. 12-21-22; 102-1125, eff. 2-3-23; 103-595, eff.
9 6-26-24; revised 10-24-24.)

10 (20 ILCS 686/20)

11 Sec. 20. REV Illinois Program; project applications.

12 (a) The Reimagining Energy and Vehicles in Illinois (REV
13 Illinois) Program is hereby established and shall be
14 administered by the Department. The Program will provide
15 financial incentives to any one or more of the following: (1)
16 eligible manufacturers of electric vehicles, electric vehicle
17 component parts, and electric vehicle power supply equipment;
18 (2) battery recycling and reuse manufacturers; (3) battery raw
19 materials refining service providers; or (4) renewable energy
20 manufacturers.

21 (b) Any taxpayer planning a project to be located in
22 Illinois may request consideration for designation of its
23 project as a REV Illinois Project, by formal written letter of
24 request or by formal application to the Department, in which
25 the applicant states its intent to make at least a specified

1 level of investment and intends to hire a specified number of
2 full-time employees at a designated location in Illinois. As
3 circumstances require, the Department shall require a formal
4 application from an applicant and a formal letter of request
5 for assistance.

6 (c) In order to qualify for credits under the REV Illinois
7 Program, an applicant must:

8 (1) if the applicant is an electric vehicle
9 manufacturer:

10 (A) make an investment of at least \$1,500,000,000
11 in capital improvements at the project site;

12 (B) to be placed in service within the State
13 within a 60-month period after approval of the
14 application; and

15 (C) create at least 500 new full-time employee
16 jobs; or

17 (2) if the applicant is an electric vehicle component
18 parts manufacturer, a renewable energy manufacturer, a
19 green steel manufacturer, or an entity engaged in
20 research, development, or manufacturing of eVTOL aircraft
21 or hybrid-electric or fully electric propulsion systems
22 for airliners:

23 (A) make an investment of at least \$300,000,000 in
24 capital improvements at the project site;

25 (B) manufacture one or more parts that are
26 primarily used for electric vehicle, renewable energy,

1 or green steel manufacturing;

2 (C) to be placed in service within the State
3 within a 60-month period after approval of the
4 application; and

5 (D) create at least 150 new full-time employee
6 jobs; or

7 (3) if the agreement is entered into before February
8 3, 2023 (the effective date of Public Act 102-1125) ~~this~~
9 ~~amendatory Act of the 102nd General Assembly~~ and the
10 applicant is an electric vehicle manufacturer, an electric
11 vehicle power supply equipment manufacturer, an electric
12 vehicle component part manufacturer, renewable energy
13 manufacturer, or green steel manufacturer that does not
14 qualify under paragraph (2) above, a battery recycling and
15 reuse manufacturer, or a battery raw materials refining
16 service provider:

17 (A) make an investment of at least \$20,000,000 in
18 capital improvements at the project site;

19 (B) for electric vehicle component part
20 manufacturers, manufacture one or more parts that are
21 primarily used for electric vehicle manufacturing;

22 (C) to be placed in service within the State
23 within a 48-month period after approval of the
24 application; and

25 (D) create at least 50 new full-time employee
26 jobs; or

1 (3.1) if the agreement is entered into on or after
2 February 3, 2023 (the effective date of Public Act
3 102-1125) ~~this amendatory Act of the 102nd General~~
4 ~~Assembly~~ and the applicant is an electric vehicle
5 manufacturer, an electric vehicle power supply equipment
6 manufacturer, an electric vehicle component part
7 manufacturer, a renewable energy manufacturer, a green
8 steel manufacturer, or an entity engaged in research,
9 development, or manufacturing of eVTOL aircraft or
10 hybrid-electric or fully electric propulsion systems for
11 airliners that does not qualify under paragraph (2) above,
12 a battery recycling and reuse manufacturer, or a battery
13 raw materials refining service provider:

14 (A) make an investment of at least \$2,500,000 in
15 capital improvements at the project site;

16 (B) in the case of electric vehicle component part
17 manufacturers, manufacture one or more parts that are
18 used for electric vehicle manufacturing;

19 (C) to be placed in service within the State
20 within a 48-month period after approval of the
21 application; and

22 (D) create the lesser of 50 new full-time employee
23 jobs or new full-time employee jobs equivalent to 10%
24 of the Statewide baseline applicable to the taxpayer
25 and any related member at the time of application; or

26 (4) if the agreement is entered into before February

1 3, 2023 (the effective date of Public Act 102-1125) ~~this~~
2 ~~amendatory Act of the 102nd General Assembly~~ and the
3 applicant is an electric vehicle manufacturer or electric
4 vehicle component parts manufacturer with existing
5 operations within Illinois that intends to convert or
6 expand, in whole or in part, the existing facility from
7 traditional manufacturing to primarily electric vehicle
8 manufacturing, electric vehicle component parts
9 manufacturing, ~~an~~ electric vehicle power supply equipment
10 manufacturing, or a green steel manufacturer:

11 (A) make an investment of at least \$100,000,000 in
12 capital improvements at the project site;

13 (B) to be placed in service within the State
14 within a 60-month period after approval of the
15 application; and

16 (C) create the lesser of 75 new full-time employee
17 jobs or new full-time employee jobs equivalent to 10%
18 of the Statewide baseline applicable to the taxpayer
19 and any related member at the time of application;

20 (4.1) if the agreement is entered into on or after
21 February 3, 2023 (the effective date of Public Act
22 102-1125) ~~this amendatory Act of the 102nd General~~
23 ~~Assembly~~ and the applicant (i) is an electric vehicle
24 manufacturer, an electric vehicle component parts
25 manufacturer, a renewable energy manufacturer, a green
26 steel manufacturer, or an entity engaged in research,

1 development, or manufacturing of eVTOL aircraft or hybrid
2 electric or fully electric propulsion systems for
3 airliners and (ii) has existing operations within Illinois
4 that the applicant intends to convert or expand, in whole
5 or in part, from traditional manufacturing to electric
6 vehicle manufacturing, electric vehicle component parts
7 manufacturing, renewable energy manufacturing, or electric
8 vehicle power supply equipment manufacturing:

9 (A) make an investment of at least \$100,000,000 in
10 capital improvements at the project site;

11 (B) to be placed in service within the State
12 within a 60-month period after approval of the
13 application; and

14 (C) create the lesser of 50 new full-time employee
15 jobs or new full-time employee jobs equivalent to 10%
16 of the Statewide baseline applicable to the taxpayer
17 and any related member at the time of application; or

18 (5) if the agreement is entered into on or after June
19 7, 2023 (the effective date of the changes made to this
20 Section by Public Act 103-9) ~~this amendatory Act of the~~
21 ~~103rd General Assembly~~ and before June 1, 2024 and the
22 applicant (i) is an electric vehicle manufacturer, an
23 electric vehicle component parts manufacturer, or a
24 renewable energy manufacturer or (ii) has existing
25 operations within Illinois that the applicant intends to
26 convert or expand, in whole or in part, from traditional

1 manufacturing to electric vehicle manufacturing, electric
2 vehicle component parts manufacturing, renewable energy
3 manufacturing, or electric vehicle power supply equipment
4 manufacturing:

5 (A) make an investment of at least \$500,000,000 in
6 capital improvements at the project site;

7 (B) to be placed in service within the State
8 within a 60-month period after approval of the
9 application; and

10 (C) retain at least 800 full-time employee jobs at
11 the project.

12 (d) For agreements entered into prior to April 19, 2022
13 (the effective date of Public Act 102-700), for any applicant
14 creating the full-time employee jobs noted in subsection (c),
15 those jobs must have a total compensation equal to or greater
16 than 120% of the average wage paid to full-time employees in
17 the county where the project is located, as determined by the
18 U.S. Bureau of Labor Statistics. For agreements entered into
19 on or after April 19, 2022 (the effective date of Public Act
20 102-700), for any applicant creating the full-time employee
21 jobs noted in subsection (c), those jobs must have a
22 compensation equal to or greater than 120% of the average wage
23 paid to full-time employees in a similar position within an
24 occupational group in the county where the project is located,
25 as determined by the Department.

26 (e) For any applicant, within 24 months after being placed

1 in service, it must certify to the Department that it is carbon
2 neutral or has attained certification under one of more of the
3 following green building standards:

4 (1) BREEAM for New Construction or BREEAM In-Use;

5 (2) ENERGY STAR;

6 (3) Envision;

7 (4) ISO 50001 - energy management;

8 (5) LEED for Building Design and Construction or LEED
9 for Building Operations and Maintenance;

10 (6) Green Globes for New Construction or Green Globes
11 for Existing Buildings; or

12 (7) UL 3223.

13 (f) Each applicant must outline its hiring plan and
14 commitment to recruit and hire full-time employee positions at
15 the project site. The hiring plan may include a partnership
16 with an institution of higher education to provide
17 internships, including, but not limited to, internships
18 supported by the Clean Jobs Workforce Network Program, or
19 full-time permanent employment for students at the project
20 site. Additionally, the applicant may create or utilize
21 participants from apprenticeship programs that are approved by
22 and registered with the United States Department of Labor's
23 Bureau of Apprenticeship and Training. The applicant may apply
24 for apprenticeship education expense credits in accordance
25 with the provisions set forth in 14 Ill. Adm. Code 522. Each
26 applicant is required to report annually, on or before April

1 15, on the diversity of its workforce in accordance with
2 Section 50 of this Act. For existing facilities of applicants
3 under paragraph (3) of subsection (b) above, if the taxpayer
4 expects a reduction in force due to its transition to
5 manufacturing electric vehicle, electric vehicle component
6 parts, or electric vehicle power supply equipment, the plan
7 submitted under this Section must outline the taxpayer's plan
8 to assist with retraining its workforce aligned with the
9 taxpayer's adoption of new technologies and anticipated
10 efforts to retrain employees through employment opportunities
11 within the taxpayer's workforce.

12 (g) Each applicant must demonstrate a contractual or other
13 relationship with a recycling facility, or demonstrate its own
14 recycling capabilities, at the time of application and report
15 annually a continuing contractual or other relationship with a
16 recycling facility and the percentage of batteries used in
17 electric vehicles recycled throughout the term of the
18 agreement.

19 (h) A taxpayer may not enter into more than one agreement
20 under this Act with respect to a single address or location for
21 the same period of time. Also, a taxpayer may not enter into an
22 agreement under this Act with respect to a single address or
23 location for the same period of time for which the taxpayer
24 currently holds an active agreement under the Economic
25 Development for a Growing Economy Tax Credit Act. This
26 provision does not preclude the applicant from entering into

1 an additional agreement after the expiration or voluntary
2 termination of an earlier agreement under this Act or under
3 the Economic Development for a Growing Economy Tax Credit Act
4 to the extent that the taxpayer's application otherwise
5 satisfies the terms and conditions of this Act and is approved
6 by the Department. An applicant with an existing agreement
7 under the Economic Development for a Growing Economy Tax
8 Credit Act may submit an application for an agreement under
9 this Act after it terminates any existing agreement under the
10 Economic Development for a Growing Economy Tax Credit Act with
11 respect to the same address or location. If a project that is
12 subject to an existing agreement under the Economic
13 Development for a Growing Economy Tax Credit Act meets the
14 requirements to be designated as a REV Illinois project under
15 this Act, including for actions undertaken prior to the
16 effective date of this Act, the taxpayer that is subject to
17 that existing agreement under the Economic Development for a
18 Growing Economy Tax Credit Act may apply to the Department to
19 amend the agreement to allow the project to become a
20 designated REV Illinois project. Following the amendment, time
21 accrued during which the project was eligible for credits
22 under the existing agreement under the Economic Development
23 for a Growing Economy Tax Credit Act shall count toward the
24 duration of the credit subject to limitations described in
25 Section 40 of this Act.

26 (i) If, at any time following the designation of a project

1 as a REV Illinois Project by the Department and prior to the
2 termination or expiration of an agreement under this Act, the
3 project ceases to qualify as a REV Illinois project because
4 the taxpayer is no longer an electric vehicle manufacturer, an
5 electric vehicle component manufacturer, an electric vehicle
6 power supply equipment manufacturer, a battery recycling and
7 reuse manufacturer, a battery raw materials refining service
8 provider, or an entity engaged in eVTOL or hybrid electric or
9 fully electric propulsion systems for airliners research,
10 development, or manufacturing, that project may receive tax
11 credit awards as described in Section 5-15 and Section 5-51 of
12 the Economic Development for a Growing Economy Tax Credit Act,
13 as long as the project continues to meet requirements to
14 obtain those credits as described in the Economic Development
15 for a Growing Economy Tax Credit Act and remains compliant
16 with terms contained in the Agreement under this Act not
17 related to their status as an electric vehicle manufacturer,
18 an electric vehicle component manufacturer, an electric
19 vehicle power supply equipment manufacturer, a battery
20 recycling and reuse manufacturer, a battery raw materials
21 refining service provider, or an entity engaged in eVTOL or
22 hybrid-electric or fully electric propulsion systems for
23 airliners research, development, or manufacturing. Time
24 accrued during which the project was eligible for credits
25 under an agreement under this Act shall count toward the
26 duration of the credit subject to limitations described in

1 Section 5-45 of the Economic Development for a Growing Economy
2 Tax Credit Act.

3 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22;
4 102-1112, eff. 12-21-22; 102-1125, eff. 2-3-23; 103-9, eff.
5 6-7-23; 103-595, eff. 6-26-24; revised 10-24-24.)

6 (20 ILCS 686/65)

7 Sec. 65. REV Construction Jobs Credits.

8 (a) Each REV program participant that is engaged in
9 construction work who seeks to apply for a REV Construction
10 Jobs credit shall annually, until construction is completed,
11 submit a report that, at a minimum, describes the projected
12 project scope, timeline, and anticipated budget. Once the
13 project has commenced, the annual report shall include actual
14 data for the prior year as well as projections for each
15 additional year through completion of the project. The
16 Department shall issue detailed reporting guidelines
17 prescribing the requirements of construction-related
18 ~~construction-related~~ reports.

19 In order to receive credit for construction expenses, the
20 company must provide the Department with evidence that a
21 certified third-party executed an Agreed-Upon Procedure (AUP)
22 verifying the construction expenses or accept the standard
23 construction wage expense estimated by the Department.

24 Upon review of the final project scope, timeline, budget,
25 and AUP, the Department shall issue a tax credit certificate

1 reflecting a percentage of the total construction job wages
2 paid throughout the completion of the project.

3 (b) (Blank).

4 (c) (Blank).

5 (d) (Blank).

6 (e) Upon 7 business days' notice, the taxpayer shall make
7 available to any State agency and to federal, State, or local
8 law enforcement agencies and prosecutors for inspection and
9 copying at a location within this State during reasonable
10 hours, the report described in subsection (a).

11 (Source: P.A. 102-669, eff. 11-16-21; 103-595, eff. 6-26-24;
12 revised 10-23-24.)

13 (20 ILCS 686/95)

14 Sec. 95. Utility tax exemptions for REV Illinois Project
15 sites. The Department may certify a taxpayer with a REV
16 Illinois credit for a Project that meets the qualifications
17 under paragraph ~~Section paragraphs~~ (1), (2), (4), (4.1), or
18 (5) of subsection (c) of Section 20, subject to an agreement
19 under this Act for an exemption from the tax imposed at the
20 project site by Section 2-4 of the Electricity Excise Tax Law.
21 To receive such certification, the taxpayer must be registered
22 to self-assess that tax. The taxpayer is also exempt from any
23 additional charges added to the taxpayer's utility bills at
24 the project site as a pass-on of State utility taxes under
25 Section 9-222 of the Public Utilities Act. The taxpayer must

1 meet any other criteria for certification set by the
2 Department.

3 The Department shall determine the period during which the
4 exemption from the Electricity Excise Tax Law and the charges
5 imposed under Section 9-222 of the Public Utilities Act are in
6 effect, which shall not exceed 30 years from the date of the
7 taxpayer's initial receipt of certification from the
8 Department under this Section.

9 The Department is authorized to adopt rules to carry out
10 the provisions of this Section, including procedures to apply
11 for the exemptions; to define the amounts and types of
12 eligible investments that an applicant must make in order to
13 receive electricity excise tax exemptions or exemptions from
14 the additional charges imposed under Section 9-222 and the
15 Public Utilities Act; to approve such electricity excise tax
16 exemptions for applicants whose investments are not yet placed
17 in service; and to require that an applicant granted an
18 electricity excise tax exemption or an exemption from
19 additional charges under Section 9-222 of the Public Utilities
20 Act repay the exempted amount if the applicant ~~Applicant~~ fails
21 to comply with the terms and conditions of the agreement.

22 Upon certification by the Department under this Section,
23 the Department shall notify the Department of Revenue of the
24 certification. The Department of Revenue shall notify the
25 public utilities of the exempt status of any taxpayer
26 certified for exemption under this Act from the electricity

1 excise tax or pass-on charges. The exemption status shall take
2 effect within 3 months after certification of the taxpayer and
3 notice to the Department of Revenue by the Department.

4 (Source: P.A. 102-669, eff. 11-16-21; 103-595, eff. 6-26-24;
5 revised 10-23-24.)

6 Section 120. The Department of Human Services Act is
7 amended by changing Section 1-75 as follows:

8 (20 ILCS 1305/1-75)

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

10 Sec. 1-75. Off-Hours Child Care Program.

11 (a) Legislative intent. The General Assembly finds that:

12 (1) Finding child care can be a challenge for
13 firefighters, paramedics, police officers, nurses, and
14 other third shift workers across the State who often work
15 non-typical work hours. This can impact home life, school,
16 bedtime routines, job safety, and the mental health of
17 some of our most critical frontline ~~front-line~~ workers and
18 their families.

19 (2) There is a need for increased options for
20 off-hours child care in the State. A majority of the
21 State's child care facilities do not provide care outside
22 of normal work hours, with just 3,251 day care homes and
23 435 group day care homes that provide night care.

24 (3) Illinois has a vested interest in ensuring that

1 our first responders and working families can provide
2 their children with appropriate care during off hours to
3 improve the morale of existing first responders and to
4 improve recruitment into the future.

5 (b) As used in this Section, "first responders" means
6 emergency medical services personnel as defined in the
7 Emergency Medical Services (EMS) Systems Act, firefighters,
8 law enforcement officers, and, as determined by the
9 Department, any other workers who, on account of their work
10 schedule, need child care outside of the hours when licensed
11 child care facilities typically operate.

12 (c) Subject to appropriation, the Department of Human
13 Services shall establish and administer an Off-Hours Child
14 Care Program to help first responders and other workers
15 identify and access off-hours, night, or sleep time child
16 care. Services funded under the program must address the child
17 care needs of first responders. Funding provided under the
18 program may also be used to cover any capital and operating
19 expenses related to the provision of off-hours, night, or
20 sleep time child care for first responders. Funding awarded
21 under this Section shall be funded through appropriations from
22 the Off-Hours Child Care Program Fund created under subsection

23 (d). The Department shall implement the program by July 1,
24 2023. The Department may adopt any rules necessary to
25 implement the program.

26 (d) The Off-Hours Child Care Program Fund is created as a

1 special fund in the State treasury. The Fund shall consist of
2 any moneys appropriated to the Department of Human Services
3 for the Off-Hours Child Care Program. Moneys in the Fund shall
4 be expended for the Off-Hours Child Care Program and for no
5 other purpose. All interest earned on moneys in the Fund shall
6 be deposited into the Fund.

7 (e) This Section is repealed on July 1, 2026.

8 (Source: P.A. 102-912, eff. 5-27-22; 103-154, eff. 6-30-23;
9 103-594, eff. 6-25-24; revised 10-16-24.)

10 Section 125. The Department of Insurance Law of the Civil
11 Administrative Code of Illinois is amended by changing Section
12 1405-40 as follows:

13 (20 ILCS 1405/1405-40)

14 Sec. 1405-40. Transfer of functions.

15 (a) On July 1, 2021 (the effective date of Public Act
16 102-37), all powers, duties, rights, and responsibilities of
17 the Insurance Compliance Division within the Illinois Workers'
18 Compensation Commission are transferred to the Department of
19 Insurance. The personnel of the Insurance Compliance Division
20 are transferred to the Department of Insurance. The status and
21 rights of such personnel under the Personnel Code are not
22 affected by the transfer. The rights of the employees and the
23 State of Illinois and its agencies under the Personnel Code
24 and applicable collective bargaining agreements or under any

1 pension, retirement, or annuity plan are not affected by
2 Public Act 102-37. All books, records, papers, documents,
3 property (real and personal), contracts, causes of action, and
4 pending business pertaining to the powers, duties, rights, and
5 responsibilities transferred by Public Act 102-37 from the
6 Insurance Compliance Division to the Department of Insurance,
7 including, but not limited to, material in electronic or
8 magnetic format and necessary computer hardware and software,
9 are transferred to the Department of Insurance. The powers,
10 duties, rights, and responsibilities relating to the Insurance
11 Compliance Division transferred by Public Act 102-37 are
12 vested in the Department of Insurance.

13 (b) Whenever reports or notices are required to be made or
14 given or papers or documents furnished or served by any person
15 to or upon the Insurance Compliance Division in connection
16 with any of the powers, duties, rights, and responsibilities
17 transferred by Public Act 102-37, the Department of Insurance
18 shall make, give, furnish, or serve them.

19 (c) Public Act 102-37 does not affect any act done,
20 ratified, or canceled, any right occurring or established, or
21 any action or proceeding had or commenced in an
22 administrative, civil, or criminal cause by the Insurance
23 Compliance Division before July 1, 2021 (the effective date of
24 Public Act 102-37). Such actions or proceedings may be
25 prosecuted and continued by the Department of Insurance.

26 (d) Any rules that relate to its powers, duties, rights,

1 and responsibilities of the Insurance Compliance Division and
2 are in force on July 1, 2021 (the effective date of Public Act
3 102-37) become the rules of the Department of Insurance.
4 Public Act 102-37 does not affect the legality of any such
5 rules.

6 (e) Any proposed rules filed with the Secretary of State
7 by the Illinois Workers' Compensation Commission that are
8 pending in the rulemaking process on July 1, 2021 (the
9 effective date of Public Act 102-37) and pertain to the
10 transferred powers, duties, rights, and responsibilities are
11 deemed to have been filed by the Department of Insurance. As
12 soon as practicable, the Department of Insurance shall revise
13 and clarify the rules transferred to it under Public Act
14 102-37 ~~to~~ to reflect the reorganization of powers, duties,
15 rights, and responsibilities affected by Public Act 102-37,
16 using the procedures for recodification of rules available
17 under the Illinois Administrative Procedure Act, except that
18 existing title, part, and section numbering for the affected
19 rules may be retained. The Department of Insurance may propose
20 and adopt under the Illinois Administrative Procedure Act
21 other rules of the Illinois Workers' Compensation Commission
22 pertaining to Public Act 102-37 that are administered by the
23 Department of Insurance.

24 (Source: P.A. 102-37, eff. 7-1-21; 102-813, eff. 5-13-22;
25 revised 7-29-24.)

1 Section 130. The Department of Professional Regulation Law
2 of the Civil Administrative Code of Illinois is amended by
3 changing Sections 2105-370 and 2105-375 as follows:

4 (20 ILCS 2105/2105-370)

5 Sec. 2105-370. Continuing education; cultural competency.

6 (a) As used in this Section:

7 "Cultural competency" means a set of integrated attitudes,
8 knowledge, and skills that enables a health care professional
9 or organization to care effectively for patients from diverse
10 cultures, groups, and communities.

11 "Health care professional" means a person licensed or
12 registered by the Department under the following Acts: the
13 Medical Practice Act of 1987, the Nurse Practice Act, the
14 Clinical Psychologist Licensing Act, the Illinois Optometric
15 Practice Act of 1987, the Illinois Physical Therapy Act, the
16 Pharmacy Practice Act, the Physician Assistant Practice Act of
17 1987, the Clinical Social Work and Social Work Practice Act,
18 the Nursing Home Administrators Licensing and Disciplinary
19 Act, the Illinois Occupational Therapy Practice Act, the
20 Podiatric Medical Practice Act of 1987, the Respiratory Care
21 Practice Act, the Professional Counselor and Clinical
22 Professional Counselor Licensing and Practice Act, the
23 Illinois Speech-Language Pathology and Audiology Practice Act,
24 the Illinois Dental Practice Act, ~~the Illinois Dental Practice~~
25 ~~Act,~~ or the Behavior Analyst Licensing Act.

1 (b) For health care professional license or registration
2 renewals occurring on or after January 1, 2025, a health care
3 professional who has continuing education requirements must
4 complete at least a one-hour course in training on cultural
5 competency. A health care professional may count this one hour
6 for completion of this course toward meeting the minimum
7 credit hours required for continuing education.

8 (c) The Department may adopt rules for the implementation
9 of this Section.

10 (Source: P.A. 103-531, eff. 1-1-25; 103-605, eff. 7-1-24;
11 revised 12-1-24.)

12 (20 ILCS 2105/2105-375)

13 Sec. 2105-375. Limitation on specific statutorily mandated
14 training requirements.

15 (a) As used in this Section:

16 "Health care professional" means a person licensed or
17 registered by the Department under the following Acts: the
18 Medical Practice Act of 1987, the Nurse Practice Act, the
19 Clinical Psychologist Licensing Act, the Illinois Optometric
20 Practice Act of 1987, the Illinois Physical Therapy Act, the
21 Pharmacy Practice Act, the Physician Assistant Practice Act of
22 1987, the Clinical Social Work and Social Work Practice Act,
23 the Nursing Home Administrators Licensing and Disciplinary
24 Act, the Illinois Occupational Therapy Practice Act, the
25 Podiatric Medical Practice Act of 1987, the Respiratory Care

1 Practice Act, the Professional Counselor and Clinical
2 Professional Counselor Licensing and Practice Act, the
3 Illinois Speech-Language Pathology and Audiology Practice Act,
4 the Illinois Dental Practice Act, ~~the Illinois Dental Practice~~
5 ~~Act,~~ or the Behavior Analyst Licensing Act.

6 "Statutorily mandated topics" means continuing education
7 training as specified by statute, including, but not limited
8 to, training required under Sections 2105-365 and 2105-370.

9 (b) Notwithstanding any other provision of law, for health
10 care professional license or registration renewals occurring
11 on or after January 1, 2025, a health care professional whose
12 license or registration renewal occurs every 2 years must
13 complete all statutorily mandated topics within 3 renewal
14 periods. If any additional statutorily mandated topics are
15 added by law after January 1, 2025 (the effective date of
16 Public Act 103-531) ~~this amendatory Act of the 103rd General~~
17 ~~Assembly,~~ then a health care professional whose license or
18 registration renewal occurs every 2 years must complete all
19 statutorily mandated topics within 4 renewal periods.

20 (c) Notwithstanding any other provision of law, for health
21 care professional license or registration renewals occurring
22 on or after January 1, 2025, a health care professional whose
23 license or registration renewal occurs every 3 years must
24 complete all statutorily mandated topics within 2 renewal
25 periods. If any additional statutorily mandated topics are
26 added by law after January 1, 2025 (the effective date of

1 Public Act 103-531) ~~this amendatory Act of the 103rd General~~
2 ~~Assembly~~, then a health care professional whose license or
3 registration renewal occurs every 3 years must complete all
4 statutorily mandated topics within 3 renewal periods.

5 (d) Notwithstanding any other provision of this Section to
6 the contrary, the implicit bias awareness training required
7 under Section 2105-15.7 and the sexual harassment prevention
8 training required under Section 2105-15.5 must be completed as
9 provided by law.

10 (d-5) Notwithstanding any other provision of this Section
11 to the contrary, the Alzheimer's disease and other dementias
12 training required under Section 2105-365 must be completed
13 prior to the end of the health care professional's first
14 license renewal period, and thereafter in accordance with this
15 Section.

16 (e) The Department shall maintain on its website
17 information regarding the current requirements for the
18 specific statutorily mandated topics.

19 (f) Each license or permit application or renewal form the
20 Department provides to a health care professional must include
21 a notification regarding the current specific statutorily
22 mandated topics.

23 (Source: P.A. 103-531, eff. 1-1-25; revised 12-1-24.)

24 Section 135. The Department of Public Health Powers and
25 Duties Law of the Civil Administrative Code of Illinois is

1 amended by changing Section 2310-347 and by setting forth,
2 renumbering, and changing multiple versions of Section
3 2310-730 as follows:

4 (20 ILCS 2310/2310-347)

5 Sec. 2310-347. The Carolyn Adams Ticket For The Cure
6 Board.

7 (a) The Carolyn Adams Ticket For The Cure Board is created
8 as an advisory board within the Department. Until 30 days
9 after July 11, 2011 (the effective date of Public Act 97-92)
10 ~~this amendatory Act of the 97th General Assembly~~, the Board
11 may consist of 10 members as follows: 2 members appointed by
12 the President of the Senate; 2 members appointed by the
13 Minority Leader of the Senate; 2 members appointed by the
14 Speaker of the House of Representatives; 2 members appointed
15 by the Minority Leader of the House of Representatives; and 2
16 members appointed by the Governor with the advice and consent
17 of the Senate, one of whom shall be designated as chair of the
18 Board at the time of appointment.

19 (a-5) Notwithstanding any provision of this Article to the
20 contrary, the term of office of each current Board member ends
21 30 days after July 11, 2011 (the effective date of Public Act
22 97-92) ~~this amendatory Act of the 97th General Assembly~~ or
23 when his or her successor is appointed and qualified,
24 whichever occurs sooner. No later than 30 days after July 11,
25 2011 (the effective date of Public Act 97-92) ~~this amendatory~~

1 ~~Act of the 97th General Assembly~~, the Board shall consist of 10
2 newly appointed members. Four of the Board members shall be
3 members of the General Assembly and appointed as follows: one
4 member appointed by the President of the Senate; one member
5 appointed by the Minority Leader of the Senate; one member
6 appointed by the Speaker of the House of Representatives; and
7 one member appointed by the Minority Leader of the House of
8 Representatives.

9 Six of the Board members shall be appointed by the
10 Director of the Department of Public Health, who shall
11 designate one of these appointed members as chair of the Board
12 at the time of his or her appointment. These 6 members
13 appointed by the Director shall reflect the population with
14 regard to ethnic, racial, and geographical composition and
15 shall include the following individuals: one breast cancer
16 survivor; one physician specializing in breast cancer or
17 related medical issues; one breast cancer researcher; one
18 representative from a breast cancer organization; one
19 individual who operates a patient navigation program at a
20 major hospital or health system; and one breast cancer
21 professional that may include, but not be limited to, a
22 genetics counselor, a social worker, a dietitian ~~dietitian~~, an
23 occupational therapist, or a nurse.

24 A Board member whose term has expired may continue to
25 serve until a successor is appointed.

26 (b) Board members shall serve without compensation but may

1 be reimbursed for their reasonable travel expenses incurred in
2 performing their duties from funds available for that purpose.
3 The Department shall provide staff and administrative support
4 services to the Board.

5 (c) The Board may advise:

6 (i) the Department of Revenue in designing and
7 promoting the Carolyn Adams Ticket For The Cure special
8 instant scratch-off lottery game;

9 (ii) the Department in reviewing grant applications;
10 and

11 (iii) the Director on the final award of grants from
12 amounts appropriated from the Carolyn Adams Ticket For The
13 Cure Grant Fund, to public or private entities in Illinois
14 that reflect the population with regard to ethnic, racial,
15 and geographic composition for the purpose of funding
16 breast cancer research and supportive services for breast
17 cancer survivors and those impacted by breast cancer and
18 breast cancer education. In awarding grants, the
19 Department shall consider criteria that includes, but is
20 not limited to, projects and initiatives that address
21 disparities in incidence and mortality rates of breast
22 cancer, based on data from the Illinois Cancer Registry,
23 and populations facing barriers to care in accordance with
24 Section 21.5 of the Illinois Lottery Law.

25 (c-5) The Department shall submit a report to the Governor
26 and the General Assembly by December 31 of each year. The

1 report shall provide a summary of the Carolyn Adams Ticket for
2 the Cure lottery ticket sales, grants awarded, and the
3 accomplishments of the grantees.

4 (d) The Board is discontinued on June 30, 2027.

5 (Source: P.A. 102-1129, eff. 2-10-23; revised 10-24-24.)

6 (20 ILCS 2310/2310-730)

7 Sec. 2310-730. Health care telementoring.

8 (a) Subject to appropriation, the Department shall
9 designate one or more health care telementoring entities based
10 on an application to be developed by the Department.
11 Applicants shall demonstrate a record of expertise and
12 demonstrated success in providing health care telementoring
13 services. The Department may adopt rules necessary for the
14 implementation of this Section. Funding may be provided based
15 on the number of health care providers or professionals who
16 are assisted by each approved health care telementoring entity
17 and the hours of assistance provided to each health care
18 provider or professional in addition to other factors as
19 determined by the Director.

20 (b) In this Section:

21 "Health care providers or professionals" means individuals
22 trained to provide health care or related services. "Health
23 care providers or professionals" includes, but is not limited
24 to, physicians, nurses, physician assistants, speech language
25 pathologists, social workers, and school personnel involved in

1 screening for targeted conditions and providing support to
2 students impacted by those conditions.

3 "Health care telementoring" means a program:

4 (1) that is based on interactive video or phone
5 technology that connects groups of local health care
6 providers or professionals in urban and rural underserved
7 areas with specialists in regular real-time collaborative
8 sessions;

9 (2) that is designed around case-based learning and
10 mentorship; and

11 (3) that helps local health care providers or
12 professionals gain the expertise required to more
13 effectively provide needed services.

14 "Health care telementoring" includes, but is not limited
15 to, a program provided to improve services in one or more of a
16 variety of areas, including, but not limited to, chronic
17 disease, communicable disease, atypical vision or hearing,
18 adolescent health, Hepatitis C, complex diabetes, geriatrics,
19 mental illness, opioid use disorders, substance use disorders,
20 maternity care, childhood adversity and trauma, pediatric
21 ADHD, congregate settings, including justice-involved ~~justice~~
22 ~~involved~~ systems, and other priorities identified by the
23 Department.

24 (Source: P.A. 103-588, eff. 6-5-24; revised 9-27-24.)

1 Sec. 2310-731 ~~2310-730~~. Diversity in clinical trials.

2 (a) As used in this Section, "underrepresented community"
3 or "underrepresented demographic group" means a community or
4 demographic group that is more likely to be historically
5 marginalized and less likely to be included in research and
6 clinical trials represented by race, ethnicity, sex, sexual
7 orientation, socioeconomic status, age, and geographic
8 location.

9 (b) Any State entity or hospital that receives funding
10 from the National Institutes of Health for the purpose of
11 conducting clinical trials of drugs or medical devices is
12 required to:

13 (1) adopt a policy that will result in the
14 identification and recruitment of persons who are members
15 of underrepresented demographic groups to participate in
16 the clinical trials and that:

17 (A) includes specific strategies for trial
18 enrollment and retention of diverse participants,
19 including, but not limited to, site location and
20 access, sustained community engagement, and reducing
21 burdens due to trial design or conduct, as
22 appropriate; and

23 (B) uses strategies recommended by the United
24 States Food and Drug Administration to identify and
25 recruit those persons to participate in the clinical
26 trials;

1 (2) provide information to trial participants in
2 languages other than English in accordance with current
3 federal requirements;

4 (3) provide translation services or bilingual staff
5 for trial recruitment and consent processes;

6 (4) provide culturally specific recruitment materials
7 alongside general enrollment materials; and

8 (5) provide remote consent options when not prohibited
9 by the granting entity or federal regulations.

10 (c) The Department, through voluntary reporting from
11 research institutions and in consultation with community-based
12 organizations and other stakeholders as appropriate and
13 available, shall analyze and provide recommendations on the
14 following:

15 (1) the demographic groups and populations that are
16 currently represented and underrepresented in clinical
17 trials in Illinois, including representation of groups
18 based on their geographic location;

19 (2) the barriers that prevent persons who are members
20 of underrepresented demographic groups from participating
21 in clinical trials in Illinois, including barriers related
22 to transportation; and

23 (3) approaches for how clinical trials can
24 successfully partner with community-based organizations
25 and others to provide outreach to underrepresented
26 communities.

1 By July 1, 2026, the Department shall issue a report and
2 post on its website the results of the analysis required under
3 this subsection and any recommendations to increase diversity
4 and reduce barriers for participants in clinical trials.

5 (d) The Department shall review the most recent guidance
6 on race and ethnicity data collection in clinical trials
7 published by the United States Food and Drug Administration
8 and establish, using existing infrastructure and tools an
9 Internet website that:

10 (1) provides information concerning methods recognized
11 by the United States Food and Drug Administration for
12 identifying and recruiting persons who are members of
13 underrepresented demographic groups to participate in
14 clinical trials; and

15 (2) contains links to Internet websites maintained by
16 medical facilities, health authorities and other local
17 governmental entities, nonprofit organizations, and
18 scientific investigators and institutions that are
19 performing research relating to drugs or medical devices
20 in this State.

21 The Department may apply for grants from any source,
22 including, without limitation, the Federal Government, to fund
23 the requirements of this Section.

24 (Source: P.A. 103-860, eff. 1-1-25; revised 12-1-24.)

25 (20 ILCS 2310/2310-732)

1 Sec. 2310-732 ~~2310-730~~. Duchenne Muscular Dystrophy
2 Awareness Program.

3 (a) Subject to appropriation, the Department of Public
4 Health, in conjunction with experts in the field of Duchenne
5 muscular dystrophy, shall develop mandatory protocols and best
6 practices for providing the necessary medical guidance for
7 Duchenne muscular dystrophy in Illinois.

8 (b) To raise awareness about Duchenne muscular dystrophy,
9 the protocols and best practices developed by the Department
10 under subsection (a):

11 (1) shall be published on a designated and publicly
12 accessible webpage;

13 (2) shall include up-to-date information about
14 Duchenne muscular dystrophy;

15 (3) shall reference peer-reviewed scientific research
16 articles;

17 (4) shall incorporate guidance and recommendations
18 from the National Institutes of Health, and any other
19 persons or entities determined by the Department to have
20 particular expertise in Duchenne muscular dystrophy; and

21 (5) shall be distributed to physicians, other health
22 care professionals and providers, and persons subject to
23 Duchenne muscular dystrophy.

24 (c) The Department shall prepare a report of all efforts
25 undertaken by the Department under this Section. The report
26 shall be posted on the Department's website and distributed to

1 local health departments and to any other facilities as
2 determined by the Department.

3 (Source: P.A. 103-964, eff. 1-1-25; revised 12-1-24.)

4 Section 140. The Bureau for the Blind Act is amended by
5 changing Section 7 as follows:

6 (20 ILCS 2410/7) (from Ch. 23, par. 3417)

7 Sec. 7. Council. There shall be created within the
8 Department a Blind Services Planning Council which shall
9 review the actions of the Bureau for the Blind and provide
10 advice and consultation to the Secretary on services to blind
11 people. The Council shall be composed of 11 members appointed
12 by the Governor. All members shall be selected because of
13 their ability to provide worthwhile consultation or services
14 to the blind. No fewer than 6 members shall be blind. A
15 relative balance between the number of males and females shall
16 be maintained. Broad representation shall be sought by
17 appointment, with 2 members from each of the major statewide
18 consumer organizations of the blind and one member from a
19 specific service area including, but not limited to, the
20 Hadley School for the Blind, Chicago Lighthouse,
21 Department-approved Low Vision Aids ~~Aides~~ Clinics, Vending
22 Facilities Operators, the Association for the Education and
23 Rehabilitation of the Blind and Visually Impaired (AER), blind
24 homemakers, outstanding competitive employers of blind people,

1 providers and recipients of income maintenance programs,
2 in-home care programs, subsidized housing, nursing homes, and
3 homes for the blind.

4 Initially, 4 members shall be appointed for terms of one
5 year, 4 for terms of 2 years, and 3 for terms of 3 years with a
6 partial term of 18 months or more counting as a full term.
7 Subsequent terms shall be 3 years each. No member shall serve
8 more than 2 terms. No Department employee shall be a member of
9 the Council.

10 Members shall be removed for cause, including, but not
11 limited to, demonstrated incompetence, unethical behavior, and
12 unwillingness or inability to serve.

13 Members shall serve without pay but shall be reimbursed
14 for actual expenses incurred in the performance of their
15 duties.

16 Members shall be governed by appropriate and applicable
17 State and federal statutes and regulations on matters such as
18 ethics, confidentiality, freedom of information, travel, and
19 civil rights.

20 Department staff may attend meetings but shall not be a
21 voting member of the Council. The Council shall elect a
22 chairperson and a recording secretary from among its number.
23 Sub-committees and ad hoc committees may be created to
24 concentrate on specific program components or initiative
25 areas.

26 The Council shall perform the following functions:

1 (a) Facilitate ~~facilitate~~ communication and
2 cooperative efforts between the Department and all
3 agencies which have any responsibility to deliver services
4 to blind and visually impaired persons.

5 (b) Identify ~~identify~~ needs and problems related to
6 blind and visually impaired persons, including children,
7 adults, and seniors, and make recommendations to the
8 Secretary, Bureau Director, and Governor.

9 (c) Recommend ~~recommend~~ programmatic and fiscal
10 priorities governing the provision of services and
11 awarding of grants or contracts by the Department to any
12 person or agency, public or private.

13 (d) Conduct ~~conduct~~, encourage, and advise independent
14 research by qualified evaluators to improve services to
15 blind and visually impaired persons, including those with
16 multiple disabilities.

17 (e) Participate ~~participate~~ in the development and
18 review of proposed and amended rules and regulations of
19 the Department relating to services for the blind and
20 visually impaired.

21 (f) Review ~~review~~ and comment on all budgets (drafted
22 and submitted) relating to services for blind and visually
23 impaired persons.

24 (g) Promote ~~promote~~ policies and programs to educate
25 the public and elicit public support for services to blind
26 and visually impaired persons.

1 (h) Encourage ~~encourage~~ creative and innovative
2 programs to strengthen, expand, and improve services for
3 blind and visually impaired persons, including outreach
4 services.

5 (i) Perform ~~perform~~ such other duties as may be
6 required by the Governor, Secretary, and Bureau Director.

7 The Council shall supersede and replace all advisory
8 committees now functioning within the Bureau of Rehabilitation
9 Services for the Blind, with the exception of federally
10 mandated advisory groups.

11 (Source: P.A. 99-143, eff. 7-27-15; revised 7-18-24.)

12 Section 145. The Department of Revenue Law of the Civil
13 Administrative Code of Illinois is amended by setting forth
14 and renumbering multiple versions of Section 2505-815 as
15 follows:

16 (20 ILCS 2505/2505-815)

17 Sec. 2505-815. County Official Compensation Task Force.

18 (a) The County Official Compensation Task Force is created
19 to review the compensation of county-level officials as
20 provided for in various State statutes and to make
21 recommendations to the General Assembly on any appropriate
22 changes to those statutes, including implementation dates.

23 (b) The members of the Task Force shall be as follows:

24 (1) the Director of Revenue or the Director's

1 designee, who shall serve as the chair of the Task Force;

2 (2) two representatives from a statewide organization
3 that represents chief county assessment officers, with one
4 representative from a county with a 2020 population of
5 fewer than 25,000 persons and one representative from a
6 county with a 2020 population of 25,000 or more, to be
7 appointed by the Director of Revenue;

8 (3) two representatives from a statewide organization
9 that represents county auditors, with one representative
10 from a county with a 2020 population of fewer than 25,000
11 persons and one representative from a county with a 2020
12 population of 25,000 or more, to be appointed by the
13 Director of Revenue;

14 (4) two representatives from a statewide organization
15 that represents county clerks and recorders, with one
16 representative from a county with a 2020 population of
17 fewer than 25,000 persons and one representative from a
18 county with a 2020 population of 25,000 or more, to be
19 appointed by the Director of Revenue;

20 (5) two representatives from a statewide organization
21 that represents circuit clerks, with one representative
22 from a county with a 2020 population of fewer than 25,000
23 persons and one representative from a county with a 2020
24 population of 25,000 or more, to be appointed by the Chief
25 Justice of the Supreme Court;

26 (6) two representatives from a statewide organization

1 that represents county treasurers, with one representative
2 from a county with a 2020 population of fewer than 25,000
3 persons and one representative from a county with a 2020
4 population of 25,000 or more, to be appointed by the
5 Director of Revenue;

6 (7) four representatives from a statewide organization
7 that represents county board members, with 2
8 representatives from counties with a 2020 population of
9 fewer than 25,000 persons and 2 representatives from
10 counties with a 2020 population of 25,000 or more, to be
11 appointed by the Governor; and

12 (8) four members from the General Assembly, with one
13 member appointed by the President of the Senate, one
14 member appointed by the Senate Minority Leader, one member
15 appointed by the Speaker of the House of Representatives,
16 and one member appointed by the House Minority Leader.

17 (c) The Department of Revenue shall provide administrative
18 and other support to the Task Force.

19 (d) The Task Force's review shall include, but is not
20 limited to, the following subjects:

21 (1) a review and comparison of current statutory
22 provisions and requirements for compensation of
23 county-level officials;

24 (2) the proportion of salary and related costs borne
25 by State government compared to local government;

26 (3) job duties, education requirements, and other

1 requirements of those serving as county-level officials;
2 and

3 (4) current compensation levels for county-level
4 officials as compared to comparable positions in
5 non-governmental positions and comparable positions in
6 other levels of government.

7 (e) On or before September 1, 2024, the Task Force members
8 shall be appointed. On or before February 1, 2025, the Task
9 Force shall prepare a status report that summarizes its work.
10 The Task Force shall also prepare a comprehensive report
11 either (i) on or before May 1, 2025 or (ii) on or before
12 December 31, 2025, if all appointments to the Task Force are
13 not made by September 1, 2024. The comprehensive report shall
14 summarize the Task Force's findings and make recommendations
15 on the implementation of changes to the compensation of chief
16 county assessment officers, county auditors, county clerks and
17 recorders, county coroners, county treasurers, and circuit
18 clerks that will ensure compensation is competitive for
19 recruitment and retention and will ensure parity exists among
20 compensation levels within each profession, each county, and
21 across the State.

22 (f) The Task Force is dissolved on January 1, 2026.

23 (Source: P.A. 103-592, eff. 6-7-24.)

24 (20 ILCS 2505/2505-816)

25 (Section scheduled to be repealed on December 31, 2026)

1 Sec. 2505-816 ~~2505-815~~. Property tax system study. The
2 Department, in consultation with the Department of Commerce
3 and Economic Opportunity, shall conduct a study to evaluate
4 the property tax system in the State and shall analyze any
5 information collected in connection with that study. The
6 Department may also examine whether the existing property tax
7 levy, assessment, appeal, and collection process is reasonable
8 and fair and may issue recommendations to improve that
9 process. For purposes of conducting the study and analyzing
10 the data required under this Section, the Department may
11 determine the scope of the historical data necessary to
12 complete the study, but in no event shall the scope or time
13 period be less than the 10 most recent tax years for which the
14 Department has complete data. The study shall include, but
15 need not be limited to, the following:

16 (1) a comprehensive review of the classification
17 system used by Cook County in assessing real property in
18 Cook County compared with the rest of the State,
19 including, but not limited to, a projection of the impact,
20 if any, that the assessment of real property in Cook
21 County would exhibit if the classification system were to
22 be phased-out and transitioned to a uniform level of
23 assessment, and the impact, if any, that the Cook County
24 classification system has or has had on economic
25 development or job creation in the county;

26 (2) a comprehensive review of State laws concerning

1 the appeal of assessments at the local and State level and
2 State laws concerning the collection of property taxes,
3 including any issues that have resulted in delays in
4 issuing property tax bills;

5 (3) a comprehensive review of statewide assessment
6 processes, including a comparison of assessment process in
7 Cook County and other counties and practices in other
8 states that allow for standardized assessment processes;

9 (4) a comprehensive review of current property tax
10 homestead exemptions, the impact of those exemptions, and
11 the administration or application of those exemptions;

12 (5) an analysis of preferential assessments or
13 incentives, including, but not limited to, the resultant
14 economic impact from preferential assessments; and

15 (6) a review of the State's reliance on property taxes
16 and the historical growth in property tax levies.

17 The Department may consult with Illinois institutions of
18 higher education in conducting the study required under this
19 Section. The Department may also consult with units of local
20 government. To the extent practicable and where applicable,
21 the Department may request relevant, publicly available
22 property tax information from units of local government,
23 including counties and municipalities, that is deemed
24 necessary to complete the study required pursuant to this
25 Section. Units of local government that are required to submit
26 property tax information to the Department must do so in a

1 reasonably expedient manner, to the extent possible, but in no
2 event later than 60 days after the date upon which the
3 Department requests that relevant information.

4 The Department may complete a preliminary report that may
5 be made available for public inspection via electronic means
6 prior to the publication of the final report under this
7 Section. The Department shall complete and submit the final
8 report under this Section to the Governor and the General
9 Assembly by July 1, 2026. A copy of both the preliminary
10 report, if made available by the Department, and the final
11 report shall be made available to the public via electronic
12 means. The Department may allow for the submission of public
13 comments from individuals, organizations, or associations
14 representing residential property owners, commercial property
15 owners, units of local government, or labor unions in Illinois
16 prior to finalizing the final report under this Section and
17 after publication of the final report under this Section. If
18 the Department allows for the submission of public comments,
19 the Department shall publish via electronic means any and all
20 materials submitted to the Department.

21 This Section is repealed on December 31, 2026.
22 (Source: P.A. 103-1002, eff. 1-1-25; revised 12-1-24.)

23 Section 150. The Illinois State Police Law of the Civil
24 Administrative Code of Illinois is amended by changing Section
25 2605-51 as follows:

1 (20 ILCS 2605/2605-51)

2 Sec. 2605-51. Division of the Academy and Training.

3 (a) The Division of the Academy and Training shall
4 exercise, but not be limited to, the following functions:

5 (1) Oversee and operate the Illinois State Police
6 Training Academy.

7 (2) Train and prepare new officers for a career in law
8 enforcement, with innovative, quality training and
9 educational practices.

10 (3) Offer continuing training and educational programs
11 for Illinois State Police employees.

12 (4) Oversee the Illinois State Police's recruitment
13 initiatives.

14 (5) Oversee and operate the Illinois State Police's
15 quartermaster.

16 (6) Duties assigned to the Illinois State Police in
17 Article 5, Chapter 11 of the Illinois Vehicle Code
18 concerning testing and training officers on the detection
19 of impaired driving.

20 (7) Duties assigned to the Illinois State Police in
21 Article 108B of the Code of Criminal Procedure.

22 (a-5) Successful completion of the Illinois State Police
23 Academy satisfies the minimum standards pursuant to
24 subsections (a), (b), and (d) of Section 7 of the Illinois
25 Police Training Act and exempts State police officers from the

1 Illinois Law Enforcement Training Standards Board's State
2 Comprehensive Examination and Equivalency Examination.
3 Satisfactory completion shall be evidenced by a commission or
4 certificate issued to the officer.

5 (b) The Division of the Academy and Training shall
6 exercise the rights, powers, and duties vested in the former
7 Division of State Troopers by Section 17 of the Illinois State
8 Police Act.

9 (c) Specialized training.

10 (1) Training; cultural diversity. The Division of the
11 Academy and Training shall provide training and continuing
12 education to State police officers concerning cultural
13 diversity, including sensitivity toward racial and ethnic
14 differences. This training and continuing education shall
15 include, but not be limited to, an emphasis on the fact
16 that the primary purpose of enforcement of the Illinois
17 Vehicle Code is safety and equal and uniform enforcement
18 under the law.

19 (2) Training; death and homicide investigations. The
20 Division of the Academy and Training shall provide
21 training in death and homicide investigation for State
22 police officers. Only State police officers who
23 successfully complete the training may be assigned as lead
24 investigators in death and homicide investigations.
25 Satisfactory completion of the training shall be evidenced
26 by a certificate issued to the officer by the Division of

1 the Academy and Training. The Director shall develop a
2 process for waiver applications for officers whose prior
3 training and experience as homicide investigators may
4 qualify them for a waiver. The Director may issue a
5 waiver, at his or her discretion, based solely on the
6 prior training and experience of an officer as a homicide
7 investigator.

8 (A) The Division shall require all homicide
9 investigator training to include instruction on
10 victim-centered, trauma-informed investigation. This
11 training must be implemented by July 1, 2023.

12 (B) The Division shall cooperate with the Division
13 of Criminal Investigation to develop a model
14 curriculum on victim-centered, trauma-informed
15 investigation. This curriculum must be implemented by
16 July 1, 2023.

17 (3) Training; police dog training standards. All
18 police dogs used by the Illinois State Police for drug
19 enforcement purposes pursuant to the Cannabis Control Act,
20 the Illinois Controlled Substances Act, and the
21 Methamphetamine Control and Community Protection Act shall
22 be trained by programs that meet the certification
23 requirements set by the Director or the Director's
24 designee. Satisfactory completion of the training shall be
25 evidenced by a certificate issued by the Division of the
26 Academy and Training.

1 (4) Training; post-traumatic stress disorder. The
2 Division of the Academy and Training shall conduct or
3 approve a training program in post-traumatic stress
4 disorder for State police officers. The purpose of that
5 training shall be to equip State police officers to
6 identify the symptoms of post-traumatic stress disorder
7 and to respond appropriately to individuals exhibiting
8 those symptoms.

9 (5) Training; opioid antagonists. The Division of the
10 Academy and Training shall conduct or approve a training
11 program for State police officers in the administration of
12 opioid antagonists as defined in paragraph (1) of
13 subsection (e) of Section 5-23 of the Substance Use
14 Disorder Act that is in accordance with that Section. As
15 used in this Section, "State police officers" includes
16 full-time or part-time State police officers,
17 investigators, and any other employee of the Illinois
18 State Police exercising the powers of a peace officer.

19 (6) Training; sexual assault and sexual abuse.

20 (A) Every 3 years, the Division of the Academy and
21 Training shall present in-service training on sexual
22 assault and sexual abuse response and report writing
23 training requirements, including, but not limited to,
24 the following:

25 (i) recognizing the symptoms of trauma;

26 (ii) understanding the role trauma has played

1 in a victim's life;

2 (iii) responding to the needs and concerns of
3 a victim;

4 (iv) delivering services in a compassionate,
5 sensitive, and nonjudgmental manner;

6 (v) interviewing techniques in accordance with
7 the curriculum standards in this paragraph (6);

8 (vi) understanding cultural perceptions and
9 common myths of sexual assault and sexual abuse;
10 and

11 (vii) report writing techniques in accordance
12 with the curriculum standards in this paragraph
13 (6).

14 (B) This training must also be presented in all
15 full and part-time basic law enforcement academies.

16 (C) Instructors providing this training shall have
17 successfully completed training on evidence-based,
18 trauma-informed, victim-centered responses to cases of
19 sexual assault and sexual abuse and have experience
20 responding to sexual assault and sexual abuse cases.

21 (D) The Illinois State Police shall adopt rules,
22 in consultation with the Office of the Attorney
23 General and the Illinois Law Enforcement Training
24 Standards Board, to determine the specific training
25 requirements for these courses, including, but not
26 limited to, the following:

1 (i) evidence-based curriculum standards for
2 report writing and immediate response to sexual
3 assault and sexual abuse, including
4 trauma-informed, victim-centered interview
5 techniques, which have been demonstrated to
6 minimize retraumatization, for all State police
7 officers; and

8 (ii) evidence-based curriculum standards for
9 trauma-informed, victim-centered investigation
10 and interviewing techniques, which have been
11 demonstrated to minimize retraumatization, for
12 cases of sexual assault and sexual abuse for all
13 State police officers who conduct sexual assault
14 and sexual abuse investigations.

15 (7) Training; human trafficking. The Division of the
16 Academy and Training shall conduct or approve a training
17 program in the detection and investigation of all forms of
18 human trafficking, including, but not limited to,
19 involuntary servitude under subsection (b) of Section 10-9
20 of the Criminal Code of 2012, involuntary sexual servitude
21 of a minor under subsection (c) of Section 10-9 of the
22 Criminal Code of 2012, and trafficking in persons under
23 subsection (d) of Section 10-9 of the Criminal Code of
24 2012. This program shall be made available to all cadets
25 and State police officers.

26 (8) Training; hate crimes. The Division of the Academy

1 and Training shall provide training for State police
2 officers in identifying, responding to, and reporting all
3 hate crimes.

4 (9) Training; cell phone medical information. The
5 Division of the Academy and Training shall develop and
6 require each State police officer to complete training on
7 accessing and utilizing medical information stored in cell
8 phones. The Division may use the program approved under
9 Section 2310-711 of the Department of Public Health Powers
10 and Duties Law of the Civil Administrative Code of
11 Illinois to develop the Division's program.

12 (10) ~~(9)~~ Training; autism spectrum disorders. The
13 Division of the Academy and Training shall provide
14 training for State police officers on the nature of autism
15 spectrum disorders and in identifying and appropriately
16 responding to individuals with autism spectrum disorders.
17 The Illinois State Police shall review the training
18 curriculum and may consult with the Department of Public
19 Health or the Department of Human Services to update the
20 training curriculum as needed. This training shall be made
21 available to all cadets and State police officers.

22 (d) The Division of the Academy and Training shall
23 administer and conduct a program consistent with 18 U.S.C.
24 926B and 926C for qualified active and retired Illinois State
25 Police officers.

26 (Source: P.A. 102-538, eff. 8-20-21; 102-756, eff. 5-10-22;

1 102-813, eff. 5-13-22; 103-34, eff. 1-1-24; 103-939, eff.
2 1-1-25; 103-949, eff. 1-1-25; revised 11-26-24.)

3 Section 155. The Criminal Identification Act is amended by
4 changing Section 5.2 as follows:

5 (20 ILCS 2630/5.2)

6 Sec. 5.2. Expungement, sealing, and immediate sealing.

7 (a) General Provisions.

8 (1) Definitions. In this Act, words and phrases have
9 the meanings set forth in this subsection, except when a
10 particular context clearly requires a different meaning.

11 (A) The following terms shall have the meanings
12 ascribed to them in the following Sections of the
13 Unified Code of Corrections:

14 Business Offense, Section 5-1-2.

15 Charge, Section 5-1-3.

16 Court, Section 5-1-6.

17 Defendant, Section 5-1-7.

18 Felony, Section 5-1-9.

19 Imprisonment, Section 5-1-10.

20 Judgment, Section 5-1-12.

21 Misdemeanor, Section 5-1-14.

22 Offense, Section 5-1-15.

23 Parole, Section 5-1-16.

24 Petty Offense, Section 5-1-17.

1 Probation, Section 5-1-18.

2 Sentence, Section 5-1-19.

3 Supervision, Section 5-1-21.

4 Victim, Section 5-1-22.

5 (B) As used in this Section, "charge not initiated
6 by arrest" means a charge (as defined by Section 5-1-3
7 of the Unified Code of Corrections) brought against a
8 defendant where the defendant is not arrested prior to
9 or as a direct result of the charge.

10 (C) "Conviction" means a judgment of conviction or
11 sentence entered upon a plea of guilty or upon a
12 verdict or finding of guilty of an offense, rendered
13 by a legally constituted jury or by a court of
14 competent jurisdiction authorized to try the case
15 without a jury. An order of supervision successfully
16 completed by the petitioner is not a conviction. An
17 order of qualified probation (as defined in subsection
18 (a) (1) (J)) successfully completed by the petitioner is
19 not a conviction. An order of supervision or an order
20 of qualified probation that is terminated
21 unsatisfactorily is a conviction, unless the
22 unsatisfactory termination is reversed, vacated, or
23 modified and the judgment of conviction, if any, is
24 reversed or vacated.

25 (D) "Criminal offense" means a petty offense,
26 business offense, misdemeanor, felony, or municipal

1 ordinance violation (as defined in subsection
2 (a)(1)(H)). As used in this Section, a minor traffic
3 offense (as defined in subsection (a)(1)(G)) shall not
4 be considered a criminal offense.

5 (E) "Expunge" means to physically destroy the
6 records or return them to the petitioner and to
7 obliterate the petitioner's name from any official
8 index or public record, or both. Nothing in this Act
9 shall require the physical destruction of the circuit
10 court file, but such records relating to arrests or
11 charges, or both, ordered expunged shall be impounded
12 as required by subsections (d)(9)(A)(ii) and
13 (d)(9)(B)(ii).

14 (F) As used in this Section, "last sentence" means
15 the sentence, order of supervision, or order of
16 qualified probation (as defined by subsection
17 (a)(1)(J)), for a criminal offense (as defined by
18 subsection (a)(1)(D)) that terminates last in time in
19 any jurisdiction, regardless of whether the petitioner
20 has included the criminal offense for which the
21 sentence or order of supervision or qualified
22 probation was imposed in his or her petition. If
23 multiple sentences, orders of supervision, or orders
24 of qualified probation terminate on the same day and
25 are last in time, they shall be collectively
26 considered the "last sentence" regardless of whether

1 they were ordered to run concurrently.

2 (G) "Minor traffic offense" means a petty offense,
3 business offense, or Class C misdemeanor under the
4 Illinois Vehicle Code or a similar provision of a
5 municipal or local ordinance.

6 (G-5) "Minor Cannabis Offense" means a violation
7 of Section 4 or 5 of the Cannabis Control Act
8 concerning not more than 30 grams of any substance
9 containing cannabis, provided the violation did not
10 include a penalty enhancement under Section 7 of the
11 Cannabis Control Act and is not associated with an
12 arrest, conviction or other disposition for a violent
13 crime as defined in subsection (c) of Section 3 of the
14 Rights of Crime Victims and Witnesses Act.

15 (H) "Municipal ordinance violation" means an
16 offense defined by a municipal or local ordinance that
17 is criminal in nature and with which the petitioner
18 was charged or for which the petitioner was arrested
19 and released without charging.

20 (I) "Petitioner" means an adult or a minor
21 prosecuted as an adult who has applied for relief
22 under this Section.

23 (J) "Qualified probation" means an order of
24 probation under Section 10 of the Cannabis Control
25 Act, Section 410 of the Illinois Controlled Substances
26 Act, Section 70 of the Methamphetamine Control and

1 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
2 of the Unified Code of Corrections, Section
3 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
4 those provisions existed before their deletion by
5 Public Act 89-313), Section 10-102 of the Illinois
6 Alcoholism and Other Drug Dependency Act, Section
7 40-10 of the Substance Use Disorder Act, or Section 10
8 of the Steroid Control Act. For the purpose of this
9 Section, "successful completion" of an order of
10 qualified probation under Section 10-102 of the
11 Illinois Alcoholism and Other Drug Dependency Act and
12 Section 40-10 of the Substance Use Disorder Act means
13 that the probation was terminated satisfactorily and
14 the judgment of conviction was vacated.

15 (K) "Seal" means to physically and electronically
16 maintain the records, unless the records would
17 otherwise be destroyed due to age, but to make the
18 records unavailable without a court order, subject to
19 the exceptions in Sections 12 and 13 of this Act. The
20 petitioner's name shall also be obliterated from the
21 official index required to be kept by the circuit
22 court clerk under Section 16 of the Clerks of Courts
23 Act, but any index issued by the circuit court clerk
24 before the entry of the order to seal shall not be
25 affected.

26 (L) "Sexual offense committed against a minor"

1 includes, but is not limited to, the offenses of
2 indecent solicitation of a child or criminal sexual
3 abuse when the victim of such offense is under 18 years
4 of age.

5 (M) "Terminate" as it relates to a sentence or
6 order of supervision or qualified probation includes
7 either satisfactory or unsatisfactory termination of
8 the sentence, unless otherwise specified in this
9 Section. A sentence is terminated notwithstanding any
10 outstanding financial legal obligation.

11 (2) Minor Traffic Offenses. Orders of supervision or
12 convictions for minor traffic offenses shall not affect a
13 petitioner's eligibility to expunge or seal records
14 pursuant to this Section.

15 (2.5) Commencing 180 days after July 29, 2016 (the
16 effective date of Public Act 99-697), the law enforcement
17 agency issuing the citation shall automatically expunge,
18 on or before January 1 and July 1 of each year, the law
19 enforcement records of a person found to have committed a
20 civil law violation of subsection (a) of Section 4 of the
21 Cannabis Control Act or subsection (c) of Section 3.5 of
22 the Drug Paraphernalia Control Act in the law enforcement
23 agency's possession or control and which contains the
24 final satisfactory disposition which pertain to the person
25 issued a citation for that offense. The law enforcement
26 agency shall provide by rule the process for access,

1 review, and to confirm the automatic expungement by the
2 law enforcement agency issuing the citation. Commencing
3 180 days after July 29, 2016 (the effective date of Public
4 Act 99-697), the clerk of the circuit court shall expunge,
5 upon order of the court, or in the absence of a court order
6 on or before January 1 and July 1 of each year, the court
7 records of a person found in the circuit court to have
8 committed a civil law violation of subsection (a) of
9 Section 4 of the Cannabis Control Act or subsection (c) of
10 Section 3.5 of the Drug Paraphernalia Control Act in the
11 clerk's possession or control and which contains the final
12 satisfactory disposition which pertain to the person
13 issued a citation for any of those offenses.

14 (3) Exclusions. Except as otherwise provided in
15 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
16 of this Section, the court shall not order:

17 (A) the sealing or expungement of the records of
18 arrests or charges not initiated by arrest that result
19 in an order of supervision for or conviction of: (i)
20 any sexual offense committed against a minor; (ii)
21 Section 11-501 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance; or (iii)
23 Section 11-503 of the Illinois Vehicle Code or a
24 similar provision of a local ordinance, unless the
25 arrest or charge is for a misdemeanor violation of
26 subsection (a) of Section 11-503 or a similar

1 provision of a local ordinance, that occurred prior to
2 the offender reaching the age of 25 years and the
3 offender has no other conviction for violating Section
4 11-501 or 11-503 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance.

6 (B) the sealing or expungement of records of minor
7 traffic offenses (as defined in subsection (a)(1)(G)),
8 unless the petitioner was arrested and released
9 without charging.

10 (C) the sealing of the records of arrests or
11 charges not initiated by arrest which result in an
12 order of supervision or a conviction for the following
13 offenses:

14 (i) offenses included in Article 11 of the
15 Criminal Code of 1961 or the Criminal Code of 2012
16 or a similar provision of a local ordinance,
17 except Section 11-14 and a misdemeanor violation
18 of Section 11-30 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, or a similar provision
20 of a local ordinance;

21 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
22 26-5, or 48-1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, or a similar provision of a
24 local ordinance;

25 (iii) Section 12-3.1 or 12-3.2 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, or

1 Section 125 of the Stalking No Contact Order Act,
2 or Section 219 of the Civil No Contact Order Act,
3 or a similar provision of a local ordinance;

4 (iv) Class A misdemeanors or felony offenses
5 under the Humane Care for Animals Act; or

6 (v) any offense or attempted offense that
7 would subject a person to registration under the
8 Sex Offender Registration Act.

9 (D) (blank).

10 (b) Expungement.

11 (1) A petitioner may petition the circuit court to
12 expunge the records of his or her arrests and charges not
13 initiated by arrest when each arrest or charge not
14 initiated by arrest sought to be expunged resulted in: (i)
15 acquittal, dismissal, or the petitioner's release without
16 charging, unless excluded by subsection (a)(3)(B); (ii) a
17 conviction which was vacated or reversed, unless excluded
18 by subsection (a)(3)(B); (iii) an order of supervision and
19 such supervision was successfully completed by the
20 petitioner, unless excluded by subsection (a)(3)(A) or
21 (a)(3)(B); or (iv) an order of qualified probation (as
22 defined in subsection (a)(1)(J)) and such probation was
23 successfully completed by the petitioner.

24 (1.5) When a petitioner seeks to have a record of
25 arrest expunged under this Section, and the offender has
26 been convicted of a criminal offense, the State's Attorney

1 may object to the expungement on the grounds that the
2 records contain specific relevant information aside from
3 the mere fact of the arrest.

4 (2) Time frame for filing a petition to expunge.

5 (A) When the arrest or charge not initiated by
6 arrest sought to be expunged resulted in an acquittal,
7 dismissal, the petitioner's release without charging,
8 or the reversal or vacation of a conviction, there is
9 no waiting period to petition for the expungement of
10 such records.

11 (A-5) In anticipation of the successful completion
12 of a problem-solving court, pre-plea diversion, or
13 post-plea diversion program, a petition for
14 expungement may be filed 61 days before the
15 anticipated dismissal of the case or any time
16 thereafter. Upon successful completion of the program
17 and dismissal of the case, the court shall review the
18 petition of the person graduating from the program and
19 shall grant expungement if the petitioner meets all
20 requirements as specified in any applicable statute.

21 (B) When the arrest or charge not initiated by
22 arrest sought to be expunged resulted in an order of
23 supervision, successfully completed by the petitioner,
24 the following time frames will apply:

25 (i) Those arrests or charges that resulted in
26 orders of supervision under Section 3-707, 3-708,

1 3-710, or 5-401.3 of the Illinois Vehicle Code or
2 a similar provision of a local ordinance, or under
3 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
4 Code of 1961 or the Criminal Code of 2012, or a
5 similar provision of a local ordinance, shall not
6 be eligible for expungement until 5 years have
7 passed following the satisfactory termination of
8 the supervision.

9 (i-5) Those arrests or charges that resulted
10 in orders of supervision for a misdemeanor
11 violation of subsection (a) of Section 11-503 of
12 the Illinois Vehicle Code or a similar provision
13 of a local ordinance, that occurred prior to the
14 offender reaching the age of 25 years and the
15 offender has no other conviction for violating
16 Section 11-501 or 11-503 of the Illinois Vehicle
17 Code or a similar provision of a local ordinance
18 shall not be eligible for expungement until the
19 petitioner has reached the age of 25 years.

20 (ii) Those arrests or charges that resulted in
21 orders of supervision for any other offenses shall
22 not be eligible for expungement until 2 years have
23 passed following the satisfactory termination of
24 the supervision.

25 (C) When the arrest or charge not initiated by
26 arrest sought to be expunged resulted in an order of

1 qualified probation, successfully completed by the
2 petitioner, such records shall not be eligible for
3 expungement until 5 years have passed following the
4 satisfactory termination of the probation.

5 (3) Those records maintained by the Illinois State
6 Police for persons arrested prior to their 17th birthday
7 shall be expunged as provided in Section 5-915 of the
8 Juvenile Court Act of 1987.

9 (4) Whenever a person has been arrested for or
10 convicted of any offense, in the name of a person whose
11 identity he or she has stolen or otherwise come into
12 possession of, the aggrieved person from whom the identity
13 was stolen or otherwise obtained without authorization,
14 upon learning of the person having been arrested using his
15 or her identity, may, upon verified petition to the chief
16 judge of the circuit wherein the arrest was made, have a
17 court order entered nunc pro tunc by the Chief Judge to
18 correct the arrest record, conviction record, if any, and
19 all official records of the arresting authority, the
20 Illinois State Police, other criminal justice agencies,
21 the prosecutor, and the trial court concerning such
22 arrest, if any, by removing his or her name from all such
23 records in connection with the arrest and conviction, if
24 any, and by inserting in the records the name of the
25 offender, if known or ascertainable, in lieu of the
26 aggrieved's name. The records of the circuit court clerk

1 shall be sealed until further order of the court upon good
2 cause shown and the name of the aggrieved person
3 obliterated on the official index required to be kept by
4 the circuit court clerk under Section 16 of the Clerks of
5 Courts Act, but the order shall not affect any index
6 issued by the circuit court clerk before the entry of the
7 order. Nothing in this Section shall limit the Illinois
8 State Police or other criminal justice agencies or
9 prosecutors from listing under an offender's name the
10 false names he or she has used.

11 (5) Whenever a person has been convicted of criminal
12 sexual assault, aggravated criminal sexual assault,
13 predatory criminal sexual assault of a child, criminal
14 sexual abuse, or aggravated criminal sexual abuse, the
15 victim of that offense may request that the State's
16 Attorney of the county in which the conviction occurred
17 file a verified petition with the presiding trial judge at
18 the petitioner's trial to have a court order entered to
19 seal the records of the circuit court clerk in connection
20 with the proceedings of the trial court concerning that
21 offense. However, the records of the arresting authority
22 and the Illinois State Police concerning the offense shall
23 not be sealed. The court, upon good cause shown, shall
24 make the records of the circuit court clerk in connection
25 with the proceedings of the trial court concerning the
26 offense available for public inspection.

1 (6) If a conviction has been set aside on direct
2 review or on collateral attack and the court determines by
3 clear and convincing evidence that the petitioner was
4 factually innocent of the charge, the court that finds the
5 petitioner factually innocent of the charge shall enter an
6 expungement order for the conviction for which the
7 petitioner has been determined to be innocent as provided
8 in subsection (b) of Section 5-5-4 of the Unified Code of
9 Corrections.

10 (7) Nothing in this Section shall prevent the Illinois
11 State Police from maintaining all records of any person
12 who is admitted to probation upon terms and conditions and
13 who fulfills those terms and conditions pursuant to
14 Section 10 of the Cannabis Control Act, Section 410 of the
15 Illinois Controlled Substances Act, Section 70 of the
16 Methamphetamine Control and Community Protection Act,
17 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
18 Corrections, Section 12-4.3 or subdivision (b)(1) of
19 Section 12-3.05 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, Section 10-102 of the Illinois
21 Alcoholism and Other Drug Dependency Act, Section 40-10 of
22 the Substance Use Disorder Act, or Section 10 of the
23 Steroid Control Act.

24 (8) If the petitioner has been granted a certificate
25 of innocence under Section 2-702 of the Code of Civil
26 Procedure, the court that grants the certificate of

1 innocence shall also enter an order expunging the
2 conviction for which the petitioner has been determined to
3 be innocent as provided in subsection (h) of Section 2-702
4 of the Code of Civil Procedure.

5 (c) Sealing.

6 (1) Applicability. Notwithstanding any other provision
7 of this Act to the contrary, and cumulative with any
8 rights to expungement of criminal records, this subsection
9 authorizes the sealing of criminal records of adults and
10 of minors prosecuted as adults. Subsection (g) of this
11 Section provides for immediate sealing of certain records.

12 (2) Eligible Records. The following records may be
13 sealed:

14 (A) All arrests resulting in release without
15 charging;

16 (B) Arrests or charges not initiated by arrest
17 resulting in acquittal, dismissal, or conviction when
18 the conviction was reversed or vacated, except as
19 excluded by subsection (a) (3) (B);

20 (C) Arrests or charges not initiated by arrest
21 resulting in orders of supervision, including orders
22 of supervision for municipal ordinance violations,
23 successfully completed by the petitioner, unless
24 excluded by subsection (a) (3);

25 (D) Arrests or charges not initiated by arrest
26 resulting in convictions, including convictions on

1 municipal ordinance violations, unless excluded by
2 subsection (a) (3);

3 (E) Arrests or charges not initiated by arrest
4 resulting in orders of first offender probation under
5 Section 10 of the Cannabis Control Act, Section 410 of
6 the Illinois Controlled Substances Act, Section 70 of
7 the Methamphetamine Control and Community Protection
8 Act, or Section 5-6-3.3 of the Unified Code of
9 Corrections; and

10 (F) Arrests or charges not initiated by arrest
11 resulting in felony convictions unless otherwise
12 excluded by subsection (a) paragraph (3) of this
13 Section.

14 (3) When Records Are Eligible to Be Sealed. Records
15 identified as eligible under subsection (c) (2) may be
16 sealed as follows:

17 (A) Records identified as eligible under
18 subsections (c) (2) (A) and (c) (2) (B) may be sealed at
19 any time.

20 (B) Except as otherwise provided in subparagraph
21 (E) of this paragraph (3), records identified as
22 eligible under subsection (c) (2) (C) may be sealed 2
23 years after the termination of petitioner's last
24 sentence (as defined in subsection (a) (1) (F)).

25 (C) Except as otherwise provided in subparagraph
26 (E) of this paragraph (3), records identified as

1 eligible under subsections (c) (2) (D), (c) (2) (E), and
2 (c) (2) (F) may be sealed 3 years after the termination
3 of the petitioner's last sentence (as defined in
4 subsection (a) (1) (F)). Convictions requiring public
5 registration under the Arsonist Registry Act, the Sex
6 Offender Registration Act, or the Murderer and Violent
7 Offender Against Youth Registration Act may not be
8 sealed until the petitioner is no longer required to
9 register under that relevant Act.

10 (D) Records identified in subsection
11 (a) (3) (A) (iii) may be sealed after the petitioner has
12 reached the age of 25 years.

13 (E) Records identified as eligible under
14 subsection (c) (2) (C), (c) (2) (D), (c) (2) (E), or
15 (c) (2) (F) may be sealed upon termination of the
16 petitioner's last sentence if the petitioner earned a
17 high school diploma, associate's degree, career
18 certificate, vocational technical certification, or
19 bachelor's degree, or passed the high school level
20 Test of General Educational Development, during the
21 period of his or her sentence or mandatory supervised
22 release. This subparagraph shall apply only to a
23 petitioner who has not completed the same educational
24 goal prior to the period of his or her sentence or
25 mandatory supervised release. If a petition for
26 sealing eligible records filed under this subparagraph

1 is denied by the court, the time periods under
2 subparagraph (B) or (C) shall apply to any subsequent
3 petition for sealing filed by the petitioner.

4 (4) Subsequent felony convictions. A person may not
5 have subsequent felony conviction records sealed as
6 provided in this subsection (c) if he or she is convicted
7 of any felony offense after the date of the sealing of
8 prior felony convictions as provided in this subsection
9 (c). The court may, upon conviction for a subsequent
10 felony offense, order the unsealing of prior felony
11 conviction records previously ordered sealed by the court.

12 (5) Notice of eligibility for sealing. Upon entry of a
13 disposition for an eligible record under this subsection
14 (c), the petitioner shall be informed by the court of the
15 right to have the records sealed and the procedures for
16 the sealing of the records.

17 (d) Procedure. The following procedures apply to
18 expungement under subsections (b), (e), and (e-6) and sealing
19 under subsections (c) and (e-5):

20 (1) Filing the petition. Upon becoming eligible to
21 petition for the expungement or sealing of records under
22 this Section, the petitioner shall file a petition
23 requesting the expungement or sealing of records with the
24 clerk of the court where the arrests occurred or the
25 charges were brought, or both. If arrests occurred or
26 charges were brought in multiple jurisdictions, a petition

1 must be filed in each such jurisdiction. The petitioner
2 shall pay the applicable fee, except no fee shall be
3 required if the petitioner has obtained a court order
4 waiving fees under Supreme Court Rule 298 or it is
5 otherwise waived.

6 (1.5) County fee waiver pilot program. From August 9,
7 2019 (the effective date of Public Act 101-306) through
8 December 31, 2020, in a county of 3,000,000 or more
9 inhabitants, no fee shall be required to be paid by a
10 petitioner if the records sought to be expunged or sealed
11 were arrests resulting in release without charging or
12 arrests or charges not initiated by arrest resulting in
13 acquittal, dismissal, or conviction when the conviction
14 was reversed or vacated, unless excluded by subsection
15 (a)(3)(B). The provisions of this paragraph (1.5), other
16 than this sentence, are inoperative on and after January
17 1, 2022.

18 (2) Contents of petition. The petition shall be
19 verified and shall contain the petitioner's name, date of
20 birth, current address and, for each arrest or charge not
21 initiated by arrest sought to be sealed or expunged, the
22 case number, the date of arrest (if any), the identity of
23 the arresting authority, and such other information as the
24 court may require. During the pendency of the proceeding,
25 the petitioner shall promptly notify the circuit court
26 clerk of any change of his or her address. If the

1 petitioner has received a certificate of eligibility for
2 sealing from the Prisoner Review Board under paragraph
3 (10) of subsection (a) of Section 3-3-2 of the Unified
4 Code of Corrections, the certificate shall be attached to
5 the petition.

6 (3) Drug test. The petitioner must attach to the
7 petition proof that the petitioner has taken within 30
8 days before the filing of the petition a test showing the
9 absence within his or her body of all illegal substances
10 as defined by the Illinois Controlled Substances Act and
11 the Methamphetamine Control and Community Protection Act
12 if he or she is petitioning to:

13 (A) seal felony records under clause (c) (2) (E);

14 (B) seal felony records for a violation of the
15 Illinois Controlled Substances Act, the
16 Methamphetamine Control and Community Protection Act,
17 or the Cannabis Control Act under clause (c) (2) (F);

18 (C) seal felony records under subsection (e-5); or

19 (D) expunge felony records of a qualified
20 probation under clause (b) (1) (iv).

21 (4) Service of petition. The circuit court clerk shall
22 promptly serve a copy of the petition and documentation to
23 support the petition under subsection (e-5) or (e-6) on
24 the State's Attorney or prosecutor charged with the duty
25 of prosecuting the offense, the Illinois State Police, the
26 arresting agency and the chief legal officer of the unit

1 of local government effecting the arrest.

2 (5) Objections.

3 (A) Any party entitled to notice of the petition
4 may file an objection to the petition. All objections
5 shall be in writing, shall be filed with the circuit
6 court clerk, and shall state with specificity the
7 basis of the objection. Whenever a person who has been
8 convicted of an offense is granted a pardon by the
9 Governor which specifically authorizes expungement, an
10 objection to the petition may not be filed.

11 (B) Objections to a petition to expunge or seal
12 must be filed within 60 days of the date of service of
13 the petition.

14 (6) Entry of order.

15 (A) The Chief Judge of the circuit wherein the
16 charge was brought, any judge of that circuit
17 designated by the Chief Judge, or in counties of less
18 than 3,000,000 inhabitants, the presiding trial judge
19 at the petitioner's trial, if any, shall rule on the
20 petition to expunge or seal as set forth in this
21 subsection (d) (6).

22 (B) Unless the State's Attorney or prosecutor, the
23 Illinois State Police, the arresting agency, or the
24 chief legal officer files an objection to the petition
25 to expunge or seal within 60 days from the date of
26 service of the petition, the court shall enter an

1 order granting or denying the petition.

2 (C) Notwithstanding any other provision of law,
3 the court shall not deny a petition for sealing under
4 this Section because the petitioner has not satisfied
5 an outstanding legal financial obligation established,
6 imposed, or originated by a court, law enforcement
7 agency, or a municipal, State, county, or other unit
8 of local government, including, but not limited to,
9 any cost, assessment, fine, or fee. An outstanding
10 legal financial obligation does not include any court
11 ordered restitution to a victim under Section 5-5-6 of
12 the Unified Code of Corrections, unless the
13 restitution has been converted to a civil judgment.
14 Nothing in this subparagraph (C) waives, rescinds, or
15 abrogates a legal financial obligation or otherwise
16 eliminates or affects the right of the holder of any
17 financial obligation to pursue collection under
18 applicable federal, State, or local law.

19 (D) Notwithstanding any other provision of law,
20 the court shall not deny a petition to expunge or seal
21 under this Section because the petitioner has
22 submitted a drug test taken within 30 days before the
23 filing of the petition to expunge or seal that
24 indicates a positive test for the presence of cannabis
25 within the petitioner's body. In this subparagraph
26 (D), "cannabis" has the meaning ascribed to it in

1 Section 3 of the Cannabis Control Act.

2 (7) Hearings. If an objection is filed, the court
3 shall set a date for a hearing and notify the petitioner
4 and all parties entitled to notice of the petition of the
5 hearing date at least 30 days prior to the hearing. Prior
6 to the hearing, the State's Attorney shall consult with
7 the Illinois State Police as to the appropriateness of the
8 relief sought in the petition to expunge or seal. At the
9 hearing, the court shall hear evidence on whether the
10 petition should or should not be granted, and shall grant
11 or deny the petition to expunge or seal the records based
12 on the evidence presented at the hearing. The court may
13 consider the following:

14 (A) the strength of the evidence supporting the
15 defendant's conviction;

16 (B) the reasons for retention of the conviction
17 records by the State;

18 (C) the petitioner's age, criminal record history,
19 and employment history;

20 (D) the period of time between the petitioner's
21 arrest on the charge resulting in the conviction and
22 the filing of the petition under this Section; and

23 (E) the specific adverse consequences the
24 petitioner may be subject to if the petition is
25 denied.

26 (8) Service of order. After entering an order to

1 expunge or seal records, the court must provide copies of
2 the order to the Illinois State Police, in a form and
3 manner prescribed by the Illinois State Police, to the
4 petitioner, to the State's Attorney or prosecutor charged
5 with the duty of prosecuting the offense, to the arresting
6 agency, to the chief legal officer of the unit of local
7 government effecting the arrest, and to such other
8 criminal justice agencies as may be ordered by the court.

9 (9) Implementation of order.

10 (A) Upon entry of an order to expunge records
11 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
12 both:

13 (i) the records shall be expunged (as defined
14 in subsection (a) (1) (E)) by the arresting agency,
15 the Illinois State Police, and any other agency as
16 ordered by the court, within 60 days of the date of
17 service of the order, unless a motion to vacate,
18 modify, or reconsider the order is filed pursuant
19 to paragraph (12) of subsection (d) of this
20 Section;

21 (ii) the records of the circuit court clerk
22 shall be impounded until further order of the
23 court upon good cause shown and the name of the
24 petitioner obliterated on the official index
25 required to be kept by the circuit court clerk
26 under Section 16 of the Clerks of Courts Act, but

1 the order shall not affect any index issued by the
2 circuit court clerk before the entry of the order;
3 and

4 (iii) in response to an inquiry for expunged
5 records, the court, the Illinois State Police, or
6 the agency receiving such inquiry, shall reply as
7 it does in response to inquiries when no records
8 ever existed.

9 (B) Upon entry of an order to expunge records
10 pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or
11 both:

12 (i) the records shall be expunged (as defined
13 in subsection (a)(1)(E)) by the arresting agency
14 and any other agency as ordered by the court,
15 within 60 days of the date of service of the order,
16 unless a motion to vacate, modify, or reconsider
17 the order is filed pursuant to paragraph (12) of
18 subsection (d) of this Section;

19 (ii) the records of the circuit court clerk
20 shall be impounded until further order of the
21 court upon good cause shown and the name of the
22 petitioner obliterated on the official index
23 required to be kept by the circuit court clerk
24 under Section 16 of the Clerks of Courts Act, but
25 the order shall not affect any index issued by the
26 circuit court clerk before the entry of the order;

1 (iii) the records shall be impounded by the
2 Illinois State Police within 60 days of the date
3 of service of the order as ordered by the court,
4 unless a motion to vacate, modify, or reconsider
5 the order is filed pursuant to paragraph (12) of
6 subsection (d) of this Section;

7 (iv) records impounded by the Illinois State
8 Police may be disseminated by the Illinois State
9 Police only as required by law or to the arresting
10 authority, the State's Attorney, and the court
11 upon a later arrest for the same or a similar
12 offense or for the purpose of sentencing for any
13 subsequent felony, and to the Department of
14 Corrections upon conviction for any offense; and

15 (v) in response to an inquiry for such records
16 from anyone not authorized by law to access such
17 records, the court, the Illinois State Police, or
18 the agency receiving such inquiry shall reply as
19 it does in response to inquiries when no records
20 ever existed.

21 (B-5) Upon entry of an order to expunge records
22 under subsection (e-6):

23 (i) the records shall be expunged (as defined
24 in subsection (a)(1)(E)) by the arresting agency
25 and any other agency as ordered by the court,
26 within 60 days of the date of service of the order,

1 unless a motion to vacate, modify, or reconsider
2 the order is filed under paragraph (12) of
3 subsection (d) of this Section;

4 (ii) the records of the circuit court clerk
5 shall be impounded until further order of the
6 court upon good cause shown and the name of the
7 petitioner obliterated on the official index
8 required to be kept by the circuit court clerk
9 under Section 16 of the Clerks of Courts Act, but
10 the order shall not affect any index issued by the
11 circuit court clerk before the entry of the order;

12 (iii) the records shall be impounded by the
13 Illinois State Police within 60 days of the date
14 of service of the order as ordered by the court,
15 unless a motion to vacate, modify, or reconsider
16 the order is filed under paragraph (12) of
17 subsection (d) of this Section;

18 (iv) records impounded by the Illinois State
19 Police may be disseminated by the Illinois State
20 Police only as required by law or to the arresting
21 authority, the State's Attorney, and the court
22 upon a later arrest for the same or a similar
23 offense or for the purpose of sentencing for any
24 subsequent felony, and to the Department of
25 Corrections upon conviction for any offense; and

26 (v) in response to an inquiry for these

1 records from anyone not authorized by law to
2 access the records, the court, the Illinois State
3 Police, or the agency receiving the inquiry shall
4 reply as it does in response to inquiries when no
5 records ever existed.

6 (C) Upon entry of an order to seal records under
7 subsection (c), the arresting agency, any other agency
8 as ordered by the court, the Illinois State Police,
9 and the court shall seal the records (as defined in
10 subsection (a)(1)(K)). In response to an inquiry for
11 such records, from anyone not authorized by law to
12 access such records, the court, the Illinois State
13 Police, or the agency receiving such inquiry shall
14 reply as it does in response to inquiries when no
15 records ever existed.

16 (D) The Illinois State Police shall send written
17 notice to the petitioner of its compliance with each
18 order to expunge or seal records within 60 days of the
19 date of service of that order or, if a motion to
20 vacate, modify, or reconsider is filed, within 60 days
21 of service of the order resolving the motion, if that
22 order requires the Illinois State Police to expunge or
23 seal records. In the event of an appeal from the
24 circuit court order, the Illinois State Police shall
25 send written notice to the petitioner of its
26 compliance with an Appellate Court or Supreme Court

1 judgment to expunge or seal records within 60 days of
2 the issuance of the court's mandate. The notice is not
3 required while any motion to vacate, modify, or
4 reconsider, or any appeal or petition for
5 discretionary appellate review, is pending.

6 (E) Upon motion, the court may order that a sealed
7 judgment or other court record necessary to
8 demonstrate the amount of any legal financial
9 obligation due and owing be made available for the
10 limited purpose of collecting any legal financial
11 obligations owed by the petitioner that were
12 established, imposed, or originated in the criminal
13 proceeding for which those records have been sealed.
14 The records made available under this subparagraph (E)
15 shall not be entered into the official index required
16 to be kept by the circuit court clerk under Section 16
17 of the Clerks of Courts Act and shall be immediately
18 re-impounded upon the collection of the outstanding
19 financial obligations.

20 (F) Notwithstanding any other provision of this
21 Section, a circuit court clerk may access a sealed
22 record for the limited purpose of collecting payment
23 for any legal financial obligations that were
24 established, imposed, or originated in the criminal
25 proceedings for which those records have been sealed.

26 (10) Fees. The Illinois State Police may charge the

1 petitioner a fee equivalent to the cost of processing any
2 order to expunge or seal records. Notwithstanding any
3 provision of the Clerks of Courts Act to the contrary, the
4 circuit court clerk may charge a fee equivalent to the
5 cost associated with the sealing or expungement of records
6 by the circuit court clerk. From the total filing fee
7 collected for the petition to seal or expunge, the circuit
8 court clerk shall deposit \$10 into the Circuit Court Clerk
9 Operation and Administrative Fund, to be used to offset
10 the costs incurred by the circuit court clerk in
11 performing the additional duties required to serve the
12 petition to seal or expunge on all parties. The circuit
13 court clerk shall collect and remit the Illinois State
14 Police portion of the fee to the State Treasurer and it
15 shall be deposited in the State Police Services Fund. If
16 the record brought under an expungement petition was
17 previously sealed under this Section, the fee for the
18 expungement petition for that same record shall be waived.

19 (11) Final Order. No court order issued under the
20 expungement or sealing provisions of this Section shall
21 become final for purposes of appeal until 30 days after
22 service of the order on the petitioner and all parties
23 entitled to notice of the petition.

24 (12) Motion to Vacate, Modify, or Reconsider. Under
25 Section 2-1203 of the Code of Civil Procedure, the
26 petitioner or any party entitled to notice may file a

1 motion to vacate, modify, or reconsider the order granting
2 or denying the petition to expunge or seal within 60 days
3 of service of the order. If filed more than 60 days after
4 service of the order, a petition to vacate, modify, or
5 reconsider shall comply with subsection (c) of Section
6 2-1401 of the Code of Civil Procedure. Upon filing of a
7 motion to vacate, modify, or reconsider, notice of the
8 motion shall be served upon the petitioner and all parties
9 entitled to notice of the petition.

10 (13) Effect of Order. An order granting a petition
11 under the expungement or sealing provisions of this
12 Section shall not be considered void because it fails to
13 comply with the provisions of this Section or because of
14 any error asserted in a motion to vacate, modify, or
15 reconsider. The circuit court retains jurisdiction to
16 determine whether the order is voidable and to vacate,
17 modify, or reconsider its terms based on a motion filed
18 under paragraph (12) of this subsection (d).

19 (14) Compliance with Order Granting Petition to Seal
20 Records. Unless a court has entered a stay of an order
21 granting a petition to seal, all parties entitled to
22 notice of the petition must fully comply with the terms of
23 the order within 60 days of service of the order even if a
24 party is seeking relief from the order through a motion
25 filed under paragraph (12) of this subsection (d) or is
26 appealing the order.

1 (15) Compliance with Order Granting Petition to
2 Expunge Records. While a party is seeking relief from the
3 order granting the petition to expunge through a motion
4 filed under paragraph (12) of this subsection (d) or is
5 appealing the order, and unless a court has entered a stay
6 of that order, the parties entitled to notice of the
7 petition must seal, but need not expunge, the records
8 until there is a final order on the motion for relief or,
9 in the case of an appeal, the issuance of that court's
10 mandate.

11 (16) The changes to this subsection (d) made by Public
12 Act 98-163 apply to all petitions pending on August 5,
13 2013 (the effective date of Public Act 98-163) and to all
14 orders ruling on a petition to expunge or seal on or after
15 August 5, 2013 (the effective date of Public Act 98-163).

16 (e) Whenever a person who has been convicted of an offense
17 is granted a pardon by the Governor which specifically
18 authorizes expungement, he or she may, upon verified petition
19 to the Chief Judge of the circuit where the person had been
20 convicted, any judge of the circuit designated by the Chief
21 Judge, or in counties of less than 3,000,000 inhabitants, the
22 presiding trial judge at the defendant's trial, have a court
23 order entered expunging the record of arrest from the official
24 records of the arresting authority and order that the records
25 of the circuit court clerk and the Illinois State Police be
26 sealed until further order of the court upon good cause shown

1 or as otherwise provided herein, and the name of the defendant
2 obliterated from the official index requested to be kept by
3 the circuit court clerk under Section 16 of the Clerks of
4 Courts Act in connection with the arrest and conviction for
5 the offense for which he or she had been pardoned but the order
6 shall not affect any index issued by the circuit court clerk
7 before the entry of the order. All records sealed by the
8 Illinois State Police may be disseminated by the Illinois
9 State Police only to the arresting authority, the State's
10 Attorney, and the court upon a later arrest for the same or
11 similar offense or for the purpose of sentencing for any
12 subsequent felony. Upon conviction for any subsequent offense,
13 the Department of Corrections shall have access to all sealed
14 records of the Illinois State Police pertaining to that
15 individual. Upon entry of the order of expungement, the
16 circuit court clerk shall promptly mail a copy of the order to
17 the person who was pardoned.

18 (e-5) Whenever a person who has been convicted of an
19 offense is granted a certificate of eligibility for sealing by
20 the Prisoner Review Board which specifically authorizes
21 sealing, he or she may, upon verified petition to the Chief
22 Judge of the circuit where the person had been convicted, any
23 judge of the circuit designated by the Chief Judge, or in
24 counties of less than 3,000,000 inhabitants, the presiding
25 trial judge at the petitioner's trial, have a court order
26 entered sealing the record of arrest from the official records

1 of the arresting authority and order that the records of the
2 circuit court clerk and the Illinois State Police be sealed
3 until further order of the court upon good cause shown or as
4 otherwise provided herein, and the name of the petitioner
5 obliterated from the official index requested to be kept by
6 the circuit court clerk under Section 16 of the Clerks of
7 Courts Act in connection with the arrest and conviction for
8 the offense for which he or she had been granted the
9 certificate but the order shall not affect any index issued by
10 the circuit court clerk before the entry of the order. All
11 records sealed by the Illinois State Police may be
12 disseminated by the Illinois State Police only as required by
13 this Act or to the arresting authority, a law enforcement
14 agency, the State's Attorney, and the court upon a later
15 arrest for the same or similar offense or for the purpose of
16 sentencing for any subsequent felony. Upon conviction for any
17 subsequent offense, the Department of Corrections shall have
18 access to all sealed records of the Illinois State Police
19 pertaining to that individual. Upon entry of the order of
20 sealing, the circuit court clerk shall promptly mail a copy of
21 the order to the person who was granted the certificate of
22 eligibility for sealing.

23 (e-6) Whenever a person who has been convicted of an
24 offense is granted a certificate of eligibility for
25 expungement by the Prisoner Review Board which specifically
26 authorizes expungement, he or she may, upon verified petition

1 to the Chief Judge of the circuit where the person had been
2 convicted, any judge of the circuit designated by the Chief
3 Judge, or in counties of less than 3,000,000 inhabitants, the
4 presiding trial judge at the petitioner's trial, have a court
5 order entered expunging the record of arrest from the official
6 records of the arresting authority and order that the records
7 of the circuit court clerk and the Illinois State Police be
8 sealed until further order of the court upon good cause shown
9 or as otherwise provided herein, and the name of the
10 petitioner obliterated from the official index requested to be
11 kept by the circuit court clerk under Section 16 of the Clerks
12 of Courts Act in connection with the arrest and conviction for
13 the offense for which he or she had been granted the
14 certificate but the order shall not affect any index issued by
15 the circuit court clerk before the entry of the order. All
16 records sealed by the Illinois State Police may be
17 disseminated by the Illinois State Police only as required by
18 this Act or to the arresting authority, a law enforcement
19 agency, the State's Attorney, and the court upon a later
20 arrest for the same or similar offense or for the purpose of
21 sentencing for any subsequent felony. Upon conviction for any
22 subsequent offense, the Department of Corrections shall have
23 access to all expunged records of the Illinois State Police
24 pertaining to that individual. Upon entry of the order of
25 expungement, the circuit court clerk shall promptly mail a
26 copy of the order to the person who was granted the certificate

1 of eligibility for expungement.

2 (f) Subject to available funding, the Illinois Department
3 of Corrections shall conduct a study of the impact of sealing,
4 especially on employment and recidivism rates, utilizing a
5 random sample of those who apply for the sealing of their
6 criminal records under Public Act 93-211. At the request of
7 the Illinois Department of Corrections, records of the
8 Illinois Department of Employment Security shall be utilized
9 as appropriate to assist in the study. The study shall not
10 disclose any data in a manner that would allow the
11 identification of any particular individual or employing unit.
12 The study shall be made available to the General Assembly no
13 later than September 1, 2010.

14 (g) Immediate Sealing.

15 (1) Applicability. Notwithstanding any other provision
16 of this Act to the contrary, and cumulative with any
17 rights to expungement or sealing of criminal records, this
18 subsection authorizes the immediate sealing of criminal
19 records of adults and of minors prosecuted as adults.

20 (2) Eligible Records. Arrests or charges not initiated
21 by arrest resulting in acquittal or dismissal with
22 prejudice, except as excluded by subsection (a)(3)(B),
23 that occur on or after January 1, 2018 (the effective date
24 of Public Act 100-282), may be sealed immediately if the
25 petition is filed with the circuit court clerk on the same
26 day and during the same hearing in which the case is

1 disposed.

2 (3) When Records are Eligible to be Immediately
3 Sealed. Eligible records under paragraph (2) of this
4 subsection (g) may be sealed immediately after entry of
5 the final disposition of a case, notwithstanding the
6 disposition of other charges in the same case.

7 (4) Notice of Eligibility for Immediate Sealing. Upon
8 entry of a disposition for an eligible record under this
9 subsection (g), the defendant shall be informed by the
10 court of his or her right to have eligible records
11 immediately sealed and the procedure for the immediate
12 sealing of these records.

13 (5) Procedure. The following procedures apply to
14 immediate sealing under this subsection (g).

15 (A) Filing the Petition. Upon entry of the final
16 disposition of the case, the defendant's attorney may
17 immediately petition the court, on behalf of the
18 defendant, for immediate sealing of eligible records
19 under paragraph (2) of this subsection (g) that are
20 entered on or after January 1, 2018 (the effective
21 date of Public Act 100-282). The immediate sealing
22 petition may be filed with the circuit court clerk
23 during the hearing in which the final disposition of
24 the case is entered. If the defendant's attorney does
25 not file the petition for immediate sealing during the
26 hearing, the defendant may file a petition for sealing

1 at any time as authorized under subsection (c) (3) (A) .

2 (B) Contents of Petition. The immediate sealing
3 petition shall be verified and shall contain the
4 petitioner's name, date of birth, current address, and
5 for each eligible record, the case number, the date of
6 arrest if applicable, the identity of the arresting
7 authority if applicable, and other information as the
8 court may require.

9 (C) Drug Test. The petitioner shall not be
10 required to attach proof that he or she has passed a
11 drug test.

12 (D) Service of Petition. A copy of the petition
13 shall be served on the State's Attorney in open court.
14 The petitioner shall not be required to serve a copy of
15 the petition on any other agency.

16 (E) Entry of Order. The presiding trial judge
17 shall enter an order granting or denying the petition
18 for immediate sealing during the hearing in which it
19 is filed. Petitions for immediate sealing shall be
20 ruled on in the same hearing in which the final
21 disposition of the case is entered.

22 (F) Hearings. The court shall hear the petition
23 for immediate sealing on the same day and during the
24 same hearing in which the disposition is rendered.

25 (G) Service of Order. An order to immediately seal
26 eligible records shall be served in conformance with

1 subsection (d) (8) .

2 (H) Implementation of Order. An order to
3 immediately seal records shall be implemented in
4 conformance with subsections (d) (9) (C) and (d) (9) (D) .

5 (I) Fees. The fee imposed by the circuit court
6 clerk and the Illinois State Police shall comply with
7 paragraph (1) of subsection (d) of this Section.

8 (J) Final Order. No court order issued under this
9 subsection (g) shall become final for purposes of
10 appeal until 30 days after service of the order on the
11 petitioner and all parties entitled to service of the
12 order in conformance with subsection (d) (8) .

13 (K) Motion to Vacate, Modify, or Reconsider. Under
14 Section 2-1203 of the Code of Civil Procedure, the
15 petitioner, State's Attorney, or the Illinois State
16 Police may file a motion to vacate, modify, or
17 reconsider the order denying the petition to
18 immediately seal within 60 days of service of the
19 order. If filed more than 60 days after service of the
20 order, a petition to vacate, modify, or reconsider
21 shall comply with subsection (c) of Section 2-1401 of
22 the Code of Civil Procedure.

23 (L) Effect of Order. An order granting an
24 immediate sealing petition shall not be considered
25 void because it fails to comply with the provisions of
26 this Section or because of an error asserted in a

1 motion to vacate, modify, or reconsider. The circuit
2 court retains jurisdiction to determine whether the
3 order is voidable, and to vacate, modify, or
4 reconsider its terms based on a motion filed under
5 subparagraph (L) of this subsection (g).

6 (M) Compliance with Order Granting Petition to
7 Seal Records. Unless a court has entered a stay of an
8 order granting a petition to immediately seal, all
9 parties entitled to service of the order must fully
10 comply with the terms of the order within 60 days of
11 service of the order.

12 (h) Sealing or vacation and expungement of trafficking
13 victims' crimes.

14 (1) A trafficking victim, as defined by paragraph (10)
15 of subsection (a) of Section 10-9 of the Criminal Code of
16 2012, may petition for vacation and expungement or
17 immediate sealing of his or her criminal record upon the
18 completion of his or her last sentence if his or her
19 participation in the underlying offense was a result of
20 human trafficking under Section 10-9 of the Criminal Code
21 of 2012 or a severe form of trafficking under the federal
22 Trafficking Victims Protection Act.

23 (1.5) A petition under paragraph (1) shall be
24 prepared, signed, and filed in accordance with Supreme
25 Court Rule 9. The court may allow the petitioner to attend
26 any required hearing remotely in accordance with local

1 rules. The court may allow a petition to be filed under
2 seal if the public filing of the petition would constitute
3 a risk of harm to the petitioner.

4 (2) A petitioner under this subsection (h), in
5 addition to the requirements provided under paragraph (4)
6 of subsection (d) of this Section, shall include in his or
7 her petition a clear and concise statement that: (A) he or
8 she was a victim of human trafficking at the time of the
9 offense; and (B) that his or her participation in the
10 offense was a result of human trafficking under Section
11 10-9 of the Criminal Code of 2012 or a severe form of
12 trafficking under the federal Trafficking Victims
13 Protection Act.

14 (3) If an objection is filed alleging that the
15 petitioner is not entitled to vacation and expungement or
16 immediate sealing under this subsection (h), the court
17 shall conduct a hearing under paragraph (7) of subsection
18 (d) of this Section and the court shall determine whether
19 the petitioner is entitled to vacation and expungement or
20 immediate sealing under this subsection (h). A petitioner
21 is eligible for vacation and expungement or immediate
22 relief under this subsection (h) if he or she shows, by a
23 preponderance of the evidence, that: (A) he or she was a
24 victim of human trafficking at the time of the offense;
25 and (B) that his or her participation in the offense was a
26 result of human trafficking under Section 10-9 of the

1 Criminal Code of 2012 or a severe form of trafficking
2 under the federal Trafficking Victims Protection Act.

3 (i) Minor Cannabis Offenses under the Cannabis Control
4 Act.

5 (1) Expungement of Arrest Records of Minor Cannabis
6 Offenses.

7 (A) The Illinois State Police and all law
8 enforcement agencies within the State shall
9 automatically expunge all criminal history records of
10 an arrest, charge not initiated by arrest, order of
11 supervision, or order of qualified probation for a
12 Minor Cannabis Offense committed prior to June 25,
13 2019 (the effective date of Public Act 101-27) if:

14 (i) One year or more has elapsed since the
15 date of the arrest or law enforcement interaction
16 documented in the records; and

17 (ii) No criminal charges were filed relating
18 to the arrest or law enforcement interaction or
19 criminal charges were filed and subsequently
20 dismissed or vacated or the arrestee was
21 acquitted.

22 (B) If the law enforcement agency is unable to
23 verify satisfaction of condition (ii) in paragraph
24 (A), records that satisfy condition (i) in paragraph
25 (A) shall be automatically expunged.

26 (C) Records shall be expunged by the law

1 enforcement agency under the following timelines:

2 (i) Records created prior to June 25, 2019
3 (the effective date of Public Act 101-27), but on
4 or after January 1, 2013, shall be automatically
5 expunged prior to January 1, 2021;

6 (ii) Records created prior to January 1, 2013,
7 but on or after January 1, 2000, shall be
8 automatically expunged prior to January 1, 2023;

9 (iii) Records created prior to January 1, 2000
10 shall be automatically expunged prior to January
11 1, 2025.

12 In response to an inquiry for expunged records,
13 the law enforcement agency receiving such inquiry
14 shall reply as it does in response to inquiries when no
15 records ever existed; however, it shall provide a
16 certificate of disposition or confirmation that the
17 record was expunged to the individual whose record was
18 expunged if such a record exists.

19 (D) Nothing in this Section shall be construed to
20 restrict or modify an individual's right to have that
21 individual's records expunged except as otherwise may
22 be provided in this Act, or diminish or abrogate any
23 rights or remedies otherwise available to the
24 individual.

25 (2) Pardons Authorizing Expungement of Minor Cannabis
26 Offenses.

1 (A) Upon June 25, 2019 (the effective date of
2 Public Act 101-27), the Department of State Police
3 shall review all criminal history record information
4 and identify all records that meet all of the
5 following criteria:

6 (i) one or more convictions for a Minor
7 Cannabis Offense;

8 (ii) the conviction identified in paragraph
9 (2)(A)(i) did not include a penalty enhancement
10 under Section 7 of the Cannabis Control Act; and

11 (iii) the conviction identified in paragraph
12 (2)(A)(i) is not associated with a conviction for
13 a violent crime as defined in subsection (c) of
14 Section 3 of the Rights of Crime Victims and
15 Witnesses Act.

16 (B) Within 180 days after June 25, 2019 (the
17 effective date of Public Act 101-27), the Department
18 of State Police shall notify the Prisoner Review Board
19 of all such records that meet the criteria established
20 in paragraph (2)(A).

21 (i) The Prisoner Review Board shall notify the
22 State's Attorney of the county of conviction of
23 each record identified by State Police in
24 paragraph (2)(A) that is classified as a Class 4
25 felony. The State's Attorney may provide a written
26 objection to the Prisoner Review Board on the sole

1 basis that the record identified does not meet the
2 criteria established in paragraph (2) (A). Such an
3 objection must be filed within 60 days or by such
4 later date set by the Prisoner Review Board in the
5 notice after the State's Attorney received notice
6 from the Prisoner Review Board.

7 (ii) In response to a written objection from a
8 State's Attorney, the Prisoner Review Board is
9 authorized to conduct a non-public hearing to
10 evaluate the information provided in the
11 objection.

12 (iii) The Prisoner Review Board shall make a
13 confidential and privileged recommendation to the
14 Governor as to whether to grant a pardon
15 authorizing expungement for each of the records
16 identified by the Department of State Police as
17 described in paragraph (2) (A).

18 (C) If an individual has been granted a pardon
19 authorizing expungement as described in this Section,
20 the Prisoner Review Board, through the Attorney
21 General, shall file a petition for expungement with
22 the Chief Judge of the circuit or any judge of the
23 circuit designated by the Chief Judge where the
24 individual had been convicted. Such petition may
25 include more than one individual. Whenever an
26 individual who has been convicted of an offense is

1 granted a pardon by the Governor that specifically
2 authorizes expungement, an objection to the petition
3 may not be filed. Petitions to expunge under this
4 subsection (i) may include more than one individual.
5 Within 90 days of the filing of such a petition, the
6 court shall enter an order expunging the records of
7 arrest from the official records of the arresting
8 authority and order that the records of the circuit
9 court clerk and the Illinois State Police be expunged
10 and the name of the defendant obliterated from the
11 official index requested to be kept by the circuit
12 court clerk under Section 16 of the Clerks of Courts
13 Act in connection with the arrest and conviction for
14 the offense for which the individual had received a
15 pardon but the order shall not affect any index issued
16 by the circuit court clerk before the entry of the
17 order. Upon entry of the order of expungement, the
18 circuit court clerk shall promptly provide a copy of
19 the order and a certificate of disposition to the
20 individual who was pardoned to the individual's last
21 known address or by electronic means (if available) or
22 otherwise make it available to the individual upon
23 request.

24 (D) Nothing in this Section is intended to
25 diminish or abrogate any rights or remedies otherwise
26 available to the individual.

1 (3) Any individual may file a motion to vacate and
2 expunge a conviction for a misdemeanor or Class 4 felony
3 violation of Section 4 or Section 5 of the Cannabis
4 Control Act. Motions to vacate and expunge under this
5 subsection (i) may be filed with the circuit court, Chief
6 Judge of a judicial circuit or any judge of the circuit
7 designated by the Chief Judge. The circuit court clerk
8 shall promptly serve a copy of the motion to vacate and
9 expunge, and any supporting documentation, on the State's
10 Attorney or prosecutor charged with the duty of
11 prosecuting the offense. When considering such a motion to
12 vacate and expunge, a court shall consider the following:
13 the reasons to retain the records provided by law
14 enforcement, the petitioner's age, the petitioner's age at
15 the time of offense, the time since the conviction, and
16 the specific adverse consequences if denied. An individual
17 may file such a petition after the completion of any
18 non-financial sentence or non-financial condition imposed
19 by the conviction. Within 60 days of the filing of such
20 motion, a State's Attorney may file an objection to such a
21 petition along with supporting evidence. If a motion to
22 vacate and expunge is granted, the records shall be
23 expunged in accordance with subparagraphs (d)(8) and
24 (d)(9)(A) of this Section. An agency providing civil legal
25 aid, as defined by Section 15 of the Public Interest
26 Attorney Assistance Act, assisting individuals seeking to

1 file a motion to vacate and expunge under this subsection
2 may file motions to vacate and expunge with the Chief
3 Judge of a judicial circuit or any judge of the circuit
4 designated by the Chief Judge, and the motion may include
5 more than one individual. Motions filed by an agency
6 providing civil legal aid concerning more than one
7 individual may be prepared, presented, and signed
8 electronically.

9 (4) Any State's Attorney may file a motion to vacate
10 and expunge a conviction for a misdemeanor or Class 4
11 felony violation of Section 4 or Section 5 of the Cannabis
12 Control Act. Motions to vacate and expunge under this
13 subsection (i) may be filed with the circuit court, Chief
14 Judge of a judicial circuit or any judge of the circuit
15 designated by the Chief Judge, and may include more than
16 one individual. Motions filed by a State's Attorney
17 concerning more than one individual may be prepared,
18 presented, and signed electronically. When considering
19 such a motion to vacate and expunge, a court shall
20 consider the following: the reasons to retain the records
21 provided by law enforcement, the individual's age, the
22 individual's age at the time of offense, the time since
23 the conviction, and the specific adverse consequences if
24 denied. Upon entry of an order granting a motion to vacate
25 and expunge records pursuant to this Section, the State's
26 Attorney shall notify the Prisoner Review Board within 30

1 days. Upon entry of the order of expungement, the circuit
2 court clerk shall promptly provide a copy of the order and
3 a certificate of disposition to the individual whose
4 records will be expunged to the individual's last known
5 address or by electronic means (if available) or otherwise
6 make available to the individual upon request. If a motion
7 to vacate and expunge is granted, the records shall be
8 expunged in accordance with subparagraphs (d)(8) and
9 (d)(9)(A) of this Section.

10 (5) In the public interest, the State's Attorney of a
11 county has standing to file motions to vacate and expunge
12 pursuant to this Section in the circuit court with
13 jurisdiction over the underlying conviction.

14 (6) If a person is arrested for a Minor Cannabis
15 Offense as defined in this Section before June 25, 2019
16 (the effective date of Public Act 101-27) and the person's
17 case is still pending but a sentence has not been imposed,
18 the person may petition the court in which the charges are
19 pending for an order to summarily dismiss those charges
20 against him or her, and expunge all official records of
21 his or her arrest, plea, trial, conviction, incarceration,
22 supervision, or expungement. If the court determines, upon
23 review, that: (A) the person was arrested before June 25,
24 2019 (the effective date of Public Act 101-27) for an
25 offense that has been made eligible for expungement; (B)
26 the case is pending at the time; and (C) the person has not

1 been sentenced of the minor cannabis violation eligible
2 for expungement under this subsection, the court shall
3 consider the following: the reasons to retain the records
4 provided by law enforcement, the petitioner's age, the
5 petitioner's age at the time of offense, the time since
6 the conviction, and the specific adverse consequences if
7 denied. If a motion to dismiss and expunge is granted, the
8 records shall be expunged in accordance with subparagraph
9 (d) (9) (A) of this Section.

10 (7) A person imprisoned solely as a result of one or
11 more convictions for Minor Cannabis Offenses under this
12 subsection (i) shall be released from incarceration upon
13 the issuance of an order under this subsection.

14 (8) The Illinois State Police shall allow a person to
15 use the access and review process, established in the
16 Illinois State Police, for verifying that his or her
17 records relating to Minor Cannabis Offenses of the
18 Cannabis Control Act eligible under this Section have been
19 expunged.

20 (9) No conviction vacated pursuant to this Section
21 shall serve as the basis for damages for time unjustly
22 served as provided in the Court of Claims Act.

23 (10) Effect of Expungement. A person's right to
24 expunge an expungeable offense shall not be limited under
25 this Section. The effect of an order of expungement shall
26 be to restore the person to the status he or she occupied

1 before the arrest, charge, or conviction.

2 (11) Information. The Illinois State Police shall post
3 general information on its website about the expungement
4 process described in this subsection (i).

5 (j) Felony Prostitution Convictions.

6 (1) Any individual may file a motion to vacate and
7 expunge a conviction for a prior Class 4 felony violation
8 of prostitution. Motions to vacate and expunge under this
9 subsection (j) may be filed with the circuit court, Chief
10 Judge of a judicial circuit, or any judge of the circuit
11 designated by the Chief Judge. When considering the motion
12 to vacate and expunge, a court shall consider the
13 following:

14 (A) the reasons to retain the records provided by
15 law enforcement;

16 (B) the petitioner's age;

17 (C) the petitioner's age at the time of offense;

18 and

19 (D) the time since the conviction, and the
20 specific adverse consequences if denied. An individual
21 may file the petition after the completion of any
22 sentence or condition imposed by the conviction.
23 Within 60 days of the filing of the motion, a State's
24 Attorney may file an objection to the petition along
25 with supporting evidence. If a motion to vacate and
26 expunge is granted, the records shall be expunged in

1 accordance with subparagraph (d)(9)(A) of this
2 Section. An agency providing civil legal aid, as
3 defined in Section 15 of the Public Interest Attorney
4 Assistance Act, assisting individuals seeking to file
5 a motion to vacate and expunge under this subsection
6 may file motions to vacate and expunge with the Chief
7 Judge of a judicial circuit or any judge of the circuit
8 designated by the Chief Judge, and the motion may
9 include more than one individual.

10 (2) Any State's Attorney may file a motion to vacate
11 and expunge a conviction for a Class 4 felony violation of
12 prostitution. Motions to vacate and expunge under this
13 subsection (j) may be filed with the circuit court, Chief
14 Judge of a judicial circuit, or any judge of the circuit
15 court designated by the Chief Judge, and may include more
16 than one individual. When considering the motion to vacate
17 and expunge, a court shall consider the following reasons:

18 (A) the reasons to retain the records provided by
19 law enforcement;

20 (B) the petitioner's age;

21 (C) the petitioner's age at the time of offense;

22 (D) the time since the conviction; and

23 (E) the specific adverse consequences if denied.

24 If the State's Attorney files a motion to vacate and
25 expunge records for felony prostitution convictions
26 pursuant to this Section, the State's Attorney shall

1 notify the Prisoner Review Board within 30 days of the
2 filing. If a motion to vacate and expunge is granted, the
3 records shall be expunged in accordance with subparagraph
4 (d) (9) (A) of this Section.

5 (3) In the public interest, the State's Attorney of a
6 county has standing to file motions to vacate and expunge
7 pursuant to this Section in the circuit court with
8 jurisdiction over the underlying conviction.

9 (4) The Illinois State Police shall allow a person to
10 use the access and review process, established in the
11 Illinois State Police, for verifying that his or her
12 records relating to felony prostitution eligible under
13 this Section have been expunged.

14 (5) No conviction vacated pursuant to this Section
15 shall serve as the basis for damages for time unjustly
16 served as provided in the Court of Claims Act.

17 (6) Effect of Expungement. A person's right to expunge
18 an expungeable offense shall not be limited under this
19 Section. The effect of an order of expungement shall be to
20 restore the person to the status he or she occupied before
21 the arrest, charge, or conviction.

22 (7) Information. The Illinois State Police shall post
23 general information on its website about the expungement
24 process described in this subsection (j).

25 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
26 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.

1 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23; 103-609,
2 eff. 7-1-24; 103-755, eff. 8-2-24; revised 8-9-24.)

3 Section 160. The Department of Transportation Law of the
4 Civil Administrative Code of Illinois is amended by changing
5 Section 2705-440 as follows:

6 (20 ILCS 2705/2705-440) (was 20 ILCS 2705/49.25h)

7 Sec. 2705-440. Intercity Rail Service.

8 (a) For the purposes of providing intercity railroad
9 passenger service within this State and throughout the United
10 States, the Department is authorized to enter into agreements
11 with any state, state agency, unit ~~units~~ of local government
12 or political subdivision ~~subdivisions~~, the Commuter Rail
13 Division of the Regional Transportation Authority (or a public
14 corporation on behalf of that Division), architecture or
15 engineering firm ~~firms~~, the National Railroad Passenger
16 Corporation, any carrier, or any individual, corporation,
17 partnership, or public or private entity. The cost related to
18 such services shall be borne in such proportion as, by
19 agreement or contract the parties may desire.

20 (b) In providing any intercity railroad passenger service
21 as provided in this Section, the Department shall have the
22 following additional powers:

23 (1) to enter into trackage use agreements with rail
24 carriers;

1 (1.5) to freely lease or otherwise contract for any
2 purpose any of the locomotives, passenger railcars, and
3 other rolling stock equipment or accessions to any state
4 or state agency, public or private entity, or quasi-public
5 entities;

6 (2) to enter into haulage agreements with rail
7 carriers;

8 (3) to lease or otherwise contract for use,
9 maintenance, servicing, and repair of any needed
10 locomotives, rolling stock, stations, or other facilities,
11 the lease or contract having a term not to exceed 50 years
12 (but any multi-year contract shall recite that the
13 contract is subject to termination and cancellation,
14 without any penalty, acceleration payment, or other
15 recoupment mechanism, in any fiscal year for which the
16 General Assembly fails to make an adequate appropriation
17 to cover the contract obligation);

18 (4) to enter into management agreements;

19 (5) to include in any contract indemnification of
20 carriers or other parties for any liability with regard to
21 intercity railroad passenger service;

22 (6) to obtain insurance for any losses or claims with
23 respect to the service;

24 (7) to promote the use of the service;

25 (8) to make grants to any body politic and corporate,
26 any unit of local government, or the Commuter Rail

1 Division of the Regional Transportation Authority to cover
2 all or any part of any capital or operating costs of the
3 service and to enter into agreements with respect to those
4 grants;

5 (9) to set any fares or make other regulations with
6 respect to the service, consistent with any contracts for
7 the service; and

8 (10) to otherwise enter into any contracts necessary
9 or convenient to provide rail services, operate or
10 maintain locomotives, passenger railcars, and other
11 rolling stock equipment or accessions, including the lease
12 or use of such locomotives, railcars, equipment, or
13 accessions.

14 (c) All service provided under this Section shall be
15 exempt from all regulations by the Illinois Commerce
16 Commission (other than for safety matters). To the extent the
17 service is provided by the Commuter Rail Division of the
18 Regional Transportation Authority (or a public corporation on
19 behalf of that Division), it shall be exempt from safety
20 regulations of the Illinois Commerce Commission to the extent
21 the Commuter Rail Division adopts its own safety regulations.

22 (d) In connection with any powers exercised under this
23 Section, the Department

24 (1) shall not have the power of eminent domain; and

25 (2) shall not directly operate any railroad service
26 with its own employees.

1 (e) Any contract with the Commuter Rail Division of the
2 Regional Transportation Authority (or a public corporation on
3 behalf of the Division) under this Section shall provide that
4 all costs in excess of revenue received by the Division
5 generated from intercity rail service provided by the Division
6 shall be fully borne by the Department, and no funds for
7 operation of commuter rail service shall be used, directly or
8 indirectly, or for any period of time, to subsidize the
9 intercity rail operation. If at any time the Division does not
10 have sufficient funds available to satisfy the requirements of
11 this Section, the Division shall forthwith terminate the
12 operation of intercity rail service. The payments made by the
13 Department to the Division for the intercity rail passenger
14 service shall not be made in excess of those costs or as a
15 subsidy for costs of commuter rail operations. This shall not
16 prevent the contract from providing for efficient coordination
17 of service and facilities to promote cost effective operations
18 of both intercity rail passenger service and commuter rail
19 services with cost allocations as provided in this paragraph.

20 (f) Whenever the Department enters into an agreement with
21 any carrier for the Department's payment of such railroad
22 required maintenance expenses necessary for intercity
23 passenger service, the Department may deposit such required
24 maintenance funds into an escrow account. Whenever the
25 Department enters into an agreement with any State or State
26 agency, any public or private entity or quasi-public entity

1 for the lease, rental or use of locomotives, passenger
2 railcars, and other rolling stock equipment or accessions, the
3 Department may deposit such receipts into a separate escrow
4 account. For purposes of this subsection, "escrow account" ~~an~~
5 ~~escrow account~~ means any fiduciary account established with
6 (i) any banking corporation which is both organized under the
7 Illinois Banking Act and authorized to accept and administer
8 trusts in this State, or (ii) any national banking association
9 which has its principal place of business in this State and
10 which also is authorized to accept and administer trusts in
11 this State. The funds in any required maintenance escrow
12 account may be withdrawn by the carrier or entity in control of
13 the railroad being maintained, only with the consent of the
14 Department, pursuant to a written maintenance agreement and
15 pursuant to a maintenance plan that shall be updated each
16 year. The funds in an escrow account holding lease payments,
17 use fees, or rental payments may be withdrawn by the
18 Department, only with the consent of the Midwest Fleet Pool
19 Board and deposited into the High-Speed Rail Rolling Stock
20 Fund. The moneys deposited in the escrow accounts shall be
21 invested and reinvested, pursuant to the direction of the
22 Department, in bonds and other interest bearing obligations of
23 this State, or in such accounts, certificates, bills,
24 obligations, shares, pools, or other securities as are
25 authorized for the investment of public funds under the Public
26 Funds Investment Act. Escrow accounts created under this

1 subsection shall not have terms that exceed 20 years. At the
2 end of the term of an escrow account holding lease payments,
3 use fees, or rental payments, the remaining balance shall be
4 deposited in the High-Speed Rail Rolling Stock Fund, a special
5 fund that is created in the State treasury ~~Treasury~~. Moneys in
6 the High-Speed Rail Rolling Stock Fund may be used for any
7 purpose related to locomotives, passenger railcars, and other
8 rolling stock equipment. The Department shall prepare a report
9 for presentation to the Comptroller and the Treasurer each
10 year that shows the amounts deposited and withdrawn, the
11 purposes for withdrawal, the balance, and the amounts derived
12 from investment.

13 (g) Whenever the Department enters into an agreement with
14 any carrier, State or State agency, any public or private
15 entity, or quasi-public entity for costs related to
16 procurement and maintenance of locomotives, passenger
17 railcars, and other rolling stock equipment or accessions, the
18 Department shall deposit such receipts into the High-Speed
19 Rail Rolling Stock Fund. Additionally, the Department may make
20 payments into the High-Speed Rail Rolling Stock Fund for the
21 State's share of the costs related to locomotives, passenger
22 railcars, and other rolling stock equipment.

23 (Source: P.A. 103-707, eff. 1-1-25; revised 11-22-24.)

24 Section 165. The Department of Veterans' Affairs Act is
25 amended by changing Section 40 as follows:

1 (20 ILCS 2805/40)

2 Sec. 40. Notice of veterans and service members' benefits,
3 services, and protections. The Department shall create, and
4 the Department of Labor shall make available, at no cost, a
5 veterans and service members' benefits, services, and
6 protections poster. Such a poster shall include, but not be
7 limited to, information regarding the following:

8 (1) Free veterans' benefits and services provided by
9 the Illinois Department of Veterans' ~~Veterans~~ Affairs and
10 other veterans service organizations;

11 (2) Tax benefits;

12 (3) Illinois veteran driver's license and non-driver
13 veteran identification card;

14 (4) Illinois protections for survivors of sexual
15 violence in the military; and

16 (5) Contact information for the following:

17 (i) The United States Department of Veterans
18 Affairs;

19 (ii) The Illinois Department of Veterans' ~~Veterans~~
20 Affairs; and

21 (iii) The Veterans Crisis Line.

22 (Source: P.A. 103-828, eff. 1-1-25; revised 12-1-24.)

23 Section 170. The Governor's Office of Management and
24 Budget Act is amended by changing Section 2.14 as follows:

1 (20 ILCS 3005/2.14)

2 Sec. 2.14. Annual Comprehensive Financial Report Internal
3 Control Unit. As used in this Section, ~~+~~ "ACFR" means the State
4 Annual Comprehensive Financial Report.

5 There is created within the Governor's Office of
6 Management and Budget an ACFR Internal Control Unit, which
7 shall advise and assist the Director in coordinating the audit
8 of the State Annual Comprehensive Financial Report on behalf
9 of the Governor. The ACFR Internal Control Unit may develop
10 policies, plans, and programs to be used by the Office for the
11 coordination of the financial audit and may advise and assist
12 State agencies, as defined in the Illinois State Auditing Act
13 and under the jurisdiction of the Governor, in improving
14 internal controls related to the State's financial statements
15 and reporting. The ACFR Internal Control Unit is authorized to
16 direct State agencies under the jurisdiction of the Governor
17 in the adoption of internal control procedures and
18 documentation necessary to address internal control
19 deficiencies or resolve ACFR audit findings, and to direct
20 implementation of such corrective actions. Each State agency
21 under the jurisdiction of the Governor shall furnish to the
22 Office such information as the Office may from time to time
23 require, and the Director or any duly authorized employee of
24 the Office shall for the purpose of securing such information,
25 have access to, and the right to examine and receive a copy of

1 all documents, papers, reports, or records of any State agency
2 under the jurisdiction of the Governor to assist in carrying
3 out the Office's responsibilities under this Section.

4 (Source: P.A. 103-866, eff. 8-9-24; revised 10-21-24.)

5 Section 175. The Capital Development Board Act is amended
6 by changing Section 10.09-1 as follows:

7 (20 ILCS 3105/10.09-1)

8 Sec. 10.09-1. Certification of inspection.

9 (a) No person may occupy a newly constructed commercial
10 building or a substantially improved commercial building in a
11 non-building code jurisdiction until:

12 (1) The property owner or property owner's agent has
13 first contracted for the inspection of the building by an
14 inspector who meets the qualifications established by the
15 Board; and

16 (2) The qualified inspector files a certification of
17 inspection with the municipality or county having such
18 jurisdiction over the property indicating that the
19 building complies with all of the following:

20 (A) to the extent they do not conflict with the
21 codes and rules listed in subparagraphs (C) through
22 (F), the current edition or most recent preceding
23 edition of the following codes published by the
24 International Code Council:

1 (i) the International Building Code, including
2 Appendix G and excluding Chapters 11, 13, and 29;

3 (ii) the International Existing Building Code;
4 (B) to the extent it does not conflict with the
5 codes and rules listed in subparagraphs (C) through
6 (F), the current edition or most recent preceding
7 edition of the National Electrical Code published by
8 the National Fire Protection Association;

9 (C) either:

10 (i) The Energy Efficient Building Code adopted
11 under Section 15 of the Energy Efficient Building
12 Act; or

13 (ii) The Illinois Stretch Energy Code adopted
14 under Section 55 of the Energy Efficient Building
15 Act;

16 (D) the Illinois Accessibility Code adopted under
17 Section 4 of the Environmental Barriers Act;

18 (E) the Illinois Plumbing Code adopted under
19 Section 35 of the Illinois Plumbing License Law; and

20 (F) the rules adopted in accordance with Section 9
21 of the Fire Investigation Act.

22 ~~(3)~~ Once a building permit is issued, the applicable
23 requirements that are in effect on January 1 of the calendar
24 year when the building permit was applied for, or, where a
25 building permit is not required, on January 1 of the calendar
26 year when construction begins, shall be the only requirements

1 that apply for the duration of the building permit or
2 construction.

3 (b) (Blank).

4 (c) The qualification requirements of this Section do not
5 apply to building enforcement personnel employed by a
6 municipality or county who are acting in their official
7 capacity.

8 (d) For purposes of this Section:

9 "Commercial building" means any building other than: (i) a
10 single-family home or a dwelling containing 2 or fewer
11 apartments, condominiums, or townhouses; or (ii) a farm
12 building as exempted from Section 3 of the Illinois
13 Architecture Practice Act of 1989.

14 "Newly constructed commercial building" means any
15 commercial building for which original construction has
16 commenced on or after July 1, 2011.

17 "Non-building code jurisdiction" means any area of the
18 State in a municipality or county having jurisdiction that:
19 (i) has not adopted a building code; or (ii) is required to but
20 has not identified its adopted building code to the Board
21 under Section 10.18 of the Capital Development Board Act.

22 "Qualified inspector" means an individual certified as a
23 commercial building inspector by the International Code
24 Council or an equivalent nationally recognized building
25 inspector certification organization, qualified as a
26 construction and building inspector by successful completion

1 of an apprentice program certified by the United States
2 Department of Labor, or who has filed verification of
3 inspection experience according to rules adopted by the Board
4 for the purposes of conducting inspections in non-building
5 code jurisdictions.

6 "Substantial damage" means damage of any origin sustained
7 by a structure whereby the cost of restoring the structure to
8 its before-damaged condition would equal or exceed 50% of the
9 market value of the structure before damage occurred.

10 "Substantially improved commercial building" means, for
11 work commenced on or after January 1, 2025, any commercial
12 building that has undergone any repair, reconstruction,
13 rehabilitation, alteration, addition, or other improvement,
14 the cost of which equals or exceeds 50% of the market value of
15 the structure before the improvement or repair is started. If
16 a commercial building has sustained substantial damage, any
17 repairs are considered substantial improvement regardless of
18 the actual repair work performed. "Substantially improved
19 commercial building" does not include: (i) any project for
20 improvement of a structure to correct existing violations of
21 State or local health, sanitary, or safety code specifications
22 which have been identified by the local code enforcement
23 official and which are the minimum necessary to assure safe
24 living conditions or (ii) any alteration of a historic
25 structure, provided that the alteration will not preclude the
26 structure's continued designation as a historic structure.

1 (e) Except as provided in Section 15 of the Illinois
2 Residential Building Code Act, new residential construction is
3 exempt from this Section and is defined as any original
4 construction of a single-family home or a dwelling containing
5 2 or fewer apartments, condominiums, or townhouses.

6 (f) Local governments may establish agreements with other
7 governmental entities within the State to issue permits and
8 enforce building codes and may hire third-party providers that
9 are qualified in accordance with this Section to provide
10 inspection services.

11 (g) This Section does not limit the applicability of any
12 other statutorily authorized code or regulation administered
13 by State agencies. These include, without limitation, the
14 codes and regulations listed in subparagraphs (C) through (F)
15 of paragraph (2) of subsection (a).

16 (h) The changes to this Section made by Public Act 103-510
17 ~~this amendatory Act of the 103rd General Assembly~~ shall apply
18 beginning on January 1, 2025.

19 (Source: P.A. 102-558, eff. 8-20-21; 103-510, eff. 1-1-24;
20 revised 7-24-24.)

21 Section 180. The Illinois Emergency Management Agency Act
22 is amended by changing Section 5 as follows:

23 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

24 Sec. 5. Illinois Emergency Management Agency.

1 (a) There is created within the executive branch of the
2 State Government an Illinois Emergency Management Agency and a
3 Director of the Illinois Emergency Management Agency, herein
4 called the "Director" who shall be the head thereof. The
5 Director shall be appointed by the Governor, with the advice
6 and consent of the Senate, and shall serve for a term of 2
7 years beginning on the third Monday in January of the
8 odd-numbered year, and until a successor is appointed and has
9 qualified; except that the term of the first Director
10 appointed under this Act shall expire on the third Monday in
11 January, 1989. The Director shall not hold any other
12 remunerative public office. For terms beginning after January
13 18, 2019 (the effective date of Public Act 100-1179) and
14 before January 16, 2023, the annual salary of the Director
15 shall be as provided in Section 5-300 of the Civil
16 Administrative Code of Illinois. Notwithstanding any other
17 provision of law, for terms beginning on or after January 16,
18 2023, the Director shall receive an annual salary of \$180,000
19 or as set by the Governor, whichever is higher. On July 1,
20 2023, and on each July 1 thereafter, the Director shall
21 receive an increase in salary based on a cost of living
22 adjustment as authorized by Senate Joint Resolution 192 of the
23 86th General Assembly.

24 For terms beginning on or after January 16, 2023, the
25 Assistant Director of the Illinois Emergency Management Agency
26 shall receive an annual salary of \$156,600 or as set by the

1 Governor, whichever is higher. On July 1, 2023, and on each
2 July 1 thereafter, the Assistant Director shall receive an
3 increase in salary based on a cost of living adjustment as
4 authorized by Senate Joint Resolution 192 of the 86th General
5 Assembly.

6 (b) The Illinois Emergency Management Agency shall obtain,
7 under the provisions of the Personnel Code, technical,
8 clerical, stenographic and other administrative personnel, and
9 may make expenditures within the appropriation therefor as may
10 be necessary to carry out the purpose of this Act. The agency
11 created by this Act is intended to be a successor to the agency
12 created under the Illinois Emergency Services and Disaster
13 Agency Act of 1975 and the personnel, equipment, records, and
14 appropriations of that agency are transferred to the successor
15 agency as of June 30, 1988 (the effective date of this Act).

16 (c) The Director, subject to the direction and control of
17 the Governor, shall be the executive head of the Illinois
18 Emergency Management Agency and the State Emergency Response
19 Commission and shall be responsible under the direction of the
20 Governor, for carrying out the program for emergency
21 management of this State. The Director shall also maintain
22 liaison and cooperate with the emergency management
23 organizations of this State and other states and of the
24 federal government.

25 (d) The Illinois Emergency Management Agency shall take an
26 integral part in the development and revision of political

1 subdivision emergency operations plans prepared under
2 paragraph (f) of Section 10. To this end it shall employ or
3 otherwise secure the services of professional and technical
4 personnel capable of providing expert assistance to the
5 emergency services and disaster agencies. These personnel
6 shall consult with emergency services and disaster agencies on
7 a regular basis and shall make field examinations of the
8 areas, circumstances, and conditions that particular political
9 subdivision emergency operations plans are intended to apply.

10 (e) The Illinois Emergency Management Agency and political
11 subdivisions shall be encouraged to form an emergency
12 management advisory committee composed of private and public
13 personnel representing the emergency management phases of
14 mitigation, preparedness, response, and recovery. The Local
15 Emergency Planning Committee, as created under the Illinois
16 Emergency Planning and Community Right to Know Act, shall
17 serve as an advisory committee to the emergency services and
18 disaster agency or agencies serving within the boundaries of
19 that Local Emergency Planning Committee planning district for:

20 (1) the development of emergency operations plan
21 provisions for hazardous chemical emergencies; and

22 (2) the assessment of emergency response capabilities
23 related to hazardous chemical emergencies.

24 (f) The Illinois Emergency Management Agency shall:

25 (1) Coordinate the overall emergency management
26 program of the State.

1 (2) Cooperate with local governments, the federal
2 government, and any public or private agency or entity in
3 achieving any purpose of this Act and in implementing
4 emergency management programs for mitigation,
5 preparedness, response, and recovery.

6 (2.5) Develop a comprehensive emergency preparedness
7 and response plan for any nuclear accident in accordance
8 with Section 65 of the Nuclear Safety Law of 2004 and in
9 development of the Illinois Nuclear Safety Preparedness
10 program in accordance with Section 8 of the Illinois
11 Nuclear Safety Preparedness Act.

12 (2.6) Coordinate with the Department of Public Health
13 with respect to planning for and responding to public
14 health emergencies.

15 (3) Prepare, for issuance by the Governor, executive
16 orders, proclamations, and regulations as necessary or
17 appropriate in coping with disasters.

18 (4) Promulgate rules and requirements for political
19 subdivision emergency operations plans that are not
20 inconsistent with and are at least as stringent as
21 applicable federal laws and regulations.

22 (5) Review and approve, in accordance with Illinois
23 Emergency Management Agency rules, emergency operations
24 plans for those political subdivisions required to have an
25 emergency services and disaster agency pursuant to this
26 Act.

1 (5.5) Promulgate rules and requirements for the
2 political subdivision emergency management exercises,
3 including, but not limited to, exercises of the emergency
4 operations plans.

5 (5.10) Review, evaluate, and approve, in accordance
6 with Illinois Emergency Management Agency rules, political
7 subdivision emergency management exercises for those
8 political subdivisions required to have an emergency
9 services and disaster agency pursuant to this Act.

10 (6) Determine requirements of the State and its
11 political subdivisions for food, clothing, and other
12 necessities in event of a disaster.

13 (7) Establish a register of persons with types of
14 emergency management training and skills in mitigation,
15 preparedness, response, and recovery.

16 (8) Establish a register of government and private
17 response resources available for use in a disaster.

18 (9) Expand the Earthquake Awareness Program and its
19 efforts to distribute earthquake preparedness materials to
20 schools, political subdivisions, community groups, civic
21 organizations, and the media. Emphasis will be placed on
22 those areas of the State most at risk from an earthquake.
23 Maintain the list of all school districts, hospitals,
24 airports, power plants, including nuclear power plants,
25 lakes, dams, emergency response facilities of all types,
26 and all other major public or private structures which are

1 at the greatest risk of damage from earthquakes under
2 circumstances where the damage would cause subsequent harm
3 to the surrounding communities and residents.

4 (10) Disseminate all information, completely and
5 without delay, on water levels for rivers and streams and
6 any other data pertaining to potential flooding supplied
7 by the Division of Water Resources within the Department
8 of Natural Resources to all political subdivisions to the
9 maximum extent possible.

10 (11) Develop agreements, if feasible, with medical
11 supply and equipment firms to supply resources as are
12 necessary to respond to an earthquake or any other
13 disaster as defined in this Act. These resources will be
14 made available upon notifying the vendor of the disaster.
15 Payment for the resources will be in accordance with
16 Section 7 of this Act. The Illinois Department of Public
17 Health shall determine which resources will be required
18 and requested.

19 (11.5) In coordination with the Illinois State Police,
20 develop and implement a community outreach program to
21 promote awareness among the State's parents and children
22 of child abduction prevention and response.

23 (12) Out of funds appropriated for these purposes,
24 award capital and non-capital grants to Illinois hospitals
25 or health care facilities located outside of a city with a
26 population in excess of 1,000,000 to be used for purposes

1 that include, but are not limited to, preparing to respond
2 to mass casualties and disasters, maintaining and
3 improving patient safety and quality of care, and
4 protecting the confidentiality of patient information. No
5 single grant for a capital expenditure shall exceed
6 \$300,000. No single grant for a non-capital expenditure
7 shall exceed \$100,000. In awarding such grants, preference
8 shall be given to hospitals that serve a significant
9 number of Medicaid recipients, but do not qualify for
10 disproportionate share hospital adjustment payments under
11 the Illinois Public Aid Code. To receive such a grant, a
12 hospital or health care facility must provide funding of
13 at least 50% of the cost of the project for which the grant
14 is being requested. In awarding such grants the Illinois
15 Emergency Management Agency shall consider the
16 recommendations of the Illinois Hospital Association.

17 (13) Do all other things necessary, incidental or
18 appropriate for the implementation of this Act.

19 (g) The Illinois Emergency Management Agency is authorized
20 to make grants to various higher education institutions,
21 public K-12 school districts, area vocational centers as
22 designated by the State Board of Education, inter-district
23 special education cooperatives, regional safe schools, and
24 nonpublic K-12 schools for safety and security improvements.
25 For the purpose of this subsection (g), "higher education
26 institution" means a public university, a public community

1 college, or an independent, not-for-profit or for-profit
2 higher education institution located in this State. Grants
3 made under this subsection (g) shall be paid out of moneys
4 appropriated for that purpose from the Build Illinois Bond
5 Fund. The Illinois Emergency Management Agency shall adopt
6 rules to implement this subsection (g). These rules may
7 specify: (i) the manner of applying for grants; (ii) project
8 eligibility requirements; (iii) restrictions on the use of
9 grant moneys; (iv) the manner in which the various higher
10 education institutions must account for the use of grant
11 moneys; and (v) any other provision that the Illinois
12 Emergency Management Agency determines to be necessary or
13 useful for the administration of this subsection (g).

14 (g-5) The Illinois Emergency Management Agency is
15 authorized to make grants to not-for-profit organizations
16 which are exempt from federal income taxation under section
17 501(c)(3) of the Federal Internal Revenue Code for eligible
18 security improvements that assist the organization in
19 preventing, preparing for, or responding to threats, attacks,
20 or acts of terrorism. To be eligible for a grant under the
21 program, the Agency must determine that the organization is at
22 a high risk of being subject to threats, attacks, or acts of
23 terrorism based on the organization's profile, ideology,
24 mission, or beliefs. Eligible security improvements shall
25 include all eligible preparedness activities under the federal
26 Nonprofit Security Grant Program, including, but not limited

1 to, physical security upgrades, security training exercises,
2 preparedness training exercises, contracting with security
3 personnel, and any other security upgrades deemed eligible by
4 the Director. Eligible security improvements shall not
5 duplicate, in part or in whole, a project included under any
6 awarded federal grant or in a pending federal application. The
7 Director shall establish procedures and forms by which
8 applicants may apply for a grant and procedures for
9 distributing grants to recipients. Any security improvements
10 awarded shall remain at the physical property listed in the
11 grant application, unless authorized by Agency rule or
12 approved by the Agency in writing. The procedures shall
13 require each applicant to do the following:

14 (1) identify and substantiate prior or current
15 threats, attacks, or acts of terrorism against the
16 not-for-profit organization;

17 (2) indicate the symbolic or strategic value of one or
18 more sites that renders the site a possible target of a
19 threat, attack, or act of terrorism;

20 (3) discuss potential consequences to the organization
21 if the site is damaged, destroyed, or disrupted by a
22 threat, attack, or act of terrorism;

23 (4) describe how the grant will be used to integrate
24 organizational preparedness with broader State and local
25 preparedness efforts, as described by the Agency in each
26 Notice of Opportunity for Funding;

1 (5) submit (i) a vulnerability assessment conducted by
2 experienced security, law enforcement, or military
3 personnel, or conducted using an Agency-approved or
4 federal Nonprofit Security Grant Program self-assessment
5 tool, and (ii) a description of how the grant award will be
6 used to address the vulnerabilities identified in the
7 assessment; and

8 (6) submit any other relevant information as may be
9 required by the Director.

10 The Agency is authorized to use funds appropriated for the
11 grant program described in this subsection (g-5) to administer
12 the program. Any Agency Notice of Opportunity for Funding,
13 proposed or final rulemaking, guidance, training opportunity,
14 or other resource related to the grant program must be
15 published on the Agency's publicly available website, and any
16 announcements related to funding shall be shared with all
17 State legislative offices, the Governor's office, emergency
18 services and disaster agencies mandated or required pursuant
19 to subsections (b) through (d) of Section 10, and any other
20 State agencies as determined by the Agency. Subject to
21 appropriation, the grant application period shall be open for
22 no less than 45 calendar days during the first application
23 cycle each fiscal year, unless the Agency determines that a
24 shorter period is necessary to avoid conflicts with the annual
25 federal Nonprofit Security Grant Program funding cycle.
26 Additional application cycles may be conducted during the same

1 fiscal year, subject to availability of funds. Upon request,
2 Agency staff shall provide reasonable assistance to any
3 applicant in completing a grant application or meeting a
4 post-award requirement.

5 In addition to any advance payment rules or procedures
6 adopted by the Agency, the Agency shall adopt rules or
7 procedures by which grantees under this subsection (g-5) may
8 receive a working capital advance of initial start-up costs
9 and up to 2 months of program expenses, not to exceed 25% of
10 the total award amount, if, during the application process,
11 the grantee demonstrates a need for funds to commence a
12 project. The remaining funds must be paid through
13 reimbursement after the grantee presents sufficient supporting
14 documentation of expenditures for eligible activities.

15 (h) Except as provided in Section 17.5 of this Act, any
16 moneys received by the Agency from donations or sponsorships
17 unrelated to a disaster shall be deposited in the Emergency
18 Planning and Training Fund and used by the Agency, subject to
19 appropriation, to effectuate planning and training activities.
20 Any moneys received by the Agency from donations during a
21 disaster and intended for disaster response or recovery shall
22 be deposited into the Disaster Response and Recovery Fund and
23 used for disaster response and recovery pursuant to the
24 Disaster Relief Act.

25 (i) The Illinois Emergency Management Agency may by rule
26 assess and collect reasonable fees for attendance at

1 Agency-sponsored conferences to enable the Agency to carry out
2 the requirements of this Act. Any moneys received under this
3 subsection shall be deposited in the Emergency Planning and
4 Training Fund and used by the Agency, subject to
5 appropriation, for planning and training activities.

6 (j) The Illinois Emergency Management Agency is authorized
7 to make grants to other State agencies, public universities,
8 units of local government, and statewide mutual aid
9 organizations to enhance statewide emergency preparedness and
10 response.

11 (k) Subject to appropriation from the Emergency Planning
12 and Training Fund, the Illinois Emergency Management Agency
13 and Office of Homeland Security shall obtain training services
14 and support for local emergency services and support for local
15 emergency services and disaster agencies for training,
16 exercises, and equipment related to carbon dioxide pipelines
17 and sequestration, and, subject to the availability of
18 funding, shall provide \$5,000 per year to the Illinois Fire
19 Service Institute for first responder training required under
20 Section 4-615 of the Public Utilities Act. Amounts in the
21 Emergency Planning and Training Fund will be used by the
22 Illinois Emergency Management Agency and Office of Homeland
23 Security for administrative costs incurred in carrying out the
24 requirements of this subsection. To carry out the purposes of
25 this subsection, the Illinois Emergency Management Agency and
26 Office of Homeland Security may accept moneys from all

1 authorized sources into the Emergency Planning and Training
2 Fund, including, but not limited to, transfers from the Carbon
3 Dioxide Sequestration Administrative Fund and the Public
4 Utility Fund.

5 (1) ~~(*)~~ The Agency shall do all other things necessary,
6 incidental, or appropriate for the implementation of this Act,
7 including the adoption of rules in accordance with the
8 Illinois Administrative Procedure Act.

9 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
10 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23; 103-418, eff.
11 1-1-24; 103-588, eff. 1-1-25; 103-651, eff. 7-18-24; 103-999,
12 eff. 1-1-25; revised 11-26-24.)

13 Section 185. The Historic Preservation Act is amended by
14 changing Sections 4.7, 16, and 21 as follows:

15 (20 ILCS 3405/4.7)

16 Sec. 4.7. State Historic Preservation Board.

17 (a) The State Historic Preservation Board is hereby
18 created within the Department.

19 (b) The Board shall consist of 9 voting members appointed
20 by the Governor and the Director of the Department, or the
21 Director's designee, who shall serve as an ex officio
22 ~~ex-officio~~ nonvoting member of the Board. Of the members
23 appointed by the Governor:

24 (1) 2 members shall have a relevant background in

1 public history or a background in teaching or researching
2 either the history of Illinois or the history of
3 historically marginalized communities;

4 (2) one member shall have experience in library
5 studies or archival work in Illinois;

6 (3) 3 members shall be representatives of a
7 community-based organization working on historic
8 preservation in Illinois;

9 (4) one member shall have experience with the federal
10 Americans with Disabilities Act of 1990;

11 (5) one member shall have experience working on
12 federal historic designations; and

13 (6) one member shall be a museum professional.

14 The chairperson of the Board shall be named by the
15 Governor from among the voting members of the Board. Each
16 member of the Board shall serve a 3-year term and until a
17 successor is appointed by the Governor. The Governor may
18 remove a Board member for incompetence, dereliction of duty,
19 or malfeasance. Of those members appointed by the Governor, at
20 least 5 of the members shall represent historically excluded
21 and marginalized people. The Governor's Office, with the
22 assistance of the Department, shall be responsible for
23 ensuring that 5 of the appointed members of the Board consist
24 of people who represent historically excluded and marginalized
25 people. Knowledge in the following areas shall be prioritized
26 in making appointments to the Board: the culture, traditions,

1 and history of American Indians and Native Americans, Black
2 Americans, Latinos, Latinas, and Hispanic Americans, Asian
3 Americans and Pacific Islanders, the LGBTQIA+ community,
4 immigrants and refugees, people with disabilities, and
5 veterans' organizations; women's history; the history of
6 Illinois' agriculture, architecture, armed forces, arts,
7 civics, cultural geography, ecology, education, faith-based
8 communities, folklore, government, industry, labor, law,
9 medicine, and transportation; anthropology; archaeology;
10 cultural exhibits and museums; heritage tourism; historic
11 preservation; and social justice.

12 (c) Board meetings shall be called at regular intervals
13 set by the Board, on the request of the Department, or upon
14 written notice signed by at least 5 members of the Board, but
15 in no event less than once quarterly.

16 (d) A majority of the members of the Board constitutes a
17 quorum for the transaction of business at a meeting of the
18 Board. If a quorum is met, a majority of the members present
19 and serving is required for official action of the Board.

20 (e) All business that the Board is authorized to perform
21 shall be conducted at a public meeting of the Board, held in
22 compliance with the Open Meetings Act.

23 (f) Public records of the Board are subject to disclosure
24 under the Freedom of Information Act.

25 (g) The members of the Board shall serve without
26 compensation but shall be entitled to reimbursement for all

1 necessary expenses incurred in the performance of their
2 official duties as members of the Board from funds
3 appropriated for that purpose. Reimbursement for travel,
4 meals, and lodging shall be in accordance with the rules of the
5 Governor's Travel Control Board.

6 (h) The Board has the following powers and duties:

7 (1) The Board shall adopt rules in accordance with the
8 Illinois Administrative Procedure Act, for the
9 administration and execution of the powers granted under
10 this Act. All rules that are authorized to be adopted
11 under this Act shall be adopted after consultation with
12 and written approval by the Department.

13 (2) The Board shall list, delist, create specific list
14 designations, create designation definitions, create
15 property assessment criteria, or change the listing
16 designation of State Historic Sites. Such actions shall be
17 undertaken by administrative rule. The listing, delisting,
18 creation of specific list designations or designation
19 definitions, or change of listing designation by the Board
20 shall only be done with the written approval of the
21 Director of Natural Resources. When listing, delisting, or
22 making a change of listing designation, the Board shall
23 consider, but is not limited to, the following:

24 (A) the budgetary impact on the full historic
25 sites portfolio when taking such action;

26 (B) if the action includes the stories of

1 historically excluded and marginalized people;

2 (C) the geographic balance of the portfolio;

3 (D) disability access;

4 (E) opportunities to coordinate with federal
5 historic designations or federal funding
6 opportunities; and

7 (F) any other criteria that have been set out in
8 administrative rule.

9 (3) The Board shall advise the Department on methods
10 of assistance, protection, conservation, and management of
11 State Historic Sites, which are all subject to Department
12 approval and available appropriations to implement those
13 recommendations.

14 (i) The Department shall provide administrative support to
15 the Board.

16 (Source: P.A. 103-768, eff. 8-2-24; revised 10-24-24.)

17 (20 ILCS 3405/16) (from Ch. 127, par. 2716)

18 Sec. 16. The Department shall have the following
19 additional powers:

20 (a) To hire agents and employees necessary to carry
21 out the duties and purposes of this Act.

22 (b) To take all measures necessary to erect, maintain,
23 preserve, restore, and conserve all State Historic Sites,
24 except when supervision and maintenance is otherwise
25 provided by law. This authorization includes the power to

1 enter into contracts, acquire and dispose of real and
2 personal property, and enter into leases of real and
3 personal property. The Department has the power to
4 acquire, for purposes authorized by law, any real property
5 in fee simple subject to a life estate in the seller in not
6 more than 3 acres of the real property acquired, subject
7 to the restrictions that the life estate shall be used for
8 residential purposes only and that it shall be
9 non-transferable.

10 (c) To provide recreational facilities, including
11 campsites, lodges and cabins, trails, picnic areas, and
12 related recreational facilities, at all sites under the
13 jurisdiction of the Department.

14 (d) To lay out, construct, and maintain all needful
15 roads, parking areas, paths or trails, bridges, camp or
16 lodge sites, picnic areas, lodges and cabins, and any
17 other structures and improvements necessary and
18 appropriate in any State historic site or easement
19 thereto; and to provide water supplies, heat and light,
20 and sanitary facilities for the public and living quarters
21 for the custodians and keepers of State historic sites.

22 (e) To grant licenses and rights-of-way within the
23 areas controlled by the Department for the construction,
24 operation, and maintenance upon, under or across the
25 property, of facilities for water, sewage, telephone,
26 telegraph, electric, gas, or other public service, subject

1 to the terms and conditions as may be determined by the
2 Department.

3 (f) To authorize the officers, employees, and agents
4 of the Department, for the purposes of investigation and
5 to exercise the rights, powers, and duties vested and that
6 may be vested in it, to enter and cross all lands and
7 waters in this State, doing no damage to private property.

8 (g) To transfer jurisdiction of or exchange any realty
9 under the control of the Department to any other
10 Department of the State Government, or to any agency of
11 the Federal Government, or to acquire or accept Federal
12 lands, when any transfer, exchange, acquisition, or
13 acceptance is advantageous to the State and is approved in
14 writing by the Governor.

15 (h) To erect, supervise, and maintain all public
16 monuments and memorials erected by the State, except when
17 the supervision and maintenance of public monuments and
18 memorials is otherwise provided by law.

19 (i) To accept, hold, maintain, and administer, as
20 trustee, property given in trust for educational or
21 historic purposes for the benefit of the People of the
22 State of Illinois and to dispose of any property under the
23 terms of the instrument creating the trust.

24 (j) To lease concessions on any property under the
25 jurisdiction of the Department for a period not exceeding
26 25 years and to lease a concession complex at Lincoln's

1 New Salem State Historic Site for which a cash incentive
2 has been authorized under Section 5.1 of this Act for a
3 period not to exceed 40 years. All leases, for whatever
4 period, shall be made subject to the written approval of
5 the Governor. All concession leases extending for a period
6 in excess of 10 years, will contain provisions for the
7 Department to participate, on a percentage basis, in the
8 revenues generated by any concession operation.

9 The Department is authorized to allow for provisions
10 for a reserve account and a leasehold account within
11 Department concession lease agreements for the purpose of
12 setting aside revenues for the maintenance,
13 rehabilitation, repair, improvement, and replacement of
14 the concession facility, structure, and equipment of the
15 Department that are part of the leased premises.

16 The lessee shall be required to pay into the reserve
17 account a percentage of gross receipts, as set forth in
18 the lease, to be set aside and expended in a manner
19 acceptable to the Department by the concession lessee for
20 the purpose of ensuring that an appropriate amount of the
21 lessee's moneys are provided by the lessee to satisfy the
22 lessee's incurred responsibilities for the operation of
23 the concession facility under the terms and conditions of
24 the concession lease.

25 The lessee account shall allow for the amortization of
26 certain authorized expenses that are incurred by the

1 concession lessee but that are not an obligation of the
2 lessee under the terms and conditions of the lease
3 agreement. The Department may allow a reduction of up to
4 50% of the monthly rent due for the purpose of enabling the
5 recoupment of the lessee's authorized expenditures during
6 the term of the lease.

7 (k) To sell surplus agricultural products grown on
8 land owned by or under the jurisdiction of the Department,
9 when the products cannot be used by the Department.

10 (l) To enforce the laws of the State and the rules and
11 regulations of the Department in or on any lands owned,
12 leased, or managed by the Department.

13 (m) To cooperate with private organizations and
14 agencies of the State of Illinois by providing areas and
15 the use of staff personnel where feasible for the sale of
16 publications on the historic and cultural heritage of the
17 State and craft items made by Illinois craftsmen. These
18 sales shall not conflict with existing concession
19 agreements. The Department is authorized to negotiate with
20 the organizations and agencies for a portion of the monies
21 received from sales to be returned to the Illinois
22 Historic Sites Fund for the furtherance of interpretive
23 and restoration programs.

24 (n) To establish local bank or savings and loan
25 association accounts, upon the written authorization of
26 the Director, to temporarily hold income received at any

1 of its properties. The local accounts established under
2 this Section shall be in the name of the Department and
3 shall be subject to regular audits. The balance in a local
4 bank or savings and loan association account shall be
5 forwarded to the Department for deposit with the State
6 Treasurer on Monday of each week if the amount to be
7 deposited in a fund exceeds \$500.

8 No bank or savings and loan association shall receive
9 public funds as permitted by this Section, unless it has
10 complied with the requirements established under Section 6
11 of the Public Funds Investment Act.

12 (o) To accept offers of gifts, gratuities, or grants
13 from the federal government, its agencies, or offices, or
14 from any person, firm, or corporation.

15 (p) To make reasonable rules and regulations as may be
16 necessary to discharge the duties of the Department.

17 (q) With appropriate cultural organizations, to
18 further and advance the goals of the Department.

19 (r) To make grants for the purposes of planning,
20 survey, rehabilitation, restoration, reconstruction,
21 landscaping, and acquisition of Illinois properties (i)
22 designated individually in the National Register of
23 Historic Places, (ii) designated as a landmark under a
24 county or municipal landmark ordinance, or (iii) located
25 within a National Register of Historic Places historic
26 district or a locally designated historic district when

1 the Director determines that the property is of historic
2 significance whenever an appropriation is made therefor by
3 the General Assembly or whenever gifts or grants are
4 received for that purpose and to promulgate regulations as
5 may be necessary or desirable to carry out the purposes of
6 the grants.

7 Grantees may, as prescribed by rule, be required to
8 provide matching funds for each grant. Grants made under
9 this subsection shall be known as Illinois Heritage
10 Grants.

11 Every owner of a historic property, or the owner's
12 agent, is eligible to apply for a grant under this
13 subsection.

14 (s) To establish and implement a pilot program for
15 charging admission to State historic sites. Fees may be
16 charged for special events, admissions, and parking or any
17 combination; fees may be charged at all sites or selected
18 sites. All fees shall be deposited into the Illinois
19 Historic Sites Fund. The Department shall have the
20 discretion to set and adjust reasonable fees at the
21 various sites, taking into consideration various factors,
22 including, but not limited to: cost of services furnished
23 to each visitor, impact of fees on attendance and tourism,
24 and the costs expended collecting the fees. The Department
25 shall keep careful records of the income and expenses
26 resulting from the imposition of fees, shall keep records

1 as to the attendance at each historic site, and shall
2 report to the Governor and General Assembly by January 31
3 after the close of each year. The report shall include
4 information on costs, expenses, attendance, comments by
5 visitors, and any other information the Department may
6 believe pertinent, including:

7 (1) Recommendations as to whether fees should be
8 continued at each State historic site.

9 (2) How the fees should be structured and imposed.

10 (3) Estimates of revenues and expenses associated
11 with each site.

12 (t) To provide for overnight tent and trailer
13 campsites and to provide suitable housing facilities for
14 student and juvenile overnight camping groups. The
15 Department shall charge rates similar to those charged by
16 the Department for the same or similar facilities and
17 services.

18 (u) To engage in marketing activities designed to
19 promote the sites and programs administered by the
20 Department. In undertaking these activities, the
21 Department may take all necessary steps with respect to
22 products and services, including, but not limited to,
23 retail sales, wholesale sales, direct marketing, mail
24 order sales, telephone sales, advertising and promotion,
25 purchase of product and materials inventory, design,
26 printing and manufacturing of new products, reproductions,

1 and adaptations, copyright and trademark licensing and
2 royalty agreements, and payment of applicable taxes. In
3 addition, the Department shall have the authority to sell
4 advertising in its publications and printed materials. All
5 income from marketing activities shall be deposited into
6 the Illinois Historic Sites Fund.

7 (v) To review and approve in writing rules adopted by
8 the Board.

9 (Source: P.A. 102-1005, eff. 5-27-22; 103-616, eff. 7-1-24;
10 103-768, eff. 8-2-24; revised 10-7-24.)

11 (20 ILCS 3405/21)

12 Sec. 21. Annual report. Beginning in 2025, the Department
13 shall submit an annual report, on or before June 30, to the
14 General Assembly containing a full list of the State Historic
15 Sites and the sites' ~~sites~~ designations, as recommended by the
16 Board and approved by the Department.

17 (Source: P.A. 103-768, eff. 8-2-24; revised 10-24-24.)

18 Section 190. The Illinois Housing Development Act is
19 amended by changing Section 16 as follows:

20 (20 ILCS 3805/16) (from Ch. 67 1/2, par. 316)

21 Sec. 16. The notes and bonds issued under this Act shall be
22 authorized by resolution of the members of the Authority,
23 shall bear such date or dates, and shall mature at such time or

1 times, in the case of any note, or any renewal thereof, not
2 exceeding 15 years (or such longer time not exceeding 25 years
3 if the Authority shall determine, with respect to notes issued
4 in anticipation of bonds, that a longer maturity date is
5 required in order to assure the ability to issue the bonds),
6 from the date of issue of such original note, and in the case
7 of any bond not exceeding 50 years from the date of issue, as
8 the resolution may provide. The bonds may be issued as serial
9 bonds or as term bonds or as a combination thereof. The notes
10 and bonds shall bear interest at such rate or rates as shall be
11 determined by the members of the Authority by the resolution
12 authorizing issuance of the bonds and notes provided, however,
13 that notes and bonds issued after July 1, 1983, shall bear
14 interest at such rate or rates not exceeding the greater of (i)
15 the maximum rate established in the Bond Authorization Act "~~An~~
16 ~~Act to authorize public corporations to issue bonds, other~~
17 ~~evidences of indebtedness and tax anticipation warrants~~
18 ~~subject to interest rate limitations set forth therein~~",
19 ~~approved May 26, 1970~~, as from time to time in effect; (ii) 11%
20 per annum; or (iii) 70% of the prime commercial rate in effect
21 at the time the contract is made. In the event the Authority
22 issues notes or bonds not exempt from income taxation under
23 the Internal Revenue Code of 1954, as amended, such notes or
24 bonds shall bear interest at a rate or rates as shall be
25 determined by the members of the Authority by the resolution
26 authorizing issuance of the bonds and notes. Prime commercial

1 rate means such prime rate as from time to time is publicly
2 announced by the largest commercial banking institution
3 located in this State, measured in terms of total assets. A
4 contract is made with respect to notes or bonds when the
5 Authority is contractually obligated to issue and sell such
6 notes or bonds to a purchaser who is contractually obligated
7 to purchase them. The notes and bonds shall be in such
8 denominations, be in such form, either coupon or registered,
9 carry such registration privileges, be executed in such
10 manner, be payable in such medium of payment, at such place or
11 places and be subject to such terms of redemption as such
12 resolution or resolutions may provide. The notes and bonds of
13 the Authority may be sold by the Authority, at public or
14 private sale, at such price or prices as the Authority shall
15 determine.

16 In lieu of establishing the rate at which notes or bonds of
17 the Authority shall bear interest and the price at which the
18 notes or bonds shall be sold, the resolution authorizing their
19 issuance may set maximum and minimum prices, interest rates,
20 and annual interest cost to the Authority for that issue of
21 notes or bonds (computed as the resolution shall provide),
22 such that the difference between the maximum and minimum
23 annual interest cost shall not exceed 1% of the principal
24 amount of the notes or bonds. Such a resolution shall
25 authorize any 2 ~~two~~ of the Chairman, Treasurer, or Director
26 (or in the Director's absence, the Deputy Director) to

1 establish the actual price and interest rate within the range
2 established by the resolution. In lieu of establishing the
3 dates, maturities, or other terms of the notes or bonds, the
4 resolution authorizing their issuance may authorize any 2 ~~two~~
5 of the Chairman, Treasurer, or Director (or in the Director's
6 absence, the Deputy Director) to establish such dates,
7 maturities, and other terms within ranges or criteria
8 established by the resolution.

9 In connection with the issuance of its notes and bonds,
10 the Authority may enter into arrangements to provide
11 additional security and liquidity for the notes and bonds.
12 These may include, without limitation, letters of credit,
13 lines of credit by which the Authority may borrow funds to pay
14 or redeem its notes or bonds, and purchase or remarketing
15 arrangements for assuring the ability of owners of the
16 Authority's notes and bonds to sell or to have redeemed their
17 notes and bonds. The Authority may enter into contracts and
18 may agree to pay fees to persons providing such arrangements,
19 but only under circumstances in which the total interest paid
20 or to be paid on the notes or bonds, together with the fees for
21 the arrangements (being treated as if interest), would not,
22 taken together, cause the notes or bonds to bear interest,
23 calculated to their absolute maturity, at a rate in excess of
24 the maximum rate allowed by this Act.

25 The resolution of the Authority authorizing the issuance
26 of its notes or bonds may provide that interest rates may vary

1 from time to time depending upon criteria established by the
2 Authority, which may include, without limitation, a variation
3 in interest rates as may be necessary to cause notes or bonds
4 to be remarketable from time to time at a price equal to their
5 principal amount (or compound accredited value in case of
6 original issue discount bonds), and may provide for
7 appointment of a national banking association, bank, trust
8 company, investment bank, or other financial institution to
9 serve as a remarketing agent in that connection. The
10 resolution of the Authority authorizing the issuance of its
11 notes or bonds may provide that alternative interest rates or
12 provisions will apply during such times as the notes or bonds
13 are held by a person providing a letter of credit or other
14 credit enhancement arrangement for those notes or bonds.
15 Notwithstanding any other provisions of law, there shall be no
16 statutory limitation on the interest rates which such variable
17 rate notes and bonds may bear from time to time.

18 In addition to the other authorizations contained in this
19 Section, the Authority may adopt a resolution or resolutions
20 granting to any 2 ~~two~~ of the Chairman, Treasurer, or Director
21 (or in the Director's absence, the Deputy Director) the power
22 to authorize issuance of notes or bonds, or both, on behalf of
23 the Authority from time to time without further resolution of
24 the Authority. Any such resolution shall contain a statement
25 of the maximum aggregate amount of notes or bonds that may be
26 outstanding at any one time pursuant to the authorization

1 granted in such resolution. Such resolution shall also contain
2 a statement of the period of time during which such notes or
3 bonds of the Authority may be so issued. Such resolution shall
4 also delegate specifically or generally to the persons
5 empowered to authorize issuance of the notes or bonds the
6 authority to establish or approve any or all matters relating
7 to the issuance and sale of the notes or bonds, which may
8 include the interest rates, if any, which the notes or bonds
9 shall bear and the prices (including premiums or discounts, if
10 any) at which they shall be issued and sold, or the criteria
11 upon which such interest rates and prices may vary, the
12 appointment of remarketing agents, the approval of alternative
13 interest rates, whether there shall be any statutory or other
14 limitation on the interest rates which such notes or bonds may
15 bear (treating as if interest the fees for any arrangements to
16 provide additional security and liquidity for the notes and
17 bonds), and the dates, maturities, and other terms and
18 conditions on which the notes or bonds shall be issued and
19 sold. Any or all of such matters may vary from issue to issue
20 and within an issue. Any such resolution may set forth the
21 criteria by which any or all of the matters entrusted to the
22 persons designated in such resolution are to be established or
23 approved, and may grant the power to authorize issuance of
24 notes or bonds which are exempt from income taxation under the
25 Internal Revenue Code of 1954, as amended, or which are not
26 exempt.

1 Notwithstanding any other provision of law, and in
2 addition to any other authority provided by law, with respect
3 to mortgage or other loans made by it, the Authority may
4 require payments of principal, make interest charges, and
5 impose prepayment premiums or penalties (in addition to any
6 fees or charges made by the Authority) so that such principal,
7 interest and premiums or penalties are sufficient to enable
8 the Authority to pay when due all principal, interest, and
9 redemption premiums or penalties on any notes or bonds issued
10 by the Authority to finance or continue the financing of such
11 loans (including a proportionate share of such bonds or notes
12 issued to fund reserves or to cover any discount) and to make
13 any required deposits in any reserve funds; and any contract
14 relating to any mortgage or other loan made by the Authority
15 may provide for changes during its term in the rate at which
16 interest shall be paid, to the extent the changes are provided
17 for in order to enable the Authority to make payments with
18 respect to bonds or notes as provided in this Section.

19 (Source: P.A. 85-1450; revised 7-18-24.)

20 Section 195. The Increasing Representation of Women in
21 Technology Task Force Act is amended by changing Section 5 as
22 follows:

23 (20 ILCS 4131/5)

24 (Section scheduled to be repealed on January 1, 2030)

1 Sec. 5. Increasing Representation of Women in Technology
2 Task Force; membership.

3 (a) The Increasing Representation of Women in Technology
4 Task Force is hereby established within the Illinois Workforce
5 Innovation Board.

6 (b) The Task Force shall consist of the following members:

7 (1) one member of the Senate, appointed by the
8 President of the Senate;

9 (2) one member of the Senate, appointed by the
10 Minority Leader of the Senate;

11 (3) one member of the House of Representatives,
12 appointed by the Speaker of the House of Representatives;

13 (4) one member of the House of Representatives,
14 appointed by the Minority Leader of the House of
15 Representatives;

16 (5) the Director of the Governor's Office of
17 Management and Budget, or the Director's designee;

18 (6) one member representing a statewide labor
19 organization, appointed by the Governor;

20 (7) one member representing a national laboratory that
21 is a multi-disciplinary science and engineering research
22 center, appointed by the Governor;

23 (8) the Chief Equity Officer of the State of Illinois
24 Office of Equity or the Chief Equity Officer's designee;

25 (9) one member representing local or State economic
26 development interests, appointed by the Governor;

1 (10) one member representing women in technology,
2 appointed by the Governor;

3 (11) one member representing a technology
4 manufacturing corporation, appointed by the Governor;

5 (12) 4 members representing companies that have been
6 recognized for the recruitment, advancement, and retention
7 of women in technology positions and the corresponding
8 management chain in the last 3 years, appointed by the
9 Governor;

10 (13) one member from a community-based organization
11 that supports women in technology, appointed by the
12 Governor;

13 (14) the Vice Chancellor of Diversity, Equity &
14 Inclusion of the University of Illinois Office of the Vice
15 Chancellor of Diversity, Equity & Inclusion, or the Vice
16 Chancellor's designee;

17 (15) the Executive Director of the Illinois Community
18 College Board, or the Executive Director's designee;

19 (16) one member with knowledge of diversity, equity,
20 and inclusion best practices from an advocacy group
21 representing women in technology, appointed by the
22 Governor; and

23 (17) a chairperson of the Illinois Workforce
24 Innovation Board, appointed by the Illinois Workforce
25 Innovation Board, or that chairperson's designee.

26 (c) The members of the Task Force shall serve without

1 compensation.

2 (d) The Task Force shall meet at least quarterly to
3 fulfill its duties under this Act. At the first meeting of the
4 Task Force, the Task Force shall elect 2 co-chairs ~~cochairs~~;
5 one chair shall be a standing member of the Illinois Workforce
6 Innovation Board, and one chair shall be selected from among
7 members of the Task Force.

8 (e) The Illinois Workforce Innovation Board shall, in
9 consultation with an Illinois public college or university,
10 provide administrative and other support to the Task Force.

11 (Source: P.A. 103-912, eff. 1-1-25; revised 12-1-24.)

12 Section 200. The Water Plan Task Force Act is amended by
13 changing Section 10 as follows:

14 (20 ILCS 4132/10)

15 Sec. 10. State Water Plan Task Force.

16 (a) There shall be established within State government and
17 universities an interagency task force which shall be known as
18 the State Water Plan Task Force. The Task Force shall be
19 chaired by the Director of the Office of Water Resources of the
20 Department of Natural Resources and composed of the directors,
21 or their designee, from the following State entities:

22 (1) The Office of Resource Conservation of the
23 Department of Natural Resources.

24 (2) The Department of Public Health.

1 (3) The Environmental Protection Agency.

2 (4) The Department of Transportation.

3 (5) The Department of Agriculture.

4 (6) The Department of Transportation.

5 (7) The Illinois Emergency Management Agency and
6 Office of Homeland Security.

7 (8) The Pollution Control Board

8 (9) The Department of Commerce and Economic
9 Opportunity.

10 (10) The State Water Survey of the University of
11 Illinois.

12 (11) The Water Resource Center of the University of
13 Illinois.

14 (b) The Task Force shall coordinate with State agencies
15 and universities to develop a concise plan for addressing
16 water issues facing the State.

17 (c) The Task Force shall:

18 (1) identify critical water issues;

19 (2) develop recommendations to address critical water
20 topic issues;

21 (3) implement recommendations; and

22 (4) reevaluate critical water issues and needs.

23 (d) The Task Force shall publish a State Water Plan not
24 less than every 10 years. The Plan shall include:

25 (1) Identification of critical water topics needing
26 specific attention in this State based on stakeholder

1 input sought and provided during the plan development.

2 (2) A Topic Lead as an individual from the Task Force
3 membership responsible for ensuring the development of the
4 Topic Lead's assigned critical topic section of the Plan.

5 (3) (Blank). ~~Plan development shall include public~~
6 ~~outreach phases to obtain feedback on the most critical~~
7 ~~water issues faced by the State and how to address those~~
8 ~~issues.~~

9 (4) Recommendations related to the identified issues
10 for each critical topic, including, but not limited to:

11 (A) New State programs or modification to existing
12 programs.

13 (B) New or modified existing policy within a
14 program or agency.

15 (C) New or modified legislation.

16 (D) Requests for a study or research to be
17 completed.

18 (E) Proposals or designs of a construction
19 project.

20 (F) Funding requests for the above listed
21 recommendations.

22 Plan development shall include public outreach phases to
23 obtain feedback on the most critical water issues faced by the
24 State and how to address those issues.

25 ~~(5)~~ No more than 2 years shall be used to develop a new
26 Plan.

1 ~~(6)~~ The Task Force shall develop and maintain a publicly
2 available website or portal that summarizes projects of the
3 Task Force.

4 (e) The Task Force shall be responsible for developing
5 membership voting and operational rules.

6 (f) The Task Force shall meet not less than once per
7 quarter each calendar year to:

8 (1) Update the status of the Plan recommendations by
9 providing an ~~a~~ implementation summary that will be
10 published to the official Task Force website or portal.

11 (2) Review, evaluate, and publish an annual report
12 showing the implementation status for each of the Plan's
13 recommendations.

14 (g) The Task Force shall have the authority to:

15 (1) Create and use subtask forces or committees to
16 identify ~~identifying~~ critical issues and implement
17 ~~implementing~~ recommendations related to the Plan.

18 (2) Publish special reports specific to critical
19 topics to add clarification and provide additional details
20 of action needed.

21 (3) Review and evaluate State laws, rules,
22 regulations, and procedures that relate to water needs in
23 the state.

24 (4) Recommend procedures for better coordination among
25 State water-related programs, with local programs and
26 stakeholder groups.

1 (5) Recommend and prioritize the State's water-related
2 ~~water-related~~ research needs.

3 (6) Review, coordinate, and evaluate water data
4 collection, analysis, and public sharing.

5 (7) Allow member entities to request annual
6 appropriations to resource necessary staff participation
7 on the Task Force and resource Plan development.

8 (Source: P.A. 103-917, eff. 1-1-25; revised 12-1-24.)

9 Section 205. The Family Recovery Plans Implementation Task
10 Force Act is amended by changing Sections 15 and 35 as follows:

11 (20 ILCS 4133/15)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 15. Composition. The Family Recovery Plan
14 Implementation Task Force is created within the Department of
15 Human Services and shall consist of members appointed as
16 follows:

17 (1) The President of the Senate, or his or her
18 designee, shall appoint: one member of the Senate; one
19 member representing a statewide organization that
20 advocates on behalf of community-based services for
21 children and families; and one member from a statewide
22 organization representing a majority of hospitals.

23 (2) The Senate Minority Leader, or his or her
24 designee, shall appoint: one member of the Senate; one

1 member from an organization conducting quality improvement
2 initiatives to improve perinatal health; and one member
3 with relevant lived experience, as recommended by a
4 reproductive justice advocacy organization with expertise
5 in perinatal and infant health and birth equity.

6 (3) The Speaker of the House of Representatives, or
7 his or her designee, shall appoint: one member of the
8 House of Representatives; one member who is a licensed
9 obstetrician-gynecologist, as recommended by a statewide
10 organization representing obstetricians and
11 gynecologists; and one member with relevant lived
12 experience, as recommended by a reproductive justice
13 advocacy organization with expertise in perinatal and
14 infant health and birth equity.

15 (4) The House Minority Leader, or his or her designee,
16 shall appoint: one member of the House of Representatives;
17 one member who is a licensed physician specializing in
18 child abuse and neglect, as recommended by a statewide
19 organization representing pediatricians; and one member
20 who is a licensed physician specializing in perinatal
21 substance use disorder treatment, as recommended by a
22 statewide organization representing physicians.

23 (5) The Director of Children and Family Services, or
24 the Director's designee.

25 (6) The exclusive collective bargaining representative
26 of the majority of front-line employees at the Department

1 of Children and Family Services, or the representative's
2 designee.

3 (7) The Secretary of Human Services, or the
4 Secretary's designee.

5 (8) The Director of Public Health, or the Director's
6 designee.

7 (9) The Cook County Public Guardian, or the Cook
8 County Public Guardian's designee.

9 (Source: P.A. 103-941, eff. 8-9-24; revised 10-21-24.)

10 (20 ILCS 4133/35)

11 (Section scheduled to be repealed on January 1, 2027)

12 Sec. 35. Repeal. The Task Force is dissolved, and this Act
13 is repealed, on ~~7~~ January 1, 2027.

14 (Source: P.A. 103-941, eff. 8-9-24; revised 10-21-24.)

15 Section 210. The Opportunities for At-Risk Women Act is
16 amended by changing Section 10 as follows:

17 (20 ILCS 5075/10)

18 Sec. 10. Duties of the Task Force.

19 (a) The Task Force shall strategize and design a plan for
20 the Department of Commerce and Economic Opportunity to partner
21 and outsource with State and local governmental agencies,
22 companies, and organizations that aid in helping at-risk women
23 and their families become successful productive citizens.

1 (b) This partnership will include material distribution of
2 available resources offered in their communities as well as
3 referrals to organizations and companies that provide
4 necessary services to aid ~~aid~~ in their success. The following
5 are targeted areas of assistance and outsourcing: housing
6 assistance; educational information on enhancement and
7 advancement; parenting and family bonding classes; financial
8 education and literacy, including budgeting; quality
9 afterschool programming, including tutoring; self-esteem and
10 empowerment classes; healthy relationships classes for the
11 entire family, including warning signs and appropriate
12 handling of bullying; integrity classes; social etiquette
13 classes; job preparedness workshops; temperament behavior
14 classes, including anger management; addiction and recovery
15 clinics, including referrals; health education classes; job
16 training opportunities; and the expansion of Redeploy Illinois
17 into Cook County.

18 (c) For the purposes of this Act, "at-risk women" means
19 women who are at increased risk of incarceration because of
20 poverty, abuse, addiction, financial challenges, illiteracy,
21 or other causes. The term "at-risk women" may include, but
22 shall not be limited to, women who have previously been
23 incarcerated.

24 (Source: P.A. 99-416, eff. 1-1-16; revised 7-24-24.)

25 Section 215. The Legislative Commission Reorganization Act

of 1984 is amended by changing Section 4-2.1 as follows:

(25 ILCS 130/4-2.1)

Sec. 4-2.1. Federal program functions. The Commission on Government Forecasting and Accountability is established as the information center for the General Assembly in the field of federal-state relations and as State Central Information Reception Agency for the purpose of receiving information from federal agencies under the United States Office of Management and Budget circular A-98 and the United States Department of the Treasury Circular TC-1082 or any successor circulars promulgated under authority of the United States Intergovernmental ~~Inter-governmental~~ Cooperation Act of 1968. Its powers and duties in this capacity include, but are not limited to:

(a) Compiling and maintaining current information on available and pending federal aid programs for the use of the General Assembly and legislative agencies;

(b) Analyzing the relationship of federal aid programs with state and locally financed programs, and assessing the impact of federal aid programs on the State generally;

(c) Reporting annually to the General Assembly on the adequacy of programs financed by federal aid in the State, the types and nature of federal aid programs in which State agencies or local governments did not participate, and to make recommendations on such matters;

1 (d) Cooperating with the Governor's Office of
2 Management and Budget and with any State of Illinois
3 offices located in Washington, D.C., in obtaining
4 information concerning federal grant-in-aid legislation
5 and proposals having an impact on the State of Illinois;

6 (e) (Blank);

7 (f) Receiving from every State agency, other than
8 State colleges and universities, agencies of legislative
9 and judicial branches of State government, and elected
10 State executive officers not including the Governor, all
11 applications for federal grants, contracts and agreements
12 and notification of any awards of federal funds and any
13 and all changes in the programs, in awards, in program
14 duration, in schedule of fund receipts, and in estimated
15 costs to the State of maintaining the program if and when
16 federal assistance is terminated, or in direct and
17 indirect costs, of any grant under which they are or
18 expect to be receiving federal funds;

19 (g) (Blank); and

20 (h) Reporting such information as is received under
21 subparagraph (f) to the President and Minority Leader of
22 the Senate and the Speaker and Minority Leader of the
23 House of Representatives and their respective
24 appropriation staffs and to any member of the General
25 Assembly on a monthly basis at the request of the member.
26 The State colleges and universities, the agencies of the

1 legislative and judicial branches of State government, and the
2 elected State executive officers, not including the Governor,
3 shall submit to the Commission on Government Forecasting and
4 Accountability, in a manner prescribed by the Commission on
5 Government Forecasting and Accountability, summaries of
6 applications for federal funds filed and grants of federal
7 funds awarded.

8 (Source: P.A. 103-616, eff. 7-1-24; revised 10-23-24.)

9 Section 220. The Legislative Reference Bureau Act is
10 amended by changing Section 5.04 as follows:

11 (25 ILCS 135/5.04) (from Ch. 63, par. 29.4)

12 Sec. 5.04. Codification and revision of statutes.

13 (a) As soon as possible after the effective date of this
14 amendatory Act of 1992, the Legislative Reference Bureau shall
15 file with the Index Division of the Office of the Secretary of
16 State, the General Assembly, the Governor, and the Supreme
17 Court a compilation of the general Acts of Illinois. At that
18 time and at any other time the Legislative Reference Bureau
19 may file with the Index Division of the Office of the Secretary
20 of State cross-reference tables comparing the compilation and
21 the Illinois Revised Statutes. The Legislative Reference
22 Bureau shall provide copies of the documents that are filed to
23 each individual or entity that delivers a written request for
24 copies to the Legislative Reference Bureau; the Legislative

1 Reference Bureau, by resolution, may establish and charge a
2 reasonable fee for providing copies. The compilation shall
3 take effect on January 1, 1993. The compilation shall be cited
4 as the "Illinois Compiled Statutes" or as "ILCS". The Illinois
5 Compiled Statutes, including the statutes themselves and the
6 organizational and numbering scheme, shall be an official
7 compilation of the general Acts of Illinois and shall be
8 entirely in the public domain for purposes of federal
9 copyright law.

10 (b) The compilation document that is filed under
11 subsection (a) shall divide the general Acts into major topic
12 areas and into chapters within those areas; the document shall
13 list the general Acts by title or short title, but need not
14 contain the text of the statutes or specify individual
15 Sections of Acts. Chapters shall be numbered. Each Act shall
16 be assigned to a chapter and shall be ordered within that
17 chapter. An Act prefix number shall be designated for each Act
18 within each chapter. Chapters may be divided into subheadings.
19 Citation to a section of ILCS shall be in the form "X ILCS
20 Y/Z(A)", where X is the chapter number, Y is the Act prefix
21 number, Z is the Section number of the Act, Y/Z is the section
22 number in the chapter of ILCS, and A is the year of
23 publication, if applicable.

24 (c) The Legislative Reference Bureau shall make additions,
25 deletions, and changes to the organizational or numbering
26 scheme of the Illinois Compiled Statutes by filing appropriate

1 documents with the Index Department ~~Division~~ of the Office of
2 the Secretary of State. The Legislative Reference Bureau shall
3 also provide copies of the documents that are filed to each
4 individual or entity that delivers a written request for
5 copies to the Legislative Reference Bureau; the Legislative
6 Reference Bureau, by resolution, may establish and charge a
7 reasonable fee for providing copies. The additions, deletions,
8 and changes to the organizational or numbering scheme of the
9 Illinois Compiled Statutes shall take effect 30 days after
10 filing with the Index Department ~~Division~~.

11 (d) Omission of an effective Act or Section of an Act from
12 ILCS does not alter the effectiveness of that Act or Section.
13 Inclusion of a repealed Act or Section of an Act in ILCS does
14 not affect the repeal of that Act or Section.

15 (e) In order to allow for an efficient transition to the
16 organizational and numbering scheme of the Illinois Compiled
17 Statutes, the State, units of local government, school
18 districts, and other governmental entities may, for a
19 reasonable period of time, continue to use forms, computer
20 software, systems, and data, published rules, and any other
21 electronically stored information and printed documents that
22 contain references to the Illinois Revised Statutes. However,
23 reports of criminal, traffic, and other offenses and
24 violations that are part of a state-wide reporting system
25 shall continue to be made by reference to the Illinois Revised
26 Statutes until July 1, 1994, and on and after that date shall

1 be made by reference to the Illinois Compiled Statutes, except
2 that an earlier conversion date may be established by
3 agreement among all of the following: the Supreme Court, the
4 Secretary of State, the Director of State Police, the Circuit
5 Clerk of Cook County, and the Circuit Clerk of DuPage County,
6 or the designee of each. References to the Illinois Revised
7 Statutes are deemed to be references to the corresponding
8 provisions of the Illinois Compiled Statutes.

9 (f) The Legislative Reference Bureau, with the assistance
10 of the Legislative Information System, shall make its
11 electronically stored database of the statutes and the
12 compilation available in an electronically stored medium to
13 those who request it; the Legislative Reference Bureau, by
14 resolution, shall establish and charge a reasonable fee for
15 providing the information.

16 (g) Amounts received under this Section shall be deposited
17 into the General Assembly Computer Equipment Revolving Fund.

18 (h) The Legislative Reference Bureau shall select subjects
19 and chapters of the statutory law that it considers most in
20 need of a revision and present to the next regular session of
21 the General Assembly bills covering those revisions. In
22 connection with those revisions, the Legislative Reference
23 Bureau has full authority and responsibility to recommend the
24 revision, simplification, and rearrangement of existing
25 statutory law and the elimination from that law of obsolete,
26 superseded, duplicated, and unconstitutional statutes or parts

1 of statutes, but shall make no other changes in the substance
2 of existing statutes, except to the extent those changes in
3 substance are necessary for coherent revision, simplification,
4 rearrangement, or elimination. Revisions reported to the
5 General Assembly may be accompanied by explanatory statements
6 of changes in existing statutes or parts of statutes that
7 those revisions, if enacted, would effect.

8 (Source: P.A. 86-523; 87-1005; revised 7-18-24.)

9 Section 225. The State Finance Act is amended by setting
10 forth and renumbering multiple versions of Sections 5.1015,
11 5.1016, 5.1017, and 6z-140 and by changing Sections 6z-82,
12 8.3, and 8g-1 as follows:

13 (30 ILCS 105/5.1015)

14 Sec. 5.1015. The Professions Licensure Fund.

15 (Source: P.A. 103-588, eff. 6-5-24.)

16 (30 ILCS 105/5.1016)

17 Sec. 5.1016. The Restore Fund.

18 (Source: P.A. 103-588, eff. 6-5-24.)

19 (30 ILCS 105/5.1017)

20 Sec. 5.1017. The Health Equity and Access Fund.

21 (Source: P.A. 103-588, eff. 6-5-24.)

(30 ILCS 105/5.1018)

Sec. 5.1018 ~~5.1015~~. The Medical Debt Relief Pilot Program Fund.

(Source: P.A. 103-647, eff. 7-1-24; revised 9-23-24.)

(30 ILCS 105/5.1019)

Sec. 5.1019 ~~5.1015~~. The Carbon Dioxide Sequestration Administrative Fund.

(Source: P.A. 103-651, eff. 7-18-24; revised 9-23-24.)

(30 ILCS 105/5.1020)

Sec. 5.1020 ~~5.1015~~. The International Brotherhood of Electrical Workers Fund.

(Source: P.A. 103-665, eff. 1-1-25; revised 12-3-24.)

(30 ILCS 105/5.1021)

Sec. 5.1021 ~~5.1015~~. The Local Food Infrastructure Grant Fund.

(Source: P.A. 103-772, eff. 8-2-24; revised 9-23-24.)

(30 ILCS 105/5.1022)

Sec. 5.1022 ~~5.1015~~. The Illinois USTA/Midwest Youth Tennis Foundation Fund.

(Source: P.A. 103-911, eff. 1-1-25; revised 12-3-24.)

(30 ILCS 105/5.1023)

1 Sec. 5.1023 ~~5.1015~~. The Healthy Forests, Wetlands, and
2 Prairies Grant Fund.

3 (Source: P.A. 103-923, eff. 1-1-25; revised 12-3-24.)

4 (30 ILCS 105/5.1024)

5 Sec. 5.1024 ~~5.1015~~. The Sons of the American Legion Fund.
6 (Source: P.A. 103-933, eff. 1-1-25; revised 12-3-24.)

7 (30 ILCS 105/5.1025)

8 Sec. 5.1025 ~~5.1015~~. The Real Estate Recovery Fund.
9 (Source: P.A. 103-1039, eff. 8-9-24; revised 9-23-24.)

10 (30 ILCS 105/5.1026)

11 Sec. 5.1026 ~~5.1016~~. The Environmental Justice Grant Fund.
12 (Source: P.A. 103-651, eff. 7-18-24; revised 9-23-24.)

13 (30 ILCS 105/5.1027)

14 Sec. 5.1027 ~~5.1017~~. The Water Resources Fund.
15 (Source: P.A. 103-651, eff. 7-18-24; revised 9-23-24.)

16 (30 ILCS 105/6z-82)

17 Sec. 6z-82. State Police Operations Assistance Fund.
18 (a) There is created in the State treasury a special fund
19 known as the State Police Operations Assistance Fund. The Fund
20 shall receive revenue under the Criminal and Traffic
21 Assessment Act. The Fund may also receive revenue from grants,

1 donations, appropriations, and any other legal source.

2 (a-5) This Fund may charge, collect, and receive fees or
3 moneys as described in Section 15-312 of the Illinois Vehicle
4 Code and receive all fees received by the Illinois State
5 Police under that Section. The moneys shall be used by the
6 Illinois State Police for its expenses in providing police
7 escorts and commercial vehicle enforcement activities.

8 (b) The Illinois State Police may use moneys in the Fund to
9 finance any of its lawful purposes or functions.

10 (c) Expenditures may be made from the Fund only as
11 appropriated by the General Assembly by law.

12 (d) Investment income that is attributable to the
13 investment of moneys in the Fund shall be retained in the Fund
14 for the uses specified in this Section.

15 (e) The State Police Operations Assistance Fund shall not
16 be subject to administrative chargebacks.

17 (f) (Blank).

18 (g) (Blank).

19 (h) (Blank). ~~June 9, 2023 (Public Act 103-34)~~

20 (Source: P.A. 102-16, eff. 6-17-21; 102-505, eff. 8-20-21;
21 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-34, eff.
22 6-9-23; 103-363, eff. 7-28-23; 103-605, eff. 7-1-24; 103-616,
23 eff. 7-1-24; revised 7-23-24.)

24 (30 ILCS 105/6z-140)

25 Sec. 6z-140. Professions Licensure Fund. The Professions

1 Licensure Fund is created as a special fund in the State
2 treasury. The Fund may receive revenue from any authorized
3 source, including, but not limited to, gifts, grants, awards,
4 transfers, and appropriations. Subject to appropriation, the
5 Department of Financial and Professional Regulation may use
6 moneys in the Fund for costs directly associated with the
7 procurement of electronic data processing software, licenses,
8 or any other information technology system products and for
9 the ongoing costs of electronic data processing software,
10 licenses, or other information technology system products
11 related to the granting, renewal, or administration of all
12 licenses under the Department's jurisdiction.

13 (Source: P.A. 103-588, eff. 6-5-24.)

14 (30 ILCS 105/6z-143)

15 Sec. 6z-143 ~~6z-140~~. Medical Debt Relief Pilot Program
16 Fund. The Medical Debt Relief Pilot Program Fund is created as
17 a special fund in the State treasury. All moneys in the Fund
18 shall be appropriated to the Department of Healthcare and
19 Family Services and expended exclusively for the Medical Debt
20 Relief Pilot Program to provide grant funding to a nonprofit
21 medical debt relief coordinator to be used to discharge the
22 medical debt of eligible residents as defined in the Medical
23 Debt Relief Act. Based on a budget approved by the Department,
24 the grant funding may also be used for any administrative
25 services provided by the nonprofit medical debt relief

1 coordinator to discharge the medical debt of eligible
2 residents.

3 (Source: P.A. 103-647, eff. 7-1-24; revised 9-24-24.)

4 (30 ILCS 105/8.3)

5 Sec. 8.3. Money in the Road Fund shall, if and when the
6 State of Illinois incurs any bonded indebtedness for the
7 construction of permanent highways, be set aside and used for
8 the purpose of paying and discharging annually the principal
9 and interest on that bonded indebtedness then due and payable,
10 and for no other purpose. The surplus, if any, in the Road Fund
11 after the payment of principal and interest on that bonded
12 indebtedness then annually due shall be used as follows:

13 first -- to pay the cost of administration of Chapters
14 2 through 10 of the Illinois Vehicle Code, except the cost
15 of administration of Articles I and II of Chapter 3 of that
16 Code, and to pay the costs of the Executive Ethics
17 Commission for oversight and administration of the Chief
18 Procurement Officer appointed under paragraph (2) of
19 subsection (a) of Section 10-20 of the Illinois
20 Procurement Code for transportation; and

21 secondly -- for expenses of the Department of
22 Transportation for construction, reconstruction,
23 improvement, repair, maintenance, operation, and
24 administration of highways in accordance with the
25 provisions of laws relating thereto, or for any purpose

1 related or incident to and connected therewith, including
2 the separation of grades of those highways with railroads
3 and with highways and including the payment of awards made
4 by the Illinois Workers' Compensation Commission under the
5 terms of the Workers' Compensation Act or Workers'
6 Occupational Diseases Act for injury or death of an
7 employee of the Division of Highways in the Department of
8 Transportation; or for the acquisition of land and the
9 erection of buildings for highway purposes, including the
10 acquisition of highway right-of-way or for investigations
11 to determine the reasonably anticipated future highway
12 needs; or for making of surveys, plans, specifications and
13 estimates for and in the construction and maintenance of
14 flight strips and of highways necessary to provide access
15 to military and naval reservations, to defense industries
16 and defense-industry sites, and to the sources of raw
17 materials and for replacing existing highways and highway
18 connections shut off from general public use at military
19 and naval reservations and defense-industry sites, or for
20 the purchase of right-of-way, except that the State shall
21 be reimbursed in full for any expense incurred in building
22 the flight strips; or for the operating and maintaining of
23 highway garages; or for patrolling and policing the public
24 highways and conserving the peace; or for the operating
25 expenses of the Department relating to the administration
26 of public transportation programs; or, during fiscal year

1 2024, for the purposes of a grant not to exceed \$9,108,400
2 to the Regional Transportation Authority on behalf of PACE
3 for the purpose of ADA/Para-transit expenses; or, during
4 fiscal year 2025, for the purposes of a grant not to exceed
5 \$10,020,000 to the Regional Transportation Authority on
6 behalf of PACE for the purpose of ADA/Para-transit
7 expenses; or for any of those purposes or any other
8 purpose that may be provided by law.

9 Appropriations for any of those purposes are payable from
10 the Road Fund. Appropriations may also be made from the Road
11 Fund for the administrative expenses of any State agency that
12 are related to motor vehicles or arise from the use of motor
13 vehicles.

14 Beginning with fiscal year 1980 and thereafter, no Road
15 Fund monies shall be appropriated to the following Departments
16 or agencies of State government for administration, grants, or
17 operations; but this limitation is not a restriction upon
18 appropriating for those purposes any Road Fund monies that are
19 eligible for federal reimbursement:

20 1. Department of Public Health;

21 2. Department of Transportation, only with respect to
22 subsidies for one-half fare Student Transportation and
23 Reduced Fare for Elderly, except fiscal year 2024 when no
24 more than \$19,063,500 may be expended and except fiscal
25 year 2025 when no more than \$20,969,900 may be expended;

26 3. Department of Central Management Services, except

1 for expenditures incurred for group insurance premiums of
2 appropriate personnel;

3 4. Judicial Systems and Agencies.

4 Beginning with fiscal year 1981 and thereafter, no Road
5 Fund monies shall be appropriated to the following Departments
6 or agencies of State government for administration, grants, or
7 operations; but this limitation is not a restriction upon
8 appropriating for those purposes any Road Fund monies that are
9 eligible for federal reimbursement:

10 1. Illinois State Police, except for expenditures with
11 respect to the Division of Patrol and Division of Criminal
12 Investigation;

13 2. Department of Transportation, only with respect to
14 Intercity Rail Subsidies, except fiscal year 2024 when no
15 more than \$60,000,000 may be expended and except fiscal
16 year 2025 when no more than \$67,000,000 may be expended,
17 and Rail Freight Services.

18 Beginning with fiscal year 1982 and thereafter, no Road
19 Fund monies shall be appropriated to the following Departments
20 or agencies of State government for administration, grants, or
21 operations; but this limitation is not a restriction upon
22 appropriating for those purposes any Road Fund monies that are
23 eligible for federal reimbursement: Department of Central
24 Management Services, except for awards made by the Illinois
25 Workers' Compensation Commission under the terms of the
26 Workers' Compensation Act or Workers' Occupational Diseases

1 Act for injury or death of an employee of the Division of
2 Highways in the Department of Transportation.

3 Beginning with fiscal year 1984 and thereafter, no Road
4 Fund monies shall be appropriated to the following Departments
5 or agencies of State government for administration, grants, or
6 operations; but this limitation is not a restriction upon
7 appropriating for those purposes any Road Fund monies that are
8 eligible for federal reimbursement:

9 1. Illinois State Police, except not more than 40% of
10 the funds appropriated for the Division of Patrol and
11 Division of Criminal Investigation;

12 2. State Officers.

13 Beginning with fiscal year 1984 and thereafter, no Road
14 Fund monies shall be appropriated to any Department or agency
15 of State government for administration, grants, or operations
16 except as provided hereafter; but this limitation is not a
17 restriction upon appropriating for those purposes any Road
18 Fund monies that are eligible for federal reimbursement. It
19 shall not be lawful to circumvent the above appropriation
20 limitations by governmental reorganization or other methods.
21 Appropriations shall be made from the Road Fund only in
22 accordance with the provisions of this Section.

23 Money in the Road Fund shall, if and when the State of
24 Illinois incurs any bonded indebtedness for the construction
25 of permanent highways, be set aside and used for the purpose of
26 paying and discharging during each fiscal year the principal

1 and interest on that bonded indebtedness as it becomes due and
2 payable as provided in the General Obligation Bond Act, and
3 for no other purpose. The surplus, if any, in the Road Fund
4 after the payment of principal and interest on that bonded
5 indebtedness then annually due shall be used as follows:

6 first -- to pay the cost of administration of Chapters
7 2 through 10 of the Illinois Vehicle Code; and

8 secondly -- no Road Fund monies derived from fees,
9 excises, or license taxes relating to registration,
10 operation and use of vehicles on public highways or to
11 fuels used for the propulsion of those vehicles, shall be
12 appropriated or expended other than for costs of
13 administering the laws imposing those fees, excises, and
14 license taxes, statutory refunds and adjustments allowed
15 thereunder, administrative costs of the Department of
16 Transportation, including, but not limited to, the
17 operating expenses of the Department relating to the
18 administration of public transportation programs, payment
19 of debts and liabilities incurred in construction and
20 reconstruction of public highways and bridges, acquisition
21 of rights-of-way for and the cost of construction,
22 reconstruction, maintenance, repair, and operation of
23 public highways and bridges under the direction and
24 supervision of the State, political subdivision, or
25 municipality collecting those monies, or during fiscal
26 year 2024 for the purposes of a grant not to exceed

1 \$9,108,400 to the Regional Transportation Authority on
2 behalf of PACE for the purpose of ADA/Para-transit
3 expenses, or during fiscal year 2025 for the purposes of a
4 grant not to exceed \$10,020,000 to the Regional
5 Transportation Authority on behalf of PACE for the purpose
6 of ADA/Para-transit expenses, and the costs for patrolling
7 and policing the public highways (by the State, political
8 subdivision, or municipality collecting that money) for
9 enforcement of traffic laws. The separation of grades of
10 such highways with railroads and costs associated with
11 protection of at-grade highway and railroad crossing shall
12 also be permissible.

13 Appropriations for any of such purposes are payable from
14 the Road Fund or the Grade Crossing Protection Fund as
15 provided in Section 8 of the Motor Fuel Tax Law.

16 Except as provided in this paragraph, beginning with
17 fiscal year 1991 and thereafter, no Road Fund monies shall be
18 appropriated to the Illinois State Police for the purposes of
19 this Section in excess of its total fiscal year 1990 Road Fund
20 appropriations for those purposes unless otherwise provided in
21 Section 5g of this Act. For fiscal years 2003, 2004, 2005,
22 2006, and 2007 only, no Road Fund monies shall be appropriated
23 to the Department of State Police for the purposes of this
24 Section in excess of \$97,310,000. For fiscal year 2008 only,
25 no Road Fund monies shall be appropriated to the Department of
26 State Police for the purposes of this Section in excess of

1 \$106,100,000. For fiscal year 2009 only, no Road Fund monies
2 shall be appropriated to the Department of State Police for
3 the purposes of this Section in excess of \$114,700,000.
4 Beginning in fiscal year 2010, no Road Fund moneys shall be
5 appropriated to the Illinois State Police. It shall not be
6 lawful to circumvent this limitation on appropriations by
7 governmental reorganization or other methods unless otherwise
8 provided in Section 5g of this Act.

9 In fiscal year 1994, no Road Fund monies shall be
10 appropriated to the Secretary of State for the purposes of
11 this Section in excess of the total fiscal year 1991 Road Fund
12 appropriations to the Secretary of State for those purposes,
13 plus \$9,800,000. It shall not be lawful to circumvent this
14 limitation on appropriations by governmental reorganization or
15 other method.

16 Beginning with fiscal year 1995 and thereafter, no Road
17 Fund monies shall be appropriated to the Secretary of State
18 for the purposes of this Section in excess of the total fiscal
19 year 1994 Road Fund appropriations to the Secretary of State
20 for those purposes. It shall not be lawful to circumvent this
21 limitation on appropriations by governmental reorganization or
22 other methods.

23 Beginning with fiscal year 2000, total Road Fund
24 appropriations to the Secretary of State for the purposes of
25 this Section shall not exceed the amounts specified for the
26 following fiscal years:

1	Fiscal Year 2000	\$80,500,000;
2	Fiscal Year 2001	\$80,500,000;
3	Fiscal Year 2002	\$80,500,000;
4	Fiscal Year 2003	\$130,500,000;
5	Fiscal Year 2004	\$130,500,000;
6	Fiscal Year 2005	\$130,500,000;
7	Fiscal Year 2006	\$130,500,000;
8	Fiscal Year 2007	\$130,500,000;
9	Fiscal Year 2008	\$130,500,000;
10	Fiscal Year 2009	\$130,500,000.

11 For fiscal year 2010, no road fund moneys shall be
12 appropriated to the Secretary of State.

13 Beginning in fiscal year 2011, moneys in the Road Fund
14 shall be appropriated to the Secretary of State for the
15 exclusive purpose of paying refunds due to overpayment of fees
16 related to Chapter 3 of the Illinois Vehicle Code unless
17 otherwise provided for by law.

18 Beginning in fiscal year 2025, moneys in the Road Fund may
19 be appropriated to the Environmental Protection Agency for the
20 exclusive purpose of making deposits into the Electric Vehicle
21 Rebate Fund, subject to appropriation, to be used for purposes
22 consistent with Section 11 of Article IX of the Illinois
23 Constitution.

24 It shall not be lawful to circumvent this limitation on
25 appropriations by governmental reorganization or other
26 methods.

1 No new program may be initiated in fiscal year 1991 and
2 thereafter that is not consistent with the limitations imposed
3 by this Section for fiscal year 1984 and thereafter, insofar
4 as appropriation of Road Fund monies is concerned.

5 Nothing in this Section prohibits transfers from the Road
6 Fund to the State Construction Account Fund under Section 5e
7 of this Act; nor to the General Revenue Fund, as authorized by
8 Public Act 93-25.

9 The additional amounts authorized for expenditure in this
10 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
11 shall be repaid to the Road Fund from the General Revenue Fund
12 in the next succeeding fiscal year that the General Revenue
13 Fund has a positive budgetary balance, as determined by
14 generally accepted accounting principles applicable to
15 government.

16 The additional amounts authorized for expenditure by the
17 Secretary of State and the Department of State Police in this
18 Section by Public Act 94-91 shall be repaid to the Road Fund
19 from the General Revenue Fund in the next succeeding fiscal
20 year that the General Revenue Fund has a positive budgetary
21 balance, as determined by generally accepted accounting
22 principles applicable to government.

23 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
24 102-699, eff. 4-19-22; 102-813, eff. 5-13-22; 103-8, eff.
25 6-7-23; 103-34, eff. 1-1-24; 103-588, eff. 6-5-24; 103-605,
26 eff. 7-1-24; 103-616, eff. 7-1-24; revised 8-5-24.)

1 (30 ILCS 105/8g-1)
2 Sec. 8g-1. Fund transfers.

3 ~~(a) (Blank).~~

4 ~~(b) (Blank).~~

5 ~~(c) (Blank).~~

6 ~~(d) (Blank).~~

7 ~~(e) (Blank).~~

8 ~~(f) (Blank).~~

9 ~~(g) (Blank).~~

10 ~~(h) (Blank).~~

11 ~~(i) (Blank).~~

12 ~~(j) (Blank).~~

13 ~~(k) (Blank).~~

14 ~~(l) (Blank).~~

15 ~~(m) (Blank).~~

16 ~~(n) (Blank).~~

17 ~~(o) (Blank).~~

18 ~~(p) (Blank).~~

19 ~~(q) (Blank).~~

20 ~~(r) (Blank).~~

21 ~~(s) (Blank).~~

22 ~~(t) (Blank).~~

23 ~~(u) (Blank).~~

24 ~~(v) (Blank).~~

25 ~~(w) (Blank).~~

~~(x)~~ (Blank).

~~(y)~~ (Blank).

~~(z)~~ (Blank).

~~(aa)~~ (Blank).

~~(bb)~~ (Blank).

~~(cc)~~ (Blank).

~~(dd)~~ (Blank).

~~(ee)~~ (Blank).

~~(ff)~~ (Blank).

~~(gg)~~ (Blank).

~~(hh)~~ (Blank).

~~(ii)~~ (Blank).

~~(jj)~~ (Blank).

~~(kk)~~ (Blank).

~~(ll)~~ (Blank).

~~(mm)~~ In addition to any other transfers that may be provided for by law, beginning on June 7, 2023 (the effective date of the changes made to this Section by Public Act 103-8) ~~this amendatory Act of the 103rd General Assembly~~ and until June 30, 2024, as directed by the Governor, the State Comptroller shall direct and the State Treasurer shall transfer up to a total of \$1,500,000,000 from the General Revenue Fund to the State Coronavirus Urgent Remediation Emergency Fund.

~~(nn)~~ In addition to any other transfers that may be provided for by law, beginning on June 7, 2023 (the effective

1 date of the changes made to this Section by Public Act 103-8)
2 ~~this amendatory Act of the 103rd General Assembly~~ and until
3 June 30, 2024, as directed by the Governor, the State
4 Comptroller shall direct and the State Treasurer shall
5 transfer up to a total of \$424,000,000 from the General
6 Revenue Fund to the Build Illinois Bond Fund.

7 ~~(cc)~~ In addition to any other transfers that may be
8 provided for by law, on July 1, 2023, or as soon thereafter as
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$500,000 from the General
11 Revenue Fund to the Governor's Administrative Fund.

12 ~~(pp)~~ In addition to any other transfers that may be
13 provided for by law, on July 1, 2023, or as soon thereafter as
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$500,000 from the General
16 Revenue Fund to the Grant Accountability and Transparency
17 Fund.

18 ~~(qq)~~ In addition to any other transfers that may be
19 provided for by law, beginning on July 1, 2024 (the effective
20 date of the changes made to this Section by Public Act 103-588)
21 ~~this amendatory Act of the 103rd General Assembly~~ and until
22 June 30, 2024, as directed by the Governor, the State
23 Comptroller shall direct and the State Treasurer shall
24 transfer up to a total of \$350,000,000 from the General
25 Revenue Fund to the Fund for Illinois' Future.

26 ~~(rr)~~ In addition to any other transfers that may be

1 provided for by law, on July 1, 2024, or as soon thereafter as
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$500,000 from the General
4 Revenue Fund to the Governor's Administrative Fund.

5 ~~(ss)~~ In addition to any other transfers that may be
6 provided for by law, on July 1, 2024, or as soon thereafter as
7 practical, the State Comptroller shall direct and the State
8 Treasurer shall transfer the sum of \$500,000 from the General
9 Revenue Fund to the Grant Accountability and Transparency
10 Fund.

11 ~~(ttt)~~ In addition to any other transfers that may be
12 provided for by law, on July 1, 2024, or as soon thereafter as
13 practical, the State Comptroller shall direct and the State
14 Treasurer shall transfer the sum of \$25,000,000 from the
15 Violent Crime Witness Protection Program Fund to the General
16 Revenue Fund.

17 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;
18 102-700, Article 40, Section 40-5, eff. 4-19-22; 102-700,
19 Article 80, Section 80-5, eff. 4-19-22; 102-1115, eff. 1-9-23;
20 103-8, eff. 6-7-23; 103-588, eff. 6-5-24; revised 7-24-24.)

21 Section 230. The Local Government Debt Reform Act is
22 amended by changing Section 17 as follows:

23 (30 ILCS 350/17) (from Ch. 17, par. 6917)

24 Sec. 17. Leases and installment contracts.

1 (a) Interest not debt; debt on leases and installment
2 contracts. Interest on bonds shall not be included in any
3 computation of indebtedness of a governmental unit for the
4 purpose of any statutory provision or limitation. For bonds
5 consisting of leases and installment or financing contracts:7

6 (1) that portion of payments made by a governmental
7 unit under the terms of a bond designated as interest in
8 the bond or the ordinance authorizing such bond shall be
9 treated as interest for purposes of this Section;7

10 (2) where portions of payments due under the terms of
11 a bond have not been designated as interest in the bond or
12 the ordinance authorizing such bond, and all or a portion
13 of such payments is to be used for the payment of principal
14 of and interest on other bonds of the governmental unit or
15 bonds issued by another unit of local government, such as
16 a public building commission, the payments equal to
17 interest due on such corresponding bonds shall be treated
18 as interest for purposes of this Section;7 and

19 (3) where portions of payments due under the terms of
20 a bond have not been designated as interest in the bond or
21 ordinance authorizing such bond and no portion of any such
22 payment is to be used for the payment of principal of and
23 interest on other bonds of the governmental unit or
24 another unit of local government, a portion of each
25 payment due under the terms of such bond shall be treated
26 as interest for purposes of this Section; such portion

1 shall be equal in amount to the interest that would have
2 been paid on a notional obligation of the governmental
3 unit (bearing interest at the highest rate permitted by
4 law for bonds of the governmental unit at the time the bond
5 was issued or, if no such limit existed, 12%) on which the
6 payments of principal and interest were due at the same
7 times and in the same amounts as payments are due under the
8 terms of the bonds.

9 The rule set forth in this Section shall be applicable to
10 all interest no matter when earned or accrued or at what
11 interval paid, and whether or not a bond bears interest which
12 compounds at certain intervals. For purposes of bonds sold at
13 amounts less than 95% of their stated value at maturity,
14 interest for purposes of this Section includes the difference
15 between the amount set forth on the face of the bond as the
16 original principal amount and the bond's stated value at
17 maturity.

18 This subsection may be made applicable to bonds issued
19 prior to the effective date of this Act by passage of an
20 ordinance to such effect by the governing body of a
21 governmental unit.

22 (b) Purchase or lease of property. The governing body of
23 each governmental unit may purchase or lease either real or
24 personal property, including investments, investment
25 agreements, or investment services, through agreements that
26 provide that the consideration for the purchase or lease may

1 be paid through installments made at stated intervals for a
2 period of no more than 20 years or another period of time
3 authorized by law, whichever is greater; provided, however,
4 that investments, investment agreements, or investment
5 services purchased in connection with a bond issue may be paid
6 through installments made at stated intervals for a period of
7 time not in excess of the maximum term of such bond issue. Each
8 governmental unit may issue certificates evidencing the
9 indebtedness incurred under the lease or agreement. The
10 governing body may provide for the treasurer, comptroller,
11 finance officer, or other officer of the governing body
12 charged with financial administration to act as counter-party
13 to any such lease or agreement, as nominee lessor or seller.
14 When the lease or agreement is executed by the officer of the
15 governmental unit authorized by the governing body to bind the
16 governmental unit thereon by the execution thereof and is
17 filed with and executed by the nominee lessor or seller, the
18 lease or agreement shall be sufficiently executed so as to
19 permit the governmental unit to issue certificates evidencing
20 the indebtedness incurred under the lease or agreement. The
21 certificates shall be valid whether or not an appropriation
22 with respect thereto is included in any annual or supplemental
23 budget adopted by the governmental unit. From time to time, as
24 the governing body executes contracts for the purpose of
25 acquiring and constructing the services or real or personal
26 property that is a part of the subject of the lease or

1 agreement, including financial, legal, architectural, and
2 engineering services related to the lease or agreement, the
3 contracts shall be filed with the nominee officer, and that
4 officer shall identify the contracts to the lease or
5 agreement; that identification shall permit the payment of the
6 contract from the proceeds of the certificates; and the
7 nominee officer shall duly apply or cause to be applied
8 proceeds of the certificates to the payment of the contracts.
9 The governing body of each governmental unit may sell, lease,
10 convey, and reacquire either real or personal property, or any
11 interest in real or personal property, upon any terms and
12 conditions and in any manner, as the governing body shall
13 determine, if the governmental unit will lease, acquire by
14 purchase agreement, or otherwise reacquire the property, as
15 authorized by this subsection or any other applicable law.

16 All indebtedness incurred under this subsection, when
17 aggregated with the existing indebtedness of the governmental
18 unit, may not exceed the debt limits provided by applicable
19 law.

20 (Source: P.A. 103-591, eff. 7-1-24; revised 7-24-24.)

21 Section 235. The Build Illinois Bond Act is amended by
22 changing Section 6 as follows:

23 (30 ILCS 425/6) (from Ch. 127, par. 2806)

24 Sec. 6. Conditions for issuance and sale of Bonds;

1 ~~requirements Bonds~~ requirements for Bonds; master Bonds
2 ~~master~~ and supplemental indentures; credit indentures ~~credit~~
3 and liquidity enhancement.

4 (a) Bonds shall be issued and sold from time to time, in
5 one or more series, in such amounts and at such prices as
6 directed by the Governor, upon recommendation by the Director
7 of the Governor's Office of Management and Budget. Bonds shall
8 be payable only from the specific sources and secured in the
9 manner provided in this Act. Bonds shall be in such form, in
10 such denominations, mature on such dates within 25 years from
11 their date of issuance, be subject to optional or mandatory
12 redemption, bear interest payable at such times and at such
13 rate or rates, fixed or variable, and be dated as shall be
14 fixed and determined by the Director of the Governor's Office
15 of Management and Budget in an order authorizing the issuance
16 and sale of any series of Bonds, which order shall be approved
17 by the Governor and is herein called a "Bond Sale Order";
18 provided, however, that interest payable at fixed rates shall
19 not exceed that permitted in the Bond Authorization Act ~~"An~~
20 ~~Act to authorize public corporations to issue bonds, other~~
21 ~~evidences of indebtedness and tax anticipation warrants~~
22 ~~subject to interest rate limitations set forth therein",~~
23 ~~approved May 26, 1970, as now or hereafter amended,~~ and
24 interest payable at variable rates shall not exceed the
25 maximum rate permitted in the Bond Sale Order. Said Bonds
26 shall be payable at such place or places, within or without the

1 State of Illinois, and may be made registrable as to either
2 principal only or as to both principal and interest, as shall
3 be specified in the Bond Sale Order. Bonds may be callable or
4 subject to purchase and retirement or remarketing as fixed and
5 determined in the Bond Sale Order. Bonds (i) except for
6 refunding Bonds satisfying the requirements of Section 15 of
7 this Act must be issued with principal or mandatory redemption
8 amounts in equal amounts, with the first maturity issued
9 occurring within the fiscal year in which the Bonds are issued
10 or within the next succeeding fiscal year, except that Bonds
11 issued during fiscal year 2025 may be issued with principal or
12 mandatory redemption amounts in unequal amounts, and (ii) must
13 mature or be subject to mandatory redemption each fiscal year
14 thereafter up to 25 years, except for refunding Bonds
15 satisfying the requirements of Section 15 of this Act and sold
16 during fiscal year 2009, 2010, or 2011 which must mature or be
17 subject to mandatory redemption each fiscal year thereafter up
18 to 16 years.

19 All Bonds authorized under this Act shall be issued
20 pursuant to a master trust indenture ("Master Indenture")
21 executed and delivered on behalf of the State by the Director
22 of the Governor's Office of Management and Budget, such Master
23 Indenture to be in substantially the form approved in the Bond
24 Sale Order authorizing the issuance and sale of the initial
25 series of Bonds issued under this Act. Such initial series of
26 Bonds may, and each subsequent series of Bonds shall, also be

1 issued pursuant to a supplemental trust indenture
2 ("Supplemental Indenture") executed and delivered on behalf of
3 the State by the Director of the Governor's Office of
4 Management and Budget, each such Supplemental Indenture to be
5 in substantially the form approved in the Bond Sale Order
6 relating to such series. The Master Indenture and any
7 Supplemental Indenture shall be entered into with a bank or
8 trust company in the State of Illinois having trust powers and
9 possessing capital and surplus of not less than \$100,000,000.
10 Such indentures shall set forth the terms and conditions of
11 the Bonds and provide for payment of and security for the
12 Bonds, including the establishment and maintenance of debt
13 service and reserve funds, and for other protections for
14 holders of the Bonds. The term "reserve funds" as used in this
15 Act shall include funds and accounts established under
16 indentures to provide for the payment of principal of and
17 premium and interest on Bonds, to provide for the purchase,
18 retirement, or defeasance of Bonds, to provide for fees of
19 trustees, registrars, paying agents, and other fiduciaries and
20 to provide for payment of costs of and debt service payable in
21 respect of credit or liquidity enhancement arrangements,
22 interest rate swaps or guarantees, or financial futures
23 contracts and indexing and remarketing agents' services.

24 In the case of any series of Bonds bearing interest at a
25 variable interest rate ("Variable Rate Bonds"), in lieu of
26 determining the rate or rates at which such series of Variable

1 Rate Bonds shall bear interest and the price or prices at which
2 such Variable Rate Bonds shall be initially sold or remarketed
3 (in the event of purchase and subsequent resale), the Bond
4 Sale Order may provide that such interest rates and prices may
5 vary from time to time depending on criteria established in
6 such Bond Sale Order, which criteria may include, without
7 limitation, references to indices or variations in interest
8 rates as may, in the judgment of a remarketing agent, be
9 necessary to cause Bonds of such series to be remarketable
10 from time to time at a price equal to their principal amount
11 (or compound accreted value in the case of original issue
12 discount Bonds), and may provide for appointment of indexing
13 agents and a bank, trust company, investment bank, or other
14 financial institution to serve as remarketing agent in that
15 connection. The Bond Sale Order may provide that alternative
16 interest rates or provisions for establishing alternative
17 interest rates, different security or claim priorities, or
18 different call or amortization provisions will apply during
19 such times as Bonds of any series are held by a person
20 providing credit or liquidity enhancement arrangements for
21 such Bonds as authorized in subsection (b) of Section 6 of this
22 Act.

23 (b) In connection with the issuance of any series of
24 Bonds, the State may enter into arrangements to provide
25 additional security and liquidity for such Bonds, including,
26 without limitation, bond or interest rate insurance or letters

1 of credit, lines of credit, bond purchase contracts, or other
2 arrangements whereby funds are made available to retire or
3 purchase Bonds, thereby assuring the ability of owners of the
4 Bonds to sell or redeem their Bonds. The State may enter into
5 contracts and may agree to pay fees to persons providing such
6 arrangements, but only under circumstances where the Director
7 of the Bureau of the Budget (now Governor's Office of
8 Management and Budget) certifies that he reasonably expects
9 the total interest paid or to be paid on the Bonds, together
10 with the fees for the arrangements (being treated as if
11 interest), would not, taken together, cause the Bonds to bear
12 interest, calculated to their stated maturity, at a rate in
13 excess of the rate which the Bonds would bear in the absence of
14 such arrangements. Any bonds, notes, or other evidences of
15 indebtedness issued pursuant to any such arrangements for the
16 purpose of retiring and discharging outstanding Bonds shall
17 constitute refunding Bonds under Section 15 of this Act. The
18 State may participate in and enter into arrangements with
19 respect to interest rate swaps or guarantees or financial
20 futures contracts for the purpose of limiting or restricting
21 interest rate risk; provided that such arrangements shall be
22 made with or executed through banks having capital and surplus
23 of not less than \$100,000,000 or insurance companies holding
24 the highest policyholder rating accorded insurers by A.M. Best
25 & Co. or any comparable rating service or government bond
26 dealers reporting to, trading with, and recognized as primary

1 dealers by a Federal Reserve Bank and having capital and
2 surplus of not less than \$100,000,000, or other persons whose
3 debt securities are rated in the highest long-term categories
4 by both Moody's Investors' Services, Inc. and Standard &
5 Poor's Corporation. Agreements incorporating any of the
6 foregoing arrangements may be executed and delivered by the
7 Director of the Governor's Office of Management and Budget on
8 behalf of the State in substantially the form approved in the
9 Bond Sale Order relating to such Bonds.

10 (c) "Build America Bonds" in this Section means Bonds
11 authorized by Section 54AA of the Internal Revenue Code of
12 1986, as amended ("Internal Revenue Code"), and bonds issued
13 from time to time to refund or continue to refund "Build
14 America Bonds".

15 (Source: P.A. 103-591, eff. 7-1-24; revised 7-24-24.)

16 Section 240. The Illinois Procurement Code is amended by
17 changing Sections 1-10, 20-60, 45-57, and 45-105 as follows:

18 (30 ILCS 500/1-10)

19 Sec. 1-10. Application.

20 (a) This Code applies only to procurements for which
21 bidders, offerors, potential contractors, or contractors were
22 first solicited on or after July 1, 1998. This Code shall not
23 be construed to affect or impair any contract, or any
24 provision of a contract, entered into based on a solicitation

1 prior to the implementation date of this Code as described in
2 Article 99, including, but not limited to, any covenant
3 entered into with respect to any revenue bonds or similar
4 instruments. All procurements for which contracts are
5 solicited between the effective date of Articles 50 and 99 and
6 July 1, 1998 shall be substantially in accordance with this
7 Code and its intent.

8 (b) This Code shall apply regardless of the source of the
9 funds with which the contracts are paid, including federal
10 assistance moneys. This Code shall not apply to:

11 (1) Contracts between the State and its political
12 subdivisions or other governments, or between State
13 governmental bodies, except as specifically provided in
14 this Code.

15 (2) Grants, except for the filing requirements of
16 Section 20-80.

17 (3) Purchase of care, except as provided in Section
18 5-30.6 of the Illinois Public Aid Code and this Section.

19 (4) Hiring of an individual as an employee and not as
20 an independent contractor, whether pursuant to an
21 employment code or policy or by contract directly with
22 that individual.

23 (5) Collective bargaining contracts.

24 (6) Purchase of real estate, except that notice of
25 this type of contract with a value of more than \$25,000
26 must be published in the Procurement Bulletin within 10

1 calendar days after the deed is recorded in the county of
2 jurisdiction. The notice shall identify the real estate
3 purchased, the names of all parties to the contract, the
4 value of the contract, and the effective date of the
5 contract.

6 (7) Contracts necessary to prepare for anticipated
7 litigation, enforcement actions, or investigations,
8 provided that the chief legal counsel to the Governor
9 shall give his or her prior approval when the procuring
10 agency is one subject to the jurisdiction of the Governor,
11 and provided that the chief legal counsel of any other
12 procuring entity subject to this Code shall give his or
13 her prior approval when the procuring entity is not one
14 subject to the jurisdiction of the Governor.

15 (8) (Blank).

16 (9) Procurement expenditures by the Illinois
17 Conservation Foundation when only private funds are used.

18 (10) (Blank).

19 (11) Public-private agreements entered into according
20 to the procurement requirements of Section 20 of the
21 Public-Private Partnerships for Transportation Act and
22 design-build agreements entered into according to the
23 procurement requirements of Section 25 of the
24 Public-Private Partnerships for Transportation Act.

25 (12) (A) Contracts for legal, financial, and other
26 professional and artistic services entered into by the

1 Illinois Finance Authority in which the State of Illinois
2 is not obligated. Such contracts shall be awarded through
3 a competitive process authorized by the members of the
4 Illinois Finance Authority and are subject to Sections
5 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
6 as well as the final approval by the members of the
7 Illinois Finance Authority of the terms of the contract.

8 (B) Contracts for legal and financial services entered
9 into by the Illinois Housing Development Authority in
10 connection with the issuance of bonds in which the State
11 of Illinois is not obligated. Such contracts shall be
12 awarded through a competitive process authorized by the
13 members of the Illinois Housing Development Authority and
14 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
15 and 50-37 of this Code, as well as the final approval by
16 the members of the Illinois Housing Development Authority
17 of the terms of the contract.

18 (13) Contracts for services, commodities, and
19 equipment to support the delivery of timely forensic
20 science services in consultation with and subject to the
21 approval of the Chief Procurement Officer as provided in
22 subsection (d) of Section 5-4-3a of the Unified Code of
23 Corrections, except for the requirements of Sections
24 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
25 Code; however, the Chief Procurement Officer may, in
26 writing with justification, waive any certification

1 required under Article 50 of this Code. For any contracts
2 for services which are currently provided by members of a
3 collective bargaining agreement, the applicable terms of
4 the collective bargaining agreement concerning
5 subcontracting shall be followed.

6 On and after January 1, 2019, this paragraph (13),
7 except for this sentence, is inoperative.

8 (14) Contracts for participation expenditures required
9 by a domestic or international trade show or exhibition of
10 an exhibitor, member, or sponsor.

11 (15) Contracts with a railroad or utility that
12 requires the State to reimburse the railroad or utilities
13 for the relocation of utilities for construction or other
14 public purpose. Contracts included within this paragraph
15 (15) shall include, but not be limited to, those
16 associated with: relocations, crossings, installations,
17 and maintenance. For the purposes of this paragraph (15),
18 "railroad" means any form of non-highway ground
19 transportation that runs on rails or electromagnetic
20 guideways and "utility" means: (1) public utilities as
21 defined in Section 3-105 of the Public Utilities Act, (2)
22 telecommunications carriers as defined in Section 13-202
23 of the Public Utilities Act, (3) electric cooperatives as
24 defined in Section 3.4 of the Electric Supplier Act, (4)
25 telephone or telecommunications cooperatives as defined in
26 Section 13-212 of the Public Utilities Act, (5) rural

1 water or waste water systems with 10,000 connections or
2 less, (6) a holder as defined in Section 21-201 of the
3 Public Utilities Act, and (7) municipalities owning or
4 operating utility systems consisting of public utilities
5 as that term is defined in Section 11-117-2 of the
6 Illinois Municipal Code.

7 (16) Procurement expenditures necessary for the
8 Department of Public Health to provide the delivery of
9 timely newborn screening services in accordance with the
10 Newborn Metabolic Screening Act.

11 (17) Procurement expenditures necessary for the
12 Department of Agriculture, the Department of Financial and
13 Professional Regulation, the Department of Human Services,
14 and the Department of Public Health to implement the
15 Compassionate Use of Medical Cannabis Program and Opioid
16 Alternative Pilot Program requirements and ensure access
17 to medical cannabis for patients with debilitating medical
18 conditions in accordance with the Compassionate Use of
19 Medical Cannabis Program Act.

20 (18) This Code does not apply to any procurements
21 necessary for the Department of Agriculture, the
22 Department of Financial and Professional Regulation, the
23 Department of Human Services, the Department of Commerce
24 and Economic Opportunity, and the Department of Public
25 Health to implement the Cannabis Regulation and Tax Act if
26 the applicable agency has made a good faith determination

1 that it is necessary and appropriate for the expenditure
2 to fall within this exemption and if the process is
3 conducted in a manner substantially in accordance with the
4 requirements of Sections 20-160, 25-60, 30-22, 50-5,
5 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
6 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
7 Section 50-35, compliance applies only to contracts or
8 subcontracts over \$100,000. Notice of each contract
9 entered into under this paragraph (18) that is related to
10 the procurement of goods and services identified in
11 paragraph (1) through (9) of this subsection shall be
12 published in the Procurement Bulletin within 14 calendar
13 days after contract execution. The Chief Procurement
14 Officer shall prescribe the form and content of the
15 notice. Each agency shall provide the Chief Procurement
16 Officer, on a monthly basis, in the form and content
17 prescribed by the Chief Procurement Officer, a report of
18 contracts that are related to the procurement of goods and
19 services identified in this subsection. At a minimum, this
20 report shall include the name of the contractor, a
21 description of the supply or service provided, the total
22 amount of the contract, the term of the contract, and the
23 exception to this Code utilized. A copy of any or all of
24 these contracts shall be made available to the Chief
25 Procurement Officer immediately upon request. The Chief
26 Procurement Officer shall submit a report to the Governor

1 and General Assembly no later than November 1 of each year
2 that includes, at a minimum, an annual summary of the
3 monthly information reported to the Chief Procurement
4 Officer. This exemption becomes inoperative 5 years after
5 June 25, 2019 (the effective date of Public Act 101-27).

6 (19) Acquisition of modifications or adjustments,
7 limited to assistive technology devices and assistive
8 technology services, adaptive equipment, repairs, and
9 replacement parts to provide reasonable accommodations (i)
10 that enable a qualified applicant with a disability to
11 complete the job application process and be considered for
12 the position such qualified applicant desires, (ii) that
13 modify or adjust the work environment to enable a
14 qualified current employee with a disability to perform
15 the essential functions of the position held by that
16 employee, (iii) to enable a qualified current employee
17 with a disability to enjoy equal benefits and privileges
18 of employment as are enjoyed by other similarly situated
19 employees without disabilities, and (iv) that allow a
20 customer, client, claimant, or member of the public
21 seeking State services full use and enjoyment of and
22 access to its programs, services, or benefits.

23 For purposes of this paragraph (19):

24 "Assistive technology devices" means any item, piece
25 of equipment, or product system, whether acquired
26 commercially off the shelf, modified, or customized, that

1 is used to increase, maintain, or improve functional
2 capabilities of individuals with disabilities.

3 "Assistive technology services" means any service that
4 directly assists an individual with a disability in
5 selection, acquisition, or use of an assistive technology
6 device.

7 "Qualified" has the same meaning and use as provided
8 under the federal Americans with Disabilities Act when
9 describing an individual with a disability.

10 (20) Procurement expenditures necessary for the
11 Illinois Commerce Commission to hire third-party
12 facilitators pursuant to Sections 16-105.17 and 16-108.18
13 of the Public Utilities Act or an ombudsman pursuant to
14 Section 16-107.5 of the Public Utilities Act, a
15 facilitator pursuant to Section 16-105.17 of the Public
16 Utilities Act, or a grid auditor pursuant to Section
17 16-105.10 of the Public Utilities Act.

18 (21) Procurement expenditures for the purchase,
19 renewal, and expansion of software, software licenses, or
20 software maintenance agreements that support the efforts
21 of the Illinois State Police to enforce, regulate, and
22 administer the Firearm Owners Identification Card Act, the
23 Firearm Concealed Carry Act, the Firearms Restraining
24 Order Act, the Firearm Dealer License Certification Act,
25 the Law Enforcement Agencies Data System (LEADS), the
26 Uniform Crime Reporting Act, the Criminal Identification

1 Act, the Illinois Uniform Conviction Information Act, and
2 the Gun Trafficking Information Act, or establish or
3 maintain record management systems necessary to conduct
4 human trafficking investigations or gun trafficking or
5 other stolen firearm investigations. This paragraph (21)
6 applies to contracts entered into on or after January 10,
7 2023 (the effective date of Public Act 102-1116) and the
8 renewal of contracts that are in effect on January 10,
9 2023 (the effective date of Public Act 102-1116).

10 (22) Contracts for project management services and
11 system integration services required for the completion of
12 the State's enterprise resource planning project. This
13 exemption becomes inoperative 5 years after June 7, 2023
14 (the effective date of the changes made to this Section by
15 Public Act 103-8). This paragraph (22) applies to
16 contracts entered into on or after June 7, 2023 (the
17 effective date of the changes made to this Section by
18 Public Act 103-8) and the renewal of contracts that are in
19 effect on June 7, 2023 (the effective date of the changes
20 made to this Section by Public Act 103-8).

21 (23) Procurements necessary for the Department of
22 Insurance to implement the Illinois Health Benefits
23 Exchange Law if the Department of Insurance has made a
24 good faith determination that it is necessary and
25 appropriate for the expenditure to fall within this
26 exemption. The procurement process shall be conducted in a

1 manner substantially in accordance with the requirements
2 of Sections 20-160 and 25-60 and Article 50 of this Code. A
3 copy of these contracts shall be made available to the
4 Chief Procurement Officer immediately upon request. This
5 paragraph is inoperative 5 years after June 27, 2023 (the
6 effective date of Public Act 103-103).

7 (24) Contracts for public education programming,
8 noncommercial sustaining announcements, public service
9 announcements, and public awareness and education
10 messaging with the nonprofit trade associations of the
11 providers of those services that inform the public on
12 immediate and ongoing health and safety risks and hazards.

13 (25) Procurements necessary for the Department of
14 Early Childhood to implement the Department of Early
15 Childhood Act if the Department has made a good faith
16 determination that it is necessary and appropriate for the
17 expenditure to fall within this exemption. This exemption
18 shall only be used for products and services procured
19 solely for use by the Department of Early Childhood. The
20 procurements may include those necessary to design and
21 build integrated, operational systems of programs and
22 services. The procurements may include, but are not
23 limited to, those necessary to align and update program
24 standards, integrate funding systems, design and establish
25 data and reporting systems, align and update models for
26 technical assistance and professional development, design

1 systems to manage grants and ensure compliance, design and
2 implement management and operational structures, and
3 establish new means of engaging with families, educators,
4 providers, and stakeholders. The procurement processes
5 shall be conducted in a manner substantially in accordance
6 with the requirements of Article 50 (ethics) and Sections
7 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
8 and Inclusion), 20-80 (contract files), 20-120
9 (subcontractors), 20-155 (paperwork), 20-160
10 (ethics/campaign contribution prohibitions), 25-60
11 (prevailing wage), and 25-90 (prohibited and authorized
12 cybersecurity) of this Code. Beginning January 1, 2025,
13 the Department of Early Childhood shall provide a
14 quarterly report to the General Assembly detailing a list
15 of expenditures and contracts for which the Department
16 uses this exemption. This paragraph is inoperative on and
17 after July 1, 2027.

18 (26) ~~(25)~~ Procurements that are necessary for
19 increasing the recruitment and retention of State
20 employees, particularly minority candidates for
21 employment, including:

22 (A) procurements related to registration fees for
23 job fairs and other outreach and recruitment events;

24 (B) production of recruitment materials; and

25 (C) other services related to recruitment and
26 retention of State employees.

1 The exemption under this paragraph (26) ~~(25)~~ applies
2 only if the State agency has made a good faith
3 determination that it is necessary and appropriate for the
4 expenditure to fall within this paragraph (26) ~~(25)~~. The
5 procurement process under this paragraph (26) ~~(25)~~ shall
6 be conducted in a manner substantially in accordance with
7 the requirements of Sections 20-160 and 25-60 and Article
8 50 of this Code. A copy of these contracts shall be made
9 available to the Chief Procurement Officer immediately
10 upon request. Nothing in this paragraph (26) ~~(25)~~
11 authorizes the replacement or diminishment of State
12 responsibilities in hiring or the positions that
13 effectuate that hiring. This paragraph (26) ~~(25)~~ is
14 inoperative on and after June 30, 2029.

15 Notwithstanding any other provision of law, for contracts
16 with an annual value of more than \$100,000 entered into on or
17 after October 1, 2017 under an exemption provided in any
18 paragraph of this subsection (b), except paragraph (1), (2),
19 or (5), each State agency shall post to the appropriate
20 procurement bulletin the name of the contractor, a description
21 of the supply or service provided, the total amount of the
22 contract, the term of the contract, and the exception to the
23 Code utilized. The chief procurement officer shall submit a
24 report to the Governor and General Assembly no later than
25 November 1 of each year that shall include, at a minimum, an
26 annual summary of the monthly information reported to the

1 chief procurement officer.

2 (c) This Code does not apply to the electric power
3 procurement process provided for under Section 1-75 of the
4 Illinois Power Agency Act and Section 16-111.5 of the Public
5 Utilities Act. This Code does not apply to the procurement of
6 technical and policy experts pursuant to Section 1-129 of the
7 Illinois Power Agency Act.

8 (d) Except for Section 20-160 and Article 50 of this Code,
9 and as expressly required by Section 9.1 of the Illinois
10 Lottery Law, the provisions of this Code do not apply to the
11 procurement process provided for under Section 9.1 of the
12 Illinois Lottery Law.

13 (e) This Code does not apply to the process used by the
14 Capital Development Board to retain a person or entity to
15 assist the Capital Development Board with its duties related
16 to the determination of costs of a clean coal SNG brownfield
17 facility, as defined by Section 1-10 of the Illinois Power
18 Agency Act, as required in subsection (h-3) of Section 9-220
19 of the Public Utilities Act, including calculating the range
20 of capital costs, the range of operating and maintenance
21 costs, or the sequestration costs or monitoring the
22 construction of clean coal SNG brownfield facility for the
23 full duration of construction.

24 (f) (Blank).

25 (g) (Blank).

26 (h) This Code does not apply to the process to procure or

1 contracts entered into in accordance with Sections 11-5.2 and
2 11-5.3 of the Illinois Public Aid Code.

3 (i) Each chief procurement officer may access records
4 necessary to review whether a contract, purchase, or other
5 expenditure is or is not subject to the provisions of this
6 Code, unless such records would be subject to attorney-client
7 privilege.

8 (j) This Code does not apply to the process used by the
9 Capital Development Board to retain an artist or work or works
10 of art as required in Section 14 of the Capital Development
11 Board Act.

12 (k) This Code does not apply to the process to procure
13 contracts, or contracts entered into, by the State Board of
14 Elections or the State Electoral Board for hearing officers
15 appointed pursuant to the Election Code.

16 (l) This Code does not apply to the processes used by the
17 Illinois Student Assistance Commission to procure supplies and
18 services paid for from the private funds of the Illinois
19 Prepaid Tuition Fund. As used in this subsection (l), "private
20 funds" means funds derived from deposits paid into the
21 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

22 (m) This Code shall apply regardless of the source of
23 funds with which contracts are paid, including federal
24 assistance moneys. Except as specifically provided in this
25 Code, this Code shall not apply to procurement expenditures
26 necessary for the Department of Public Health to conduct the

1 Healthy Illinois Survey in accordance with Section 2310-431 of
2 the Department of Public Health Powers and Duties Law of the
3 Civil Administrative Code of Illinois.

4 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
5 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
6 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
7 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.
8 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594,
9 eff. 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25;
10 revised 11-26-24.)

11 (30 ILCS 500/20-60)

12 Sec. 20-60. Duration of contracts.

13 (a) Maximum duration. A contract may be entered into for
14 any period of time deemed to be in the best interests of the
15 State but not exceeding 10 years inclusive, beginning January
16 1, 2010, of proposed contract renewals; provided, however, in
17 connection with the issuance of certificates of participation
18 or bonds, the governing board of a public institution of
19 higher education may enter into contracts in excess of 10
20 years but not to exceed 30 years for the purpose of financing
21 or refinancing real or personal property. Third parties may
22 lease State-owned communications infrastructure, including
23 dark fiber networks, conduit, and excess communication tower
24 capacity, for any period of time deemed to be in the best
25 interest of the State, but not exceeding 20 years. The length

1 of a lease for real property or capital improvements shall be
2 in accordance with the provisions of Section 40-25. The length
3 of energy conservation program contracts or energy savings
4 contracts or leases shall be in accordance with the provisions
5 of Section 25-45. A contract for bond or mortgage insurance
6 awarded by the Illinois Housing Development Authority,
7 however, may be entered into for any period of time less than
8 or equal to the maximum period of time that the subject bond or
9 mortgage may remain outstanding. Contracts may be entered into
10 that extend beyond the active term of the award, so long as the
11 contract was entered into prior to the award expiration date
12 and does not exceed 10 years.

13 (b) Subject to appropriation. All contracts made or
14 entered into shall recite that they are subject to termination
15 and cancellation in any year for which the General Assembly
16 fails to make an appropriation to make payments under the
17 terms of the contract.

18 (c) The chief procurement officer shall file a proposed
19 extension or renewal of a contract with the Procurement Policy
20 Board and the Commission on Equity and Inclusion prior to
21 entering into any extension or renewal if the cost associated
22 with the extension or renewal exceeds \$249,999. The
23 Procurement Policy Board or the Commission on Equity and
24 Inclusion may object to the proposed extension or renewal
25 within 14 calendar days and require a hearing before the Board
26 or the Commission on Equity and Inclusion prior to entering

1 into the extension or renewal. If the Procurement Policy Board
2 or the Commission on Equity and Inclusion does not object
3 within 14 calendar days or takes affirmative action to
4 recommend the extension or renewal, the chief procurement
5 officer may enter into the extension or renewal of a contract.
6 This subsection does not apply to any emergency procurement,
7 any procurement under Article 40, or any procurement exempted
8 by Section 1-10(b) of this Code. If any State agency contract
9 is paid for in whole or in part with federal-aid funds, grants,
10 or loans and the provisions of this subsection would result in
11 the loss of those federal-aid funds, grants, or loans, then
12 the contract is exempt from the provisions of this subsection
13 in order to remain eligible for those federal-aid funds,
14 grants, or loans, and the State agency shall file notice of
15 this exemption with the Procurement Policy Board or the
16 Commission on Equity and Inclusion prior to entering into the
17 proposed extension or renewal. Nothing in this subsection
18 permits a chief procurement officer to enter into an extension
19 or renewal in violation of subsection (a). By August 1 each
20 year, the Procurement Policy Board and the Commission on
21 Equity and Inclusion shall each file a report with the General
22 Assembly identifying for the previous fiscal year (i) the
23 proposed extensions or renewals that were filed and whether
24 such extensions and renewals were objected to and (ii) the
25 contracts exempt from this subsection.

26 (d) Notwithstanding the provisions of subsection (a) of

1 this Section, the Department of Innovation and Technology may
2 enter into leases for dark fiber networks for any period of
3 time deemed to be in the best interests of the State but not
4 exceeding 20 years inclusive. The Department of Innovation and
5 Technology may lease dark fiber networks from third parties
6 only for the primary purpose of providing services (i) to the
7 offices of Governor, Lieutenant Governor, Attorney General,
8 Secretary of State, Comptroller, or Treasurer and State
9 agencies, as defined under Section 5-15 of the Civil
10 Administrative Code of Illinois or (ii) for anchor
11 institutions, as defined in Section 7 of the Illinois Century
12 Network Act. Dark fiber network lease contracts shall be
13 subject to all other provisions of this Code and any
14 applicable rules or requirements, including, but not limited
15 to, publication of lease solicitations, use of standard State
16 contracting terms and conditions, and approval of vendor
17 certifications and financial disclosures.

18 (e) As used in this Section, "dark fiber network" means a
19 network of fiber optic cables laid but currently unused by a
20 third party that the third party is leasing for use as network
21 infrastructure.

22 (f) No vendor shall be eligible for renewal of a contract
23 when that vendor has failed to meet the goals agreed to in the
24 vendor's utilization plan, as defined in Section 2 of the
25 Business Enterprise for Minorities, Women, and Persons with
26 Disabilities Act, unless the State agency or public

1 institution of higher education has determined that the vendor
2 made good faith efforts toward meeting the contract goals. If
3 the State agency or public institution of higher education
4 determines that the vendor made good faith efforts, the agency
5 or public institution of higher education may issue a waiver
6 after concurrence by the chief procurement officer, which
7 shall not be unreasonably withheld or impair a State agency
8 determination to execute the renewal. The form and content of
9 the waiver shall be prescribed by each chief procurement
10 officer, but shall not impair a State agency or public
11 institution of higher education determination to execute the
12 renewal. The chief procurement officer shall post the
13 completed form on his or her official website within 5
14 business days after receipt from the State agency or public
15 institution of higher education. The chief procurement officer
16 shall maintain on his or her official website a database of
17 waivers granted under this Section with respect to contracts
18 under his or her jurisdiction. The database shall be updated
19 periodically and shall be searchable by contractor name and by
20 contracting State agency or public institution of higher
21 education.

22 (Source: P.A. 102-29, eff. 6-25-21; 102-721, eff. 1-1-23;
23 103-570, eff. 1-1-24; 103-865, Article 2, Section 2-5, eff.
24 1-1-25; 103-865, Article 5, Section 5-5, eff. 1-1-25; revised
25 11-26-24.)

1 (30 ILCS 500/45-57)

2 Sec. 45-57. Veterans.

3 (a) Set-aside goal. It is the goal of the State to promote
4 and encourage the continued economic development of small
5 businesses owned and controlled by qualified veterans and that
6 qualified service-disabled veteran-owned small businesses
7 (referred to as SDVOSB) and veteran-owned small businesses
8 (referred to as VOSB) participate in the State's procurement
9 process as both prime contractors and subcontractors. Not less
10 than 3% of the total dollar amount of State contracts, as
11 defined by the Commission on Equity and Inclusion, shall be
12 established as a goal to be awarded to SDVOSB and VOSB. That
13 portion of a contract under which the contractor subcontracts
14 with a SDVOSB or VOSB may be counted toward the goal of this
15 subsection. The Commission on Equity and Inclusion shall adopt
16 rules to implement compliance with this subsection by all
17 State agencies.

18 (b) Fiscal year reports. By each November 1, each chief
19 procurement officer shall report to the Commission on Equity
20 and Inclusion on all of the following for the immediately
21 preceding fiscal year, and by each March 1 the Commission on
22 Equity and Inclusion shall compile and report that information
23 to the General Assembly:

24 (1) The total number of VOSB, and the number of
25 SDVOSB, who submitted bids for contracts under this Code.

26 (2) The total number of VOSB, and the number of

1 SDVOSB, who entered into contracts with the State under
2 this Code and the total value of those contracts.

3 (b-5) The Commission on Equity and Inclusion shall submit
4 an annual report to the Governor and the General Assembly that
5 shall include the following:

6 (1) a year-by-year comparison of the number of
7 certifications the State has issued to veteran-owned small
8 businesses and service-disabled veteran-owned small
9 businesses;

10 (2) the obstacles, if any, the Commission on Equity
11 and Inclusion faces when certifying veteran-owned
12 businesses and possible rules or changes to rules to
13 address those issues;

14 (3) a year-by-year comparison of awarded contracts to
15 certified veteran-owned small businesses and
16 service-disabled veteran-owned small businesses; and

17 (4) any other information that the Commission on
18 Equity and Inclusion deems necessary to assist
19 veteran-owned small businesses and service-disabled
20 veteran-owned small businesses to become certified with
21 the State.

22 The Commission on Equity and Inclusion shall conduct a
23 minimum of 2 outreach events per year to ensure that
24 veteran-owned small businesses and service-disabled
25 veteran-owned small businesses know about the procurement
26 opportunities and certification requirements with the State.

1 The Commission on Equity and Inclusion may receive
2 appropriations for outreach.

3 (c) Yearly review and recommendations. Each year, each
4 chief procurement officer shall review the progress of all
5 State agencies under its jurisdiction in meeting the goal
6 described in subsection (a), with input from statewide
7 veterans' service organizations and from the business
8 community, including businesses owned by qualified veterans,
9 and shall make recommendations to be included in the
10 Commission on Equity and Inclusion's report to the General
11 Assembly regarding continuation, increases, or decreases of
12 the percentage goal. The recommendations shall be based upon
13 the number of businesses that are owned by qualified veterans
14 and on the continued need to encourage and promote businesses
15 owned by qualified veterans.

16 (d) Governor's recommendations. To assist the State in
17 reaching the goal described in subsection (a), the Governor
18 shall recommend to the General Assembly changes in programs to
19 assist businesses owned by qualified veterans.

20 (e) Definitions. As used in this Section:

21 "Armed forces of the United States" means the United
22 States Army, Navy, Air Force, Space Force, Marine Corps, Coast
23 Guard, or service in active duty as defined under 38 U.S.C.
24 Section 101. Service in the Merchant Marine that constitutes
25 active duty under Section 401 of federal Public Law ~~Act~~ 95-202
26 shall also be considered service in the armed forces for

1 purposes of this Section.

2 "Certification" means a determination made by the Illinois
3 Department of Veterans' Affairs and the Commission on Equity
4 and Inclusion that a business entity is a qualified
5 service-disabled veteran-owned small business or a qualified
6 veteran-owned small business for whatever purpose. A SDVOSB or
7 VOSB owned and controlled by women, minorities, or persons
8 with disabilities, as those terms are defined in Section 2 of
9 the Business Enterprise for Minorities, Women, and Persons
10 with Disabilities Act, may also select and designate whether
11 that business is to be certified as a "women-owned business",
12 "minority-owned business", or "business owned by a person with
13 a disability", as defined in Section 2 of the Business
14 Enterprise for Minorities, Women, and Persons with
15 Disabilities Act.

16 "Control" means the exclusive, ultimate, majority, or sole
17 control of the business, including but not limited to capital
18 investment and all other financial matters, property,
19 acquisitions, contract negotiations, legal matters,
20 officer-director-employee selection and comprehensive hiring,
21 operation responsibilities, cost-control matters, income and
22 dividend matters, financial transactions, and rights of other
23 shareholders or joint partners. Control shall be real,
24 substantial, and continuing, not pro forma. Control shall
25 include the power to direct or cause the direction of the
26 management and policies of the business and to make the

1 day-to-day as well as major decisions in matters of policy,
2 management, and operations. Control shall be exemplified by
3 possessing the requisite knowledge and expertise to run the
4 particular business, and control shall not include simple
5 majority or absentee ownership.

6 "Qualified service-disabled veteran" means a veteran who
7 has been found to have 10% or more service-connected
8 disability by the United States Department of Veterans Affairs
9 or the United States Department of Defense.

10 "Qualified service-disabled veteran-owned small business"
11 or "SDVOSB" means a small business (i) that is at least 51%
12 owned by one or more qualified service-disabled veterans
13 living in Illinois or, in the case of a corporation, at least
14 51% of the stock of which is owned by one or more qualified
15 service-disabled veterans living in Illinois; (ii) that has
16 its home office in Illinois; and (iii) for which items (i) and
17 (ii) are factually verified annually by the Commission on
18 Equity and Inclusion.

19 "Qualified veteran-owned small business" or "VOSB" means a
20 small business (i) that is at least 51% owned by one or more
21 qualified veterans living in Illinois or, in the case of a
22 corporation, at least 51% of the stock of which is owned by one
23 or more qualified veterans living in Illinois; (ii) that has
24 its home office in Illinois; and (iii) for which items (i) and
25 (ii) are factually verified annually by the Commission on
26 Equity and Inclusion.

1 "Service-connected disability" means a disability incurred
2 in the line of duty in the active military, naval, or air
3 service as described in 38 U.S.C. 101(16).

4 "Small business" means a business that has annual gross
5 sales of less than \$150,000,000 as evidenced by the federal
6 income tax return of the business. A firm with gross sales in
7 excess of this cap may apply to the Commission on Equity and
8 Inclusion for certification for a particular contract if the
9 firm can demonstrate that the contract would have significant
10 impact on SDVOSB or VOSB as suppliers or subcontractors or in
11 employment of veterans or service-disabled veterans.

12 "State agency" has the meaning provided in Section
13 1-15.100 of this Code.

14 "Time of hostilities with a foreign country" means any
15 period of time in the past, present, or future during which a
16 declaration of war by the United States Congress has been or is
17 in effect or during which an emergency condition has been or is
18 in effect that is recognized by the issuance of a Presidential
19 proclamation or a Presidential executive order and in which
20 the armed forces expeditionary medal or other campaign service
21 medals are awarded according to Presidential executive order.

22 "Veteran" means a person who (i) has been a member of the
23 armed forces of the United States or, while a citizen of the
24 United States, was a member of the armed forces of allies of
25 the United States in time of hostilities with a foreign
26 country and (ii) has served under one or more of the following

1 conditions: (a) the veteran served a total of at least 6
2 months; (b) the veteran served for the duration of hostilities
3 regardless of the length of the engagement; (c) the veteran
4 was discharged on the basis of hardship; or (d) the veteran was
5 released from active duty because of a service connected
6 disability and was discharged under honorable conditions.

7 (f) Certification program. The Illinois Department of
8 Veterans' Affairs and the Commission on Equity and Inclusion
9 shall work together to devise a certification procedure to
10 assure that businesses taking advantage of this Section are
11 legitimately classified as qualified service-disabled
12 veteran-owned small businesses or qualified veteran-owned
13 small businesses.

14 The Commission on Equity and Inclusion shall:

15 (1) compile and maintain a comprehensive list of
16 certified veteran-owned small businesses and
17 service-disabled veteran-owned small businesses;

18 (2) assist veteran-owned small businesses and
19 service-disabled veteran-owned small businesses in
20 complying with the procedures for bidding on State
21 contracts;

22 (3) provide training for State agencies regarding the
23 goal setting process and compliance with veteran-owned
24 small business and service-disabled veteran-owned small
25 business goals; and

26 (4) implement and maintain an electronic portal on the

1 Commission on Equity and Inclusion's website for the
2 purpose of completing and submitting veteran-owned small
3 business and service-disabled veteran-owned small business
4 certificates.

5 The Commission on Equity and Inclusion, in consultation
6 with the Department of Veterans' Affairs, may develop programs
7 and agreements to encourage cities, counties, towns,
8 townships, and other certifying entities to adopt uniform
9 certification procedures and certification recognition
10 programs.

11 (f-5) A business shall be certified by the Commission on
12 Equity and Inclusion as a service-disabled veteran-owned small
13 business or a veteran-owned small business for purposes of
14 this Section if the Commission on Equity and Inclusion
15 determines that the business has been certified as a
16 service-disabled veteran-owned small business or a
17 veteran-owned small business by the Vets First Verification
18 Program of the United States Department of Veterans Affairs,
19 and the business has provided to the Commission on Equity and
20 Inclusion the following:

21 (1) documentation showing certification as a
22 service-disabled veteran-owned small business or a
23 veteran-owned small business by the Vets First
24 Verification Program of the United States Department of
25 Veterans Affairs;

26 (2) proof that the business has its home office in

1 Illinois; and

2 (3) proof that the qualified veterans or qualified
3 service-disabled veterans live in the State of Illinois.

4 The policies of the Commission on Equity and Inclusion
5 regarding recognition of the Vets First Verification Program
6 of the United States Department of Veterans Affairs shall be
7 reviewed annually by the Commission on Equity and Inclusion,
8 and recognition of service-disabled veteran-owned small
9 businesses and veteran-owned small businesses certified by the
10 Vets First Verification Program of the United States
11 Department of Veterans Affairs may be discontinued by the
12 Commission on Equity and Inclusion by rule upon a finding that
13 the certification standards of the Vets First Verification
14 Program of the United States Department of Veterans Affairs do
15 not meet the certification requirements established by the
16 Commission on Equity and Inclusion.

17 (g) Penalties.

18 (1) Administrative penalties. The chief procurement
19 officers appointed pursuant to Section 10-20 shall suspend
20 any person who commits a violation of Section 17-10.3 or
21 subsection (d) of Section 33E-6 of the Criminal Code of
22 2012 relating to this Section from bidding on, or
23 participating as a contractor, subcontractor, or supplier
24 in, any State contract or project for a period of not less
25 than 3 years, and, if the person is certified as a
26 service-disabled veteran-owned small business or a

1 veteran-owned small business, then the Commission on
2 Equity and Inclusion shall revoke the business's
3 certification for a period of not less than 3 years. An
4 additional or subsequent violation shall extend the
5 periods of suspension and revocation for a period of not
6 less than 5 years. The suspension and revocation shall
7 apply to the principals of the business and any subsequent
8 business formed or financed by, or affiliated with, those
9 principals.

10 (2) Reports of violations. Each State agency shall
11 report any alleged violation of Section 17-10.3 or
12 subsection (d) of Section 33E-6 of the Criminal Code of
13 2012 relating to this Section to the chief procurement
14 officers appointed pursuant to Section 10-20. The chief
15 procurement officers appointed pursuant to Section 10-20
16 shall subsequently report all such alleged violations to
17 the Attorney General, who shall determine whether to bring
18 a civil action against any person for the violation.

19 (3) List of suspended persons. The chief procurement
20 officers appointed pursuant to Section 10-20 shall monitor
21 the status of all reported violations of Section 17-10.3
22 or subsection (d) of Section 33E-6 of the Criminal Code of
23 1961 or the Criminal Code of 2012 relating to this Section
24 and shall maintain and make available to all State
25 agencies a central listing of all persons that committed
26 violations resulting in suspension.

1 (4) Use of suspended persons. During the period of a
2 person's suspension under paragraph (1) of this
3 subsection, a State agency shall not enter into any
4 contract with that person or with any contractor using the
5 services of that person as a subcontractor.

6 (5) Duty to check list. Each State agency shall check
7 the central listing provided by the chief procurement
8 officers appointed pursuant to Section 10-20 under
9 paragraph (3) of this subsection to verify that a person
10 being awarded a contract by that State agency, or to be
11 used as a subcontractor or supplier on a contract being
12 awarded by that State agency, is not under suspension
13 pursuant to paragraph (1) of this subsection.

14 (h) On and after November 30, 2021 (the effective date of
15 Public Act 102-671) ~~this amendatory Act of the 102nd General~~
16 ~~Assembly~~, all powers, duties, rights, and responsibilities of
17 the Department of Central Management Services with respect to
18 the requirements of this Section are transferred to the
19 Commission on Equity and Inclusion.

20 All books, records, papers, documents, property (real and
21 personal), contracts, causes of action, and pending business
22 pertaining to the powers, duties, rights, and responsibilities
23 transferred by Public Act 102-671 ~~this amendatory Act~~ from the
24 Department of Central Management Services to the Commission on
25 Equity and Inclusion, including, but not limited to, material
26 in electronic or magnetic format and necessary computer

1 hardware and software, shall be transferred to the Commission
2 on Equity and Inclusion.

3 The powers, duties, rights, and responsibilities
4 transferred from the Department of Central Management Services
5 by this amendatory Act shall be vested in and shall be
6 exercised by the Commission on Equity and Inclusion.

7 Whenever reports or notices are now required to be made or
8 given or papers or documents furnished or served by any person
9 to or upon the Department of Central Management Services in
10 connection with any of the powers, duties, rights, and
11 responsibilities transferred by Public Act 102-671 ~~this~~
12 ~~amendatory Act~~, the same shall be made, given, furnished, or
13 served in the same manner to or upon the Commission on Equity
14 and Inclusion.

15 Public Act 102-671 ~~This amendatory Act of the 102nd~~
16 ~~General Assembly~~ does not affect any act done, ratified, or
17 canceled or any right occurring or established or any action
18 or proceeding had or commenced in an administrative, civil, or
19 criminal cause by the Department of Central Management
20 Services before this amendatory Act takes effect; such actions
21 or proceedings may be prosecuted and continued by the
22 Commission on Equity and Inclusion.

23 Any rules of the Department of Central Management Services
24 that relate to its powers, duties, rights, and
25 responsibilities under this Section and are in full force on
26 the effective date of Public Act 102-671 ~~this amendatory Act~~

1 ~~of the 102nd General Assembly~~ shall become the rules of the
2 Commission on Equity and Inclusion. Public Act 102-671 ~~This~~
3 ~~amendatory Act~~ does not affect the legality of any such rules
4 in the Illinois Administrative Code. Any proposed rules filed
5 with the Secretary of State by the Department of Central
6 Management Services that are pending in the rulemaking process
7 on November 30, 2021 ~~the effective date of this amendatory Act~~
8 and pertain to the powers, duties, rights, and
9 responsibilities transferred, shall be deemed to have been
10 filed by the Commission on Equity and Inclusion. As soon as
11 practicable hereafter, the Commission on Equity and Inclusion
12 shall revise and clarify the rules transferred to it under
13 Public Act 102-671 ~~this amendatory Act~~ to reflect the
14 reorganization of powers, duties, rights, and responsibilities
15 affected by Public Act 102-671 ~~this amendatory Act~~, using the
16 procedures for recodification of rules available under the
17 Illinois Administrative Procedure Act, except that existing
18 title, part, and section numbering for the affected rules may
19 be retained. The Commission on Equity and Inclusion may
20 propose and adopt under the Illinois Administrative Procedure
21 Act such other rules of the Department of Central Management
22 Services that will now be administered by the Commission on
23 Equity and Inclusion.

24 (Source: P.A. 102-166, eff. 7-26-21; 102-671, eff. 11-30-21;
25 103-570, eff. 1-1-24; 103-746, eff. 1-1-25; revised 11-22-24.)

1 (30 ILCS 500/45-105)

2 Sec. 45-105. Bid preference for Illinois businesses.

3 (a) (Blank).

4 (b) It is hereby declared to be the public policy of the
5 State of Illinois to promote the economy of Illinois through
6 the use of Illinois businesses for all State construction
7 contracts.

8 (c) A construction agency, as defined in Section 1-15.25,
9 procuring construction services shall make reasonable efforts
10 to contract with Illinois businesses.

11 (d) Each construction agency shall submit a report to the
12 Governor and the General Assembly by December 1 of each year
13 that identifies the Illinois businesses procured by the
14 construction agency, the primary location of the construction
15 project, the percentage of the construction agency's
16 utilization of Illinois businesses on the project as a whole,
17 and the actions that the construction agency has undertaken to
18 increase the use of Illinois businesses.

19 (e) In procuring construction services for projects with a
20 total value that exceeds the small purchase maximum
21 established by Section 20-20 of this Code, construction
22 agencies shall provide a bid preference to a responsive and
23 responsible bidder that is an Illinois business as defined in
24 this Section. The construction agency shall allocate to the
25 lowest bid by an Illinois business that is responsible and
26 responsive a bid preference of 4% of the contract base bid.

1 This subsection applies only to projects where a business that
2 is not an Illinois business submits a bid.

3 (e-5) The chief procurement officer shall require at the
4 time of submission of a bid, and may require at the chief
5 procurement officer's option at any time during the term of
6 the contract, that the bidder or contractor submit an
7 affidavit and other supporting documents demonstrating that
8 the bidder or contractor is an Illinois business and, if
9 applicable, submit an affidavit and other supporting documents
10 demonstrating that the bidder or contractor is eligible for a
11 4% bid preference under this Section.

12 (e-10) If a contractor who is awarded a contract through
13 the use of a preference for Illinois businesses provided false
14 information in order to obtain that preference, then the
15 contractor is subject to disciplinary procedures as identified
16 in Section 50-65 of this Act.

17 (f) This Section does not apply to any contract for any
18 project for which federal funds are available for expenditure
19 when its provisions may be in conflict with federal law or
20 federal regulation.

21 (g) As used in this Section, "Illinois business" means a
22 contractor that is, for at least one year prior, operating and
23 headquartered in Illinois, subject to applicable State taxes,
24 and providing, at the time that an invitation for a bid or
25 notice of contract opportunity is first advertised,
26 construction services. "Illinois business" includes a foreign

1 corporation duly authorized to transact business in this State
2 that has a bona fide establishment for transacting business
3 within this State where it is operating, headquartered, and
4 performing construction or construction-related professional
5 services at least one year before an invitation for a bid or
6 notice of contract opportunity is first advertised.

7 "Illinois business" does not include any subcontractors or
8 businesses headquartered outside of the State that have an
9 affiliated entity operating in the State.

10 (Source: P.A. 102-721, eff. 1-1-23; 103-570, eff. 1-1-24;
11 103-865, Article 35, Section 35-5, eff. 1-1-25; 103-865,
12 Article 65, Section 65-5, eff. 1-1-25; revised 11-26-24.)

13 Section 245. The Commission on Equity and Inclusion Act is
14 amended by changing Section 40-10 as follows:

15 (30 ILCS 574/40-10)

16 (Text of Section before amendment by P.A. 103-961)

17 Sec. 40-10. Powers and duties. In addition to the other
18 powers and duties which may be prescribed in this Act or
19 elsewhere, the Commission shall have the following powers and
20 duties:

21 (1) The Commission shall have a role in all State and
22 university procurement by facilitating and streamlining
23 communications between the Business Enterprise Council for
24 Minorities, Women, and Persons with Disabilities, the

1 purchasing entities, the Chief Procurement Officers, and
2 others.

3 (2) The Commission may create a scoring evaluation for
4 State agency directors, public university presidents and
5 chancellors, and public community college presidents. The
6 scoring shall be based on the following 3 principles: (i)
7 increasing capacity; (ii) growing revenue; and (iii)
8 enhancing credentials. These principles should be the
9 foundation of the agency compliance plan required under
10 Section 6 of the Business Enterprise for Minorities,
11 Women, and Persons with Disabilities Act.

12 (3) The Commission shall exercise the authority and
13 duties provided to it under Section 5-7 of the Illinois
14 Procurement Code.

15 (4) The Commission, working with State agencies, shall
16 provide support for diversity in State hiring.

17 (5) The Commission shall supervise the implementation
18 and effectiveness of supplier diversity training of the
19 State procurement workforce.

20 (6) Each January, and as otherwise frequently as may
21 be deemed necessary and appropriate by the Commission, the
22 Commission shall propose and submit to the Governor and
23 the General Assembly legislative changes to increase
24 inclusion and diversity in State government.

25 (7) The Commission shall have oversight over the
26 following entities:

1 (A) the Illinois African-American Family
2 Commission;

3 (B) the Illinois Latino Family Commission;

4 (C) the Asian American Family Commission;

5 (D) the Illinois Muslim American Advisory Council;

6 (E) the Illinois African-American Fair Contracting
7 Commission created under Executive Order 2018-07; and

8 (F) the Business Enterprise Council for
9 Minorities, Women, and Persons with Disabilities.

10 (8) The Commission shall adopt any rules necessary for
11 the implementation and administration of the requirements
12 of this Act.

13 (9) The Commission shall exercise the authority and
14 duties provided to it under Section 45-57 of the Illinois
15 Procurement Code.

16 (10) The Commission is responsible for completing
17 studies as required by Section 35-15 of the Illinois
18 Community Reinvestment Act.

19 (Source: P.A. 102-29, eff. 6-25-21; 102-671, eff. 11-30-21;
20 103-865, eff. 1-1-25; 103-959, eff. 1-1-25; revised 11-26-24.)

21 (Text of Section after amendment by P.A. 103-961)

22 Sec. 40-10. Powers and duties. In addition to the other
23 powers and duties which may be prescribed in this Act or
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8 State agency directors, public university presidents and
9 chancellors, and public community college presidents. The
10 scoring shall be based on the following 3 principles: (i)
11 increasing capacity; (ii) growing revenue; and (iii)
12 enhancing credentials. These principles should be the
13 foundation of the agency compliance plan required under
14 Section 6 of the Business Enterprise for Minorities,
15 Women, and Persons with Disabilities Act.

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17 duties provided to it under Section 5-7 of the Illinois
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23 State procurement workforce.

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25 be deemed necessary and appropriate by the Commission, the
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1 the General Assembly legislative changes to increase
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6 Commission;

7 (B) the Illinois Latino Family Commission;

8 (C) the Asian American Family Commission;

9 (D) the Illinois Muslim American Advisory Council;

10 (E) the Illinois African-American Fair Contracting
11 Commission created under Executive Order 2018-07; and

12 (F) the Business Enterprise Council for
13 Minorities, Women, and Persons with Disabilities.

14 (7.5) The Commission shall have oversight over the
15 collection of supplier diversity reports by State agencies
16 to the extent that those agencies are required to collect
17 supplier diversity reports. This oversight shall include
18 publishing, on the Commission's website, a copy of each
19 such supplier diversity report submitted to a State agency
20 and may include conducting an annual hearing with each
21 State agency to discuss ongoing compliance with supplier
22 diversity reporting requirements. The Commission is not
23 responsible for ensuring compliance by the filers of
24 supplier diversity reports to their respective agencies.
25 The agencies subject to oversight by the Commission and
26 the relevant voluntary supplier diversity reports include

1 the following:

2 (A) the Health Facilities and Services Review
3 Board for hospitals;

4 (B) the Department of Commerce and Economic
5 Opportunity for tax credit recipients under the
6 Economic Development for a Growing Economy Tax Credit
7 Act;

8 (C) the Illinois Commerce Commission for utilities
9 and railroads;

10 (D) the Illinois Gaming Board for casinos; and

11 (E) the Illinois Racing Board for race tracks.

12 (7.6) The Commission may hold public workshops focused
13 on specific industries and reports to collaboratively
14 connect diverse enterprises with entities that manage
15 supplier diversity programs. These workshops may be
16 modeled after Illinois Commerce Commission hearings for
17 utilities and railroads that include a collaborative
18 discussion of filed supplier diversity reports.

19 (8) The Commission shall adopt any rules necessary for
20 the implementation and administration of the requirements
21 of this Act.

22 (9) The Commission shall exercise the authority and
23 duties provided to it under Section 45-57 of the Illinois
24 Procurement Code.

25 (10) The Commission is responsible for completing
26 studies as required by Section 35-15 of the Illinois

1 Community Reinvestment Act.

2 (Source: P.A. 102-29, eff. 6-25-21; 102-671, eff. 11-30-21;
3 103-865, eff. 1-1-25; 103-959, eff. 1-1-25; 103-961, eff.
4 7-1-25; revised 11-26-24.)

5 Section 250. The Grant Accountability and Transparency Act
6 is amended by changing Section 15 as follows:

7 (30 ILCS 708/15)

8 Sec. 15. Definitions. As used in this Act:

9 "Allowable cost" means a cost allowable to a project if:

10 (1) the costs are reasonable and necessary for the
11 performance of the award;

12 (2) the costs are allocable to the specific project;

13 (3) the costs are treated consistently in like
14 circumstances to both federally-financed and other
15 activities of the non-federal entity;

16 (4) the costs conform to any limitations of the cost
17 principles or the sponsored agreement;

18 (5) the costs are accorded consistent treatment; a
19 cost may not be assigned to a State or federal award as a
20 direct cost if any other cost incurred for the same
21 purpose in like circumstances has been allocated to the
22 award as an indirect cost;

23 (6) the costs are determined to be in accordance with
24 generally accepted accounting principles;

1 (7) the costs are not included as a cost or used to
2 meet federal cost-sharing or matching requirements of any
3 other program in either the current or prior period;

4 (8) the costs of one State or federal grant are not
5 used to meet the match requirements of another State or
6 federal grant; and

7 (9) the costs are adequately documented.

8 "Auditee" means any non-federal entity that expends State
9 or federal awards that must be audited.

10 "Auditor" means an auditor who is a public accountant or a
11 federal, State, or local government audit organization that
12 meets the general standards specified in generally-accepted
13 government auditing standards. "Auditor" does not include
14 internal auditors of nonprofit organizations.

15 "Auditor General" means the Auditor General of the State
16 of Illinois.

17 "Award" means financial assistance that provides support
18 or stimulation to accomplish a public purpose. "Awards"
19 include grants and other agreements in the form of money, or
20 property in lieu of money, by the State or federal government
21 to an eligible recipient. "Award" does not include: technical
22 assistance that provides services instead of money; other
23 assistance in the form of loans, loan guarantees, interest
24 subsidies, or insurance; direct payments of any kind to
25 individuals; or contracts that must be entered into and
26 administered under State or federal procurement laws and

1 regulations.

2 "Budget" means the financial plan for the project or
3 program that the awarding agency or pass-through entity
4 approves during the award process or in subsequent amendments
5 to the award. It may include the State or federal and
6 non-federal share or only the State or federal share, as
7 determined by the awarding agency or pass-through entity.

8 "Catalog of Federal Domestic Assistance" or "CFDA" means a
9 database that helps the federal government track all programs
10 it has domestically funded.

11 "Catalog of Federal Domestic Assistance number" or "CFDA
12 number" means the number assigned to a federal program in the
13 CFDA.

14 "Catalog of State Financial Assistance" means the single,
15 authoritative, statewide, comprehensive source document of
16 State financial assistance program information maintained by
17 the Governor's Office of Management and Budget.

18 "Catalog of State Financial Assistance Number" means the
19 number assigned to a State program in the Catalog of State
20 Financial Assistance. The first 3 digits represent the State
21 agency number and the last 4 digits represent the program.

22 "Cluster of programs" means a grouping of closely related
23 programs that share common compliance requirements. The types
24 of clusters of programs are research and development, student
25 financial aid, and other clusters. A "cluster of programs"
26 shall be considered as one program for determining major

1 programs and, with the exception of research and development,
2 whether a program-specific audit may be elected.

3 "Cognizant agency for audit" means the federal agency
4 designated to carry out the responsibilities described in 2
5 CFR 200.513(a).

6 "Contract" means a legal instrument by which a non-federal
7 entity purchases property or services needed to carry out the
8 project or program under an award. "Contract" does not include
9 a legal instrument, even if the non-federal entity considers
10 it a contract, when the substance of the transaction meets the
11 definition of an award or subaward.

12 "Contractor" means an entity that receives a contract.

13 "Cooperative agreement" means a legal instrument of
14 financial assistance between an awarding agency or
15 pass-through entity and a non-federal entity that:

16 (1) is used to enter into a relationship with the
17 principal purpose of transferring anything of value from
18 the awarding agency or pass-through entity to the
19 non-federal entity to carry out a public purpose
20 authorized by law, but is not used to acquire property or
21 services for the awarding agency's or pass-through
22 entity's direct benefit or use; and

23 (2) is distinguished from a grant in that it provides
24 for substantial involvement between the awarding agency or
25 pass-through entity and the non-federal entity in carrying
26 out the activity contemplated by the award.

1 "Cooperative agreement" does not include a cooperative
2 research and development agreement, nor an agreement that
3 provides only direct cash assistance to an individual, a
4 subsidy, a loan, a loan guarantee, or insurance.

5 "Corrective action" means action taken by the auditee that
6 (i) corrects identified deficiencies, (ii) produces
7 recommended improvements, or (iii) demonstrates that audit
8 findings are either invalid or do not warrant auditee action.

9 "Cost objective" means a program, function, activity,
10 award, organizational subdivision, contract, or work unit for
11 which cost data is desired and for which provision is made to
12 accumulate and measure the cost of processes, products, jobs,
13 and capital projects. A "cost objective" may be a major
14 function of the non-federal entity, a particular service or
15 project, an award, or an indirect cost activity.

16 "Cost sharing" means the portion of project costs not paid
17 by State or federal funds, unless otherwise authorized by
18 statute.

19 "Development" is the systematic use of knowledge and
20 understanding gained from research directed toward the
21 production of useful materials, devices, systems, or methods,
22 including design and development of prototypes and processes.

23 "Data Universal Numbering System number" means the 9-digit
24 number established and assigned by Dun and Bradstreet, Inc. to
25 uniquely identify entities and, under federal law, is required
26 for non-federal entities to apply for, receive, and report on

1 a federal award.

2 "Direct costs" means costs that can be identified
3 specifically with a particular final cost objective, such as a
4 State or federal or federal pass-through award or a particular
5 sponsored project, an instructional activity, or any other
6 institutional activity, or that can be directly assigned to
7 such activities relatively easily with a high degree of
8 accuracy.

9 "Equipment" means tangible personal property (including
10 information technology systems) having a useful life of more
11 than one year and a per-unit acquisition cost that equals or
12 exceeds the lesser of the capitalization level established by
13 the non-federal entity for financial statement purposes, or
14 \$5,000.

15 "Executive branch" means that branch of State government
16 that is under the jurisdiction of the Governor.

17 "Federal agency" has the meaning provided for "agency"
18 under 5 U.S.C. 551(1) together with the meaning provided for
19 "agency" by 5 U.S.C. 552(f).

20 "Federal award" means:

21 (1) the federal financial assistance that a
22 non-federal entity receives directly from a federal
23 awarding agency or indirectly from a pass-through entity;

24 (2) the cost-reimbursement contract under the Federal
25 Acquisition Regulations that a non-federal entity receives
26 directly from a federal awarding agency or indirectly from

1 a pass-through entity; or

2 (3) the instrument setting forth the terms and
3 conditions when the instrument is the grant agreement,
4 cooperative agreement, other agreement for assistance
5 covered in 2 CFR 200, Subpart A, Acronyms and Definitions,
6 or the cost-reimbursement contract awarded under the
7 Federal Acquisition Regulations.

8 "Federal award" does not include other contracts that a
9 federal agency uses to buy goods or services from a contractor
10 or a contract to operate federal government owned,
11 contractor-operated facilities.

12 "Federal awarding agency" means the federal agency that
13 provides a federal award directly to a non-federal entity.

14 "Federal interest" means, for purposes of 2 CFR 200,
15 Subpart D, Post Federal Award Requirements (Performance and
16 Financial Monitoring and Reporting) or when used in connection
17 with the acquisition or improvement of real property,
18 equipment, or supplies under a federal award, the dollar
19 amount that is the product of the federal share of total
20 project costs and current fair market value of the property,
21 improvements, or both, to the extent the costs of acquiring or
22 improving the property were included as project costs.

23 "Federal program" means any of the following:

24 (1) All federal awards which are assigned a single
25 number in the CFDA.

26 (2) When no CFDA number is assigned, all federal

1 awards to non-federal entities from the same agency made
2 for the same purpose should be combined and considered one
3 program.

4 (3) Notwithstanding paragraphs (1) and (2) of this
5 definition, a cluster of programs. The types of clusters
6 of programs are:

7 (A) research and development;

8 (B) student financial aid; and

9 (C) "other clusters", as described in the
10 definition of "cluster of programs".

11 "Federal share" means the portion of the total project
12 costs that are paid by federal funds.

13 "Final cost objective" means a cost objective which has
14 allocated to it both direct and indirect costs and, in the
15 non-federal entity's accumulation system, is one of the final
16 accumulation points, such as a particular award, internal
17 project, or other direct activity of a non-federal entity.

18 "Financial assistance" means the following:

19 (1) For grants and cooperative agreements, "financial
20 assistance" means assistance that non-federal entities
21 receive or administer in the form of:

22 (A) grants;

23 (B) cooperative agreements;

24 (C) non-cash contributions or donations of
25 property, including donated surplus property;

26 (D) direct appropriations;

1 (E) food commodities; and

2 (F) other financial assistance, except assistance
3 listed in paragraph (2) of this definition.

4 (2) "Financial assistance" includes assistance that
5 non-federal entities receive or administer in the form of
6 loans, loan guarantees, interest subsidies, and insurance.

7 (3) "Financial assistance" does not include amounts
8 received as reimbursement for services rendered to
9 individuals.

10 "Fixed amount awards" means a type of grant agreement
11 under which the awarding agency or pass-through entity
12 provides a specific level of support without regard to actual
13 costs incurred under the award. "Fixed amount awards" reduce
14 some of the administrative burden and record-keeping
15 requirements for both the non-federal entity and awarding
16 agency or pass-through entity. Accountability is based
17 primarily on performance and results.

18 "Foreign public entity" means:

19 (1) a foreign government or foreign governmental
20 entity;

21 (2) a public international organization that is
22 entitled to enjoy privileges, exemptions, and immunities
23 as an international organization under the International
24 Organizations Immunities Act (22 U.S.C. 288-288f);

25 (3) an entity owned, in whole or in part, or
26 controlled by a foreign government; or

1 (4) any other entity consisting wholly or partially of
2 one or more foreign governments or foreign governmental
3 entities.

4 "Foreign organization" means an entity that is:

5 (1) a public or private organization located in a
6 country other than the United States and its territories
7 that are subject to the laws of the country in which it is
8 located, irrespective of the citizenship of project staff
9 or place of performance;

10 (2) a private nongovernmental organization located in
11 a country other than the United States that solicits and
12 receives cash contributions from the general public;

13 (3) a charitable organization located in a country
14 other than the United States that is nonprofit and tax
15 exempt under the laws of its country of domicile and
16 operation, but is not a university, college, accredited
17 degree-granting institution of education, private
18 foundation, hospital, organization engaged exclusively in
19 research or scientific activities, church, synagogue,
20 mosque, or other similar entity organized primarily for
21 religious purposes; or

22 (4) an organization located in a country other than
23 the United States not recognized as a Foreign Public
24 Entity.

25 "Generally Accepted Accounting Principles" has the meaning
26 provided in accounting standards issued by the Government

1 Accounting Standards Board and the Financial Accounting
2 Standards Board.

3 "Generally Accepted Government Auditing Standards" means
4 generally accepted government auditing standards issued by the
5 Comptroller General of the United States that are applicable
6 to financial audits.

7 "Grant agreement" means a legal instrument of financial
8 assistance between an awarding agency or pass-through entity
9 and a non-federal entity that:

10 (1) is used to enter into a relationship, the
11 principal purpose of which is to transfer anything of
12 value from the awarding agency or pass-through entity to
13 the non-federal entity to carry out a public purpose
14 authorized by law and not to acquire property or services
15 for the awarding agency or pass-through entity's direct
16 benefit or use; and

17 (2) is distinguished from a cooperative agreement in
18 that it does not provide for substantial involvement
19 between the awarding agency or pass-through entity and the
20 non-federal entity in carrying out the activity
21 contemplated by the award.

22 "Grant agreement" does not include an agreement that
23 provides only direct cash assistance to an individual, a
24 subsidy, a loan, a loan guarantee, or insurance.

25 "Grant application" means a specified form that is
26 completed by a non-federal entity in connection with a request

1 for a specific funding opportunity or a request for financial
2 support of a project or activity.

3 "Hospital" means a facility licensed as a hospital under
4 the law of any state or a facility operated as a hospital by
5 the United States, a state, or a subdivision of a state.

6 "Illinois Debarred and Suspended List" means the list
7 maintained by the Governor's Office of Management and Budget
8 that contains the names of those individuals and entities that
9 are ineligible, either temporarily or permanently, from
10 receiving an award of grant funds from the State.

11 "Indirect cost" means those costs incurred for a common or
12 joint purpose benefiting ~~benefitting~~ more than one cost
13 objective and not readily assignable to the cost objectives
14 specifically benefited ~~benefitted~~ without effort
15 disproportionate to the results achieved.

16 "Inspector General" means the Office of the Executive
17 Inspector General for Executive branch agencies.

18 "Loan" means a State or federal loan or loan guarantee
19 received or administered by a non-federal entity. "Loan" does
20 not include a "program income" as defined in 2 CFR 200, Subpart
21 A, Acronyms and Definitions.

22 "Loan guarantee" means any State or federal government
23 guarantee, insurance, or other pledge with respect to the
24 payment of all or a part of the principal or interest on any
25 debt obligation of a non-federal borrower to a non-federal
26 lender, but does not include the insurance of deposits,

1 shares, or other withdrawable accounts in financial
2 institutions.

3 "Local government" has the meaning provided for the term
4 "units of local government" under Section 1 of Article VII of
5 the Illinois Constitution and includes school districts.

6 "Major program" means a federal program determined by the
7 auditor to be a major program in accordance with 2 CFR 200.518
8 or a program identified as a major program by a federal
9 awarding agency or pass-through entity in accordance with 2
10 CFR 200.503(e).

11 "Non-federal entity" means a state, local government,
12 Indian tribe, institution of higher education, or
13 organization, whether nonprofit or for-profit, that carries
14 out a State or federal award as a recipient or subrecipient.

15 "Nonprofit organization" means any corporation, trust,
16 association, cooperative, or other organization, not including
17 institutions of higher education, that:

18 (1) is operated primarily for scientific, educational,
19 service, charitable, or similar purposes in the public
20 interest;

21 (2) is not organized primarily for profit; and

22 (3) uses net proceeds to maintain, improve, or expand
23 the operations of the organization.

24 "Obligations", when used in connection with a non-federal
25 entity's utilization of funds under an award, means orders
26 placed for property and services, contracts and subawards

1 made, and similar transactions during a given period that
2 require payment by the non-federal entity during the same or a
3 future period.

4 "Office of Management and Budget" means the Office of
5 Management and Budget of the Executive Office of the
6 President.

7 "Other clusters" has the meaning provided by the federal
8 Office of Management and Budget in the compliance supplement
9 or has the meaning as it is designated by a state for federal
10 awards the state provides to its subrecipients that meet the
11 definition of a cluster of programs. When designating an
12 "other cluster", a state must identify the federal awards
13 included in the cluster and advise the subrecipients of
14 compliance requirements applicable to the cluster.

15 "Oversight agency for audit" means the federal awarding
16 agency that provides the predominant amount of funding
17 directly to a non-federal entity not assigned a cognizant
18 agency for audit. When there is no direct funding, the
19 awarding agency that is the predominant source of pass-through
20 funding must assume the oversight responsibilities. The duties
21 of the oversight agency for audit and the process for any
22 reassignments are described in 2 CFR 200.513(b).

23 "Pass-through entity" means a non-federal entity that
24 provides a subaward to a subrecipient to carry out part of a
25 program.

26 "Private award" means an award from a person or entity

1 other than a State or federal entity. Private awards are not
2 subject to the provisions of this Act.

3 "Property" means real property or personal property.

4 "Project cost" means total allowable costs incurred under
5 an award and all required cost sharing and voluntary committed
6 cost sharing, including third-party contributions.

7 "Public institutions of higher education" has the meaning
8 provided in Section 1 of the Board of Higher Education Act.

9 "Recipient" means a non-federal entity that receives an
10 award directly from an awarding agency to carry out an
11 activity under a program. "Recipient" does not include
12 subrecipients.

13 "Research and Development" means all research activities,
14 both basic and applied, and all development activities that
15 are performed by non-federal entities.

16 "Single Audit Act" means the federal Single Audit Act
17 Amendments of 1996 (31 U.S.C. 7501-7507).

18 "State agency" means an Executive branch agency. For
19 purposes of this Act, "State agency" does not include public
20 institutions of higher education.

21 "State award" means the financial assistance that a
22 non-federal entity receives from the State and that is funded
23 with either State funds or federal funds; in the latter case,
24 the State is acting as a pass-through entity.

25 "State awarding agency" means a State agency that provides
26 an award to a non-federal entity.

1 "State grant-making agency" has the same meaning as "State
2 awarding agency".

3 "State interest" means the acquisition or improvement of
4 real property, equipment, or supplies under a State award, the
5 dollar amount that is the product of the State share of the
6 total project costs and current fair market value of the
7 property, improvements, or both, to the extent the costs of
8 acquiring or improving the property were included as project
9 costs.

10 "State program" means any of the following:

11 (1) All State awards which are assigned a single
12 number in the Catalog of State Financial Assistance.

13 (2) When no Catalog of State Financial Assistance
14 number is assigned, all State awards to non-federal
15 entities from the same agency made for the same purpose
16 are considered one program.

17 (3) A cluster of programs as defined in this Section.

18 "State share" means the portion of the total project costs
19 that are paid by State funds.

20 "Stop payment order" means a communication from a State
21 grant-making agency to the Office of the Comptroller,
22 following procedures set out by the Office of the Comptroller,
23 causing the cessation of payments to a recipient or
24 subrecipient as a result of the recipient's or subrecipient's
25 failure to comply with one or more terms of the grant or
26 subaward.

1 "Stop payment procedure" means the procedure created by
2 the Office of the Comptroller which effects a stop payment
3 order and the lifting of a stop payment order upon the request
4 of the State grant-making agency.

5 "Student Financial Aid" means federal awards under those
6 programs of general student assistance, such as those
7 authorized by Title IV of the Higher Education Act of 1965, as
8 amended (20 U.S.C. 1070-1099d), that are administered by the
9 United States Department of Education and similar programs
10 provided by other federal agencies. "Student Financial Aid"
11 does not include federal awards under programs that provide
12 fellowships or similar federal awards to students on a
13 competitive basis or for specified studies or research.

14 "Subaward" means a State or federal award provided by a
15 pass-through entity to a subrecipient for the subrecipient to
16 carry out part of a federal award received by the pass-through
17 entity. "Subaward" does not include payments to a contractor
18 or payments to an individual that is a beneficiary of a federal
19 program. A "subaward" may be provided through any form of
20 legal agreement, including an agreement that the pass-through
21 entity considers a contract.

22 "Subrecipient" means a non-federal entity that receives a
23 State or federal subaward from a pass-through entity to carry
24 out part of a federal program. "Subrecipient" does not include
25 an individual that is a beneficiary of such program. A
26 "subrecipient" may also be a recipient of other State or

1 federal awards directly from a State or federal awarding
2 agency.

3 "Suspension" means a post-award action by the State or
4 federal agency or pass-through entity that temporarily
5 withdraws the State or federal agency's or pass-through
6 entity's financial assistance sponsorship under an award,
7 pending corrective action by the recipient or subrecipient or
8 pending a decision to terminate the award.

9 "Uniform Administrative Requirements, Costs Principles,
10 and Audit Requirements for Federal Awards" means those rules
11 applicable to grants contained in 2 CFR 200.

12 "Voluntary committed cost sharing" means cost sharing
13 specifically pledged on a voluntary basis in the proposal's
14 budget or the award on the part of the non-federal entity and
15 that becomes a binding requirement of the award.

16 (Source: P.A. 103-616, eff. 7-1-24; revised 10-24-24.)

17 Section 255. The State Mandates Act is amended by changing
18 Section 8.33 as follows:

19 (30 ILCS 805/8.33)

20 Sec. 8.33. Exempt mandate.

21 (a) (Blank). ~~Notwithstanding the provisions of Sections 6~~
22 ~~and 8 of this Act, no reimbursement by the State is required~~
23 ~~for the implementation of Section 5-42 of the Olympic Games~~
24 ~~and Paralympic Games (2016) Law.~~

1 (b) Notwithstanding Sections 6 and 8 of this Act, no
2 reimbursement by the State is required for the implementation
3 of any mandate created by Public Act 96-139, 96-251, 96-260,
4 96-285, 96-297, 96-299, 96-343, 96-357, 96-410, 96-429,
5 96-494, 96-505, 96-621, 96-650, 96-727, 96-745, 96-749,
6 96-775, 96-841, or 96-843.

7 (c) Notwithstanding Sections 6 and 8 of this Act, no
8 reimbursement by the State is required for the implementation
9 of any mandate created by the Identity Protection Act.

10 (Source: P.A. 96-7, eff. 4-3-09; 96-139, eff. 1-1-10; 96-251,
11 eff. 8-11-09; 96-260, eff. 8-11-09; 96-285, eff. 8-11-09;
12 96-297, eff. 8-11-09; 96-299, eff. 8-11-09; 96-343, eff.
13 8-11-09; 96-357, eff. 8-13-09; 96-410, eff. 7-1-10; 96-429,
14 eff. 8-13-09; 96-494, eff. 8-14-09; 96-505, eff. 8-14-09;
15 96-621, eff. 1-1-10; 96-650, eff. 1-1-10; 96-727, eff.
16 8-25-09; 96-745, eff. 8-25-09; 96-749, eff. 1-1-10; 96-775,
17 eff. 8-28-09; 96-841, eff. 12-23-09; 96-843, eff. 6-1-10;
18 96-874, eff. 6-1-10; 96-1000, eff. 7-2-10; 97-333, eff.
19 8-12-11; revised 7-24-24.)

20 Section 260. The Illinois Income Tax Act is amended by
21 changing Sections 203, 244, 304, and 704A and by setting
22 forth, renumbering, and changing multiple versions of Section
23 241 as follows:

24 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

1 Sec. 203. Base income defined.

2 (a) Individuals.

3 (1) In general. In the case of an individual, base
4 income means an amount equal to the taxpayer's adjusted
5 gross income for the taxable year as modified by paragraph
6 (2).

7 (2) Modifications. The adjusted gross income referred
8 to in paragraph (1) shall be modified by adding thereto
9 the sum of the following amounts:

10 (A) An amount equal to all amounts paid or accrued
11 to the taxpayer as interest or dividends during the
12 taxable year to the extent excluded from gross income
13 in the computation of adjusted gross income, except
14 stock dividends of qualified public utilities
15 described in Section 305(e) of the Internal Revenue
16 Code;

17 (B) An amount equal to the amount of tax imposed by
18 this Act to the extent deducted from gross income in
19 the computation of adjusted gross income for the
20 taxable year;

21 (C) An amount equal to the amount received during
22 the taxable year as a recovery or refund of real
23 property taxes paid with respect to the taxpayer's
24 principal residence under the Revenue Act of 1939 and
25 for which a deduction was previously taken under
26 subparagraph (L) of this paragraph (2) prior to July

1 1, 1991, the retrospective application date of Article
2 4 of Public Act 87-17. In the case of multi-unit or
3 multi-use structures and farm dwellings, the taxes on
4 the taxpayer's principal residence shall be that
5 portion of the total taxes for the entire property
6 which is attributable to such principal residence;

7 (D) An amount equal to the amount of the capital
8 gain deduction allowable under the Internal Revenue
9 Code, to the extent deducted from gross income in the
10 computation of adjusted gross income;

11 (D-5) An amount, to the extent not included in
12 adjusted gross income, equal to the amount of money
13 withdrawn by the taxpayer in the taxable year from a
14 medical care savings account and the interest earned
15 on the account in the taxable year of a withdrawal
16 pursuant to subsection (b) of Section 20 of the
17 Medical Care Savings Account Act or subsection (b) of
18 Section 20 of the Medical Care Savings Account Act of
19 2000;

20 (D-10) For taxable years ending after December 31,
21 1997, an amount equal to any eligible remediation
22 costs that the individual deducted in computing
23 adjusted gross income and for which the individual
24 claims a credit under subsection (1) of Section 201;

25 (D-15) For taxable years 2001 and thereafter, an
26 amount equal to the bonus depreciation deduction taken

1 on the taxpayer's federal income tax return for the
2 taxable year under subsection (k) of Section 168 of
3 the Internal Revenue Code;

4 (D-16) If the taxpayer sells, transfers, abandons,
5 or otherwise disposes of property for which the
6 taxpayer was required in any taxable year to make an
7 addition modification under subparagraph (D-15), then
8 an amount equal to the aggregate amount of the
9 deductions taken in all taxable years under
10 subparagraph (Z) with respect to that property.

11 If the taxpayer continues to own property through
12 the last day of the last tax year for which a
13 subtraction is allowed with respect to that property
14 under subparagraph (Z) and for which the taxpayer was
15 allowed in any taxable year to make a subtraction
16 modification under subparagraph (Z), then an amount
17 equal to that subtraction modification.

18 The taxpayer is required to make the addition
19 modification under this subparagraph only once with
20 respect to any one piece of property;

21 (D-17) An amount equal to the amount otherwise
22 allowed as a deduction in computing base income for
23 interest paid, accrued, or incurred, directly or
24 indirectly, (i) for taxable years ending on or after
25 December 31, 2004, to a foreign person who would be a
26 member of the same unitary business group but for the

1 fact that foreign person's business activity outside
2 the United States is 80% or more of the foreign
3 person's total business activity and (ii) for taxable
4 years ending on or after December 31, 2008, to a person
5 who would be a member of the same unitary business
6 group but for the fact that the person is prohibited
7 under Section 1501(a)(27) from being included in the
8 unitary business group because he or she is ordinarily
9 required to apportion business income under different
10 subsections of Section 304. The addition modification
11 required by this subparagraph shall be reduced to the
12 extent that dividends were included in base income of
13 the unitary group for the same taxable year and
14 received by the taxpayer or by a member of the
15 taxpayer's unitary business group (including amounts
16 included in gross income under Sections 951 through
17 964 of the Internal Revenue Code and amounts included
18 in gross income under Section 78 of the Internal
19 Revenue Code) with respect to the stock of the same
20 person to whom the interest was paid, accrued, or
21 incurred.

22 This paragraph shall not apply to the following:

23 (i) an item of interest paid, accrued, or
24 incurred, directly or indirectly, to a person who
25 is subject in a foreign country or state, other
26 than a state which requires mandatory unitary

1 reporting, to a tax on or measured by net income
2 with respect to such interest; or

3 (ii) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a person if
5 the taxpayer can establish, based on a
6 preponderance of the evidence, both of the
7 following:

8 (a) the person, during the same taxable
9 year, paid, accrued, or incurred, the interest
10 to a person that is not a related member, and

11 (b) the transaction giving rise to the
12 interest expense between the taxpayer and the
13 person did not have as a principal purpose the
14 avoidance of Illinois income tax, and is paid
15 pursuant to a contract or agreement that
16 reflects an arm's-length interest rate and
17 terms; or

18 (iii) the taxpayer can establish, based on
19 clear and convincing evidence, that the interest
20 paid, accrued, or incurred relates to a contract
21 or agreement entered into at arm's-length rates
22 and terms and the principal purpose for the
23 payment is not federal or Illinois tax avoidance;
24 or

25 (iv) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a person if

1 the taxpayer establishes by clear and convincing
2 evidence that the adjustments are unreasonable; or
3 if the taxpayer and the Director agree in writing
4 to the application or use of an alternative method
5 of apportionment under Section 304(f).

6 Nothing in this subsection shall preclude the
7 Director from making any other adjustment
8 otherwise allowed under Section 404 of this Act
9 for any tax year beginning after the effective
10 date of this amendment provided such adjustment is
11 made pursuant to regulation adopted by the
12 Department and such regulations provide methods
13 and standards by which the Department will utilize
14 its authority under Section 404 of this Act;

15 (D-18) An amount equal to the amount of intangible
16 expenses and costs otherwise allowed as a deduction in
17 computing base income, and that were paid, accrued, or
18 incurred, directly or indirectly, (i) for taxable
19 years ending on or after December 31, 2004, to a
20 foreign person who would be a member of the same
21 unitary business group but for the fact that the
22 foreign person's business activity outside the United
23 States is 80% or more of that person's total business
24 activity and (ii) for taxable years ending on or after
25 December 31, 2008, to a person who would be a member of
26 the same unitary business group but for the fact that

1 the person is prohibited under Section 1501(a)(27)
2 from being included in the unitary business group
3 because he or she is ordinarily required to apportion
4 business income under different subsections of Section
5 304. The addition modification required by this
6 subparagraph shall be reduced to the extent that
7 dividends were included in base income of the unitary
8 group for the same taxable year and received by the
9 taxpayer or by a member of the taxpayer's unitary
10 business group (including amounts included in gross
11 income under Sections 951 through 964 of the Internal
12 Revenue Code and amounts included in gross income
13 under Section 78 of the Internal Revenue Code) with
14 respect to the stock of the same person to whom the
15 intangible expenses and costs were directly or
16 indirectly paid, incurred, or accrued. The preceding
17 sentence does not apply to the extent that the same
18 dividends caused a reduction to the addition
19 modification required under Section 203(a)(2)(D-17) of
20 this Act. As used in this subparagraph, the term
21 "intangible expenses and costs" includes (1) expenses,
22 losses, and costs for, or related to, the direct or
23 indirect acquisition, use, maintenance or management,
24 ownership, sale, exchange, or any other disposition of
25 intangible property; (2) losses incurred, directly or
26 indirectly, from factoring transactions or discounting

1 transactions; (3) royalty, patent, technical, and
2 copyright fees; (4) licensing fees; and (5) other
3 similar expenses and costs. For purposes of this
4 subparagraph, "intangible property" includes patents,
5 patent applications, trade names, trademarks, service
6 marks, copyrights, mask works, trade secrets, and
7 similar types of intangible assets.

8 This paragraph shall not apply to the following:

9 (i) any item of intangible expenses or costs
10 paid, accrued, or incurred, directly or
11 indirectly, from a transaction with a person who
12 is subject in a foreign country or state, other
13 than a state which requires mandatory unitary
14 reporting, to a tax on or measured by net income
15 with respect to such item; or

16 (ii) any item of intangible expense or cost
17 paid, accrued, or incurred, directly or
18 indirectly, if the taxpayer can establish, based
19 on a preponderance of the evidence, both of the
20 following:

21 (a) the person during the same taxable
22 year paid, accrued, or incurred, the
23 intangible expense or cost to a person that is
24 not a related member, and

25 (b) the transaction giving rise to the
26 intangible expense or cost between the

1 taxpayer and the person did not have as a
2 principal purpose the avoidance of Illinois
3 income tax, and is paid pursuant to a contract
4 or agreement that reflects arm's-length terms;
5 or

6 (iii) any item of intangible expense or cost
7 paid, accrued, or incurred, directly or
8 indirectly, from a transaction with a person if
9 the taxpayer establishes by clear and convincing
10 evidence, that the adjustments are unreasonable;
11 or if the taxpayer and the Director agree in
12 writing to the application or use of an
13 alternative method of apportionment under Section
14 304(f);

15 Nothing in this subsection shall preclude the
16 Director from making any other adjustment
17 otherwise allowed under Section 404 of this Act
18 for any tax year beginning after the effective
19 date of this amendment provided such adjustment is
20 made pursuant to regulation adopted by the
21 Department and such regulations provide methods
22 and standards by which the Department will utilize
23 its authority under Section 404 of this Act;

24 (D-19) For taxable years ending on or after
25 December 31, 2008, an amount equal to the amount of
26 insurance premium expenses and costs otherwise allowed

1 as a deduction in computing base income, and that were
2 paid, accrued, or incurred, directly or indirectly, to
3 a person who would be a member of the same unitary
4 business group but for the fact that the person is
5 prohibited under Section 1501(a)(27) from being
6 included in the unitary business group because he or
7 she is ordinarily required to apportion business
8 income under different subsections of Section 304. The
9 addition modification required by this subparagraph
10 shall be reduced to the extent that dividends were
11 included in base income of the unitary group for the
12 same taxable year and received by the taxpayer or by a
13 member of the taxpayer's unitary business group
14 (including amounts included in gross income under
15 Sections 951 through 964 of the Internal Revenue Code
16 and amounts included in gross income under Section 78
17 of the Internal Revenue Code) with respect to the
18 stock of the same person to whom the premiums and costs
19 were directly or indirectly paid, incurred, or
20 accrued. The preceding sentence does not apply to the
21 extent that the same dividends caused a reduction to
22 the addition modification required under Section
23 203(a)(2)(D-17) or Section 203(a)(2)(D-18) of this
24 Act;

25 (D-20) For taxable years beginning on or after
26 January 1, 2002 and ending on or before December 31,

2006, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B). For taxable years beginning on or after January 1, 2007, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act, (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, or (iii) a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code that (I) adopts and determines that its offering materials comply with the College Savings Plans Network's disclosure principles and (II) has made reasonable efforts to inform in-state residents of the existence of in-state qualified tuition programs by informing Illinois residents directly and, where applicable, to inform financial intermediaries distributing the program to inform in-state residents of the existence of in-state qualified tuition programs at least annually, an amount equal to the amount excluded from

1 gross income under Section 529(c)(3)(B).

2 For the purposes of this subparagraph (D-20), a
3 qualified tuition program has made reasonable efforts
4 if it makes disclosures (which may use the term
5 "in-state program" or "in-state plan" and need not
6 specifically refer to Illinois or its qualified
7 programs by name) (i) directly to prospective
8 participants in its offering materials or makes a
9 public disclosure, such as a website posting; and (ii)
10 where applicable, to intermediaries selling the
11 out-of-state program in the same manner that the
12 out-of-state program distributes its offering
13 materials;

14 (D-20.5) For taxable years beginning on or after
15 January 1, 2018, in the case of a distribution from a
16 qualified ABLE program under Section 529A of the
17 Internal Revenue Code, other than a distribution from
18 a qualified ABLE program created under Section 16.6 of
19 the State Treasurer Act, an amount equal to the amount
20 excluded from gross income under Section 529A(c)(1)(B)
21 of the Internal Revenue Code;

22 (D-21) For taxable years beginning on or after
23 January 1, 2007, in the case of transfer of moneys from
24 a qualified tuition program under Section 529 of the
25 Internal Revenue Code that is administered by the
26 State to an out-of-state program, an amount equal to

1 the amount of moneys previously deducted from base
2 income under subsection (a)(2)(Y) of this Section;

3 (D-21.5) For taxable years beginning on or after
4 January 1, 2018, in the case of the transfer of moneys
5 from a qualified tuition program under Section 529 or
6 a qualified ABLE program under Section 529A of the
7 Internal Revenue Code that is administered by this
8 State to an ABLE account established under an
9 out-of-state ABLE account program, an amount equal to
10 the contribution component of the transferred amount
11 that was previously deducted from base income under
12 subsection (a)(2)(Y) or subsection (a)(2)(HH) of this
13 Section;

14 (D-22) For taxable years beginning on or after
15 January 1, 2009, and prior to January 1, 2018, in the
16 case of a nonqualified withdrawal or refund of moneys
17 from a qualified tuition program under Section 529 of
18 the Internal Revenue Code administered by the State
19 that is not used for qualified expenses at an eligible
20 education institution, an amount equal to the
21 contribution component of the nonqualified withdrawal
22 or refund that was previously deducted from base
23 income under subsection (a)(2)(y) of this Section,
24 provided that the withdrawal or refund did not result
25 from the beneficiary's death or disability. For
26 taxable years beginning on or after January 1, 2018:

1 (1) in the case of a nonqualified withdrawal or
2 refund, as defined under Section 16.5 of the State
3 Treasurer Act, of moneys from a qualified tuition
4 program under Section 529 of the Internal Revenue Code
5 administered by the State, an amount equal to the
6 contribution component of the nonqualified withdrawal
7 or refund that was previously deducted from base
8 income under subsection (a)(2)(Y) of this Section, and
9 (2) in the case of a nonqualified withdrawal or refund
10 from a qualified ABLE program under Section 529A of
11 the Internal Revenue Code administered by the State
12 that is not used for qualified disability expenses, an
13 amount equal to the contribution component of the
14 nonqualified withdrawal or refund that was previously
15 deducted from base income under subsection (a)(2)(HH)
16 of this Section;

17 (D-23) An amount equal to the credit allowable to
18 the taxpayer under Section 218(a) of this Act,
19 determined without regard to Section 218(c) of this
20 Act;

21 (D-24) For taxable years ending on or after
22 December 31, 2017, an amount equal to the deduction
23 allowed under Section 199 of the Internal Revenue Code
24 for the taxable year;

25 (D-25) In the case of a resident, an amount equal
26 to the amount of tax for which a credit is allowed

1 pursuant to Section 201(p) (7) of this Act;
2 and by deducting from the total so obtained the sum of the
3 following amounts:

4 (E) For taxable years ending before December 31,
5 2001, any amount included in such total in respect of
6 any compensation (including but not limited to any
7 compensation paid or accrued to a serviceman while a
8 prisoner of war or missing in action) paid to a
9 resident by reason of being on active duty in the Armed
10 Forces of the United States and in respect of any
11 compensation paid or accrued to a resident who as a
12 governmental employee was a prisoner of war or missing
13 in action, and in respect of any compensation paid to a
14 resident in 1971 or thereafter for annual training
15 performed pursuant to Sections 502 and 503, Title 32,
16 United States Code as a member of the Illinois
17 National Guard or, beginning with taxable years ending
18 on or after December 31, 2007, the National Guard of
19 any other state. For taxable years ending on or after
20 December 31, 2001, any amount included in such total
21 in respect of any compensation (including but not
22 limited to any compensation paid or accrued to a
23 serviceman while a prisoner of war or missing in
24 action) paid to a resident by reason of being a member
25 of any component of the Armed Forces of the United
26 States and in respect of any compensation paid or

1 accrued to a resident who as a governmental employee
2 was a prisoner of war or missing in action, and in
3 respect of any compensation paid to a resident in 2001
4 or thereafter by reason of being a member of the
5 Illinois National Guard or, beginning with taxable
6 years ending on or after December 31, 2007, the
7 National Guard of any other state. The provisions of
8 this subparagraph (E) are exempt from the provisions
9 of Section 250;

10 (F) An amount equal to all amounts included in
11 such total pursuant to the provisions of Sections
12 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and
13 408 of the Internal Revenue Code, or included in such
14 total as distributions under the provisions of any
15 retirement or disability plan for employees of any
16 governmental agency or unit, or retirement payments to
17 retired partners, which payments are excluded in
18 computing net earnings from self employment by Section
19 1402 of the Internal Revenue Code and regulations
20 adopted pursuant thereto;

21 (G) The valuation limitation amount;

22 (H) An amount equal to the amount of any tax
23 imposed by this Act which was refunded to the taxpayer
24 and included in such total for the taxable year;

25 (I) An amount equal to all amounts included in
26 such total pursuant to the provisions of Section 111

1 of the Internal Revenue Code as a recovery of items
2 previously deducted from adjusted gross income in the
3 computation of taxable income;

4 (J) An amount equal to those dividends included in
5 such total which were paid by a corporation which
6 conducts business operations in a River Edge
7 Redevelopment Zone or zones created under the River
8 Edge Redevelopment Zone Act, and conducts
9 substantially all of its operations in a River Edge
10 Redevelopment Zone or zones. This subparagraph (J) is
11 exempt from the provisions of Section 250;

12 (K) An amount equal to those dividends included in
13 such total that were paid by a corporation that
14 conducts business operations in a federally designated
15 Foreign Trade Zone or Sub-Zone and that is designated
16 a High Impact Business located in Illinois; provided
17 that dividends eligible for the deduction provided in
18 subparagraph (J) of paragraph (2) of this subsection
19 shall not be eligible for the deduction provided under
20 this subparagraph (K);

21 (L) For taxable years ending after December 31,
22 1983, an amount equal to all social security benefits
23 and railroad retirement benefits included in such
24 total pursuant to Sections 72(r) and 86 of the
25 Internal Revenue Code;

26 (M) With the exception of any amounts subtracted

1 under subparagraph (N), an amount equal to the sum of
2 all amounts disallowed as deductions by (i) Sections
3 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
4 and all amounts of expenses allocable to interest and
5 disallowed as deductions by Section 265(a)(1) of the
6 Internal Revenue Code; and (ii) for taxable years
7 ending on or after August 13, 1999, Sections
8 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
9 Internal Revenue Code, plus, for taxable years ending
10 on or after December 31, 2011, Section 45G(e)(3) of
11 the Internal Revenue Code and, for taxable years
12 ending on or after December 31, 2008, any amount
13 included in gross income under Section 87 of the
14 Internal Revenue Code; the provisions of this
15 subparagraph are exempt from the provisions of Section
16 250;

17 (N) An amount equal to all amounts included in
18 such total which are exempt from taxation by this
19 State either by reason of its statutes or Constitution
20 or by reason of the Constitution, treaties or statutes
21 of the United States; provided that, in the case of any
22 statute of this State that exempts income derived from
23 bonds or other obligations from the tax imposed under
24 this Act, the amount exempted shall be the interest
25 net of bond premium amortization;

26 (O) An amount equal to any contribution made to a

1 job training project established pursuant to the Tax
2 Increment Allocation Redevelopment Act;

3 (P) An amount equal to the amount of the deduction
4 used to compute the federal income tax credit for
5 restoration of substantial amounts held under claim of
6 right for the taxable year pursuant to Section 1341 of
7 the Internal Revenue Code or of any itemized deduction
8 taken from adjusted gross income in the computation of
9 taxable income for restoration of substantial amounts
10 held under claim of right for the taxable year;

11 (Q) An amount equal to any amounts included in
12 such total, received by the taxpayer as an
13 acceleration in the payment of life, endowment or
14 annuity benefits in advance of the time they would
15 otherwise be payable as an indemnity for a terminal
16 illness;

17 (R) An amount equal to the amount of any federal or
18 State bonus paid to veterans of the Persian Gulf War;

19 (S) An amount, to the extent included in adjusted
20 gross income, equal to the amount of a contribution
21 made in the taxable year on behalf of the taxpayer to a
22 medical care savings account established under the
23 Medical Care Savings Account Act or the Medical Care
24 Savings Account Act of 2000 to the extent the
25 contribution is accepted by the account administrator
26 as provided in that Act;

1 (T) An amount, to the extent included in adjusted
2 gross income, equal to the amount of interest earned
3 in the taxable year on a medical care savings account
4 established under the Medical Care Savings Account Act
5 or the Medical Care Savings Account Act of 2000 on
6 behalf of the taxpayer, other than interest added
7 pursuant to item (D-5) of this paragraph (2);

8 (U) For one taxable year beginning on or after
9 January 1, 1994, an amount equal to the total amount of
10 tax imposed and paid under subsections (a) and (b) of
11 Section 201 of this Act on grant amounts received by
12 the taxpayer under the Nursing Home Grant Assistance
13 Act during the taxpayer's taxable years 1992 and 1993;

14 (V) Beginning with tax years ending on or after
15 December 31, 1995 and ending with tax years ending on
16 or before December 31, 2004, an amount equal to the
17 amount paid by a taxpayer who is a self-employed
18 taxpayer, a partner of a partnership, or a shareholder
19 in a Subchapter S corporation for health insurance or
20 long-term care insurance for that taxpayer or that
21 taxpayer's spouse or dependents, to the extent that
22 the amount paid for that health insurance or long-term
23 care insurance may be deducted under Section 213 of
24 the Internal Revenue Code, has not been deducted on
25 the federal income tax return of the taxpayer, and
26 does not exceed the taxable income attributable to

1 that taxpayer's income, self-employment income, or
2 Subchapter S corporation income; except that no
3 deduction shall be allowed under this item (V) if the
4 taxpayer is eligible to participate in any health
5 insurance or long-term care insurance plan of an
6 employer of the taxpayer or the taxpayer's spouse. The
7 amount of the health insurance and long-term care
8 insurance subtracted under this item (V) shall be
9 determined by multiplying total health insurance and
10 long-term care insurance premiums paid by the taxpayer
11 times a number that represents the fractional
12 percentage of eligible medical expenses under Section
13 213 of the Internal Revenue Code of 1986 not actually
14 deducted on the taxpayer's federal income tax return;

15 (W) For taxable years beginning on or after
16 January 1, 1998, all amounts included in the
17 taxpayer's federal gross income in the taxable year
18 from amounts converted from a regular IRA to a Roth
19 IRA. This paragraph is exempt from the provisions of
20 Section 250;

21 (X) For taxable year 1999 and thereafter, an
22 amount equal to the amount of any (i) distributions,
23 to the extent includible in gross income for federal
24 income tax purposes, made to the taxpayer because of
25 his or her status as a victim of persecution for racial
26 or religious reasons by Nazi Germany or any other Axis

1 regime or as an heir of the victim and (ii) items of
2 income, to the extent includible in gross income for
3 federal income tax purposes, attributable to, derived
4 from or in any way related to assets stolen from,
5 hidden from, or otherwise lost to a victim of
6 persecution for racial or religious reasons by Nazi
7 Germany or any other Axis regime immediately prior to,
8 during, and immediately after World War II, including,
9 but not limited to, interest on the proceeds
10 receivable as insurance under policies issued to a
11 victim of persecution for racial or religious reasons
12 by Nazi Germany or any other Axis regime by European
13 insurance companies immediately prior to and during
14 World War II; provided, however, this subtraction from
15 federal adjusted gross income does not apply to assets
16 acquired with such assets or with the proceeds from
17 the sale of such assets; provided, further, this
18 paragraph shall only apply to a taxpayer who was the
19 first recipient of such assets after their recovery
20 and who is a victim of persecution for racial or
21 religious reasons by Nazi Germany or any other Axis
22 regime or as an heir of the victim. The amount of and
23 the eligibility for any public assistance, benefit, or
24 similar entitlement is not affected by the inclusion
25 of items (i) and (ii) of this paragraph in gross income
26 for federal income tax purposes. This paragraph is

1 exempt from the provisions of Section 250;

2 (Y) For taxable years beginning on or after
3 January 1, 2002 and ending on or before December 31,
4 2004, moneys contributed in the taxable year to a
5 College Savings Pool account under Section 16.5 of the
6 State Treasurer Act, except that amounts excluded from
7 gross income under Section 529(c)(3)(C)(i) of the
8 Internal Revenue Code shall not be considered moneys
9 contributed under this subparagraph (Y). For taxable
10 years beginning on or after January 1, 2005, a maximum
11 of \$10,000 contributed in the taxable year to (i) a
12 College Savings Pool account under Section 16.5 of the
13 State Treasurer Act or (ii) the Illinois Prepaid
14 Tuition Trust Fund, except that amounts excluded from
15 gross income under Section 529(c)(3)(C)(i) of the
16 Internal Revenue Code shall not be considered moneys
17 contributed under this subparagraph (Y). For purposes
18 of this subparagraph, contributions made by an
19 employer on behalf of an employee, or matching
20 contributions made by an employee, shall be treated as
21 made by the employee. This subparagraph (Y) is exempt
22 from the provisions of Section 250;

23 (Z) For taxable years 2001 and thereafter, for the
24 taxable year in which the bonus depreciation deduction
25 is taken on the taxpayer's federal income tax return
26 under subsection (k) of Section 168 of the Internal

1 Revenue Code and for each applicable taxable year
2 thereafter, an amount equal to "x", where:

3 (1) "y" equals the amount of the depreciation
4 deduction taken for the taxable year on the
5 taxpayer's federal income tax return on property
6 for which the bonus depreciation deduction was
7 taken in any year under subsection (k) of Section
8 168 of the Internal Revenue Code, but not
9 including the bonus depreciation deduction;

10 (2) for taxable years ending on or before
11 December 31, 2005, "x" equals "y" multiplied by 30
12 and then divided by 70 (or "y" multiplied by
13 0.429); and

14 (3) for taxable years ending after December
15 31, 2005:

16 (i) for property on which a bonus
17 depreciation deduction of 30% of the adjusted
18 basis was taken, "x" equals "y" multiplied by
19 30 and then divided by 70 (or "y" multiplied
20 by 0.429);

21 (ii) for property on which a bonus
22 depreciation deduction of 50% of the adjusted
23 basis was taken, "x" equals "y" multiplied by
24 1.0;

25 (iii) for property on which a bonus
26 depreciation deduction of 100% of the adjusted

1 basis was taken in a taxable year ending on or
2 after December 31, 2021, "x" equals the
3 depreciation deduction that would be allowed
4 on that property if the taxpayer had made the
5 election under Section 168(k)(7) of the
6 Internal Revenue Code to not claim bonus
7 depreciation on that property; and

8 (iv) for property on which a bonus
9 depreciation deduction of a percentage other
10 than 30%, 50% or 100% of the adjusted basis
11 was taken in a taxable year ending on or after
12 December 31, 2021, "x" equals "y" multiplied
13 by 100 times the percentage bonus depreciation
14 on the property (that is, $100(\text{bonus}\%)$) and
15 then divided by 100 times 1 minus the
16 percentage bonus depreciation on the property
17 (that is, $100(1-\text{bonus}\%)$).

18 The aggregate amount deducted under this
19 subparagraph in all taxable years for any one piece of
20 property may not exceed the amount of the bonus
21 depreciation deduction taken on that property on the
22 taxpayer's federal income tax return under subsection
23 (k) of Section 168 of the Internal Revenue Code. This
24 subparagraph (Z) is exempt from the provisions of
25 Section 250;

26 (AA) If the taxpayer sells, transfers, abandons,

1 or otherwise disposes of property for which the
2 taxpayer was required in any taxable year to make an
3 addition modification under subparagraph (D-15), then
4 an amount equal to that addition modification.

5 If the taxpayer continues to own property through
6 the last day of the last tax year for which a
7 subtraction is allowed with respect to that property
8 under subparagraph (Z) and for which the taxpayer was
9 required in any taxable year to make an addition
10 modification under subparagraph (D-15), then an amount
11 equal to that addition modification.

12 The taxpayer is allowed to take the deduction
13 under this subparagraph only once with respect to any
14 one piece of property.

15 This subparagraph (AA) is exempt from the
16 provisions of Section 250;

17 (BB) Any amount included in adjusted gross income,
18 other than salary, received by a driver in a
19 ridesharing arrangement using a motor vehicle;

20 (CC) The amount of (i) any interest income (net of
21 the deductions allocable thereto) taken into account
22 for the taxable year with respect to a transaction
23 with a taxpayer that is required to make an addition
24 modification with respect to such transaction under
25 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
26 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed

1 the amount of that addition modification, and (ii) any
2 income from intangible property (net of the deductions
3 allocable thereto) taken into account for the taxable
4 year with respect to a transaction with a taxpayer
5 that is required to make an addition modification with
6 respect to such transaction under Section
7 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
8 203(d)(2)(D-8), but not to exceed the amount of that
9 addition modification. This subparagraph (CC) is
10 exempt from the provisions of Section 250;

11 (DD) An amount equal to the interest income taken
12 into account for the taxable year (net of the
13 deductions allocable thereto) with respect to
14 transactions with (i) a foreign person who would be a
15 member of the taxpayer's unitary business group but
16 for the fact that the foreign person's business
17 activity outside the United States is 80% or more of
18 that person's total business activity and (ii) for
19 taxable years ending on or after December 31, 2008, to
20 a person who would be a member of the same unitary
21 business group but for the fact that the person is
22 prohibited under Section 1501(a)(27) from being
23 included in the unitary business group because he or
24 she is ordinarily required to apportion business
25 income under different subsections of Section 304, but
26 not to exceed the addition modification required to be

1 made for the same taxable year under Section
2 203(a)(2)(D-17) for interest paid, accrued, or
3 incurred, directly or indirectly, to the same person.
4 This subparagraph (DD) is exempt from the provisions
5 of Section 250;

6 (EE) An amount equal to the income from intangible
7 property taken into account for the taxable year (net
8 of the deductions allocable thereto) with respect to
9 transactions with (i) a foreign person who would be a
10 member of the taxpayer's unitary business group but
11 for the fact that the foreign person's business
12 activity outside the United States is 80% or more of
13 that person's total business activity and (ii) for
14 taxable years ending on or after December 31, 2008, to
15 a person who would be a member of the same unitary
16 business group but for the fact that the person is
17 prohibited under Section 1501(a)(27) from being
18 included in the unitary business group because he or
19 she is ordinarily required to apportion business
20 income under different subsections of Section 304, but
21 not to exceed the addition modification required to be
22 made for the same taxable year under Section
23 203(a)(2)(D-18) for intangible expenses and costs
24 paid, accrued, or incurred, directly or indirectly, to
25 the same foreign person. This subparagraph (EE) is
26 exempt from the provisions of Section 250;

1 (FF) An amount equal to any amount awarded to the
2 taxpayer during the taxable year by the Court of
3 Claims under subsection (c) of Section 8 of the Court
4 of Claims Act for time unjustly served in a State
5 prison. This subparagraph (FF) is exempt from the
6 provisions of Section 250;

7 (GG) For taxable years ending on or after December
8 31, 2011, in the case of a taxpayer who was required to
9 add back any insurance premiums under Section
10 203(a)(2)(D-19), such taxpayer may elect to subtract
11 that part of a reimbursement received from the
12 insurance company equal to the amount of the expense
13 or loss (including expenses incurred by the insurance
14 company) that would have been taken into account as a
15 deduction for federal income tax purposes if the
16 expense or loss had been uninsured. If a taxpayer
17 makes the election provided for by this subparagraph
18 (GG), the insurer to which the premiums were paid must
19 add back to income the amount subtracted by the
20 taxpayer pursuant to this subparagraph (GG). This
21 subparagraph (GG) is exempt from the provisions of
22 Section 250;

23 (HH) For taxable years beginning on or after
24 January 1, 2018 and prior to January 1, 2028, a maximum
25 of \$10,000 contributed in the taxable year to a
26 qualified ABLE account under Section 16.6 of the State

1 Treasurer Act, except that amounts excluded from gross
2 income under Section 529(c)(3)(C)(i) or Section
3 529A(c)(1)(C) of the Internal Revenue Code shall not
4 be considered moneys contributed under this
5 subparagraph (HH). For purposes of this subparagraph
6 (HH), contributions made by an employer on behalf of
7 an employee, or matching contributions made by an
8 employee, shall be treated as made by the employee;

9 (II) For taxable years that begin on or after
10 January 1, 2021 and begin before January 1, 2026, the
11 amount that is included in the taxpayer's federal
12 adjusted gross income pursuant to Section 61 of the
13 Internal Revenue Code as discharge of indebtedness
14 attributable to student loan forgiveness and that is
15 not excluded from the taxpayer's federal adjusted
16 gross income pursuant to paragraph (5) of subsection
17 (f) of Section 108 of the Internal Revenue Code;

18 (JJ) For taxable years beginning on or after
19 January 1, 2023, for any cannabis establishment
20 operating in this State and licensed under the
21 Cannabis Regulation and Tax Act or any cannabis
22 cultivation center or medical cannabis dispensing
23 organization operating in this State and licensed
24 under the Compassionate Use of Medical Cannabis
25 Program Act, an amount equal to the deductions that
26 were disallowed under Section 280E of the Internal

1 Revenue Code for the taxable year and that would not be
2 added back under this subsection. The provisions of
3 this subparagraph (JJ) are exempt from the provisions
4 of Section 250; ~~and~~

5 (KK) To the extent includible in gross income for
6 federal income tax purposes, any amount awarded or
7 paid to the taxpayer as a result of a judgment or
8 settlement for fertility fraud as provided in Section
9 15 of the Illinois Fertility Fraud Act, donor
10 fertility fraud as provided in Section 20 of the
11 Illinois Fertility Fraud Act, or similar action in
12 another state; ~~and~~

13 (LL) For taxable years beginning on or after
14 January 1, 2026, if the taxpayer is a qualified
15 worker, as defined in the Workforce Development
16 through Charitable Loan Repayment Act, an amount equal
17 to the amount included in the taxpayer's federal
18 adjusted gross income that is attributable to student
19 loan repayment assistance received by the taxpayer
20 during the taxable year from a qualified community
21 foundation under the provisions of the Workforce
22 Development through ~~Through~~ Charitable Loan Repayment
23 Act.

24 This subparagraph (LL) is exempt from the
25 provisions of Section 250; and ~~and~~

26 (MM) ~~(LL)~~ For taxable years beginning on or after

1 January 1, 2025, if the taxpayer is an eligible
2 resident as defined in the Medical Debt Relief Act, an
3 amount equal to the amount included in the taxpayer's
4 federal adjusted gross income that is attributable to
5 medical debt relief received by the taxpayer during
6 the taxable year from a nonprofit medical debt relief
7 coordinator under the provisions of the Medical Debt
8 Relief Act. This subparagraph (MM) ~~(LL)~~ is exempt from
9 the provisions of Section 250.

10 (b) Corporations.

11 (1) In general. In the case of a corporation, base
12 income means an amount equal to the taxpayer's taxable
13 income for the taxable year as modified by paragraph (2).

14 (2) Modifications. The taxable income referred to in
15 paragraph (1) shall be modified by adding thereto the sum
16 of the following amounts:

17 (A) An amount equal to all amounts paid or accrued
18 to the taxpayer as interest and all distributions
19 received from regulated investment companies during
20 the taxable year to the extent excluded from gross
21 income in the computation of taxable income;

22 (B) An amount equal to the amount of tax imposed by
23 this Act to the extent deducted from gross income in
24 the computation of taxable income for the taxable
25 year;

1 (C) In the case of a regulated investment company,
2 an amount equal to the excess of (i) the net long-term
3 capital gain for the taxable year, over (ii) the
4 amount of the capital gain dividends designated as
5 such in accordance with Section 852(b)(3)(C) of the
6 Internal Revenue Code and any amount designated under
7 Section 852(b)(3)(D) of the Internal Revenue Code,
8 attributable to the taxable year (this amendatory Act
9 of 1995 (Public Act 89-89) is declarative of existing
10 law and is not a new enactment);

11 (D) The amount of any net operating loss deduction
12 taken in arriving at taxable income, other than a net
13 operating loss carried forward from a taxable year
14 ending prior to December 31, 1986;

15 (E) For taxable years in which a net operating
16 loss carryback or carryforward from a taxable year
17 ending prior to December 31, 1986 is an element of
18 taxable income under paragraph (1) of subsection (e)
19 or subparagraph (E) of paragraph (2) of subsection
20 (e), the amount by which addition modifications other
21 than those provided by this subparagraph (E) exceeded
22 subtraction modifications in such earlier taxable
23 year, with the following limitations applied in the
24 order that they are listed:

25 (i) the addition modification relating to the
26 net operating loss carried back or forward to the

1 taxable year from any taxable year ending prior to
2 December 31, 1986 shall be reduced by the amount
3 of addition modification under this subparagraph
4 (E) which related to that net operating loss and
5 which was taken into account in calculating the
6 base income of an earlier taxable year, and

7 (ii) the addition modification relating to the
8 net operating loss carried back or forward to the
9 taxable year from any taxable year ending prior to
10 December 31, 1986 shall not exceed the amount of
11 such carryback or carryforward;

12 For taxable years in which there is a net
13 operating loss carryback or carryforward from more
14 than one other taxable year ending prior to December
15 31, 1986, the addition modification provided in this
16 subparagraph (E) shall be the sum of the amounts
17 computed independently under the preceding provisions
18 of this subparagraph (E) for each such taxable year;

19 (E-5) For taxable years ending after December 31,
20 1997, an amount equal to any eligible remediation
21 costs that the corporation deducted in computing
22 adjusted gross income and for which the corporation
23 claims a credit under subsection (1) of Section 201;

24 (E-10) For taxable years 2001 and thereafter, an
25 amount equal to the bonus depreciation deduction taken
26 on the taxpayer's federal income tax return for the

1 taxable year under subsection (k) of Section 168 of
2 the Internal Revenue Code;

3 (E-11) If the taxpayer sells, transfers, abandons,
4 or otherwise disposes of property for which the
5 taxpayer was required in any taxable year to make an
6 addition modification under subparagraph (E-10), then
7 an amount equal to the aggregate amount of the
8 deductions taken in all taxable years under
9 subparagraph (T) with respect to that property.

10 If the taxpayer continues to own property through
11 the last day of the last tax year for which a
12 subtraction is allowed with respect to that property
13 under subparagraph (T) and for which the taxpayer was
14 allowed in any taxable year to make a subtraction
15 modification under subparagraph (T), then an amount
16 equal to that subtraction modification.

17 The taxpayer is required to make the addition
18 modification under this subparagraph only once with
19 respect to any one piece of property;

20 (E-12) An amount equal to the amount otherwise
21 allowed as a deduction in computing base income for
22 interest paid, accrued, or incurred, directly or
23 indirectly, (i) for taxable years ending on or after
24 December 31, 2004, to a foreign person who would be a
25 member of the same unitary business group but for the
26 fact the foreign person's business activity outside

1 the United States is 80% or more of the foreign
2 person's total business activity and (ii) for taxable
3 years ending on or after December 31, 2008, to a person
4 who would be a member of the same unitary business
5 group but for the fact that the person is prohibited
6 under Section 1501(a)(27) from being included in the
7 unitary business group because he or she is ordinarily
8 required to apportion business income under different
9 subsections of Section 304. The addition modification
10 required by this subparagraph shall be reduced to the
11 extent that dividends were included in base income of
12 the unitary group for the same taxable year and
13 received by the taxpayer or by a member of the
14 taxpayer's unitary business group (including amounts
15 included in gross income pursuant to Sections 951
16 through 964 of the Internal Revenue Code and amounts
17 included in gross income under Section 78 of the
18 Internal Revenue Code) with respect to the stock of
19 the same person to whom the interest was paid,
20 accrued, or incurred.

21 This paragraph shall not apply to the following:

22 (i) an item of interest paid, accrued, or
23 incurred, directly or indirectly, to a person who
24 is subject in a foreign country or state, other
25 than a state which requires mandatory unitary
26 reporting, to a tax on or measured by net income

1 with respect to such interest; or

2 (ii) an item of interest paid, accrued, or
3 incurred, directly or indirectly, to a person if
4 the taxpayer can establish, based on a
5 preponderance of the evidence, both of the
6 following:

7 (a) the person, during the same taxable
8 year, paid, accrued, or incurred, the interest
9 to a person that is not a related member, and

10 (b) the transaction giving rise to the
11 interest expense between the taxpayer and the
12 person did not have as a principal purpose the
13 avoidance of Illinois income tax, and is paid
14 pursuant to a contract or agreement that
15 reflects an arm's-length interest rate and
16 terms; or

17 (iii) the taxpayer can establish, based on
18 clear and convincing evidence, that the interest
19 paid, accrued, or incurred relates to a contract
20 or agreement entered into at arm's-length rates
21 and terms and the principal purpose for the
22 payment is not federal or Illinois tax avoidance;
23 or

24 (iv) an item of interest paid, accrued, or
25 incurred, directly or indirectly, to a person if
26 the taxpayer establishes by clear and convincing

1 evidence that the adjustments are unreasonable; or
2 if the taxpayer and the Director agree in writing
3 to the application or use of an alternative method
4 of apportionment under Section 304(f).

5 Nothing in this subsection shall preclude the
6 Director from making any other adjustment
7 otherwise allowed under Section 404 of this Act
8 for any tax year beginning after the effective
9 date of this amendment provided such adjustment is
10 made pursuant to regulation adopted by the
11 Department and such regulations provide methods
12 and standards by which the Department will utilize
13 its authority under Section 404 of this Act;

14 (E-13) An amount equal to the amount of intangible
15 expenses and costs otherwise allowed as a deduction in
16 computing base income, and that were paid, accrued, or
17 incurred, directly or indirectly, (i) for taxable
18 years ending on or after December 31, 2004, to a
19 foreign person who would be a member of the same
20 unitary business group but for the fact that the
21 foreign person's business activity outside the United
22 States is 80% or more of that person's total business
23 activity and (ii) for taxable years ending on or after
24 December 31, 2008, to a person who would be a member of
25 the same unitary business group but for the fact that
26 the person is prohibited under Section 1501(a) (27)

1 from being included in the unitary business group
2 because he or she is ordinarily required to apportion
3 business income under different subsections of Section
4 304. The addition modification required by this
5 subparagraph shall be reduced to the extent that
6 dividends were included in base income of the unitary
7 group for the same taxable year and received by the
8 taxpayer or by a member of the taxpayer's unitary
9 business group (including amounts included in gross
10 income pursuant to Sections 951 through 964 of the
11 Internal Revenue Code and amounts included in gross
12 income under Section 78 of the Internal Revenue Code)
13 with respect to the stock of the same person to whom
14 the intangible expenses and costs were directly or
15 indirectly paid, incurred, or accrued. The preceding
16 sentence shall not apply to the extent that the same
17 dividends caused a reduction to the addition
18 modification required under Section 203(b)(2)(E-12) of
19 this Act. As used in this subparagraph, the term
20 "intangible expenses and costs" includes (1) expenses,
21 losses, and costs for, or related to, the direct or
22 indirect acquisition, use, maintenance or management,
23 ownership, sale, exchange, or any other disposition of
24 intangible property; (2) losses incurred, directly or
25 indirectly, from factoring transactions or discounting
26 transactions; (3) royalty, patent, technical, and

1 copyright fees; (4) licensing fees; and (5) other
2 similar expenses and costs. For purposes of this
3 subparagraph, "intangible property" includes patents,
4 patent applications, trade names, trademarks, service
5 marks, copyrights, mask works, trade secrets, and
6 similar types of intangible assets.

7 This paragraph shall not apply to the following:

8 (i) any item of intangible expenses or costs
9 paid, accrued, or incurred, directly or
10 indirectly, from a transaction with a person who
11 is subject in a foreign country or state, other
12 than a state which requires mandatory unitary
13 reporting, to a tax on or measured by net income
14 with respect to such item; or

15 (ii) any item of intangible expense or cost
16 paid, accrued, or incurred, directly or
17 indirectly, if the taxpayer can establish, based
18 on a preponderance of the evidence, both of the
19 following:

20 (a) the person during the same taxable
21 year paid, accrued, or incurred, the
22 intangible expense or cost to a person that is
23 not a related member, and

24 (b) the transaction giving rise to the
25 intangible expense or cost between the
26 taxpayer and the person did not have as a

1 principal purpose the avoidance of Illinois
2 income tax, and is paid pursuant to a contract
3 or agreement that reflects arm's-length terms;
4 or

5 (iii) any item of intangible expense or cost
6 paid, accrued, or incurred, directly or
7 indirectly, from a transaction with a person if
8 the taxpayer establishes by clear and convincing
9 evidence, that the adjustments are unreasonable;
10 or if the taxpayer and the Director agree in
11 writing to the application or use of an
12 alternative method of apportionment under Section
13 304(f);

14 Nothing in this subsection shall preclude the
15 Director from making any other adjustment
16 otherwise allowed under Section 404 of this Act
17 for any tax year beginning after the effective
18 date of this amendment provided such adjustment is
19 made pursuant to regulation adopted by the
20 Department and such regulations provide methods
21 and standards by which the Department will utilize
22 its authority under Section 404 of this Act;

23 (E-14) For taxable years ending on or after
24 December 31, 2008, an amount equal to the amount of
25 insurance premium expenses and costs otherwise allowed
26 as a deduction in computing base income, and that were

1 paid, accrued, or incurred, directly or indirectly, to
2 a person who would be a member of the same unitary
3 business group but for the fact that the person is
4 prohibited under Section 1501(a)(27) from being
5 included in the unitary business group because he or
6 she is ordinarily required to apportion business
7 income under different subsections of Section 304. The
8 addition modification required by this subparagraph
9 shall be reduced to the extent that dividends were
10 included in base income of the unitary group for the
11 same taxable year and received by the taxpayer or by a
12 member of the taxpayer's unitary business group
13 (including amounts included in gross income under
14 Sections 951 through 964 of the Internal Revenue Code
15 and amounts included in gross income under Section 78
16 of the Internal Revenue Code) with respect to the
17 stock of the same person to whom the premiums and costs
18 were directly or indirectly paid, incurred, or
19 accrued. The preceding sentence does not apply to the
20 extent that the same dividends caused a reduction to
21 the addition modification required under Section
22 203(b)(2)(E-12) or Section 203(b)(2)(E-13) of this
23 Act;

24 (E-15) For taxable years beginning after December
25 31, 2008, any deduction for dividends paid by a
26 captive real estate investment trust that is allowed

1 to a real estate investment trust under Section
2 857(b)(2)(B) of the Internal Revenue Code for
3 dividends paid;

4 (E-16) An amount equal to the credit allowable to
5 the taxpayer under Section 218(a) of this Act,
6 determined without regard to Section 218(c) of this
7 Act;

8 (E-17) For taxable years ending on or after
9 December 31, 2017, an amount equal to the deduction
10 allowed under Section 199 of the Internal Revenue Code
11 for the taxable year;

12 (E-18) for taxable years beginning after December
13 31, 2018, an amount equal to the deduction allowed
14 under Section 250(a)(1)(A) of the Internal Revenue
15 Code for the taxable year;

16 (E-19) for taxable years ending on or after June
17 30, 2021, an amount equal to the deduction allowed
18 under Section 250(a)(1)(B)(i) of the Internal Revenue
19 Code for the taxable year;

20 (E-20) for taxable years ending on or after June
21 30, 2021, an amount equal to the deduction allowed
22 under Sections 243(e) and 245A(a) of the Internal
23 Revenue Code for the taxable year;

24 (E-21) the amount that is claimed as a federal
25 deduction when computing the taxpayer's federal
26 taxable income for the taxable year and that is

1 attributable to an endowment gift for which the
2 taxpayer receives a credit under the Illinois Gives
3 Tax Credit Act;

4 and by deducting from the total so obtained the sum of the
5 following amounts:

6 (F) An amount equal to the amount of any tax
7 imposed by this Act which was refunded to the taxpayer
8 and included in such total for the taxable year;

9 (G) An amount equal to any amount included in such
10 total under Section 78 of the Internal Revenue Code;

11 (H) In the case of a regulated investment company,
12 an amount equal to the amount of exempt interest
13 dividends as defined in subsection (b)(5) of Section
14 852 of the Internal Revenue Code, paid to shareholders
15 for the taxable year;

16 (I) With the exception of any amounts subtracted
17 under subparagraph (J), an amount equal to the sum of
18 all amounts disallowed as deductions by (i) Sections
19 171(a)(2) and 265(a)(2) and amounts disallowed as
20 interest expense by Section 291(a)(3) of the Internal
21 Revenue Code, and all amounts of expenses allocable to
22 interest and disallowed as deductions by Section
23 265(a)(1) of the Internal Revenue Code; and (ii) for
24 taxable years ending on or after August 13, 1999,
25 Sections 171(a)(2), 265, 280C, 291(a)(3), and
26 832(b)(5)(B)(i) of the Internal Revenue Code, plus,

1 for tax years ending on or after December 31, 2011,
2 amounts disallowed as deductions by Section 45G(e) (3)
3 of the Internal Revenue Code and, for taxable years
4 ending on or after December 31, 2008, any amount
5 included in gross income under Section 87 of the
6 Internal Revenue Code and the policyholders' share of
7 tax-exempt interest of a life insurance company under
8 Section 807(a) (2) (B) of the Internal Revenue Code (in
9 the case of a life insurance company with gross income
10 from a decrease in reserves for the tax year) or
11 Section 807(b) (1) (B) of the Internal Revenue Code (in
12 the case of a life insurance company allowed a
13 deduction for an increase in reserves for the tax
14 year); the provisions of this subparagraph are exempt
15 from the provisions of Section 250;

16 (J) An amount equal to all amounts included in
17 such total which are exempt from taxation by this
18 State either by reason of its statutes or Constitution
19 or by reason of the Constitution, treaties or statutes
20 of the United States; provided that, in the case of any
21 statute of this State that exempts income derived from
22 bonds or other obligations from the tax imposed under
23 this Act, the amount exempted shall be the interest
24 net of bond premium amortization;

25 (K) An amount equal to those dividends included in
26 such total which were paid by a corporation which

1 conducts business operations in a River Edge
2 Redevelopment Zone or zones created under the River
3 Edge Redevelopment Zone Act and conducts substantially
4 all of its operations in a River Edge Redevelopment
5 Zone or zones. This subparagraph (K) is exempt from
6 the provisions of Section 250;

7 (L) An amount equal to those dividends included in
8 such total that were paid by a corporation that
9 conducts business operations in a federally designated
10 Foreign Trade Zone or Sub-Zone and that is designated
11 a High Impact Business located in Illinois; provided
12 that dividends eligible for the deduction provided in
13 subparagraph (K) of paragraph 2 of this subsection
14 shall not be eligible for the deduction provided under
15 this subparagraph (L);

16 (M) For any taxpayer that is a financial
17 organization within the meaning of Section 304(c) of
18 this Act, an amount included in such total as interest
19 income from a loan or loans made by such taxpayer to a
20 borrower, to the extent that such a loan is secured by
21 property which is eligible for the River Edge
22 Redevelopment Zone Investment Credit. To determine the
23 portion of a loan or loans that is secured by property
24 eligible for a Section 201(f) investment credit to the
25 borrower, the entire principal amount of the loan or
26 loans between the taxpayer and the borrower should be

1 divided into the basis of the Section 201(f)
2 investment credit property which secures the loan or
3 loans, using for this purpose the original basis of
4 such property on the date that it was placed in service
5 in the River Edge Redevelopment Zone. The subtraction
6 modification available to the taxpayer in any year
7 under this subsection shall be that portion of the
8 total interest paid by the borrower with respect to
9 such loan attributable to the eligible property as
10 calculated under the previous sentence. This
11 subparagraph (M) is exempt from the provisions of
12 Section 250;

13 (M-1) For any taxpayer that is a financial
14 organization within the meaning of Section 304(c) of
15 this Act, an amount included in such total as interest
16 income from a loan or loans made by such taxpayer to a
17 borrower, to the extent that such a loan is secured by
18 property which is eligible for the High Impact
19 Business Investment Credit. To determine the portion
20 of a loan or loans that is secured by property eligible
21 for a Section 201(h) investment credit to the
22 borrower, the entire principal amount of the loan or
23 loans between the taxpayer and the borrower should be
24 divided into the basis of the Section 201(h)
25 investment credit property which secures the loan or
26 loans, using for this purpose the original basis of

1 such property on the date that it was placed in service
2 in a federally designated Foreign Trade Zone or
3 Sub-Zone located in Illinois. No taxpayer that is
4 eligible for the deduction provided in subparagraph
5 (M) of paragraph (2) of this subsection shall be
6 eligible for the deduction provided under this
7 subparagraph (M-1). The subtraction modification
8 available to taxpayers in any year under this
9 subsection shall be that portion of the total interest
10 paid by the borrower with respect to such loan
11 attributable to the eligible property as calculated
12 under the previous sentence;

13 (N) Two times any contribution made during the
14 taxable year to a designated zone organization to the
15 extent that the contribution (i) qualifies as a
16 charitable contribution under subsection (c) of
17 Section 170 of the Internal Revenue Code and (ii)
18 must, by its terms, be used for a project approved by
19 the Department of Commerce and Economic Opportunity
20 under Section 11 of the Illinois Enterprise Zone Act
21 or under Section 10-10 of the River Edge Redevelopment
22 Zone Act. This subparagraph (N) is exempt from the
23 provisions of Section 250;

24 (O) An amount equal to: (i) 85% for taxable years
25 ending on or before December 31, 1992, or, a
26 percentage equal to the percentage allowable under

1 Section 243(a)(1) of the Internal Revenue Code of 1986
2 for taxable years ending after December 31, 1992, of
3 the amount by which dividends included in taxable
4 income and received from a corporation that is not
5 created or organized under the laws of the United
6 States or any state or political subdivision thereof,
7 including, for taxable years ending on or after
8 December 31, 1988, dividends received or deemed
9 received or paid or deemed paid under Sections 951
10 through 965 of the Internal Revenue Code, exceed the
11 amount of the modification provided under subparagraph
12 (G) of paragraph (2) of this subsection (b) which is
13 related to such dividends, and including, for taxable
14 years ending on or after December 31, 2008, dividends
15 received from a captive real estate investment trust;
16 plus (ii) 100% of the amount by which dividends,
17 included in taxable income and received, including,
18 for taxable years ending on or after December 31,
19 1988, dividends received or deemed received or paid or
20 deemed paid under Sections 951 through 964 of the
21 Internal Revenue Code and including, for taxable years
22 ending on or after December 31, 2008, dividends
23 received from a captive real estate investment trust,
24 from any such corporation specified in clause (i) that
25 would but for the provisions of Section 1504(b)(3) of
26 the Internal Revenue Code be treated as a member of the

1 affiliated group which includes the dividend
2 recipient, exceed the amount of the modification
3 provided under subparagraph (G) of paragraph (2) of
4 this subsection (b) which is related to such
5 dividends. For taxable years ending on or after June
6 30, 2021, (i) for purposes of this subparagraph, the
7 term "dividend" does not include any amount treated as
8 a dividend under Section 1248 of the Internal Revenue
9 Code, and (ii) this subparagraph shall not apply to
10 dividends for which a deduction is allowed under
11 Section 245(a) of the Internal Revenue Code. This
12 subparagraph (O) is exempt from the provisions of
13 Section 250 of this Act;

14 (P) An amount equal to any contribution made to a
15 job training project established pursuant to the Tax
16 Increment Allocation Redevelopment Act;

17 (Q) An amount equal to the amount of the deduction
18 used to compute the federal income tax credit for
19 restoration of substantial amounts held under claim of
20 right for the taxable year pursuant to Section 1341 of
21 the Internal Revenue Code;

22 (R) On and after July 20, 1999, in the case of an
23 attorney-in-fact with respect to whom an interinsurer
24 or a reciprocal insurer has made the election under
25 Section 835 of the Internal Revenue Code, 26 U.S.C.
26 835, an amount equal to the excess, if any, of the

1 amounts paid or incurred by that interinsurer or
2 reciprocal insurer in the taxable year to the
3 attorney-in-fact over the deduction allowed to that
4 interinsurer or reciprocal insurer with respect to the
5 attorney-in-fact under Section 835(b) of the Internal
6 Revenue Code for the taxable year; the provisions of
7 this subparagraph are exempt from the provisions of
8 Section 250;

9 (S) For taxable years ending on or after December
10 31, 1997, in the case of a Subchapter S corporation, an
11 amount equal to all amounts of income allocable to a
12 shareholder subject to the Personal Property Tax
13 Replacement Income Tax imposed by subsections (c) and
14 (d) of Section 201 of this Act, including amounts
15 allocable to organizations exempt from federal income
16 tax by reason of Section 501(a) of the Internal
17 Revenue Code. This subparagraph (S) is exempt from the
18 provisions of Section 250;

19 (T) For taxable years 2001 and thereafter, for the
20 taxable year in which the bonus depreciation deduction
21 is taken on the taxpayer's federal income tax return
22 under subsection (k) of Section 168 of the Internal
23 Revenue Code and for each applicable taxable year
24 thereafter, an amount equal to "x", where:

25 (1) "y" equals the amount of the depreciation
26 deduction taken for the taxable year on the

1 taxpayer's federal income tax return on property
2 for which the bonus depreciation deduction was
3 taken in any year under subsection (k) of Section
4 168 of the Internal Revenue Code, but not
5 including the bonus depreciation deduction;

6 (2) for taxable years ending on or before
7 December 31, 2005, "x" equals "y" multiplied by 30
8 and then divided by 70 (or "y" multiplied by
9 0.429); and

10 (3) for taxable years ending after December
11 31, 2005:

12 (i) for property on which a bonus
13 depreciation deduction of 30% of the adjusted
14 basis was taken, "x" equals "y" multiplied by
15 30 and then divided by 70 (or "y" multiplied
16 by 0.429);

17 (ii) for property on which a bonus
18 depreciation deduction of 50% of the adjusted
19 basis was taken, "x" equals "y" multiplied by
20 1.0;

21 (iii) for property on which a bonus
22 depreciation deduction of 100% of the adjusted
23 basis was taken in a taxable year ending on or
24 after December 31, 2021, "x" equals the
25 depreciation deduction that would be allowed
26 on that property if the taxpayer had made the

1 election under Section 168(k)(7) of the
2 Internal Revenue Code to not claim bonus
3 depreciation on that property; and

4 (iv) for property on which a bonus
5 depreciation deduction of a percentage other
6 than 30%, 50% or 100% of the adjusted basis
7 was taken in a taxable year ending on or after
8 December 31, 2021, "x" equals "y" multiplied
9 by 100 times the percentage bonus depreciation
10 on the property (that is, $100(\text{bonus}\%)$) and
11 then divided by 100 times 1 minus the
12 percentage bonus depreciation on the property
13 (that is, $100(1-\text{bonus}\%)$).

14 The aggregate amount deducted under this
15 subparagraph in all taxable years for any one piece of
16 property may not exceed the amount of the bonus
17 depreciation deduction taken on that property on the
18 taxpayer's federal income tax return under subsection
19 (k) of Section 168 of the Internal Revenue Code. This
20 subparagraph (T) is exempt from the provisions of
21 Section 250;

22 (U) If the taxpayer sells, transfers, abandons, or
23 otherwise disposes of property for which the taxpayer
24 was required in any taxable year to make an addition
25 modification under subparagraph (E-10), then an amount
26 equal to that addition modification.

1 If the taxpayer continues to own property through
2 the last day of the last tax year for which a
3 subtraction is allowed with respect to that property
4 under subparagraph (T) and for which the taxpayer was
5 required in any taxable year to make an addition
6 modification under subparagraph (E-10), then an amount
7 equal to that addition modification.

8 The taxpayer is allowed to take the deduction
9 under this subparagraph only once with respect to any
10 one piece of property.

11 This subparagraph (U) is exempt from the
12 provisions of Section 250;

13 (V) The amount of: (i) any interest income (net of
14 the deductions allocable thereto) taken into account
15 for the taxable year with respect to a transaction
16 with a taxpayer that is required to make an addition
17 modification with respect to such transaction under
18 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
19 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
20 the amount of such addition modification, (ii) any
21 income from intangible property (net of the deductions
22 allocable thereto) taken into account for the taxable
23 year with respect to a transaction with a taxpayer
24 that is required to make an addition modification with
25 respect to such transaction under Section
26 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or

1 203(d)(2)(D-8), but not to exceed the amount of such
2 addition modification, and (iii) any insurance premium
3 income (net of deductions allocable thereto) taken
4 into account for the taxable year with respect to a
5 transaction with a taxpayer that is required to make
6 an addition modification with respect to such
7 transaction under Section 203(a)(2)(D-19), Section
8 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section
9 203(d)(2)(D-9), but not to exceed the amount of that
10 addition modification. This subparagraph (V) is exempt
11 from the provisions of Section 250;

12 (W) An amount equal to the interest income taken
13 into account for the taxable year (net of the
14 deductions allocable thereto) with respect to
15 transactions with (i) a foreign person who would be a
16 member of the taxpayer's unitary business group but
17 for the fact that the foreign person's business
18 activity outside the United States is 80% or more of
19 that person's total business activity and (ii) for
20 taxable years ending on or after December 31, 2008, to
21 a person who would be a member of the same unitary
22 business group but for the fact that the person is
23 prohibited under Section 1501(a)(27) from being
24 included in the unitary business group because he or
25 she is ordinarily required to apportion business
26 income under different subsections of Section 304, but

1 not to exceed the addition modification required to be
2 made for the same taxable year under Section
3 203(b)(2)(E-12) for interest paid, accrued, or
4 incurred, directly or indirectly, to the same person.
5 This subparagraph (W) is exempt from the provisions of
6 Section 250;

7 (X) An amount equal to the income from intangible
8 property taken into account for the taxable year (net
9 of the deductions allocable thereto) with respect to
10 transactions with (i) a foreign person who would be a
11 member of the taxpayer's unitary business group but
12 for the fact that the foreign person's business
13 activity outside the United States is 80% or more of
14 that person's total business activity and (ii) for
15 taxable years ending on or after December 31, 2008, to
16 a person who would be a member of the same unitary
17 business group but for the fact that the person is
18 prohibited under Section 1501(a)(27) from being
19 included in the unitary business group because he or
20 she is ordinarily required to apportion business
21 income under different subsections of Section 304, but
22 not to exceed the addition modification required to be
23 made for the same taxable year under Section
24 203(b)(2)(E-13) for intangible expenses and costs
25 paid, accrued, or incurred, directly or indirectly, to
26 the same foreign person. This subparagraph (X) is

1 exempt from the provisions of Section 250;

2 (Y) For taxable years ending on or after December
3 31, 2011, in the case of a taxpayer who was required to
4 add back any insurance premiums under Section
5 203(b)(2)(E-14), such taxpayer may elect to subtract
6 that part of a reimbursement received from the
7 insurance company equal to the amount of the expense
8 or loss (including expenses incurred by the insurance
9 company) that would have been taken into account as a
10 deduction for federal income tax purposes if the
11 expense or loss had been uninsured. If a taxpayer
12 makes the election provided for by this subparagraph
13 (Y), the insurer to which the premiums were paid must
14 add back to income the amount subtracted by the
15 taxpayer pursuant to this subparagraph (Y). This
16 subparagraph (Y) is exempt from the provisions of
17 Section 250;

18 (Z) The difference between the nondeductible
19 controlled foreign corporation dividends under Section
20 965(e)(3) of the Internal Revenue Code over the
21 taxable income of the taxpayer, computed without
22 regard to Section 965(e)(2)(A) of the Internal Revenue
23 Code, and without regard to any net operating loss
24 deduction. This subparagraph (Z) is exempt from the
25 provisions of Section 250; and

26 (AA) For taxable years beginning on or after

1 January 1, 2023, for any cannabis establishment
2 operating in this State and licensed under the
3 Cannabis Regulation and Tax Act or any cannabis
4 cultivation center or medical cannabis dispensing
5 organization operating in this State and licensed
6 under the Compassionate Use of Medical Cannabis
7 Program Act, an amount equal to the deductions that
8 were disallowed under Section 280E of the Internal
9 Revenue Code for the taxable year and that would not be
10 added back under this subsection. The provisions of
11 this subparagraph (AA) are exempt from the provisions
12 of Section 250.

13 (3) Special rule. For purposes of paragraph (2)(A),
14 "gross income" in the case of a life insurance company,
15 for tax years ending on and after December 31, 1994, and
16 prior to December 31, 2011, shall mean the gross
17 investment income for the taxable year and, for tax years
18 ending on or after December 31, 2011, shall mean all
19 amounts included in life insurance gross income under
20 Section 803(a)(3) of the Internal Revenue Code.

21 (c) Trusts and estates.

22 (1) In general. In the case of a trust or estate, base
23 income means an amount equal to the taxpayer's taxable
24 income for the taxable year as modified by paragraph (2).

25 (2) Modifications. Subject to the provisions of

1 paragraph (3), the taxable income referred to in paragraph
2 (1) shall be modified by adding thereto the sum of the
3 following amounts:

4 (A) An amount equal to all amounts paid or accrued
5 to the taxpayer as interest or dividends during the
6 taxable year to the extent excluded from gross income
7 in the computation of taxable income;

8 (B) In the case of (i) an estate, \$600; (ii) a
9 trust which, under its governing instrument, is
10 required to distribute all of its income currently,
11 \$300; and (iii) any other trust, \$100, but in each such
12 case, only to the extent such amount was deducted in
13 the computation of taxable income;

14 (C) An amount equal to the amount of tax imposed by
15 this Act to the extent deducted from gross income in
16 the computation of taxable income for the taxable
17 year;

18 (D) The amount of any net operating loss deduction
19 taken in arriving at taxable income, other than a net
20 operating loss carried forward from a taxable year
21 ending prior to December 31, 1986;

22 (E) For taxable years in which a net operating
23 loss carryback or carryforward from a taxable year
24 ending prior to December 31, 1986 is an element of
25 taxable income under paragraph (1) of subsection (e)
26 or subparagraph (E) of paragraph (2) of subsection

1 (e), the amount by which addition modifications other
2 than those provided by this subparagraph (E) exceeded
3 subtraction modifications in such taxable year, with
4 the following limitations applied in the order that
5 they are listed:

6 (i) the addition modification relating to the
7 net operating loss carried back or forward to the
8 taxable year from any taxable year ending prior to
9 December 31, 1986 shall be reduced by the amount
10 of addition modification under this subparagraph
11 (E) which related to that net operating loss and
12 which was taken into account in calculating the
13 base income of an earlier taxable year, and

14 (ii) the addition modification relating to the
15 net operating loss carried back or forward to the
16 taxable year from any taxable year ending prior to
17 December 31, 1986 shall not exceed the amount of
18 such carryback or carryforward;

19 For taxable years in which there is a net
20 operating loss carryback or carryforward from more
21 than one other taxable year ending prior to December
22 31, 1986, the addition modification provided in this
23 subparagraph (E) shall be the sum of the amounts
24 computed independently under the preceding provisions
25 of this subparagraph (E) for each such taxable year;

26 (F) For taxable years ending on or after January

1 1, 1989, an amount equal to the tax deducted pursuant
2 to Section 164 of the Internal Revenue Code if the
3 trust or estate is claiming the same tax for purposes
4 of the Illinois foreign tax credit under Section 601
5 of this Act;

6 (G) An amount equal to the amount of the capital
7 gain deduction allowable under the Internal Revenue
8 Code, to the extent deducted from gross income in the
9 computation of taxable income;

10 (G-5) For taxable years ending after December 31,
11 1997, an amount equal to any eligible remediation
12 costs that the trust or estate deducted in computing
13 adjusted gross income and for which the trust or
14 estate claims a credit under subsection (l) of Section
15 201;

16 (G-10) For taxable years 2001 and thereafter, an
17 amount equal to the bonus depreciation deduction taken
18 on the taxpayer's federal income tax return for the
19 taxable year under subsection (k) of Section 168 of
20 the Internal Revenue Code; and

21 (G-11) If the taxpayer sells, transfers, abandons,
22 or otherwise disposes of property for which the
23 taxpayer was required in any taxable year to make an
24 addition modification under subparagraph (G-10), then
25 an amount equal to the aggregate amount of the
26 deductions taken in all taxable years under

1 subparagraph (R) with respect to that property.

2 If the taxpayer continues to own property through
3 the last day of the last tax year for which a
4 subtraction is allowed with respect to that property
5 under subparagraph (R) and for which the taxpayer was
6 allowed in any taxable year to make a subtraction
7 modification under subparagraph (R), then an amount
8 equal to that subtraction modification.

9 The taxpayer is required to make the addition
10 modification under this subparagraph only once with
11 respect to any one piece of property;

12 (G-12) An amount equal to the amount otherwise
13 allowed as a deduction in computing base income for
14 interest paid, accrued, or incurred, directly or
15 indirectly, (i) for taxable years ending on or after
16 December 31, 2004, to a foreign person who would be a
17 member of the same unitary business group but for the
18 fact that the foreign person's business activity
19 outside the United States is 80% or more of the foreign
20 person's total business activity and (ii) for taxable
21 years ending on or after December 31, 2008, to a person
22 who would be a member of the same unitary business
23 group but for the fact that the person is prohibited
24 under Section 1501(a)(27) from being included in the
25 unitary business group because he or she is ordinarily
26 required to apportion business income under different

1 subsections of Section 304. The addition modification
2 required by this subparagraph shall be reduced to the
3 extent that dividends were included in base income of
4 the unitary group for the same taxable year and
5 received by the taxpayer or by a member of the
6 taxpayer's unitary business group (including amounts
7 included in gross income pursuant to Sections 951
8 through 964 of the Internal Revenue Code and amounts
9 included in gross income under Section 78 of the
10 Internal Revenue Code) with respect to the stock of
11 the same person to whom the interest was paid,
12 accrued, or incurred.

13 This paragraph shall not apply to the following:

14 (i) an item of interest paid, accrued, or
15 incurred, directly or indirectly, to a person who
16 is subject in a foreign country or state, other
17 than a state which requires mandatory unitary
18 reporting, to a tax on or measured by net income
19 with respect to such interest; or

20 (ii) an item of interest paid, accrued, or
21 incurred, directly or indirectly, to a person if
22 the taxpayer can establish, based on a
23 preponderance of the evidence, both of the
24 following:

25 (a) the person, during the same taxable
26 year, paid, accrued, or incurred, the interest

1 to a person that is not a related member, and

2 (b) the transaction giving rise to the
3 interest expense between the taxpayer and the
4 person did not have as a principal purpose the
5 avoidance of Illinois income tax, and is paid
6 pursuant to a contract or agreement that
7 reflects an arm's-length interest rate and
8 terms; or

9 (iii) the taxpayer can establish, based on
10 clear and convincing evidence, that the interest
11 paid, accrued, or incurred relates to a contract
12 or agreement entered into at arm's-length rates
13 and terms and the principal purpose for the
14 payment is not federal or Illinois tax avoidance;
15 or

16 (iv) an item of interest paid, accrued, or
17 incurred, directly or indirectly, to a person if
18 the taxpayer establishes by clear and convincing
19 evidence that the adjustments are unreasonable; or
20 if the taxpayer and the Director agree in writing
21 to the application or use of an alternative method
22 of apportionment under Section 304(f).

23 Nothing in this subsection shall preclude the
24 Director from making any other adjustment
25 otherwise allowed under Section 404 of this Act
26 for any tax year beginning after the effective

1 date of this amendment provided such adjustment is
2 made pursuant to regulation adopted by the
3 Department and such regulations provide methods
4 and standards by which the Department will utilize
5 its authority under Section 404 of this Act;

6 (G-13) An amount equal to the amount of intangible
7 expenses and costs otherwise allowed as a deduction in
8 computing base income, and that were paid, accrued, or
9 incurred, directly or indirectly, (i) for taxable
10 years ending on or after December 31, 2004, to a
11 foreign person who would be a member of the same
12 unitary business group but for the fact that the
13 foreign person's business activity outside the United
14 States is 80% or more of that person's total business
15 activity and (ii) for taxable years ending on or after
16 December 31, 2008, to a person who would be a member of
17 the same unitary business group but for the fact that
18 the person is prohibited under Section 1501(a)(27)
19 from being included in the unitary business group
20 because he or she is ordinarily required to apportion
21 business income under different subsections of Section
22 304. The addition modification required by this
23 subparagraph shall be reduced to the extent that
24 dividends were included in base income of the unitary
25 group for the same taxable year and received by the
26 taxpayer or by a member of the taxpayer's unitary

1 business group (including amounts included in gross
2 income pursuant to Sections 951 through 964 of the
3 Internal Revenue Code and amounts included in gross
4 income under Section 78 of the Internal Revenue Code)
5 with respect to the stock of the same person to whom
6 the intangible expenses and costs were directly or
7 indirectly paid, incurred, or accrued. The preceding
8 sentence shall not apply to the extent that the same
9 dividends caused a reduction to the addition
10 modification required under Section 203(c)(2)(G-12) of
11 this Act. As used in this subparagraph, the term
12 "intangible expenses and costs" includes: (1)
13 expenses, losses, and costs for or related to the
14 direct or indirect acquisition, use, maintenance or
15 management, ownership, sale, exchange, or any other
16 disposition of intangible property; (2) losses
17 incurred, directly or indirectly, from factoring
18 transactions or discounting transactions; (3) royalty,
19 patent, technical, and copyright fees; (4) licensing
20 fees; and (5) other similar expenses and costs. For
21 purposes of this subparagraph, "intangible property"
22 includes patents, patent applications, trade names,
23 trademarks, service marks, copyrights, mask works,
24 trade secrets, and similar types of intangible assets.

25 This paragraph shall not apply to the following:

26 (i) any item of intangible expenses or costs

1 paid, accrued, or incurred, directly or
2 indirectly, from a transaction with a person who
3 is subject in a foreign country or state, other
4 than a state which requires mandatory unitary
5 reporting, to a tax on or measured by net income
6 with respect to such item; or

7 (ii) any item of intangible expense or cost
8 paid, accrued, or incurred, directly or
9 indirectly, if the taxpayer can establish, based
10 on a preponderance of the evidence, both of the
11 following:

12 (a) the person during the same taxable
13 year paid, accrued, or incurred, the
14 intangible expense or cost to a person that is
15 not a related member, and

16 (b) the transaction giving rise to the
17 intangible expense or cost between the
18 taxpayer and the person did not have as a
19 principal purpose the avoidance of Illinois
20 income tax, and is paid pursuant to a contract
21 or agreement that reflects arm's-length terms;
22 or

23 (iii) any item of intangible expense or cost
24 paid, accrued, or incurred, directly or
25 indirectly, from a transaction with a person if
26 the taxpayer establishes by clear and convincing

1 evidence, that the adjustments are unreasonable;
2 or if the taxpayer and the Director agree in
3 writing to the application or use of an
4 alternative method of apportionment under Section
5 304(f);

6 Nothing in this subsection shall preclude the
7 Director from making any other adjustment
8 otherwise allowed under Section 404 of this Act
9 for any tax year beginning after the effective
10 date of this amendment provided such adjustment is
11 made pursuant to regulation adopted by the
12 Department and such regulations provide methods
13 and standards by which the Department will utilize
14 its authority under Section 404 of this Act;

15 (G-14) For taxable years ending on or after
16 December 31, 2008, an amount equal to the amount of
17 insurance premium expenses and costs otherwise allowed
18 as a deduction in computing base income, and that were
19 paid, accrued, or incurred, directly or indirectly, to
20 a person who would be a member of the same unitary
21 business group but for the fact that the person is
22 prohibited under Section 1501(a)(27) from being
23 included in the unitary business group because he or
24 she is ordinarily required to apportion business
25 income under different subsections of Section 304. The
26 addition modification required by this subparagraph

1 shall be reduced to the extent that dividends were
2 included in base income of the unitary group for the
3 same taxable year and received by the taxpayer or by a
4 member of the taxpayer's unitary business group
5 (including amounts included in gross income under
6 Sections 951 through 964 of the Internal Revenue Code
7 and amounts included in gross income under Section 78
8 of the Internal Revenue Code) with respect to the
9 stock of the same person to whom the premiums and costs
10 were directly or indirectly paid, incurred, or
11 accrued. The preceding sentence does not apply to the
12 extent that the same dividends caused a reduction to
13 the addition modification required under Section
14 203(c)(2)(G-12) or Section 203(c)(2)(G-13) of this
15 Act;

16 (G-15) An amount equal to the credit allowable to
17 the taxpayer under Section 218(a) of this Act,
18 determined without regard to Section 218(c) of this
19 Act;

20 (G-16) For taxable years ending on or after
21 December 31, 2017, an amount equal to the deduction
22 allowed under Section 199 of the Internal Revenue Code
23 for the taxable year;

24 (G-17) the amount that is claimed as a federal
25 deduction when computing the taxpayer's federal
26 taxable income for the taxable year and that is

1 attributable to an endowment gift for which the
2 taxpayer receives a credit under the Illinois Gives
3 Tax Credit Act;

4 and by deducting from the total so obtained the sum of the
5 following amounts:

6 (H) An amount equal to all amounts included in
7 such total pursuant to the provisions of Sections
8 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408
9 of the Internal Revenue Code or included in such total
10 as distributions under the provisions of any
11 retirement or disability plan for employees of any
12 governmental agency or unit, or retirement payments to
13 retired partners, which payments are excluded in
14 computing net earnings from self employment by Section
15 1402 of the Internal Revenue Code and regulations
16 adopted pursuant thereto;

17 (I) The valuation limitation amount;

18 (J) An amount equal to the amount of any tax
19 imposed by this Act which was refunded to the taxpayer
20 and included in such total for the taxable year;

21 (K) An amount equal to all amounts included in
22 taxable income as modified by subparagraphs (A), (B),
23 (C), (D), (E), (F) and (G) which are exempt from
24 taxation by this State either by reason of its
25 statutes or Constitution or by reason of the
26 Constitution, treaties or statutes of the United

1 States; provided that, in the case of any statute of
2 this State that exempts income derived from bonds or
3 other obligations from the tax imposed under this Act,
4 the amount exempted shall be the interest net of bond
5 premium amortization;

6 (L) With the exception of any amounts subtracted
7 under subparagraph (K), an amount equal to the sum of
8 all amounts disallowed as deductions by (i) Sections
9 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
10 and all amounts of expenses allocable to interest and
11 disallowed as deductions by Section 265(a)(1) of the
12 Internal Revenue Code; and (ii) for taxable years
13 ending on or after August 13, 1999, Sections
14 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
15 Internal Revenue Code, plus, (iii) for taxable years
16 ending on or after December 31, 2011, Section
17 45G(e)(3) of the Internal Revenue Code and, for
18 taxable years ending on or after December 31, 2008,
19 any amount included in gross income under Section 87
20 of the Internal Revenue Code; the provisions of this
21 subparagraph are exempt from the provisions of Section
22 250;

23 (M) An amount equal to those dividends included in
24 such total which were paid by a corporation which
25 conducts business operations in a River Edge
26 Redevelopment Zone or zones created under the River

1 Edge Redevelopment Zone Act and conducts substantially
2 all of its operations in a River Edge Redevelopment
3 Zone or zones. This subparagraph (M) is exempt from
4 the provisions of Section 250;

5 (N) An amount equal to any contribution made to a
6 job training project established pursuant to the Tax
7 Increment Allocation Redevelopment Act;

8 (O) An amount equal to those dividends included in
9 such total that were paid by a corporation that
10 conducts business operations in a federally designated
11 Foreign Trade Zone or Sub-Zone and that is designated
12 a High Impact Business located in Illinois; provided
13 that dividends eligible for the deduction provided in
14 subparagraph (M) of paragraph (2) of this subsection
15 shall not be eligible for the deduction provided under
16 this subparagraph (O);

17 (P) An amount equal to the amount of the deduction
18 used to compute the federal income tax credit for
19 restoration of substantial amounts held under claim of
20 right for the taxable year pursuant to Section 1341 of
21 the Internal Revenue Code;

22 (Q) For taxable year 1999 and thereafter, an
23 amount equal to the amount of any (i) distributions,
24 to the extent includible in gross income for federal
25 income tax purposes, made to the taxpayer because of
26 his or her status as a victim of persecution for racial

1 or religious reasons by Nazi Germany or any other Axis
2 regime or as an heir of the victim and (ii) items of
3 income, to the extent includible in gross income for
4 federal income tax purposes, attributable to, derived
5 from or in any way related to assets stolen from,
6 hidden from, or otherwise lost to a victim of
7 persecution for racial or religious reasons by Nazi
8 Germany or any other Axis regime immediately prior to,
9 during, and immediately after World War II, including,
10 but not limited to, interest on the proceeds
11 receivable as insurance under policies issued to a
12 victim of persecution for racial or religious reasons
13 by Nazi Germany or any other Axis regime by European
14 insurance companies immediately prior to and during
15 World War II; provided, however, this subtraction from
16 federal adjusted gross income does not apply to assets
17 acquired with such assets or with the proceeds from
18 the sale of such assets; provided, further, this
19 paragraph shall only apply to a taxpayer who was the
20 first recipient of such assets after their recovery
21 and who is a victim of persecution for racial or
22 religious reasons by Nazi Germany or any other Axis
23 regime or as an heir of the victim. The amount of and
24 the eligibility for any public assistance, benefit, or
25 similar entitlement is not affected by the inclusion
26 of items (i) and (ii) of this paragraph in gross income

1 for federal income tax purposes. This paragraph is
2 exempt from the provisions of Section 250;

3 (R) For taxable years 2001 and thereafter, for the
4 taxable year in which the bonus depreciation deduction
5 is taken on the taxpayer's federal income tax return
6 under subsection (k) of Section 168 of the Internal
7 Revenue Code and for each applicable taxable year
8 thereafter, an amount equal to "x", where:

9 (1) "y" equals the amount of the depreciation
10 deduction taken for the taxable year on the
11 taxpayer's federal income tax return on property
12 for which the bonus depreciation deduction was
13 taken in any year under subsection (k) of Section
14 168 of the Internal Revenue Code, but not
15 including the bonus depreciation deduction;

16 (2) for taxable years ending on or before
17 December 31, 2005, "x" equals "y" multiplied by 30
18 and then divided by 70 (or "y" multiplied by
19 0.429); and

20 (3) for taxable years ending after December
21 31, 2005:

22 (i) for property on which a bonus
23 depreciation deduction of 30% of the adjusted
24 basis was taken, "x" equals "y" multiplied by
25 30 and then divided by 70 (or "y" multiplied
26 by 0.429);

1 (ii) for property on which a bonus
2 depreciation deduction of 50% of the adjusted
3 basis was taken, "x" equals "y" multiplied by
4 1.0;

5 (iii) for property on which a bonus
6 depreciation deduction of 100% of the adjusted
7 basis was taken in a taxable year ending on or
8 after December 31, 2021, "x" equals the
9 depreciation deduction that would be allowed
10 on that property if the taxpayer had made the
11 election under Section 168(k)(7) of the
12 Internal Revenue Code to not claim bonus
13 depreciation on that property; and

14 (iv) for property on which a bonus
15 depreciation deduction of a percentage other
16 than 30%, 50% or 100% of the adjusted basis
17 was taken in a taxable year ending on or after
18 December 31, 2021, "x" equals "y" multiplied
19 by 100 times the percentage bonus depreciation
20 on the property (that is, $100(\text{bonus}\%)$) and
21 then divided by 100 times 1 minus the
22 percentage bonus depreciation on the property
23 (that is, $100(1-\text{bonus}\%)$).

24 The aggregate amount deducted under this
25 subparagraph in all taxable years for any one piece of
26 property may not exceed the amount of the bonus

1 depreciation deduction taken on that property on the
2 taxpayer's federal income tax return under subsection
3 (k) of Section 168 of the Internal Revenue Code. This
4 subparagraph (R) is exempt from the provisions of
5 Section 250;

6 (S) If the taxpayer sells, transfers, abandons, or
7 otherwise disposes of property for which the taxpayer
8 was required in any taxable year to make an addition
9 modification under subparagraph (G-10), then an amount
10 equal to that addition modification.

11 If the taxpayer continues to own property through
12 the last day of the last tax year for which a
13 subtraction is allowed with respect to that property
14 under subparagraph (R) and for which the taxpayer was
15 required in any taxable year to make an addition
16 modification under subparagraph (G-10), then an amount
17 equal to that addition modification.

18 The taxpayer is allowed to take the deduction
19 under this subparagraph only once with respect to any
20 one piece of property.

21 This subparagraph (S) is exempt from the
22 provisions of Section 250;

23 (T) The amount of (i) any interest income (net of
24 the deductions allocable thereto) taken into account
25 for the taxable year with respect to a transaction
26 with a taxpayer that is required to make an addition

1 modification with respect to such transaction under
2 Section 203(a) (2) (D-17), 203(b) (2) (E-12),
3 203(c) (2) (G-12), or 203(d) (2) (D-7), but not to exceed
4 the amount of such addition modification and (ii) any
5 income from intangible property (net of the deductions
6 allocable thereto) taken into account for the taxable
7 year with respect to a transaction with a taxpayer
8 that is required to make an addition modification with
9 respect to such transaction under Section
10 203(a) (2) (D-18), 203(b) (2) (E-13), 203(c) (2) (G-13), or
11 203(d) (2) (D-8), but not to exceed the amount of such
12 addition modification. This subparagraph (T) is exempt
13 from the provisions of Section 250;

14 (U) An amount equal to the interest income taken
15 into account for the taxable year (net of the
16 deductions allocable thereto) with respect to
17 transactions with (i) a foreign person who would be a
18 member of the taxpayer's unitary business group but
19 for the fact the foreign person's business activity
20 outside the United States is 80% or more of that
21 person's total business activity and (ii) for taxable
22 years ending on or after December 31, 2008, to a person
23 who would be a member of the same unitary business
24 group but for the fact that the person is prohibited
25 under Section 1501(a) (27) from being included in the
26 unitary business group because he or she is ordinarily

1 required to apportion business income under different
2 subsections of Section 304, but not to exceed the
3 addition modification required to be made for the same
4 taxable year under Section 203(c)(2)(G-12) for
5 interest paid, accrued, or incurred, directly or
6 indirectly, to the same person. This subparagraph (U)
7 is exempt from the provisions of Section 250;

8 (V) An amount equal to the income from intangible
9 property taken into account for the taxable year (net
10 of the deductions allocable thereto) with respect to
11 transactions with (i) a foreign person who would be a
12 member of the taxpayer's unitary business group but
13 for the fact that the foreign person's business
14 activity outside the United States is 80% or more of
15 that person's total business activity and (ii) for
16 taxable years ending on or after December 31, 2008, to
17 a person who would be a member of the same unitary
18 business group but for the fact that the person is
19 prohibited under Section 1501(a)(27) from being
20 included in the unitary business group because he or
21 she is ordinarily required to apportion business
22 income under different subsections of Section 304, but
23 not to exceed the addition modification required to be
24 made for the same taxable year under Section
25 203(c)(2)(G-13) for intangible expenses and costs
26 paid, accrued, or incurred, directly or indirectly, to

1 the same foreign person. This subparagraph (V) is
2 exempt from the provisions of Section 250;

3 (W) in the case of an estate, an amount equal to
4 all amounts included in such total pursuant to the
5 provisions of Section 111 of the Internal Revenue Code
6 as a recovery of items previously deducted by the
7 decedent from adjusted gross income in the computation
8 of taxable income. This subparagraph (W) is exempt
9 from Section 250;

10 (X) an amount equal to the refund included in such
11 total of any tax deducted for federal income tax
12 purposes, to the extent that deduction was added back
13 under subparagraph (F). This subparagraph (X) is
14 exempt from the provisions of Section 250;

15 (Y) For taxable years ending on or after December
16 31, 2011, in the case of a taxpayer who was required to
17 add back any insurance premiums under Section
18 203(c)(2)(G-14), such taxpayer may elect to subtract
19 that part of a reimbursement received from the
20 insurance company equal to the amount of the expense
21 or loss (including expenses incurred by the insurance
22 company) that would have been taken into account as a
23 deduction for federal income tax purposes if the
24 expense or loss had been uninsured. If a taxpayer
25 makes the election provided for by this subparagraph
26 (Y), the insurer to which the premiums were paid must

1 add back to income the amount subtracted by the
2 taxpayer pursuant to this subparagraph (Y). This
3 subparagraph (Y) is exempt from the provisions of
4 Section 250;

5 (Z) For taxable years beginning after December 31,
6 2018 and before January 1, 2026, the amount of excess
7 business loss of the taxpayer disallowed as a
8 deduction by Section 461(l)(1)(B) of the Internal
9 Revenue Code; and

10 (AA) For taxable years beginning on or after
11 January 1, 2023, for any cannabis establishment
12 operating in this State and licensed under the
13 Cannabis Regulation and Tax Act or any cannabis
14 cultivation center or medical cannabis dispensing
15 organization operating in this State and licensed
16 under the Compassionate Use of Medical Cannabis
17 Program Act, an amount equal to the deductions that
18 were disallowed under Section 280E of the Internal
19 Revenue Code for the taxable year and that would not be
20 added back under this subsection. The provisions of
21 this subparagraph (AA) are exempt from the provisions
22 of Section 250.

23 (3) Limitation. The amount of any modification
24 otherwise required under this subsection shall, under
25 regulations prescribed by the Department, be adjusted by
26 any amounts included therein which were properly paid,

1 credited, or required to be distributed, or permanently
2 set aside for charitable purposes pursuant to Internal
3 Revenue Code Section 642(c) during the taxable year.

4 (d) Partnerships.

5 (1) In general. In the case of a partnership, base
6 income means an amount equal to the taxpayer's taxable
7 income for the taxable year as modified by paragraph (2).

8 (2) Modifications. The taxable income referred to in
9 paragraph (1) shall be modified by adding thereto the sum
10 of the following amounts:

11 (A) An amount equal to all amounts paid or accrued
12 to the taxpayer as interest or dividends during the
13 taxable year to the extent excluded from gross income
14 in the computation of taxable income;

15 (B) An amount equal to the amount of tax imposed by
16 this Act to the extent deducted from gross income for
17 the taxable year;

18 (C) The amount of deductions allowed to the
19 partnership pursuant to Section 707 (c) of the
20 Internal Revenue Code in calculating its taxable
21 income;

22 (D) An amount equal to the amount of the capital
23 gain deduction allowable under the Internal Revenue
24 Code, to the extent deducted from gross income in the
25 computation of taxable income;

1 (D-5) For taxable years 2001 and thereafter, an
2 amount equal to the bonus depreciation deduction taken
3 on the taxpayer's federal income tax return for the
4 taxable year under subsection (k) of Section 168 of
5 the Internal Revenue Code;

6 (D-6) If the taxpayer sells, transfers, abandons,
7 or otherwise disposes of property for which the
8 taxpayer was required in any taxable year to make an
9 addition modification under subparagraph (D-5), then
10 an amount equal to the aggregate amount of the
11 deductions taken in all taxable years under
12 subparagraph (O) with respect to that property.

13 If the taxpayer continues to own property through
14 the last day of the last tax year for which a
15 subtraction is allowed with respect to that property
16 under subparagraph (O) and for which the taxpayer was
17 allowed in any taxable year to make a subtraction
18 modification under subparagraph (O), then an amount
19 equal to that subtraction modification.

20 The taxpayer is required to make the addition
21 modification under this subparagraph only once with
22 respect to any one piece of property;

23 (D-7) An amount equal to the amount otherwise
24 allowed as a deduction in computing base income for
25 interest paid, accrued, or incurred, directly or
26 indirectly, (i) for taxable years ending on or after

1 December 31, 2004, to a foreign person who would be a
2 member of the same unitary business group but for the
3 fact the foreign person's business activity outside
4 the United States is 80% or more of the foreign
5 person's total business activity and (ii) for taxable
6 years ending on or after December 31, 2008, to a person
7 who would be a member of the same unitary business
8 group but for the fact that the person is prohibited
9 under Section 1501(a)(27) from being included in the
10 unitary business group because he or she is ordinarily
11 required to apportion business income under different
12 subsections of Section 304. The addition modification
13 required by this subparagraph shall be reduced to the
14 extent that dividends were included in base income of
15 the unitary group for the same taxable year and
16 received by the taxpayer or by a member of the
17 taxpayer's unitary business group (including amounts
18 included in gross income pursuant to Sections 951
19 through 964 of the Internal Revenue Code and amounts
20 included in gross income under Section 78 of the
21 Internal Revenue Code) with respect to the stock of
22 the same person to whom the interest was paid,
23 accrued, or incurred.

24 This paragraph shall not apply to the following:

25 (i) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a person who

1 is subject in a foreign country or state, other
2 than a state which requires mandatory unitary
3 reporting, to a tax on or measured by net income
4 with respect to such interest; or

5 (ii) an item of interest paid, accrued, or
6 incurred, directly or indirectly, to a person if
7 the taxpayer can establish, based on a
8 preponderance of the evidence, both of the
9 following:

10 (a) the person, during the same taxable
11 year, paid, accrued, or incurred, the interest
12 to a person that is not a related member, and

13 (b) the transaction giving rise to the
14 interest expense between the taxpayer and the
15 person did not have as a principal purpose the
16 avoidance of Illinois income tax, and is paid
17 pursuant to a contract or agreement that
18 reflects an arm's-length interest rate and
19 terms; or

20 (iii) the taxpayer can establish, based on
21 clear and convincing evidence, that the interest
22 paid, accrued, or incurred relates to a contract
23 or agreement entered into at arm's-length rates
24 and terms and the principal purpose for the
25 payment is not federal or Illinois tax avoidance;
26 or

1 (iv) an item of interest paid, accrued, or
2 incurred, directly or indirectly, to a person if
3 the taxpayer establishes by clear and convincing
4 evidence that the adjustments are unreasonable; or
5 if the taxpayer and the Director agree in writing
6 to the application or use of an alternative method
7 of apportionment under Section 304(f).

8 Nothing in this subsection shall preclude the
9 Director from making any other adjustment
10 otherwise allowed under Section 404 of this Act
11 for any tax year beginning after the effective
12 date of this amendment provided such adjustment is
13 made pursuant to regulation adopted by the
14 Department and such regulations provide methods
15 and standards by which the Department will utilize
16 its authority under Section 404 of this Act; and

17 (D-8) An amount equal to the amount of intangible
18 expenses and costs otherwise allowed as a deduction in
19 computing base income, and that were paid, accrued, or
20 incurred, directly or indirectly, (i) for taxable
21 years ending on or after December 31, 2004, to a
22 foreign person who would be a member of the same
23 unitary business group but for the fact that the
24 foreign person's business activity outside the United
25 States is 80% or more of that person's total business
26 activity and (ii) for taxable years ending on or after

1 December 31, 2008, to a person who would be a member of
2 the same unitary business group but for the fact that
3 the person is prohibited under Section 1501(a)(27)
4 from being included in the unitary business group
5 because he or she is ordinarily required to apportion
6 business income under different subsections of Section
7 304. The addition modification required by this
8 subparagraph shall be reduced to the extent that
9 dividends were included in base income of the unitary
10 group for the same taxable year and received by the
11 taxpayer or by a member of the taxpayer's unitary
12 business group (including amounts included in gross
13 income pursuant to Sections 951 through 964 of the
14 Internal Revenue Code and amounts included in gross
15 income under Section 78 of the Internal Revenue Code)
16 with respect to the stock of the same person to whom
17 the intangible expenses and costs were directly or
18 indirectly paid, incurred or accrued. The preceding
19 sentence shall not apply to the extent that the same
20 dividends caused a reduction to the addition
21 modification required under Section 203(d)(2)(D-7) of
22 this Act. As used in this subparagraph, the term
23 "intangible expenses and costs" includes (1) expenses,
24 losses, and costs for, or related to, the direct or
25 indirect acquisition, use, maintenance or management,
26 ownership, sale, exchange, or any other disposition of

1 intangible property; (2) losses incurred, directly or
2 indirectly, from factoring transactions or discounting
3 transactions; (3) royalty, patent, technical, and
4 copyright fees; (4) licensing fees; and (5) other
5 similar expenses and costs. For purposes of this
6 subparagraph, "intangible property" includes patents,
7 patent applications, trade names, trademarks, service
8 marks, copyrights, mask works, trade secrets, and
9 similar types of intangible assets;

10 This paragraph shall not apply to the following:

11 (i) any item of intangible expenses or costs
12 paid, accrued, or incurred, directly or
13 indirectly, from a transaction with a person who
14 is subject in a foreign country or state, other
15 than a state which requires mandatory unitary
16 reporting, to a tax on or measured by net income
17 with respect to such item; or

18 (ii) any item of intangible expense or cost
19 paid, accrued, or incurred, directly or
20 indirectly, if the taxpayer can establish, based
21 on a preponderance of the evidence, both of the
22 following:

23 (a) the person during the same taxable
24 year paid, accrued, or incurred, the
25 intangible expense or cost to a person that is
26 not a related member, and

1 (b) the transaction giving rise to the
2 intangible expense or cost between the
3 taxpayer and the person did not have as a
4 principal purpose the avoidance of Illinois
5 income tax, and is paid pursuant to a contract
6 or agreement that reflects arm's-length terms;
7 or

8 (iii) any item of intangible expense or cost
9 paid, accrued, or incurred, directly or
10 indirectly, from a transaction with a person if
11 the taxpayer establishes by clear and convincing
12 evidence, that the adjustments are unreasonable;
13 or if the taxpayer and the Director agree in
14 writing to the application or use of an
15 alternative method of apportionment under Section
16 304(f);

17 Nothing in this subsection shall preclude the
18 Director from making any other adjustment
19 otherwise allowed under Section 404 of this Act
20 for any tax year beginning after the effective
21 date of this amendment provided such adjustment is
22 made pursuant to regulation adopted by the
23 Department and such regulations provide methods
24 and standards by which the Department will utilize
25 its authority under Section 404 of this Act;

26 (D-9) For taxable years ending on or after

1 December 31, 2008, an amount equal to the amount of
2 insurance premium expenses and costs otherwise allowed
3 as a deduction in computing base income, and that were
4 paid, accrued, or incurred, directly or indirectly, to
5 a person who would be a member of the same unitary
6 business group but for the fact that the person is
7 prohibited under Section 1501(a)(27) from being
8 included in the unitary business group because he or
9 she is ordinarily required to apportion business
10 income under different subsections of Section 304. The
11 addition modification required by this subparagraph
12 shall be reduced to the extent that dividends were
13 included in base income of the unitary group for the
14 same taxable year and received by the taxpayer or by a
15 member of the taxpayer's unitary business group
16 (including amounts included in gross income under
17 Sections 951 through 964 of the Internal Revenue Code
18 and amounts included in gross income under Section 78
19 of the Internal Revenue Code) with respect to the
20 stock of the same person to whom the premiums and costs
21 were directly or indirectly paid, incurred, or
22 accrued. The preceding sentence does not apply to the
23 extent that the same dividends caused a reduction to
24 the addition modification required under Section
25 203(d)(2)(D-7) or Section 203(d)(2)(D-8) of this Act;
26 (D-10) An amount equal to the credit allowable to

1 the taxpayer under Section 218(a) of this Act,
2 determined without regard to Section 218(c) of this
3 Act;

4 (D-11) For taxable years ending on or after
5 December 31, 2017, an amount equal to the deduction
6 allowed under Section 199 of the Internal Revenue Code
7 for the taxable year;

8 (D-12) the amount that is claimed as a federal
9 deduction when computing the taxpayer's federal
10 taxable income for the taxable year and that is
11 attributable to an endowment gift for which the
12 taxpayer receives a credit under the Illinois Gives
13 Tax Credit Act;

14 and by deducting from the total so obtained the following
15 amounts:

16 (E) The valuation limitation amount;

17 (F) An amount equal to the amount of any tax
18 imposed by this Act which was refunded to the taxpayer
19 and included in such total for the taxable year;

20 (G) An amount equal to all amounts included in
21 taxable income as modified by subparagraphs (A), (B),
22 (C) and (D) which are exempt from taxation by this
23 State either by reason of its statutes or Constitution
24 or by reason of the Constitution, treaties or statutes
25 of the United States; provided that, in the case of any
26 statute of this State that exempts income derived from

1 bonds or other obligations from the tax imposed under
2 this Act, the amount exempted shall be the interest
3 net of bond premium amortization;

4 (H) Any income of the partnership which
5 constitutes personal service income as defined in
6 Section 1348(b)(1) of the Internal Revenue Code (as in
7 effect December 31, 1981) or a reasonable allowance
8 for compensation paid or accrued for services rendered
9 by partners to the partnership, whichever is greater;
10 this subparagraph (H) is exempt from the provisions of
11 Section 250;

12 (I) An amount equal to all amounts of income
13 distributable to an entity subject to the Personal
14 Property Tax Replacement Income Tax imposed by
15 subsections (c) and (d) of Section 201 of this Act
16 including amounts distributable to organizations
17 exempt from federal income tax by reason of Section
18 501(a) of the Internal Revenue Code; this subparagraph
19 (I) is exempt from the provisions of Section 250;

20 (J) With the exception of any amounts subtracted
21 under subparagraph (G), an amount equal to the sum of
22 all amounts disallowed as deductions by (i) Sections
23 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
24 and all amounts of expenses allocable to interest and
25 disallowed as deductions by Section 265(a)(1) of the
26 Internal Revenue Code; and (ii) for taxable years

1 ending on or after August 13, 1999, Sections
2 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
3 Internal Revenue Code, plus, (iii) for taxable years
4 ending on or after December 31, 2011, Section
5 45G(e)(3) of the Internal Revenue Code and, for
6 taxable years ending on or after December 31, 2008,
7 any amount included in gross income under Section 87
8 of the Internal Revenue Code; the provisions of this
9 subparagraph are exempt from the provisions of Section
10 250;

11 (K) An amount equal to those dividends included in
12 such total which were paid by a corporation which
13 conducts business operations in a River Edge
14 Redevelopment Zone or zones created under the River
15 Edge Redevelopment Zone Act and conducts substantially
16 all of its operations from a River Edge Redevelopment
17 Zone or zones. This subparagraph (K) is exempt from
18 the provisions of Section 250;

19 (L) An amount equal to any contribution made to a
20 job training project established pursuant to the Real
21 Property Tax Increment Allocation Redevelopment Act;

22 (M) An amount equal to those dividends included in
23 such total that were paid by a corporation that
24 conducts business operations in a federally designated
25 Foreign Trade Zone or Sub-Zone and that is designated
26 a High Impact Business located in Illinois; provided

1 that dividends eligible for the deduction provided in
2 subparagraph (K) of paragraph (2) of this subsection
3 shall not be eligible for the deduction provided under
4 this subparagraph (M);

5 (N) An amount equal to the amount of the deduction
6 used to compute the federal income tax credit for
7 restoration of substantial amounts held under claim of
8 right for the taxable year pursuant to Section 1341 of
9 the Internal Revenue Code;

10 (O) For taxable years 2001 and thereafter, for the
11 taxable year in which the bonus depreciation deduction
12 is taken on the taxpayer's federal income tax return
13 under subsection (k) of Section 168 of the Internal
14 Revenue Code and for each applicable taxable year
15 thereafter, an amount equal to "x", where:

16 (1) "y" equals the amount of the depreciation
17 deduction taken for the taxable year on the
18 taxpayer's federal income tax return on property
19 for which the bonus depreciation deduction was
20 taken in any year under subsection (k) of Section
21 168 of the Internal Revenue Code, but not
22 including the bonus depreciation deduction;

23 (2) for taxable years ending on or before
24 December 31, 2005, "x" equals "y" multiplied by 30
25 and then divided by 70 (or "y" multiplied by
26 0.429); and

1 (3) for taxable years ending after December
2 31, 2005:

3 (i) for property on which a bonus
4 depreciation deduction of 30% of the adjusted
5 basis was taken, "x" equals "y" multiplied by
6 30 and then divided by 70 (or "y" multiplied
7 by 0.429);

8 (ii) for property on which a bonus
9 depreciation deduction of 50% of the adjusted
10 basis was taken, "x" equals "y" multiplied by
11 1.0;

12 (iii) for property on which a bonus
13 depreciation deduction of 100% of the adjusted
14 basis was taken in a taxable year ending on or
15 after December 31, 2021, "x" equals the
16 depreciation deduction that would be allowed
17 on that property if the taxpayer had made the
18 election under Section 168(k)(7) of the
19 Internal Revenue Code to not claim bonus
20 depreciation on that property; and

21 (iv) for property on which a bonus
22 depreciation deduction of a percentage other
23 than 30%, 50% or 100% of the adjusted basis
24 was taken in a taxable year ending on or after
25 December 31, 2021, "x" equals "y" multiplied
26 by 100 times the percentage bonus depreciation

1 on the property (that is, $100(\text{bonus}\%)$) and
2 then divided by 100 times 1 minus the
3 percentage bonus depreciation on the property
4 (that is, $100(1-\text{bonus}\%)$).

5 The aggregate amount deducted under this
6 subparagraph in all taxable years for any one piece of
7 property may not exceed the amount of the bonus
8 depreciation deduction taken on that property on the
9 taxpayer's federal income tax return under subsection
10 (k) of Section 168 of the Internal Revenue Code. This
11 subparagraph (O) is exempt from the provisions of
12 Section 250;

13 (P) If the taxpayer sells, transfers, abandons, or
14 otherwise disposes of property for which the taxpayer
15 was required in any taxable year to make an addition
16 modification under subparagraph (D-5), then an amount
17 equal to that addition modification.

18 If the taxpayer continues to own property through
19 the last day of the last tax year for which a
20 subtraction is allowed with respect to that property
21 under subparagraph (O) and for which the taxpayer was
22 required in any taxable year to make an addition
23 modification under subparagraph (D-5), then an amount
24 equal to that addition modification.

25 The taxpayer is allowed to take the deduction
26 under this subparagraph only once with respect to any

1 one piece of property.

2 This subparagraph (P) is exempt from the
3 provisions of Section 250;

4 (Q) The amount of (i) any interest income (net of
5 the deductions allocable thereto) taken into account
6 for the taxable year with respect to a transaction
7 with a taxpayer that is required to make an addition
8 modification with respect to such transaction under
9 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
10 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
11 the amount of such addition modification and (ii) any
12 income from intangible property (net of the deductions
13 allocable thereto) taken into account for the taxable
14 year with respect to a transaction with a taxpayer
15 that is required to make an addition modification with
16 respect to such transaction under Section
17 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
18 203(d)(2)(D-8), but not to exceed the amount of such
19 addition modification. This subparagraph (Q) is exempt
20 from Section 250;

21 (R) An amount equal to the interest income taken
22 into account for the taxable year (net of the
23 deductions allocable thereto) with respect to
24 transactions with (i) a foreign person who would be a
25 member of the taxpayer's unitary business group but
26 for the fact that the foreign person's business

1 activity outside the United States is 80% or more of
2 that person's total business activity and (ii) for
3 taxable years ending on or after December 31, 2008, to
4 a person who would be a member of the same unitary
5 business group but for the fact that the person is
6 prohibited under Section 1501(a)(27) from being
7 included in the unitary business group because he or
8 she is ordinarily required to apportion business
9 income under different subsections of Section 304, but
10 not to exceed the addition modification required to be
11 made for the same taxable year under Section
12 203(d)(2)(D-7) for interest paid, accrued, or
13 incurred, directly or indirectly, to the same person.
14 This subparagraph (R) is exempt from Section 250;

15 (S) An amount equal to the income from intangible
16 property taken into account for the taxable year (net
17 of the deductions allocable thereto) with respect to
18 transactions with (i) a foreign person who would be a
19 member of the taxpayer's unitary business group but
20 for the fact that the foreign person's business
21 activity outside the United States is 80% or more of
22 that person's total business activity and (ii) for
23 taxable years ending on or after December 31, 2008, to
24 a person who would be a member of the same unitary
25 business group but for the fact that the person is
26 prohibited under Section 1501(a)(27) from being

1 included in the unitary business group because he or
2 she is ordinarily required to apportion business
3 income under different subsections of Section 304, but
4 not to exceed the addition modification required to be
5 made for the same taxable year under Section
6 203(d)(2)(D-8) for intangible expenses and costs paid,
7 accrued, or incurred, directly or indirectly, to the
8 same person. This subparagraph (S) is exempt from
9 Section 250;

10 (T) For taxable years ending on or after December
11 31, 2011, in the case of a taxpayer who was required to
12 add back any insurance premiums under Section
13 203(d)(2)(D-9), such taxpayer may elect to subtract
14 that part of a reimbursement received from the
15 insurance company equal to the amount of the expense
16 or loss (including expenses incurred by the insurance
17 company) that would have been taken into account as a
18 deduction for federal income tax purposes if the
19 expense or loss had been uninsured. If a taxpayer
20 makes the election provided for by this subparagraph
21 (T), the insurer to which the premiums were paid must
22 add back to income the amount subtracted by the
23 taxpayer pursuant to this subparagraph (T). This
24 subparagraph (T) is exempt from the provisions of
25 Section 250; and

26 (U) For taxable years beginning on or after

1 January 1, 2023, for any cannabis establishment
2 operating in this State and licensed under the
3 Cannabis Regulation and Tax Act or any cannabis
4 cultivation center or medical cannabis dispensing
5 organization operating in this State and licensed
6 under the Compassionate Use of Medical Cannabis
7 Program Act, an amount equal to the deductions that
8 were disallowed under Section 280E of the Internal
9 Revenue Code for the taxable year and that would not be
10 added back under this subsection. The provisions of
11 this subparagraph (U) are exempt from the provisions
12 of Section 250.

13 (e) Gross income; adjusted gross income; taxable income.

14 (1) In general. Subject to the provisions of paragraph
15 (2) and subsection (b)(3), for purposes of this Section
16 and Section 803(e), a taxpayer's gross income, adjusted
17 gross income, or taxable income for the taxable year shall
18 mean the amount of gross income, adjusted gross income or
19 taxable income properly reportable for federal income tax
20 purposes for the taxable year under the provisions of the
21 Internal Revenue Code. Taxable income may be less than
22 zero. However, for taxable years ending on or after
23 December 31, 1986, net operating loss carryforwards from
24 taxable years ending prior to December 31, 1986, may not
25 exceed the sum of federal taxable income for the taxable

1 year before net operating loss deduction, plus the excess
2 of addition modifications over subtraction modifications
3 for the taxable year. For taxable years ending prior to
4 December 31, 1986, taxable income may never be an amount
5 in excess of the net operating loss for the taxable year as
6 defined in subsections (c) and (d) of Section 172 of the
7 Internal Revenue Code, provided that when taxable income
8 of a corporation (other than a Subchapter S corporation),
9 trust, or estate is less than zero and addition
10 modifications, other than those provided by subparagraph
11 (E) of paragraph (2) of subsection (b) for corporations or
12 subparagraph (E) of paragraph (2) of subsection (c) for
13 trusts and estates, exceed subtraction modifications, an
14 addition modification must be made under those
15 subparagraphs for any other taxable year to which the
16 taxable income less than zero (net operating loss) is
17 applied under Section 172 of the Internal Revenue Code or
18 under subparagraph (E) of paragraph (2) of this subsection
19 (e) applied in conjunction with Section 172 of the
20 Internal Revenue Code.

21 (2) Special rule. For purposes of paragraph (1) of
22 this subsection, the taxable income properly reportable
23 for federal income tax purposes shall mean:

24 (A) Certain life insurance companies. In the case
25 of a life insurance company subject to the tax imposed
26 by Section 801 of the Internal Revenue Code, life

1 insurance company taxable income, plus the amount of
2 distribution from pre-1984 policyholder surplus
3 accounts as calculated under Section 815a of the
4 Internal Revenue Code;

5 (B) Certain other insurance companies. In the case
6 of mutual insurance companies subject to the tax
7 imposed by Section 831 of the Internal Revenue Code,
8 insurance company taxable income;

9 (C) Regulated investment companies. In the case of
10 a regulated investment company subject to the tax
11 imposed by Section 852 of the Internal Revenue Code,
12 investment company taxable income;

13 (D) Real estate investment trusts. In the case of
14 a real estate investment trust subject to the tax
15 imposed by Section 857 of the Internal Revenue Code,
16 real estate investment trust taxable income;

17 (E) Consolidated corporations. In the case of a
18 corporation which is a member of an affiliated group
19 of corporations filing a consolidated income tax
20 return for the taxable year for federal income tax
21 purposes, taxable income determined as if such
22 corporation had filed a separate return for federal
23 income tax purposes for the taxable year and each
24 preceding taxable year for which it was a member of an
25 affiliated group. For purposes of this subparagraph,
26 the taxpayer's separate taxable income shall be

1 determined as if the election provided by Section
2 243(b)(2) of the Internal Revenue Code had been in
3 effect for all such years;

4 (F) Cooperatives. In the case of a cooperative
5 corporation or association, the taxable income of such
6 organization determined in accordance with the
7 provisions of Section 1381 through 1388 of the
8 Internal Revenue Code, but without regard to the
9 prohibition against offsetting losses from patronage
10 activities against income from nonpatronage
11 activities; except that a cooperative corporation or
12 association may make an election to follow its federal
13 income tax treatment of patronage losses and
14 nonpatronage losses. In the event such election is
15 made, such losses shall be computed and carried over
16 in a manner consistent with subsection (a) of Section
17 207 of this Act and apportioned by the apportionment
18 factor reported by the cooperative on its Illinois
19 income tax return filed for the taxable year in which
20 the losses are incurred. The election shall be
21 effective for all taxable years with original returns
22 due on or after the date of the election. In addition,
23 the cooperative may file an amended return or returns,
24 as allowed under this Act, to provide that the
25 election shall be effective for losses incurred or
26 carried forward for taxable years occurring prior to

1 the date of the election. Once made, the election may
2 only be revoked upon approval of the Director. The
3 Department shall adopt rules setting forth
4 requirements for documenting the elections and any
5 resulting Illinois net loss and the standards to be
6 used by the Director in evaluating requests to revoke
7 elections. Public Act 96-932 is declaratory of
8 existing law;

9 (G) Subchapter S corporations. In the case of: (i)
10 a Subchapter S corporation for which there is in
11 effect an election for the taxable year under Section
12 1362 of the Internal Revenue Code, the taxable income
13 of such corporation determined in accordance with
14 Section 1363(b) of the Internal Revenue Code, except
15 that taxable income shall take into account those
16 items which are required by Section 1363(b)(1) of the
17 Internal Revenue Code to be separately stated; and
18 (ii) a Subchapter S corporation for which there is in
19 effect a federal election to opt out of the provisions
20 of the Subchapter S Revision Act of 1982 and have
21 applied instead the prior federal Subchapter S rules
22 as in effect on July 1, 1982, the taxable income of
23 such corporation determined in accordance with the
24 federal Subchapter S rules as in effect on July 1,
25 1982; and

26 (H) Partnerships. In the case of a partnership,

1 taxable income determined in accordance with Section
2 703 of the Internal Revenue Code, except that taxable
3 income shall take into account those items which are
4 required by Section 703(a)(1) to be separately stated
5 but which would be taken into account by an individual
6 in calculating his taxable income.

7 (3) Recapture of business expenses on disposition of
8 asset or business. Notwithstanding any other law to the
9 contrary, if in prior years income from an asset or
10 business has been classified as business income and in a
11 later year is demonstrated to be non-business income, then
12 all expenses, without limitation, deducted in such later
13 year and in the 2 immediately preceding taxable years
14 related to that asset or business that generated the
15 non-business income shall be added back and recaptured as
16 business income in the year of the disposition of the
17 asset or business. Such amount shall be apportioned to
18 Illinois using the greater of the apportionment fraction
19 computed for the business under Section 304 of this Act
20 for the taxable year or the average of the apportionment
21 fractions computed for the business under Section 304 of
22 this Act for the taxable year and for the 2 immediately
23 preceding taxable years.

24 (f) Valuation limitation amount.

25 (1) In general. The valuation limitation amount

1 referred to in subsections (a) (2) (G), (c) (2) (I) and
2 (d) (2) (E) is an amount equal to:

3 (A) The sum of the pre-August 1, 1969 appreciation
4 amounts (to the extent consisting of gain reportable
5 under the provisions of Section 1245 or 1250 of the
6 Internal Revenue Code) for all property in respect of
7 which such gain was reported for the taxable year;
8 plus

9 (B) The lesser of (i) the sum of the pre-August 1,
10 1969 appreciation amounts (to the extent consisting of
11 capital gain) for all property in respect of which
12 such gain was reported for federal income tax purposes
13 for the taxable year, or (ii) the net capital gain for
14 the taxable year, reduced in either case by any amount
15 of such gain included in the amount determined under
16 subsection (a) (2) (F) or (c) (2) (H).

17 (2) Pre-August 1, 1969 appreciation amount.

18 (A) If the fair market value of property referred
19 to in paragraph (1) was readily ascertainable on
20 August 1, 1969, the pre-August 1, 1969 appreciation
21 amount for such property is the lesser of (i) the
22 excess of such fair market value over the taxpayer's
23 basis (for determining gain) for such property on that
24 date (determined under the Internal Revenue Code as in
25 effect on that date), or (ii) the total gain realized
26 and reportable for federal income tax purposes in

1 respect of the sale, exchange or other disposition of
2 such property.

3 (B) If the fair market value of property referred
4 to in paragraph (1) was not readily ascertainable on
5 August 1, 1969, the pre-August 1, 1969 appreciation
6 amount for such property is that amount which bears
7 the same ratio to the total gain reported in respect of
8 the property for federal income tax purposes for the
9 taxable year, as the number of full calendar months in
10 that part of the taxpayer's holding period for the
11 property ending July 31, 1969 bears to the number of
12 full calendar months in the taxpayer's entire holding
13 period for the property.

14 (C) The Department shall prescribe such
15 regulations as may be necessary to carry out the
16 purposes of this paragraph.

17 (g) Double deductions. Unless specifically provided
18 otherwise, nothing in this Section shall permit the same item
19 to be deducted more than once.

20 (h) Legislative intention. Except as expressly provided by
21 this Section there shall be no modifications or limitations on
22 the amounts of income, gain, loss or deduction taken into
23 account in determining gross income, adjusted gross income or
24 taxable income for federal income tax purposes for the taxable

1 year, or in the amount of such items entering into the
2 computation of base income and net income under this Act for
3 such taxable year, whether in respect of property values as of
4 August 1, 1969 or otherwise.

5 (Source: P.A. 102-16, eff. 6-17-21; 102-558, eff. 8-20-21;
6 102-658, eff. 8-27-21; 102-813, eff. 5-13-22; 102-1112, eff.
7 12-21-22; 103-8, eff. 6-7-23; 103-478, eff. 1-1-24; 103-592,
8 Article 10, Section 10-900, eff. 6-7-24; 103-592, Article 170,
9 Section 170-90, eff. 6-7-24; 103-605, eff. 7-1-24; 103-647,
10 eff. 7-1-24; revised 8-20-24.)

11 (35 ILCS 5/241)

12 Sec. 241. Credit for quantum computing campuses.

13 (a) A taxpayer who has been awarded a credit by the
14 Department of Commerce and Economic Opportunity under Section
15 605-1115 ~~605-115~~ of the Department of Commerce and Economic
16 Opportunity Law of the Civil Administrative Code of Illinois
17 is entitled to a credit against the taxes imposed under
18 subsections (a) and (b) of Section 201 of this Act. The amount
19 of the credit shall be 20% of the wages paid by the taxpayer
20 during the taxable year to a full-time or part-time employee
21 of a construction contractor employed in the construction of
22 an eligible facility located on a quantum computing campus
23 designated under Section 605-1115 ~~605-115~~ of the Department of
24 Commerce and Economic Opportunity Law of the Civil
25 Administrative Code of Illinois.

1 (b) In no event shall a credit under this Section reduce
2 the taxpayer's liability to less than zero. If the amount of
3 the credit exceeds the tax liability for the year, the excess
4 may be carried forward and applied to the tax liability of the
5 5 taxable years following the excess credit year. The tax
6 credit shall be applied to the earliest year for which there is
7 a tax liability. If there are credits for more than one year
8 that are available to offset a liability, the earlier credit
9 shall be applied first.

10 (c) A person claiming the credit allowed under this
11 Section shall attach to its Illinois income tax return for the
12 taxable year for which the credit is allowed a copy of the tax
13 credit certificate issued by the Department of Commerce and
14 Economic Opportunity.

15 (d) Partners and shareholders of Subchapter S corporations
16 are entitled to a credit under this Section as provided in
17 Section 251.

18 (e) As used in this Section, "eligible facility" means a
19 building used primarily to house one or more of the following:
20 a quantum computer operator; a research facility; a data
21 center; a manufacturer and assembler of quantum computers and
22 component parts; a cryogenic or refrigeration facility; or any
23 other facility determined, by industry and academic leaders,
24 to be fundamental to the research and development of quantum
25 computing for practical solutions.

26 (f) This Section is exempt from the provisions of Section

1 250.

2 (Source: P.A. 103-595, eff. 6-26-24; revised 9-25-24.)

3 (35 ILCS 5/242)

4 Sec. 242 ~~241~~. Music and Musicians Tax Credits and Jobs
5 Act. Taxpayers who have been awarded a credit under the Music
6 and Musicians Tax Credits and Jobs Act are entitled to a credit
7 against the taxes imposed by subsections (a) and (b) of
8 Section 201 of this Act in an amount determined by the
9 Department of Commerce and Economic Opportunity under that
10 Act. The credit shall be claimed in the taxable year in which
11 the tax credit award certificate is issued, and the
12 certificate shall be attached to the return. If the taxpayer
13 is a partnership or Subchapter S corporation, the credit shall
14 be allowed to the partners or shareholders in accordance with
15 the provisions of Section 251.

16 The credit may not reduce the taxpayer's liability to less
17 than zero. If the amount of the credit exceeds the tax
18 liability for the year, the excess may be carried forward and
19 applied to the tax liability of the 5 taxable years following
20 the excess credit year. The credit shall be applied to the
21 earliest year for which there is a tax liability. If there are
22 credits from more than one tax year that are available to
23 offset a liability, the earlier credit shall be applied first.

24 (Source: P.A. 103-592, Article 52, Section 52-5, eff. 6-7-24;
25 revised 9-25-24.)

1 (35 ILCS 5/243)

2 Sec. 243 ~~241~~. The Illinois Gives tax credit.

3 (a) For taxable years ending on or after December 31, 2025
4 and ending before January 1, 2030, each taxpayer for whom a tax
5 credit has been authorized by the Department of Revenue under
6 the Illinois Gives Tax Credit Act is entitled to a credit
7 against the tax imposed under subsections (a) and (b) of
8 Section 201 in an amount equal to the amount authorized under
9 that Act.

10 (b) For partners of partnerships and shareholders of
11 Subchapter S corporations, there is allowed a credit under
12 this Section to be determined in accordance with Section 251
13 of this Act.

14 (c) The credit may not be carried back and may not reduce
15 the taxpayer's liability to less than zero. If the amount of
16 the credit exceeds the tax liability for the year, the excess
17 may be carried forward and applied to the tax liability of the
18 5 taxable years following the excess credit year. The tax
19 credit shall be applied to the earliest year for which there is
20 a tax liability. If there are credits for more than one year
21 that are available to offset a liability, the earlier credit
22 shall be applied first.

23 (Source: P.A. 103-592, Article 170, Section 170-90, eff.
24 6-7-24; revised 9-25-24.)

1 (35 ILCS 5/244)

2 Sec. 244. Child tax credit.

3 (a) For the taxable years beginning on or after January 1,
4 2024, each individual taxpayer who has at least one qualifying
5 child who is younger than 12 years of age as of the last day of
6 the taxable year is entitled to a credit against the tax
7 imposed by subsections (a) and (b) of Section 201. For tax
8 years beginning on or after January 1, 2024 and before January
9 1, 2025, the credit shall be equal to 20% of the credit allowed
10 to the taxpayer under Section 212 of this Act for that taxable
11 year. For tax years beginning on or after January 1, 2025, the
12 amount of the credit shall be equal to 40% of the credit
13 allowed to the taxpayer under Section 212 of this Act for that
14 taxable year.

15 (b) If the amount of the credit exceeds the income tax
16 liability for the applicable tax year, then the excess credit
17 shall be refunded to the taxpayer. The amount of the refund
18 under this Section shall not be included in the taxpayer's
19 income or resources for the purposes of determining
20 eligibility or benefit level in any means-tested benefit
21 program administered by a governmental entity unless required
22 by federal law.

23 (c) The Department may adopt rules to carry out the
24 provisions of this Section.

25 (d) As used in this Section, "qualifying child" has the
26 meaning given to that term in Section 152 of the Internal

1 Revenue Code.

2 (e) This Section is exempt from the provisions of Section
3 250.

4 (Source: P.A. 103-592, eff. 6-7-24; revised 10-23-24.)

5 (35 ILCS 5/304) (from Ch. 120, par. 3-304)

6 Sec. 304. Business income of persons other than residents.

7 (a) In general. The business income of a person other than
8 a resident shall be allocated to this State if such person's
9 business income is derived solely from this State. If a person
10 other than a resident derives business income from this State
11 and one or more other states, then, for tax years ending on or
12 before December 30, 1998, and except as otherwise provided by
13 this Section, such person's business income shall be
14 apportioned to this State by multiplying the income by a
15 fraction, the numerator of which is the sum of the property
16 factor (if any), the payroll factor (if any) and 200% of the
17 sales factor (if any), and the denominator of which is 4
18 reduced by the number of factors other than the sales factor
19 which have a denominator of zero and by an additional 2 if the
20 sales factor has a denominator of zero. For tax years ending on
21 or after December 31, 1998, and except as otherwise provided
22 by this Section, persons other than residents who derive
23 business income from this State and one or more other states
24 shall compute their apportionment factor by weighting their
25 property, payroll, and sales factors as provided in subsection

1 (h) of this Section.

2 (1) Property factor.

3 (A) The property factor is a fraction, the numerator
4 of which is the average value of the person's real and
5 tangible personal property owned or rented and used in the
6 trade or business in this State during the taxable year
7 and the denominator of which is the average value of all
8 the person's real and tangible personal property owned or
9 rented and used in the trade or business during the
10 taxable year.

11 (B) Property owned by the person is valued at its
12 original cost. Property rented by the person is valued at
13 8 times the net annual rental rate. Net annual rental rate
14 is the annual rental rate paid by the person less any
15 annual rental rate received by the person from
16 sub-rentals.

17 (C) The average value of property shall be determined
18 by averaging the values at the beginning and ending of the
19 taxable year, but the Director may require the averaging
20 of monthly values during the taxable year if reasonably
21 required to reflect properly the average value of the
22 person's property.

23 (2) Payroll factor.

24 (A) The payroll factor is a fraction, the numerator of
25 which is the total amount paid in this State during the
26 taxable year by the person for compensation, and the

1 denominator of which is the total compensation paid
2 everywhere during the taxable year.

3 (B) Compensation is paid in this State if:

4 (i) The individual's service is performed entirely
5 within this State;

6 (ii) The individual's service is performed both
7 within and without this State, but the service
8 performed without this State is incidental to the
9 individual's service performed within this State; or

10 (iii) For tax years ending prior to December 31,
11 2020, some of the service is performed within this
12 State and either the base of operations, or if there is
13 no base of operations, the place from which the
14 service is directed or controlled is within this
15 State, or the base of operations or the place from
16 which the service is directed or controlled is not in
17 any state in which some part of the service is
18 performed, but the individual's residence is in this
19 State. For tax years ending on or after December 31,
20 2020, compensation is paid in this State if some of the
21 individual's service is performed within this State,
22 the individual's service performed within this State
23 is nonincidental to the individual's service performed
24 without this State, and the individual's service is
25 performed within this State for more than 30 working
26 days during the tax year. The amount of compensation

1 paid in this State shall include the portion of the
2 individual's total compensation for services performed
3 on behalf of his or her employer during the tax year
4 which the number of working days spent within this
5 State during the tax year bears to the total number of
6 working days spent both within and without this State
7 during the tax year. For purposes of this paragraph:

8 (a) The term "working day" means all days
9 during the tax year in which the individual
10 performs duties on behalf of his or her employer.
11 All days in which the individual performs no
12 duties on behalf of his or her employer (e.g.,
13 weekends, vacation days, sick days, and holidays)
14 are not working days.

15 (b) A working day is spent within this State
16 if:

17 (1) the individual performs service on
18 behalf of the employer and a greater amount of
19 time on that day is spent by the individual
20 performing duties on behalf of the employer
21 within this State, without regard to time
22 spent traveling, than is spent performing
23 duties on behalf of the employer without this
24 State; or

25 (2) the only service the individual
26 performs on behalf of the employer on that day

1 is traveling to a destination within this
2 State, and the individual arrives on that day.

3 (c) Working days spent within this State do
4 not include any day in which the employee is
5 performing services in this State during a
6 disaster period solely in response to a request
7 made to his or her employer by the government of
8 this State, by any political subdivision of this
9 State, or by a person conducting business in this
10 State to perform disaster or emergency-related
11 services in this State. For purposes of this item
12 (c):

13 "Declared State disaster or emergency"
14 means a disaster or emergency event (i) for
15 which a Governor's proclamation of a state of
16 emergency has been issued or (ii) for which a
17 Presidential declaration of a federal major
18 disaster or emergency has been issued.

19 "Disaster period" means a period that
20 begins 10 days prior to the date of the
21 Governor's proclamation or the President's
22 declaration (whichever is earlier) and extends
23 for a period of 60 calendar days after the end
24 of the declared disaster or emergency period.

25 "Disaster or emergency-related services"
26 means repairing, renovating, installing,

1 building, or rendering services or conducting
2 other business activities that relate to
3 infrastructure that has been damaged,
4 impaired, or destroyed by the declared State
5 disaster or emergency.

6 "Infrastructure" means property and
7 equipment owned or used by a public utility,
8 communications network, broadband and Internet
9 ~~internet~~ service provider, cable and video
10 service provider, electric or gas distribution
11 system, or water pipeline that provides
12 service to more than one customer or person,
13 including related support facilities.
14 "Infrastructure" includes, but is not limited
15 to, real and personal property such as
16 buildings, offices, power lines, cable lines,
17 poles, communications lines, pipes,
18 structures, and equipment.

19 (iv) Compensation paid to nonresident professional
20 athletes.

21 (a) General. The Illinois source income of a
22 nonresident individual who is a member of a
23 professional athletic team includes the portion of the
24 individual's total compensation for services performed
25 as a member of a professional athletic team during the
26 taxable year which the number of duty days spent

1 within this State performing services for the team in
2 any manner during the taxable year bears to the total
3 number of duty days spent both within and without this
4 State during the taxable year.

5 (b) Travel days. Travel days that do not involve
6 either a game, practice, team meeting, or other
7 similar team event are not considered duty days spent
8 in this State. However, such travel days are
9 considered in the total duty days spent both within
10 and without this State.

11 (c) Definitions. For purposes of this subpart
12 (iv):

13 (1) The term "professional athletic team"
14 includes, but is not limited to, any professional
15 baseball, basketball, football, soccer, or hockey
16 team.

17 (2) The term "member of a professional
18 athletic team" includes those employees who are
19 active players, players on the disabled list, and
20 any other persons required to travel and who
21 travel with and perform services on behalf of a
22 professional athletic team on a regular basis.
23 This includes, but is not limited to, coaches,
24 managers, and trainers.

25 (3) Except as provided in items (C) and (D) of
26 this subpart (3), the term "duty days" means all

1 days during the taxable year from the beginning of
2 the professional athletic team's official
3 pre-season training period through the last game
4 in which the team competes or is scheduled to
5 compete. Duty days shall be counted for the year
6 in which they occur, including where a team's
7 official pre-season training period through the
8 last game in which the team competes or is
9 scheduled to compete, occurs during more than one
10 tax year.

11 (A) Duty days shall also include days on
12 which a member of a professional athletic team
13 performs service for a team on a date that
14 does not fall within the foregoing period
15 (e.g., participation in instructional leagues,
16 the "All Star Game", or promotional
17 "caravans"). Performing a service for a
18 professional athletic team includes conducting
19 training and rehabilitation activities, when
20 such activities are conducted at team
21 facilities.

22 (B) Also included in duty days are game
23 days, practice days, days spent at team
24 meetings, promotional caravans, preseason
25 training camps, and days served with the team
26 through all post-season games in which the

1 team competes or is scheduled to compete.

2 (C) Duty days for any person who joins a
3 team during the period from the beginning of
4 the professional athletic team's official
5 pre-season training period through the last
6 game in which the team competes, or is
7 scheduled to compete, shall begin on the day
8 that person joins the team. Conversely, duty
9 days for any person who leaves a team during
10 this period shall end on the day that person
11 leaves the team. Where a person switches teams
12 during a taxable year, a separate duty-day
13 calculation shall be made for the period the
14 person was with each team.

15 (D) Days for which a member of a
16 professional athletic team is not compensated
17 and is not performing services for the team in
18 any manner, including days when such member of
19 a professional athletic team has been
20 suspended without pay and prohibited from
21 performing any services for the team, shall
22 not be treated as duty days.

23 (E) Days for which a member of a
24 professional athletic team is on the disabled
25 list and does not conduct rehabilitation
26 activities at facilities of the team, and is

1 not otherwise performing services for the team
2 in Illinois, shall not be considered duty days
3 spent in this State. All days on the disabled
4 list, however, are considered to be included
5 in total duty days spent both within and
6 without this State.

7 (4) The term "total compensation for services
8 performed as a member of a professional athletic
9 team" means the total compensation received during
10 the taxable year for services performed:

11 (A) from the beginning of the official
12 pre-season training period through the last
13 game in which the team competes or is
14 scheduled to compete during that taxable year;
15 and

16 (B) during the taxable year on a date
17 which does not fall within the foregoing
18 period (e.g., participation in instructional
19 leagues, the "All Star Game", or promotional
20 caravans).

21 This compensation shall include, but is not
22 limited to, salaries, wages, bonuses as described
23 in this subpart, and any other type of
24 compensation paid during the taxable year to a
25 member of a professional athletic team for
26 services performed in that year. This compensation

1 does not include strike benefits, severance pay,
2 termination pay, contract or option year buy-out
3 payments, expansion or relocation payments, or any
4 other payments not related to services performed
5 for the team.

6 For purposes of this subparagraph, "bonuses"
7 included in "total compensation for services
8 performed as a member of a professional athletic
9 team" subject to the allocation described in
10 Section 302(c)(1) are: bonuses earned as a result
11 of play (i.e., performance bonuses) during the
12 season, including bonuses paid for championship,
13 playoff or "bowl" games played by a team, or for
14 selection to all-star league or other honorary
15 positions; and bonuses paid for signing a
16 contract, unless the payment of the signing bonus
17 is not conditional upon the signee playing any
18 games for the team or performing any subsequent
19 services for the team or even making the team, the
20 signing bonus is payable separately from the
21 salary and any other compensation, and the signing
22 bonus is nonrefundable.

23 (3) Sales factor.

24 (A) The sales factor is a fraction, the numerator of
25 which is the total sales of the person in this State during
26 the taxable year, and the denominator of which is the

1 total sales of the person everywhere during the taxable
2 year.

3 (B) Sales of tangible personal property are in this
4 State if:

5 (i) The property is delivered or shipped to a
6 purchaser, other than the United States government,
7 within this State regardless of the f. o. b. point or
8 other conditions of the sale; or

9 (ii) The property is shipped from an office,
10 store, warehouse, factory or other place of storage in
11 this State and either the purchaser is the United
12 States government or the person is not taxable in the
13 state of the purchaser; provided, however, that
14 premises owned or leased by a person who has
15 independently contracted with the seller for the
16 printing of newspapers, periodicals or books shall not
17 be deemed to be an office, store, warehouse, factory
18 or other place of storage for purposes of this
19 Section. Sales of tangible personal property are not
20 in this State if the seller and purchaser would be
21 members of the same unitary business group but for the
22 fact that either the seller or purchaser is a person
23 with 80% or more of total business activity outside of
24 the United States and the property is purchased for
25 resale.

26 (B-1) Patents, copyrights, trademarks, and similar

1 items of intangible personal property.

2 (i) Gross receipts from the licensing, sale, or
3 other disposition of a patent, copyright, trademark,
4 or similar item of intangible personal property, other
5 than gross receipts governed by paragraph (B-7) of
6 this item (3), are in this State to the extent the item
7 is utilized in this State during the year the gross
8 receipts are included in gross income.

9 (ii) Place of utilization.

10 (I) A patent is utilized in a state to the
11 extent that it is employed in production,
12 fabrication, manufacturing, or other processing in
13 the state or to the extent that a patented product
14 is produced in the state. If a patent is utilized
15 in more than one state, the extent to which it is
16 utilized in any one state shall be a fraction
17 equal to the gross receipts of the licensee or
18 purchaser from sales or leases of items produced,
19 fabricated, manufactured, or processed within that
20 state using the patent and of patented items
21 produced within that state, divided by the total
22 of such gross receipts for all states in which the
23 patent is utilized.

24 (II) A copyright is utilized in a state to the
25 extent that printing or other publication
26 originates in the state. If a copyright is

1 utilized in more than one state, the extent to
2 which it is utilized in any one state shall be a
3 fraction equal to the gross receipts from sales or
4 licenses of materials printed or published in that
5 state divided by the total of such gross receipts
6 for all states in which the copyright is utilized.

7 (III) Trademarks and other items of intangible
8 personal property governed by this paragraph (B-1)
9 are utilized in the state in which the commercial
10 domicile of the licensee or purchaser is located.

11 (iii) If the state of utilization of an item of
12 property governed by this paragraph (B-1) cannot be
13 determined from the taxpayer's books and records or
14 from the books and records of any person related to the
15 taxpayer within the meaning of Section 267(b) of the
16 Internal Revenue Code, 26 U.S.C. 267, the gross
17 receipts attributable to that item shall be excluded
18 from both the numerator and the denominator of the
19 sales factor.

20 (B-2) Gross receipts from the license, sale, or other
21 disposition of patents, copyrights, trademarks, and
22 similar items of intangible personal property, other than
23 gross receipts governed by paragraph (B-7) of this item
24 (3), may be included in the numerator or denominator of
25 the sales factor only if gross receipts from licenses,
26 sales, or other disposition of such items comprise more

1 than 50% of the taxpayer's total gross receipts included
2 in gross income during the tax year and during each of the
3 2 immediately preceding tax years; provided that, when a
4 taxpayer is a member of a unitary business group, such
5 determination shall be made on the basis of the gross
6 receipts of the entire unitary business group.

7 (B-5) For taxable years ending on or after December
8 31, 2008, except as provided in subsections (ii) through
9 (vii), receipts from the sale of telecommunications
10 service or mobile telecommunications service are in this
11 State if the customer's service address is in this State.

12 (i) For purposes of this subparagraph (B-5), the
13 following terms have the following meanings:

14 "Ancillary services" means services that are
15 associated with or incidental to the provision of
16 "telecommunications services", including, but not
17 limited to, "detailed telecommunications billing",
18 "directory assistance", "vertical service", and "voice
19 mail services".

20 "Air-to-Ground Radiotelephone service" means a
21 radio service, as that term is defined in 47 CFR 22.99,
22 in which common carriers are authorized to offer and
23 provide radio telecommunications service for hire to
24 subscribers in aircraft.

25 "Call-by-call Basis" means any method of charging
26 for telecommunications services where the price is

1 measured by individual calls.

2 "Communications Channel" means a physical or
3 virtual path of communications over which signals are
4 transmitted between or among customer channel
5 termination points.

6 "Conference bridging service" means an "ancillary
7 service" that links two or more participants of an
8 audio or video conference call and may include the
9 provision of a telephone number. "Conference bridging
10 service" does not include the "telecommunications
11 services" used to reach the conference bridge.

12 "Customer Channel Termination Point" means the
13 location where the customer either inputs or receives
14 the communications.

15 "Detailed telecommunications billing service"
16 means an "ancillary service" of separately stating
17 information pertaining to individual calls on a
18 customer's billing statement.

19 "Directory assistance" means an "ancillary
20 service" of providing telephone number information,
21 and/or address information.

22 "Home service provider" means the facilities based
23 carrier or reseller with which the customer contracts
24 for the provision of mobile telecommunications
25 services.

26 "Mobile telecommunications service" means

1 commercial mobile radio service, as defined in Section
2 20.3 of Title 47 of the Code of Federal Regulations as
3 in effect on June 1, 1999.

4 "Place of primary use" means the street address
5 representative of where the customer's use of the
6 telecommunications service primarily occurs, which
7 must be the residential street address or the primary
8 business street address of the customer. In the case
9 of mobile telecommunications services, "place of
10 primary use" must be within the licensed service area
11 of the home service provider.

12 "Post-paid telecommunication service" means the
13 telecommunications service obtained by making a
14 payment on a call-by-call basis either through the use
15 of a credit card or payment mechanism such as a bank
16 card, travel card, credit card, or debit card, or by
17 charge made to a telephone number which is not
18 associated with the origination or termination of the
19 telecommunications service. A post-paid calling
20 service includes telecommunications service, except a
21 prepaid wireless calling service, that would be a
22 prepaid calling service except it is not exclusively a
23 telecommunication service.

24 "Prepaid telecommunication service" means the
25 right to access exclusively telecommunications
26 services, which must be paid for in advance and which

1 enables the origination of calls using an access
2 number or authorization code, whether manually or
3 electronically dialed, and that is sold in
4 predetermined units or dollars of which the number
5 declines with use in a known amount.

6 "Prepaid Mobile telecommunication service" means a
7 telecommunications service that provides the right to
8 utilize mobile wireless service as well as other
9 non-telecommunication services, including, but not
10 limited to, ancillary services, which must be paid for
11 in advance that is sold in predetermined units or
12 dollars of which the number declines with use in a
13 known amount.

14 "Private communication service" means a
15 telecommunication service that entitles the customer
16 to exclusive or priority use of a communications
17 channel or group of channels between or among
18 termination points, regardless of the manner in which
19 such channel or channels are connected, and includes
20 switching capacity, extension lines, stations, and any
21 other associated services that are provided in
22 connection with the use of such channel or channels.

23 "Service address" means:

24 (a) The location of the telecommunications
25 equipment to which a customer's call is charged
26 and from which the call originates or terminates,

1 regardless of where the call is billed or paid;

2 (b) If the location in line (a) is not known,
3 service address means the origination point of the
4 signal of the telecommunications services first
5 identified by either the seller's
6 telecommunications system or in information
7 received by the seller from its service provider
8 where the system used to transport such signals is
9 not that of the seller; and

10 (c) If the locations in line (a) and line (b)
11 are not known, the service address means the
12 location of the customer's place of primary use.

13 "Telecommunications service" means the electronic
14 transmission, conveyance, or routing of voice, data,
15 audio, video, or any other information or signals to a
16 point, or between or among points. The term
17 "telecommunications service" includes such
18 transmission, conveyance, or routing in which computer
19 processing applications are used to act on the form,
20 code or protocol of the content for purposes of
21 transmission, conveyance or routing without regard to
22 whether such service is referred to as voice over
23 Internet protocol services or is classified by the
24 Federal Communications Commission as enhanced or value
25 added. "Telecommunications service" does not include:

26 (a) Data processing and information services

1 that allow data to be generated, acquired, stored,
2 processed, or retrieved and delivered by an
3 electronic transmission to a purchaser when such
4 purchaser's primary purpose for the underlying
5 transaction is the processed data or information;

6 (b) Installation or maintenance of wiring or
7 equipment on a customer's premises;

8 (c) Tangible personal property;

9 (d) Advertising, including, but not limited
10 to, directory advertising;

11 (e) Billing and collection services provided
12 to third parties;

13 (f) Internet access service;

14 (g) Radio and television audio and video
15 programming services, regardless of the medium,
16 including the furnishing of transmission,
17 conveyance and routing of such services by the
18 programming service provider. Radio and television
19 audio and video programming services shall
20 include, but not be limited to, cable service as
21 defined in 47 USC 522(6) and audio and video
22 programming services delivered by commercial
23 mobile radio service providers, as defined in 47
24 CFR 20.3;

25 (h) "Ancillary services"; or

26 (i) Digital products "delivered

1 electronically", including, but not limited to,
2 software, music, video, reading materials or
3 ringtones ~~ring tones~~.

4 "Vertical service" means an "ancillary service"
5 that is offered in connection with one or more
6 "telecommunications services", which offers advanced
7 calling features that allow customers to identify
8 callers and to manage multiple calls and call
9 connections, including "conference bridging services".

10 "Voice mail service" means an "ancillary service"
11 that enables the customer to store, send or receive
12 recorded messages. "Voice mail service" does not
13 include any "vertical services" that the customer may
14 be required to have in order to utilize the "voice mail
15 service".

16 (ii) Receipts from the sale of telecommunications
17 service sold on an individual call-by-call basis are
18 in this State if either of the following applies:

19 (a) The call both originates and terminates in
20 this State.

21 (b) The call either originates or terminates
22 in this State and the service address is located
23 in this State.

24 (iii) Receipts from the sale of postpaid
25 telecommunications service at retail are in this State
26 if the origination point of the telecommunication

1 signal, as first identified by the service provider's
2 telecommunication system or as identified by
3 information received by the seller from its service
4 provider if the system used to transport
5 telecommunication signals is not the seller's, is
6 located in this State.

7 (iv) Receipts from the sale of prepaid
8 telecommunications service or prepaid mobile
9 telecommunications service at retail are in this State
10 if the purchaser obtains the prepaid card or similar
11 means of conveyance at a location in this State.
12 Receipts from recharging a prepaid telecommunications
13 service or mobile telecommunications service is in
14 this State if the purchaser's billing information
15 indicates a location in this State.

16 (v) Receipts from the sale of private
17 communication services are in this State as follows:

18 (a) 100% of receipts from charges imposed at
19 each channel termination point in this State.

20 (b) 100% of receipts from charges for the
21 total channel mileage between each channel
22 termination point in this State.

23 (c) 50% of the total receipts from charges for
24 service segments when those segments are between 2
25 customer channel termination points, 1 of which is
26 located in this State and the other is located

1 outside of this State, which segments are
2 separately charged.

3 (d) The receipts from charges for service
4 segments with a channel termination point located
5 in this State and in two or more other states, and
6 which segments are not separately billed, are in
7 this State based on a percentage determined by
8 dividing the number of customer channel
9 termination points in this State by the total
10 number of customer channel termination points.

11 (vi) Receipts from charges for ancillary services
12 for telecommunications service sold to customers at
13 retail are in this State if the customer's primary
14 place of use of telecommunications services associated
15 with those ancillary services is in this State. If the
16 seller of those ancillary services cannot determine
17 where the associated telecommunications are located,
18 then the ancillary services shall be based on the
19 location of the purchaser.

20 (vii) Receipts to access a carrier's network or
21 from the sale of telecommunication services or
22 ancillary services for resale are in this State as
23 follows:

24 (a) 100% of the receipts from access fees
25 attributable to intrastate telecommunications
26 service that both originates and terminates in

1 this State.

2 (b) 50% of the receipts from access fees
3 attributable to interstate telecommunications
4 service if the interstate call either originates
5 or terminates in this State.

6 (c) 100% of the receipts from interstate end
7 user access line charges, if the customer's
8 service address is in this State. As used in this
9 subdivision, "interstate end user access line
10 charges" includes, but is not limited to, the
11 surcharge approved by the federal communications
12 commission and levied pursuant to 47 CFR 69.

13 (d) Gross receipts from sales of
14 telecommunication services or from ancillary
15 services for telecommunications services sold to
16 other telecommunication service providers for
17 resale shall be sourced to this State using the
18 apportionment concepts used for non-resale
19 receipts of telecommunications services if the
20 information is readily available to make that
21 determination. If the information is not readily
22 available, then the taxpayer may use any other
23 reasonable and consistent method.

24 (B-7) For taxable years ending on or after December
25 31, 2008, receipts from the sale of broadcasting services
26 are in this State if the broadcasting services are

1 received in this State. For purposes of this paragraph
2 (B-7), the following terms have the following meanings:

3 "Advertising revenue" means consideration received
4 by the taxpayer in exchange for broadcasting services
5 or allowing the broadcasting of commercials or
6 announcements in connection with the broadcasting of
7 film or radio programming, from sponsorships of the
8 programming, or from product placements in the
9 programming.

10 "Audience factor" means the ratio that the
11 audience or subscribers located in this State of a
12 station, a network, or a cable system bears to the
13 total audience or total subscribers for that station,
14 network, or cable system. The audience factor for film
15 or radio programming shall be determined by reference
16 to the books and records of the taxpayer or by
17 reference to published rating statistics provided the
18 method used by the taxpayer is consistently used from
19 year to year for this purpose and fairly represents
20 the taxpayer's activity in this State.

21 "Broadcast" or "broadcasting" or "broadcasting
22 services" means the transmission or provision of film
23 or radio programming, whether through the public
24 airwaves, by cable, by direct or indirect satellite
25 transmission, or by any other means of communication,
26 either through a station, a network, or a cable

1 system.

2 "Film" or "film programming" means the broadcast
3 on television of any and all performances, events, or
4 productions, including, but not limited to, news,
5 sporting events, plays, stories, or other literary,
6 commercial, educational, or artistic works, either
7 live or through the use of video tape, disc, or any
8 other type of format or medium. Each episode of a
9 series of films produced for television shall
10 constitute a separate "film" notwithstanding that the
11 series relates to the same principal subject and is
12 produced during one or more tax periods.

13 "Radio" or "radio programming" means the broadcast
14 on radio of any and all performances, events, or
15 productions, including, but not limited to, news,
16 sporting events, plays, stories, or other literary,
17 commercial, educational, or artistic works, either
18 live or through the use of an audio tape, disc, or any
19 other format or medium. Each episode in a series of
20 radio programming produced for radio broadcast shall
21 constitute a separate "radio programming"
22 notwithstanding that the series relates to the same
23 principal subject and is produced during one or more
24 tax periods.

25 (i) In the case of advertising revenue from
26 broadcasting, the customer is the advertiser and

1 the service is received in this State if the
2 commercial domicile of the advertiser is in this
3 State.

4 (ii) In the case where film or radio
5 programming is broadcast by a station, a network,
6 or a cable system for a fee or other remuneration
7 received from the recipient of the broadcast, the
8 portion of the service that is received in this
9 State is measured by the portion of the recipients
10 of the broadcast located in this State.
11 Accordingly, the fee or other remuneration for
12 such service that is included in the Illinois
13 numerator of the sales factor is the total of
14 those fees or other remuneration received from
15 recipients in Illinois. For purposes of this
16 paragraph, a taxpayer may determine the location
17 of the recipients of its broadcast using the
18 address of the recipient shown in its contracts
19 with the recipient or using the billing address of
20 the recipient in the taxpayer's records.

21 (iii) In the case where film or radio
22 programming is broadcast by a station, a network,
23 or a cable system for a fee or other remuneration
24 from the person providing the programming, the
25 portion of the broadcast service that is received
26 by such station, network, or cable system in this

1 State is measured by the portion of recipients of
2 the broadcast located in this State. Accordingly,
3 the amount of revenue related to such an
4 arrangement that is included in the Illinois
5 numerator of the sales factor is the total fee or
6 other total remuneration from the person providing
7 the programming related to that broadcast
8 multiplied by the Illinois audience factor for
9 that broadcast.

10 (iv) In the case where film or radio
11 programming is provided by a taxpayer that is a
12 network or station to a customer for broadcast in
13 exchange for a fee or other remuneration from that
14 customer the broadcasting service is received at
15 the location of the office of the customer from
16 which the services were ordered in the regular
17 course of the customer's trade or business.
18 Accordingly, in such a case the revenue derived by
19 the taxpayer that is included in the taxpayer's
20 Illinois numerator of the sales factor is the
21 revenue from such customers who receive the
22 broadcasting service in Illinois.

23 (v) In the case where film or radio
24 programming is provided by a taxpayer that is not
25 a network or station to another person for
26 broadcasting in exchange for a fee or other

1 remuneration from that person, the broadcasting
2 service is received at the location of the office
3 of the customer from which the services were
4 ordered in the regular course of the customer's
5 trade or business. Accordingly, in such a case the
6 revenue derived by the taxpayer that is included
7 in the taxpayer's Illinois numerator of the sales
8 factor is the revenue from such customers who
9 receive the broadcasting service in Illinois.

10 (B-8) Gross receipts from winnings under the Illinois
11 Lottery Law from the assignment of a prize under Section
12 13.1 of the Illinois Lottery Law are received in this
13 State. This paragraph (B-8) applies only to taxable years
14 ending on or after December 31, 2013.

15 (B-9) For taxable years ending on or after December
16 31, 2019, gross receipts from winnings from pari-mutuel
17 wagering conducted at a wagering facility licensed under
18 the Illinois Horse Racing Act of 1975 or from winnings
19 from gambling games conducted on a riverboat or in a
20 casino or organization gaming facility licensed under the
21 Illinois Gambling Act are in this State.

22 (B-10) For taxable years ending on or after December
23 31, 2021, gross receipts from winnings from sports
24 wagering conducted in accordance with the Sports Wagering
25 Act are in this State.

26 (C) For taxable years ending before December 31, 2008,

1 sales, other than sales governed by paragraphs (B), (B-1),
2 (B-2), and (B-8) are in this State if:

3 (i) The income-producing activity is performed in
4 this State; or

5 (ii) The income-producing activity is performed
6 both within and without this State and a greater
7 proportion of the income-producing activity is
8 performed within this State than without this State,
9 based on performance costs.

10 (C-5) For taxable years ending on or after December
11 31, 2008, sales, other than sales governed by paragraphs
12 (B), (B-1), (B-2), (B-5), and (B-7), are in this State if
13 any of the following criteria are met:

14 (i) Sales from the sale or lease of real property
15 are in this State if the property is located in this
16 State.

17 (ii) Sales from the lease or rental of tangible
18 personal property are in this State if the property is
19 located in this State during the rental period. Sales
20 from the lease or rental of tangible personal property
21 that is characteristically moving property, including,
22 but not limited to, motor vehicles, rolling stock,
23 aircraft, vessels, or mobile equipment are in this
24 State to the extent that the property is used in this
25 State.

26 (iii) In the case of interest, net gains (but not

1 less than zero) and other items of income from
2 intangible personal property, the sale is in this
3 State if:

4 (a) in the case of a taxpayer who is a dealer
5 in the item of intangible personal property within
6 the meaning of Section 475 of the Internal Revenue
7 Code, the income or gain is received from a
8 customer in this State. For purposes of this
9 subparagraph, a customer is in this State if the
10 customer is an individual, trust or estate who is
11 a resident of this State and, for all other
12 customers, if the customer's commercial domicile
13 is in this State. Unless the dealer has actual
14 knowledge of the residence or commercial domicile
15 of a customer during a taxable year, the customer
16 shall be deemed to be a customer in this State if
17 the billing address of the customer, as shown in
18 the records of the dealer, is in this State; or

19 (b) in all other cases, if the
20 income-producing activity of the taxpayer is
21 performed in this State or, if the
22 income-producing activity of the taxpayer is
23 performed both within and without this State, if a
24 greater proportion of the income-producing
25 activity of the taxpayer is performed within this
26 State than in any other state, based on

1 performance costs.

2 (iv) Sales of services are in this State if the
3 services are received in this State. For the purposes
4 of this section, gross receipts from the performance
5 of services provided to a corporation, partnership, or
6 trust may only be attributed to a state where that
7 corporation, partnership, or trust has a fixed place
8 of business. If the state where the services are
9 received is not readily determinable or is a state
10 where the corporation, partnership, or trust receiving
11 the service does not have a fixed place of business,
12 the services shall be deemed to be received at the
13 location of the office of the customer from which the
14 services were ordered in the regular course of the
15 customer's trade or business. If the ordering office
16 cannot be determined, the services shall be deemed to
17 be received at the office of the customer to which the
18 services are billed. If the taxpayer is not taxable in
19 the state in which the services are received, the sale
20 must be excluded from both the numerator and the
21 denominator of the sales factor. The Department shall
22 adopt rules prescribing where specific types of
23 service are received, including, but not limited to,
24 publishing, and utility service.

25 (D) For taxable years ending on or after December 31,
26 1995, the following items of income shall not be included

1 in the numerator or denominator of the sales factor:
2 dividends; amounts included under Section 78 of the
3 Internal Revenue Code; and Subpart F income as defined in
4 Section 952 of the Internal Revenue Code. No inference
5 shall be drawn from the enactment of this paragraph (D) in
6 construing this Section for taxable years ending before
7 December 31, 1995.

8 (E) Paragraphs (B-1) and (B-2) shall apply to tax
9 years ending on or after December 31, 1999, provided that
10 a taxpayer may elect to apply the provisions of these
11 paragraphs to prior tax years. Such election shall be made
12 in the form and manner prescribed by the Department, shall
13 be irrevocable, and shall apply to all tax years; provided
14 that, if a taxpayer's Illinois income tax liability for
15 any tax year, as assessed under Section 903 prior to
16 January 1, 1999, was computed in a manner contrary to the
17 provisions of paragraphs (B-1) or (B-2), no refund shall
18 be payable to the taxpayer for that tax year to the extent
19 such refund is the result of applying the provisions of
20 paragraph (B-1) or (B-2) retroactively. In the case of a
21 unitary business group, such election shall apply to all
22 members of such group for every tax year such group is in
23 existence, but shall not apply to any taxpayer for any
24 period during which that taxpayer is not a member of such
25 group.

26 (b) Insurance companies.

1 (1) In general. Except as otherwise provided by
2 paragraph (2), business income of an insurance company for
3 a taxable year shall be apportioned to this State by
4 multiplying such income by a fraction, the numerator of
5 which is the direct premiums written for insurance upon
6 property or risk in this State, and the denominator of
7 which is the direct premiums written for insurance upon
8 property or risk everywhere. For purposes of this
9 subsection, the term "direct premiums written" means the
10 total amount of direct premiums written, assessments and
11 annuity considerations as reported for the taxable year on
12 the annual statement filed by the company with the
13 Illinois Director of Insurance in the form approved by the
14 National Convention of Insurance Commissioners or such
15 other form as may be prescribed in lieu thereof.

16 (2) Reinsurance. If the principal source of premiums
17 written by an insurance company consists of premiums for
18 reinsurance accepted by it, the business income of such
19 company shall be apportioned to this State by multiplying
20 such income by a fraction, the numerator of which is the
21 sum of (i) direct premiums written for insurance upon
22 property or risk in this State, plus (ii) premiums written
23 for reinsurance accepted in respect of property or risk in
24 this State, and the denominator of which is the sum of
25 (iii) direct premiums written for insurance upon property
26 or risk everywhere, plus (iv) premiums written for

1 reinsurance accepted in respect of property or risk
2 everywhere. For purposes of this paragraph, premiums
3 written for reinsurance accepted in respect of property or
4 risk in this State, whether or not otherwise determinable,
5 may, at the election of the company, be determined on the
6 basis of the proportion which premiums written for
7 reinsurance accepted from companies commercially domiciled
8 in Illinois bears to premiums written for reinsurance
9 accepted from all sources, or, alternatively, in the
10 proportion which the sum of the direct premiums written
11 for insurance upon property or risk in this State by each
12 ceding company from which reinsurance is accepted bears to
13 the sum of the total direct premiums written by each such
14 ceding company for the taxable year. The election made by
15 a company under this paragraph for its first taxable year
16 ending on or after December 31, 2011, shall be binding for
17 that company for that taxable year and for all subsequent
18 taxable years, and may be altered only with the written
19 permission of the Department, which shall not be
20 unreasonably withheld.

21 (c) Financial organizations.

22 (1) In general. For taxable years ending before
23 December 31, 2008, business income of a financial
24 organization shall be apportioned to this State by
25 multiplying such income by a fraction, the numerator of
26 which is its business income from sources within this

1 State, and the denominator of which is its business income
2 from all sources. For the purposes of this subsection, the
3 business income of a financial organization from sources
4 within this State is the sum of the amounts referred to in
5 subparagraphs (A) through (E) following, but excluding the
6 adjusted income of an international banking facility as
7 determined in paragraph (2):

8 (A) Fees, commissions or other compensation for
9 financial services rendered within this State;

10 (B) Gross profits from trading in stocks, bonds or
11 other securities managed within this State;

12 (C) Dividends, and interest from Illinois
13 customers, which are received within this State;

14 (D) Interest charged to customers at places of
15 business maintained within this State for carrying
16 debit balances of margin accounts, without deduction
17 of any costs incurred in carrying such accounts; and

18 (E) Any other gross income resulting from the
19 operation as a financial organization within this
20 State.

21 In computing the amounts referred to in paragraphs (A)
22 through (E) of this subsection, any amount received by a
23 member of an affiliated group (determined under Section
24 1504(a) of the Internal Revenue Code but without reference
25 to whether any such corporation is an "includible
26 corporation" under Section 1504(b) of the Internal Revenue

1 Code) from another member of such group shall be included
2 only to the extent such amount exceeds expenses of the
3 recipient directly related thereto.

4 (2) International Banking Facility. For taxable years
5 ending before December 31, 2008:

6 (A) Adjusted Income. The adjusted income of an
7 international banking facility is its income reduced
8 by the amount of the floor amount.

9 (B) Floor Amount. The floor amount shall be the
10 amount, if any, determined by multiplying the income
11 of the international banking facility by a fraction,
12 not greater than one, which is determined as follows:

13 (i) The numerator shall be:

14 The average aggregate, determined on a
15 quarterly basis, of the financial organization's
16 loans to banks in foreign countries, to foreign
17 domiciled borrowers (except where secured
18 primarily by real estate) and to foreign
19 governments and other foreign official
20 institutions, as reported for its branches,
21 agencies and offices within the state on its
22 "Consolidated Report of Condition", Schedule A,
23 Lines 2.c., 5.b., and 7.a., which was filed with
24 the Federal Deposit Insurance Corporation and
25 other regulatory authorities, for the year 1980,
26 minus

1 The average aggregate, determined on a
2 quarterly basis, of such loans (other than loans
3 of an international banking facility), as reported
4 by the financial institution for its branches,
5 agencies and offices within the state, on the
6 corresponding Schedule and lines of the
7 Consolidated Report of Condition for the current
8 taxable year, provided, however, that in no case
9 shall the amount determined in this clause (the
10 subtrahend) exceed the amount determined in the
11 preceding clause (the minuend); and

12 (ii) the denominator shall be the average
13 aggregate, determined on a quarterly basis, of the
14 international banking facility's loans to banks in
15 foreign countries, to foreign domiciled borrowers
16 (except where secured primarily by real estate)
17 and to foreign governments and other foreign
18 official institutions, which were recorded in its
19 financial accounts for the current taxable year.

20 (C) Change to Consolidated Report of Condition and
21 in Qualification. In the event the Consolidated Report
22 of Condition which is filed with the Federal Deposit
23 Insurance Corporation and other regulatory authorities
24 is altered so that the information required for
25 determining the floor amount is not found on Schedule
26 A, lines 2.c., 5.b. and 7.a., the financial

1 institution shall notify the Department and the
2 Department may, by regulations or otherwise, prescribe
3 or authorize the use of an alternative source for such
4 information. The financial institution shall also
5 notify the Department should its international banking
6 facility fail to qualify as such, in whole or in part,
7 or should there be any amendment or change to the
8 Consolidated Report of Condition, as originally filed,
9 to the extent such amendment or change alters the
10 information used in determining the floor amount.

11 (3) For taxable years ending on or after December 31,
12 2008, the business income of a financial organization
13 shall be apportioned to this State by multiplying such
14 income by a fraction, the numerator of which is its gross
15 receipts from sources in this State or otherwise
16 attributable to this State's marketplace and the
17 denominator of which is its gross receipts everywhere
18 during the taxable year. "Gross receipts" for purposes of
19 this subparagraph (3) means gross income, including net
20 taxable gain on disposition of assets, including
21 securities and money market instruments, when derived from
22 transactions and activities in the regular course of the
23 financial organization's trade or business. The following
24 examples are illustrative:

25 (i) Receipts from the lease or rental of real or
26 tangible personal property are in this State if the

1 property is located in this State during the rental
2 period. Receipts from the lease or rental of tangible
3 personal property that is characteristically moving
4 property, including, but not limited to, motor
5 vehicles, rolling stock, aircraft, vessels, or mobile
6 equipment are from sources in this State to the extent
7 that the property is used in this State.

8 (ii) Interest income, commissions, fees, gains on
9 disposition, and other receipts from assets in the
10 nature of loans that are secured primarily by real
11 estate or tangible personal property are from sources
12 in this State if the security is located in this State.

13 (iii) Interest income, commissions, fees, gains on
14 disposition, and other receipts from consumer loans
15 that are not secured by real or tangible personal
16 property are from sources in this State if the debtor
17 is a resident of this State.

18 (iv) Interest income, commissions, fees, gains on
19 disposition, and other receipts from commercial loans
20 and installment obligations that are not secured by
21 real or tangible personal property are from sources in
22 this State if the proceeds of the loan are to be
23 applied in this State. If it cannot be determined
24 where the funds are to be applied, the income and
25 receipts are from sources in this State if the office
26 of the borrower from which the loan was negotiated in

1 the regular course of business is located in this
2 State. If the location of this office cannot be
3 determined, the income and receipts shall be excluded
4 from the numerator and denominator of the sales
5 factor.

6 (v) Interest income, fees, gains on disposition,
7 service charges, merchant discount income, and other
8 receipts from credit card receivables are from sources
9 in this State if the card charges are regularly billed
10 to a customer in this State.

11 (vi) Receipts from the performance of services,
12 including, but not limited to, fiduciary, advisory,
13 and brokerage services, are in this State if the
14 services are received in this State within the meaning
15 of subparagraph (a) (3) (C-5) (iv) of this Section.

16 (vii) Receipts from the issuance of travelers
17 checks and money orders are from sources in this State
18 if the checks and money orders are issued from a
19 location within this State.

20 (viii) For tax years ending before December 31,
21 2024, receipts from investment assets and activities
22 and trading assets and activities are included in the
23 receipts factor as follows:

24 (1) Interest, dividends, net gains (but not
25 less than zero) and other income from investment
26 assets and activities from trading assets and

1 activities shall be included in the receipts
2 factor. Investment assets and activities and
3 trading assets and activities include, but are not
4 limited to: investment securities; trading account
5 assets; federal funds; securities purchased and
6 sold under agreements to resell or repurchase;
7 options; futures contracts; forward contracts;
8 notional principal contracts such as swaps;
9 equities; and foreign currency transactions. With
10 respect to the investment and trading assets and
11 activities described in subparagraphs (A) and (B)
12 of this paragraph, the receipts factor shall
13 include the amounts described in such
14 subparagraphs.

15 (A) The receipts factor shall include the
16 amount by which interest from federal funds
17 sold and securities purchased under resale
18 agreements exceeds interest expense on federal
19 funds purchased and securities sold under
20 repurchase agreements.

21 (B) The receipts factor shall include the
22 amount by which interest, dividends, gains and
23 other income from trading assets and
24 activities, including, but not limited to,
25 assets and activities in the matched book, in
26 the arbitrage book, and foreign currency

1 transactions, exceed amounts paid in lieu of
2 interest, amounts paid in lieu of dividends,
3 and losses from such assets and activities.

4 (2) The numerator of the receipts factor
5 includes interest, dividends, net gains (but not
6 less than zero), and other income from investment
7 assets and activities and from trading assets and
8 activities described in paragraph (1) of this
9 subsection that are attributable to this State.

10 (A) The amount of interest, dividends, net
11 gains (but not less than zero), and other
12 income from investment assets and activities
13 in the investment account to be attributed to
14 this State and included in the numerator is
15 determined by multiplying all such income from
16 such assets and activities by a fraction, the
17 numerator of which is the gross income from
18 such assets and activities which are properly
19 assigned to a fixed place of business of the
20 taxpayer within this State and the denominator
21 of which is the gross income from all such
22 assets and activities.

23 (B) The amount of interest from federal
24 funds sold and purchased and from securities
25 purchased under resale agreements and
26 securities sold under repurchase agreements

1 attributable to this State and included in the
2 numerator is determined by multiplying the
3 amount described in subparagraph (A) of
4 paragraph (1) of this subsection from such
5 funds and such securities by a fraction, the
6 numerator of which is the gross income from
7 such funds and such securities which are
8 properly assigned to a fixed place of business
9 of the taxpayer within this State and the
10 denominator of which is the gross income from
11 all such funds and such securities.

12 (C) The amount of interest, dividends,
13 gains, and other income from trading assets
14 and activities, including, but not limited to,
15 assets and activities in the matched book, in
16 the arbitrage book and foreign currency
17 transactions (but excluding amounts described
18 in subparagraphs (A) or (B) of this
19 paragraph), attributable to this State and
20 included in the numerator is determined by
21 multiplying the amount described in
22 subparagraph (B) of paragraph (1) of this
23 subsection by a fraction, the numerator of
24 which is the gross income from such trading
25 assets and activities which are properly
26 assigned to a fixed place of business of the

1 taxpayer within this State and the denominator
2 of which is the gross income from all such
3 assets and activities.

4 (D) Properly assigned, for purposes of
5 this paragraph (2) of this subsection, means
6 the investment or trading asset or activity is
7 assigned to the fixed place of business with
8 which it has a preponderance of substantive
9 contacts. An investment or trading asset or
10 activity assigned by the taxpayer to a fixed
11 place of business without the State shall be
12 presumed to have been properly assigned if:

13 (i) the taxpayer has assigned, in the
14 regular course of its business, such asset
15 or activity on its records to a fixed
16 place of business consistent with federal
17 or state regulatory requirements;

18 (ii) such assignment on its records is
19 based upon substantive contacts of the
20 asset or activity to such fixed place of
21 business; and

22 (iii) the taxpayer uses such records
23 reflecting assignment of such assets or
24 activities for the filing of all state and
25 local tax returns for which an assignment
26 of such assets or activities to a fixed

1 place of business is required.

2 (E) The presumption of proper assignment
3 of an investment or trading asset or activity
4 provided in subparagraph (D) of paragraph (2)
5 of this subsection may be rebutted upon a
6 showing by the Department, supported by a
7 preponderance of the evidence, that the
8 preponderance of substantive contacts
9 regarding such asset or activity did not occur
10 at the fixed place of business to which it was
11 assigned on the taxpayer's records. If the
12 fixed place of business that has a
13 preponderance of substantive contacts cannot
14 be determined for an investment or trading
15 asset or activity to which the presumption in
16 subparagraph (D) of paragraph (2) of this
17 subsection does not apply or with respect to
18 which that presumption has been rebutted, that
19 asset or activity is properly assigned to the
20 state in which the taxpayer's commercial
21 domicile is located. For purposes of this
22 subparagraph (E), it shall be presumed,
23 subject to rebuttal, that taxpayer's
24 commercial domicile is in the state of the
25 United States or the District of Columbia to
26 which the greatest number of employees are

1 regularly connected with the management of the
2 investment or trading income or out of which
3 they are working, irrespective of where the
4 services of such employees are performed, as
5 of the last day of the taxable year.

6 (ix) For tax years ending on or after December 31,
7 2024, receipts from investment assets and activities
8 and trading assets and activities are included in the
9 receipts factor as follows:

10 (1) Interest, dividends, net gains (but not
11 less than zero), and other income from investment
12 assets and activities from trading assets and
13 activities shall be included in the receipts
14 factor. Investment assets and activities and
15 trading assets and activities include, but are not
16 limited to the following: investment securities;
17 trading account assets; federal funds; securities
18 purchased and sold under agreements to resell or
19 repurchase; options; futures contracts; forward
20 contracts; notional principal contracts, such as
21 swaps; equities; and foreign currency
22 transactions. With respect to the investment and
23 trading assets and activities described in
24 subparagraphs (A) and (B) of this paragraph, the
25 receipts factor shall include the amounts
26 described in those subparagraphs.

1 (A) The receipts factor shall include the
2 amount by which interest from federal funds
3 sold and securities purchased under resale
4 agreements exceeds interest expense on federal
5 funds purchased and securities sold under
6 repurchase agreements.

7 (B) The receipts factor shall include the
8 amount by which interest, dividends, gains and
9 other income from trading assets and
10 activities, including, but not limited to,
11 assets and activities in the matched book, in
12 the arbitrage book, and foreign currency
13 transactions, exceed amounts paid in lieu of
14 interest, amounts paid in lieu of dividends,
15 and losses from such assets and activities.

16 (2) The numerator of the receipts factor
17 includes interest, dividends, net gains (but not
18 less than zero), and other income from investment
19 assets and activities and from trading assets and
20 activities described in paragraph (1) of this
21 subsection that are attributable to this State.

22 (A) The amount of interest, dividends, net
23 gains (but not less than zero), and other
24 income from investment assets and activities
25 in the investment account to be attributed to
26 this State and included in the numerator is

1 determined by multiplying all of the income
2 from those assets and activities by a
3 fraction, the numerator of which is the total
4 receipts included in the numerator pursuant to
5 items (i) through (vii) of this subparagraph
6 (3) and the denominator of which is all total
7 receipts included in the denominator, other
8 than interest, dividends, net gains (but not
9 less than zero), and other income from
10 investment assets and activities and trading
11 assets and activities.

12 (B) The amount of interest from federal
13 funds sold and purchased and from securities
14 purchased under resale agreements and
15 securities sold under repurchase agreements
16 attributable to this State and included in the
17 numerator is determined by multiplying the
18 amount described in subparagraph (A) of
19 paragraph (1) of this subsection from such
20 funds and such securities by a fraction, the
21 numerator of which is the total receipts
22 included in the numerator pursuant to items
23 (i) through (vii) of this subparagraph (3) and
24 the denominator of which is all total receipts
25 included in the denominator, other than
26 interest, dividends, net gains (but not less

1 than zero), and other income from investment
2 assets and activities and trading assets and
3 activities.

4 (C) The amount of interest, dividends,
5 gains, and other income from trading assets
6 and activities, including, but not limited to,
7 assets and activities in the matched book, in
8 the arbitrage book and foreign currency
9 transactions (but excluding amounts described
10 in subparagraphs (A) or (B) of this
11 paragraph), attributable to this State and
12 included in the numerator is determined by
13 multiplying the amount described in
14 subparagraph (B) of paragraph (1) of this
15 subsection by a fraction, the numerator of
16 which is the total receipts included in the
17 numerator pursuant to items (i) through (vii)
18 of this subparagraph (3) and the denominator
19 of which is all total receipts included in the
20 denominator, other than interest, dividends,
21 net gains (but not less than zero), and other
22 income from investment assets and activities
23 and trading assets and activities.

24 (4) (Blank).

25 (5) (Blank).

26 (c-1) Federally regulated exchanges. For taxable years

1 ending on or after December 31, 2012, business income of a
2 federally regulated exchange shall, at the option of the
3 federally regulated exchange, be apportioned to this State by
4 multiplying such income by a fraction, the numerator of which
5 is its business income from sources within this State, and the
6 denominator of which is its business income from all sources.
7 For purposes of this subsection, the business income within
8 this State of a federally regulated exchange is the sum of the
9 following:

10 (1) Receipts attributable to transactions executed on
11 a physical trading floor if that physical trading floor is
12 located in this State.

13 (2) Receipts attributable to all other matching,
14 execution, or clearing transactions, including without
15 limitation receipts from the provision of matching,
16 execution, or clearing services to another entity,
17 multiplied by (i) for taxable years ending on or after
18 December 31, 2012 but before December 31, 2013, 63.77%;
19 and (ii) for taxable years ending on or after December 31,
20 2013, 27.54%.

21 (3) All other receipts not governed by subparagraphs
22 (1) or (2) of this subsection (c-1), to the extent the
23 receipts would be characterized as "sales in this State"
24 under item (3) of subsection (a) of this Section.

25 "Federally regulated exchange" means (i) a "registered
26 entity" within the meaning of 7 U.S.C. Section 1a(40) (A), (B),

1 or (C), (ii) an "exchange" or "clearing agency" within the
2 meaning of 15 U.S.C. Section 78c (a) (1) or (23), (iii) any such
3 entities regulated under any successor regulatory structure to
4 the foregoing, and (iv) all taxpayers who are members of the
5 same unitary business group as a federally regulated exchange,
6 determined without regard to the prohibition in Section
7 1501(a) (27) of this Act against including in a unitary
8 business group taxpayers who are ordinarily required to
9 apportion business income under different subsections of this
10 Section; provided that this subparagraph (iv) shall apply only
11 if 50% or more of the business receipts of the unitary business
12 group determined by application of this subparagraph (iv) for
13 the taxable year are attributable to the matching, execution,
14 or clearing of transactions conducted by an entity described
15 in subparagraph (i), (ii), or (iii) of this paragraph.

16 In no event shall the Illinois apportionment percentage
17 computed in accordance with this subsection (c-1) for any
18 taxpayer for any tax year be less than the Illinois
19 apportionment percentage computed under this subsection (c-1)
20 for that taxpayer for the first full tax year ending on or
21 after December 31, 2013 for which this subsection (c-1)
22 applied to the taxpayer.

23 (d) Transportation services. For taxable years ending
24 before December 31, 2008, business income derived from
25 furnishing transportation services shall be apportioned to
26 this State in accordance with paragraphs (1) and (2):

1 (1) Such business income (other than that derived from
2 transportation by pipeline) shall be apportioned to this
3 State by multiplying such income by a fraction, the
4 numerator of which is the revenue miles of the person in
5 this State, and the denominator of which is the revenue
6 miles of the person everywhere. For purposes of this
7 paragraph, a revenue mile is the transportation of 1
8 passenger or 1 net ton of freight the distance of 1 mile
9 for a consideration. Where a person is engaged in the
10 transportation of both passengers and freight, the
11 fraction above referred to shall be determined by means of
12 an average of the passenger revenue mile fraction and the
13 freight revenue mile fraction, weighted to reflect the
14 person's

15 (A) relative railway operating income from total
16 passenger and total freight service, as reported to
17 the Interstate Commerce Commission, in the case of
18 transportation by railroad, and

19 (B) relative gross receipts from passenger and
20 freight transportation, in case of transportation
21 other than by railroad.

22 (2) Such business income derived from transportation
23 by pipeline shall be apportioned to this State by
24 multiplying such income by a fraction, the numerator of
25 which is the revenue miles of the person in this State, and
26 the denominator of which is the revenue miles of the

1 person everywhere. For the purposes of this paragraph, a
2 revenue mile is the transportation by pipeline of 1 barrel
3 of oil, 1,000 cubic feet of gas, or of any specified
4 quantity of any other substance, the distance of 1 mile
5 for a consideration.

6 (3) For taxable years ending on or after December 31,
7 2008, business income derived from providing
8 transportation services other than airline services shall
9 be apportioned to this State by using a fraction, (a) the
10 numerator of which shall be (i) all receipts from any
11 movement or shipment of people, goods, mail, oil, gas, or
12 any other substance (other than by airline) that both
13 originates and terminates in this State, plus (ii) that
14 portion of the person's gross receipts from movements or
15 shipments of people, goods, mail, oil, gas, or any other
16 substance (other than by airline) that originates in one
17 state or jurisdiction and terminates in another state or
18 jurisdiction, that is determined by the ratio that the
19 miles traveled in this State bears to total miles
20 everywhere and (b) the denominator of which shall be all
21 revenue derived from the movement or shipment of people,
22 goods, mail, oil, gas, or any other substance (other than
23 by airline). Where a taxpayer is engaged in the
24 transportation of both passengers and freight, the
25 fraction above referred to shall first be determined
26 separately for passenger miles and freight miles. Then an

1 average of the passenger miles fraction and the freight
2 miles fraction shall be weighted to reflect the
3 taxpayer's:

4 (A) relative railway operating income from total
5 passenger and total freight service, as reported to
6 the Surface Transportation Board, in the case of
7 transportation by railroad; and

8 (B) relative gross receipts from passenger and
9 freight transportation, in case of transportation
10 other than by railroad.

11 (4) For taxable years ending on or after December 31,
12 2008, business income derived from furnishing airline
13 transportation services shall be apportioned to this State
14 by multiplying such income by a fraction, the numerator of
15 which is the revenue miles of the person in this State, and
16 the denominator of which is the revenue miles of the
17 person everywhere. For purposes of this paragraph, a
18 revenue mile is the transportation of one passenger or one
19 net ton of freight the distance of one mile for a
20 consideration. If a person is engaged in the
21 transportation of both passengers and freight, the
22 fraction above referred to shall be determined by means of
23 an average of the passenger revenue mile fraction and the
24 freight revenue mile fraction, weighted to reflect the
25 person's relative gross receipts from passenger and
26 freight airline transportation.

1 (e) Combined apportionment. Where 2 or more persons are
2 engaged in a unitary business as described in subsection
3 (a)(27) of Section 1501, a part of which is conducted in this
4 State by one or more members of the group, the business income
5 attributable to this State by any such member or members shall
6 be apportioned by means of the combined apportionment method.

7 (f) Alternative allocation. If the allocation and
8 apportionment provisions of subsections (a) through (e) and of
9 subsection (h) do not, for taxable years ending before
10 December 31, 2008, fairly represent the extent of a person's
11 business activity in this State, or, for taxable years ending
12 on or after December 31, 2008, fairly represent the market for
13 the person's goods, services, or other sources of business
14 income, the person may petition for, or the Director may,
15 without a petition, permit or require, in respect of all or any
16 part of the person's business activity, if reasonable:

17 (1) Separate accounting;

18 (2) The exclusion of any one or more factors;

19 (3) The inclusion of one or more additional factors
20 which will fairly represent the person's business
21 activities or market in this State; or

22 (4) The employment of any other method to effectuate
23 an equitable allocation and apportionment of the person's
24 business income.

25 (g) Cross-reference ~~Cross-reference~~. For allocation of
26 business income by residents, see Section 301(a).

1 (h) For tax years ending on or after December 31, 1998, the
2 apportionment factor of persons who apportion their business
3 income to this State under subsection (a) shall be equal to:

4 (1) for tax years ending on or after December 31, 1998
5 and before December 31, 1999, 16 2/3% of the property
6 factor plus 16 2/3% of the payroll factor plus 66 2/3% of
7 the sales factor;

8 (2) for tax years ending on or after December 31, 1999
9 and before December 31, 2000, 8 1/3% of the property
10 factor plus 8 1/3% of the payroll factor plus 83 1/3% of
11 the sales factor;

12 (3) for tax years ending on or after December 31,
13 2000, the sales factor.

14 If, in any tax year ending on or after December 31, 1998 and
15 before December 31, 2000, the denominator of the payroll,
16 property, or sales factor is zero, the apportionment factor
17 computed in paragraph (1) or (2) of this subsection for that
18 year shall be divided by an amount equal to 100% minus the
19 percentage weight given to each factor whose denominator is
20 equal to zero.

21 (Source: P.A. 102-40, eff. 6-25-21; 102-558, eff. 8-20-21;
22 103-592, eff. 6-7-24; revised 10-16-24.)

23 (35 ILCS 5/704A)

24 Sec. 704A. Employer's return and payment of tax withheld.

25 (a) In general, every employer who deducts and withholds

1 or is required to deduct and withhold tax under this Act on or
2 after January 1, 2008 shall make those payments and returns as
3 provided in this Section.

4 (b) Returns. Every employer shall, in the form and manner
5 required by the Department, make returns with respect to taxes
6 withheld or required to be withheld under this Article 7 for
7 each quarter beginning on or after January 1, 2008, on or
8 before the last day of the first month following the close of
9 that quarter.

10 (c) Payments. With respect to amounts withheld or required
11 to be withheld on or after January 1, 2008:

12 (1) Semi-weekly payments. For each calendar year, each
13 employer who withheld or was required to withhold more
14 than \$12,000 during the one-year period ending on June 30
15 of the immediately preceding calendar year, payment must
16 be made:

17 (A) on or before each Friday of the calendar year,
18 for taxes withheld or required to be withheld on the
19 immediately preceding Saturday, Sunday, Monday, or
20 Tuesday;

21 (B) on or before each Wednesday of the calendar
22 year, for taxes withheld or required to be withheld on
23 the immediately preceding Wednesday, Thursday, or
24 Friday.

25 Beginning with calendar year 2011, payments made under
26 this paragraph (1) of subsection (c) must be made by

1 electronic funds transfer.

2 (2) Semi-weekly payments. Any employer who withholds
3 or is required to withhold more than \$12,000 in any
4 quarter of a calendar year is required to make payments on
5 the dates set forth under item (1) of this subsection (c)
6 for each remaining quarter of that calendar year and for
7 the subsequent calendar year.

8 (3) Monthly payments. Each employer, other than an
9 employer described in items (1) or (2) of this subsection,
10 shall pay to the Department, on or before the 15th day of
11 each month the taxes withheld or required to be withheld
12 during the immediately preceding month.

13 (4) Payments with returns. Each employer shall pay to
14 the Department, on or before the due date for each return
15 required to be filed under this Section, any tax withheld
16 or required to be withheld during the period for which the
17 return is due and not previously paid to the Department.

18 (d) Regulatory authority. The Department may, by rule:

19 (1) Permit employers, in lieu of the requirements of
20 subsections (b) and (c), to file annual returns due on or
21 before January 31 of the year for taxes withheld or
22 required to be withheld during the previous calendar year
23 and, if the aggregate amounts required to be withheld by
24 the employer under this Article 7 (other than amounts
25 required to be withheld under Section 709.5) do not exceed
26 \$1,000 for the previous calendar year, to pay the taxes

1 required to be shown on each such return no later than the
2 due date for such return.

3 (2) Provide that any payment required to be made under
4 subsection (c)(1) or (c)(2) is deemed to be timely to the
5 extent paid by electronic funds transfer on or before the
6 due date for deposit of federal income taxes withheld
7 from, or federal employment taxes due with respect to, the
8 wages from which the Illinois taxes were withheld.

9 (3) Designate one or more depositories to which
10 payment of taxes required to be withheld under this
11 Article 7 must be paid by some or all employers.

12 (4) Increase the threshold dollar amounts at which
13 employers are required to make semi-weekly payments under
14 subsection (c)(1) or (c)(2).

15 (e) Annual return and payment. Every employer who deducts
16 and withholds or is required to deduct and withhold tax from a
17 person engaged in domestic service employment, as that term is
18 defined in Section 3510 of the Internal Revenue Code, may
19 comply with the requirements of this Section with respect to
20 such employees by filing an annual return and paying the taxes
21 required to be deducted and withheld on or before the 15th day
22 of the fourth month following the close of the employer's
23 taxable year. The Department may allow the employer's return
24 to be submitted with the employer's individual income tax
25 return or to be submitted with a return due from the employer
26 under Section 1400.2 of the Unemployment Insurance Act.

1 (f) Magnetic media and electronic filing. With respect to
2 taxes withheld in calendar years prior to 2017, any W-2 Form
3 that, under the Internal Revenue Code and regulations
4 promulgated thereunder, is required to be submitted to the
5 Internal Revenue Service on magnetic media or electronically
6 must also be submitted to the Department on magnetic media or
7 electronically for Illinois purposes, if required by the
8 Department.

9 With respect to taxes withheld in 2017 and subsequent
10 calendar years, the Department may, by rule, require that any
11 return (including any amended return) under this Section and
12 any W-2 Form that is required to be submitted to the Department
13 must be submitted on magnetic media or electronically.

14 The due date for submitting W-2 Forms shall be as
15 prescribed by the Department by rule.

16 (g) For amounts deducted or withheld after December 31,
17 2009, a taxpayer who makes an election under subsection (f) of
18 Section 5-15 of the Economic Development for a Growing Economy
19 Tax Credit Act for a taxable year shall be allowed a credit
20 against payments due under this Section for amounts withheld
21 during the first calendar year beginning after the end of that
22 taxable year equal to the amount of the credit for the
23 incremental income tax attributable to full-time employees of
24 the taxpayer awarded to the taxpayer by the Department of
25 Commerce and Economic Opportunity under the Economic
26 Development for a Growing Economy Tax Credit Act for the

1 taxable year and credits not previously claimed and allowed to
2 be carried forward under Section 211(4) of this Act as
3 provided in subsection (f) of Section 5-15 of the Economic
4 Development for a Growing Economy Tax Credit Act. The credit
5 or credits may not reduce the taxpayer's obligation for any
6 payment due under this Section to less than zero. If the amount
7 of the credit or credits exceeds the total payments due under
8 this Section with respect to amounts withheld during the
9 calendar year, the excess may be carried forward and applied
10 against the taxpayer's liability under this Section in the
11 succeeding calendar years as allowed to be carried forward
12 under paragraph (4) of Section 211 of this Act. The credit or
13 credits shall be applied to the earliest year for which there
14 is a tax liability. If there are credits from more than one
15 taxable year that are available to offset a liability, the
16 earlier credit shall be applied first. Each employer who
17 deducts and withholds or is required to deduct and withhold
18 tax under this Act and who retains income tax withholdings
19 under subsection (f) of Section 5-15 of the Economic
20 Development for a Growing Economy Tax Credit Act must make a
21 return with respect to such taxes and retained amounts in the
22 form and manner that the Department, by rule, requires and pay
23 to the Department or to a depository designated by the
24 Department those withheld taxes not retained by the taxpayer.
25 For purposes of this subsection (g), the term taxpayer shall
26 include taxpayer and members of the taxpayer's unitary

1 business group as defined under paragraph (27) of subsection
2 (a) of Section 1501 of this Act. This Section is exempt from
3 the provisions of Section 250 of this Act. No credit awarded
4 under the Economic Development for a Growing Economy Tax
5 Credit Act for agreements entered into on or after January 1,
6 2015 may be credited against payments due under this Section.

7 (g-1) For amounts deducted or withheld after December 31,
8 2024, a taxpayer who makes an election under the Reimagining
9 Energy and Vehicles in Illinois Act shall be allowed a credit
10 against payments due under this Section for amounts withheld
11 during the first quarterly reporting period beginning after
12 the certificate is issued equal to the portion of the REV
13 Illinois Credit attributable to the incremental income tax
14 attributable to new employees and retained employees as
15 certified by the Department of Commerce and Economic
16 Opportunity pursuant to an agreement with the taxpayer under
17 the Reimagining Energy and Vehicles in Illinois Act for the
18 taxable year. The credit or credits may not reduce the
19 taxpayer's obligation for any payment due under this Section
20 to less than zero. If the amount of the credit or credits
21 exceeds the total payments due under this Section with respect
22 to amounts withheld during the quarterly reporting period, the
23 excess may be carried forward and applied against the
24 taxpayer's liability under this Section in the succeeding
25 quarterly reporting period as allowed to be carried forward
26 under paragraph (4) of Section 211 of this Act. The credit or

1 credits shall be applied to the earliest quarterly reporting
2 period for which there is a tax liability. If there are credits
3 from more than one quarterly reporting period that are
4 available to offset a liability, the earlier credit shall be
5 applied first. Each employer who deducts and withholds or is
6 required to deduct and withhold tax under this Act and who
7 retains income tax withholdings this subsection must make a
8 return with respect to such taxes and retained amounts in the
9 form and manner that the Department, by rule, requires and pay
10 to the Department or to a depository designated by the
11 Department those withheld taxes not retained by the taxpayer.
12 For purposes of this subsection (g-1), the term taxpayer shall
13 include taxpayer and members of the taxpayer's unitary
14 business group as defined under paragraph (27) of subsection
15 (a) of Section 1501 of this Act. This Section is exempt from
16 the provisions of Section 250 of this Act.

17 (g-2) For amounts deducted or withheld after December 31,
18 2024, a taxpayer who makes an election under the Manufacturing
19 Illinois Chips for Real Opportunity (MICRO) Act shall be
20 allowed a credit against payments due under this Section for
21 amounts withheld during the first quarterly reporting period
22 beginning after the certificate is issued equal to the portion
23 of the MICRO Illinois Credit attributable to the incremental
24 income tax attributable to new employees and retained
25 employees as certified by the Department of Commerce and
26 Economic Opportunity pursuant to an agreement with the

1 taxpayer under the Manufacturing Illinois Chips for Real
2 Opportunity (MICRO) Act for the taxable year. The credit or
3 credits may not reduce the taxpayer's obligation for any
4 payment due under this Section to less than zero. If the amount
5 of the credit or credits exceeds the total payments due under
6 this Section with respect to amounts withheld during the
7 quarterly reporting period, the excess may be carried forward
8 and applied against the taxpayer's liability under this
9 Section in the succeeding quarterly reporting period as
10 allowed to be carried forward under paragraph (4) of Section
11 211 of this Act. The credit or credits shall be applied to the
12 earliest quarterly reporting period for which there is a tax
13 liability. If there are credits from more than one quarterly
14 reporting period that are available to offset a liability, the
15 earlier credit shall be applied first. Each employer who
16 deducts and withholds or is required to deduct and withhold
17 tax under this Act and who retains income tax withholdings
18 this subsection must make a return with respect to such taxes
19 and retained amounts in the form and manner that the
20 Department, by rule, requires and pay to the Department or to a
21 depository designated by the Department those withheld taxes
22 not retained by the taxpayer. For purposes of this subsection,
23 the term taxpayer shall include taxpayer and members of the
24 taxpayer's unitary business group as defined under paragraph
25 (27) of subsection (a) of Section 1501 of this Act. This
26 Section is exempt from the provisions of Section 250 of this

1 Act.

2 (h) An employer may claim a credit against payments due
3 under this Section for amounts withheld during the first
4 calendar year ending after the date on which a tax credit
5 certificate was issued under Section 35 of the Small Business
6 Job Creation Tax Credit Act. The credit shall be equal to the
7 amount shown on the certificate, but may not reduce the
8 taxpayer's obligation for any payment due under this Section
9 to less than zero. If the amount of the credit exceeds the
10 total payments due under this Section with respect to amounts
11 withheld during the calendar year, the excess may be carried
12 forward and applied against the taxpayer's liability under
13 this Section in the 5 succeeding calendar years. The credit
14 shall be applied to the earliest year for which there is a tax
15 liability. If there are credits from more than one calendar
16 year that are available to offset a liability, the earlier
17 credit shall be applied first. This Section is exempt from the
18 provisions of Section 250 of this Act.

19 (i) Each employer with 50 or fewer full-time equivalent
20 employees during the reporting period may claim a credit
21 against the payments due under this Section for each qualified
22 employee in an amount equal to the maximum credit allowable.
23 The credit may be taken against payments due for reporting
24 periods that begin on or after January 1, 2020, and end on or
25 before December 31, 2027. An employer may not claim a credit
26 for an employee who has worked fewer than 90 consecutive days

1 immediately preceding the reporting period; however, such
2 credits may accrue during that 90-day period and be claimed
3 against payments under this Section for future reporting
4 periods after the employee has worked for the employer at
5 least 90 consecutive days. In no event may the credit exceed
6 the employer's liability for the reporting period. Each
7 employer who deducts and withholds or is required to deduct
8 and withhold tax under this Act and who retains income tax
9 withholdings under this subsection must make a return with
10 respect to such taxes and retained amounts in the form and
11 manner that the Department, by rule, requires and pay to the
12 Department or to a depository designated by the Department
13 those withheld taxes not retained by the employer.

14 For each reporting period, the employer may not claim a
15 credit or credits for more employees than the number of
16 employees making less than the minimum or reduced wage for the
17 current calendar year during the last reporting period of the
18 preceding calendar year. Notwithstanding any other provision
19 of this subsection, an employer shall not be eligible for
20 credits for a reporting period unless the average wage paid by
21 the employer per employee for all employees making less than
22 \$55,000 during the reporting period is greater than the
23 average wage paid by the employer per employee for all
24 employees making less than \$55,000 during the same reporting
25 period of the prior calendar year.

26 For purposes of this subsection (i):

1 "Compensation paid in Illinois" has the meaning ascribed
2 to that term under Section 304(a)(2)(B) of this Act.

3 "Employer" and "employee" have the meaning ascribed to
4 those terms in the Minimum Wage Law, except that "employee"
5 also includes employees who work for an employer with fewer
6 than 4 employees. Employers that operate more than one
7 establishment pursuant to a franchise agreement or that
8 constitute members of a unitary business group shall aggregate
9 their employees for purposes of determining eligibility for
10 the credit.

11 "Full-time equivalent employees" means the ratio of the
12 number of paid hours during the reporting period and the
13 number of working hours in that period.

14 "Maximum credit" means the percentage listed below of the
15 difference between the amount of compensation paid in Illinois
16 to employees who are paid not more than the required minimum
17 wage reduced by the amount of compensation paid in Illinois to
18 employees who were paid less than the current required minimum
19 wage during the reporting period prior to each increase in the
20 required minimum wage on January 1. If an employer pays an
21 employee more than the required minimum wage and that employee
22 previously earned less than the required minimum wage, the
23 employer may include the portion that does not exceed the
24 required minimum wage as compensation paid in Illinois to
25 employees who are paid not more than the required minimum
26 wage.

1 (1) 25% for reporting periods beginning on or after
2 January 1, 2020 and ending on or before December 31, 2020;

3 (2) 21% for reporting periods beginning on or after
4 January 1, 2021 and ending on or before December 31, 2021;

5 (3) 17% for reporting periods beginning on or after
6 January 1, 2022 and ending on or before December 31, 2022;

7 (4) 13% for reporting periods beginning on or after
8 January 1, 2023 and ending on or before December 31, 2023;

9 (5) 9% for reporting periods beginning on or after
10 January 1, 2024 and ending on or before December 31, 2024;

11 (6) 5% for reporting periods beginning on or after
12 January 1, 2025 and ending on or before December 31, 2025.

13 The amount computed under this subsection may continue to
14 be claimed for reporting periods beginning on or after January
15 1, 2026 and:

16 (A) ending on or before December 31, 2026 for
17 employers with more than 5 employees; or

18 (B) ending on or before December 31, 2027 for
19 employers with no more than 5 employees.

20 "Qualified employee" means an employee who is paid not
21 more than the required minimum wage and has an average wage
22 paid per hour by the employer during the reporting period
23 equal to or greater than his or her average wage paid per hour
24 by the employer during each reporting period for the
25 immediately preceding 12 months. A new qualified employee is
26 deemed to have earned the required minimum wage in the

1 preceding reporting period.

2 "Reporting period" means the quarter for which a return is
3 required to be filed under subsection (b) of this Section.

4 (j) For reporting periods beginning on or after January 1,
5 2023, if a private employer grants all of its employees the
6 option of taking a paid leave of absence of at least 30 days
7 for the purpose of serving as an organ donor or bone marrow
8 donor, then the private employer may take a credit against the
9 payments due under this Section in an amount equal to the
10 amount withheld under this Section with respect to wages paid
11 while the employee is on organ donation leave, not to exceed
12 \$1,000 in withholdings for each employee who takes organ
13 donation leave. To be eligible for the credit, such a leave of
14 absence must be taken without loss of pay, vacation time,
15 compensatory time, personal days, or sick time for at least
16 the first 30 days of the leave of absence. The private employer
17 shall adopt rules governing organ donation leave, including
18 rules that (i) establish conditions and procedures for
19 requesting and approving leave and (ii) require medical
20 documentation of the proposed organ or bone marrow donation
21 before leave is approved by the private employer. A private
22 employer must provide, in the manner required by the
23 Department, documentation from the employee's medical
24 provider, which the private employer receives from the
25 employee, that verifies the employee's organ donation. The
26 private employer must also provide, in the manner required by

1 the Department, documentation that shows that a qualifying
2 organ donor leave policy was in place and offered to all
3 qualifying employees at the time the leave was taken. For the
4 private employer to receive the tax credit, the employee
5 taking organ donor leave must allow for the applicable medical
6 records to be disclosed to the Department. If the private
7 employer cannot provide the required documentation to the
8 Department, then the private employer is ineligible for the
9 credit under this Section. A private employer must also
10 provide, in the form required by the Department, any
11 additional documentation or information required by the
12 Department to administer the credit under this Section. The
13 credit under this subsection (j) shall be taken within one
14 year after the date upon which the organ donation leave
15 begins. If the leave taken spans into a second tax year, the
16 employer qualifies for the allowable credit in the later of
17 the 2 years. If the amount of credit exceeds the tax liability
18 for the year, the excess may be carried and applied to the tax
19 liability for the 3 taxable years following the excess credit
20 year. The tax credit shall be applied to the earliest year for
21 which there is a tax liability. If there are credits for more
22 than one year that are available to offset liability, the
23 earlier credit shall be applied first.

24 Nothing in this subsection (j) prohibits a private
25 employer from providing an unpaid leave of absence to its
26 employees for the purpose of serving as an organ donor or bone

1 marrow donor; however, if the employer's policy provides for
2 fewer than 30 days of paid leave for organ or bone marrow
3 donation, then the employer shall not be eligible for the
4 credit under this Section.

5 As used in this subsection (j):

6 "Organ" means any biological tissue of the human body that
7 may be donated by a living donor, including, but not limited
8 to, the kidney, liver, lung, pancreas, intestine, bone, skin,
9 or any subpart of those organs.

10 "Organ donor" means a person from whose body an organ is
11 taken to be transferred to the body of another person.

12 "Private employer" means a sole proprietorship,
13 corporation, partnership, limited liability company, or other
14 entity with one or more employees. "Private employer" does not
15 include a municipality, county, State agency, or other public
16 employer.

17 This subsection (j) is exempt from the provisions of
18 Section 250 of this Act.

19 (k) For reporting periods beginning on or after January 1,
20 2025 and before January 1, 2027, an employer may claim a credit
21 against payments due under this Section for amounts withheld
22 during the first reporting period to occur after the date on
23 which a tax credit certificate is issued for a non-profit
24 theater production under Section 10 of the Live Theater
25 Production Tax Credit Act. The credit shall be equal to the
26 amount shown on the certificate, but may not reduce the

1 taxpayer's obligation for any payment due under this Article
2 to less than zero. If the amount of the credit exceeds the
3 total amount due under this Article with respect to amounts
4 withheld during the first reporting period to occur after the
5 date on which a tax credit certificate is issued, the excess
6 may be carried forward and applied against the taxpayer's
7 liability under this Section for reporting periods that occur
8 in the 5 succeeding calendar years. The excess credit shall be
9 applied to the earliest reporting period for which there is a
10 payment due under this Article. If there are credits from more
11 than one reporting period that are available to offset a
12 liability, the earlier credit shall be applied first. The
13 Department of Revenue, in cooperation with the Department of
14 Commerce and Economic Opportunity, shall adopt rules to
15 enforce and administer the provisions of this subsection.

16 (1) ~~(*)~~ A taxpayer who is issued a certificate under the
17 Local Journalism Sustainability Act for a taxable year shall
18 be allowed a credit against payments due under this Section as
19 provided in that Act.

20 (Source: P.A. 102-669, eff. 11-16-21; 102-700, Article 30,
21 Section 30-5, eff. 4-19-22; 102-700, Article 110, Section
22 110-905, eff. 4-19-22; 102-1125, eff. 2-3-23; 103-592, Article
23 40, Section 40-900, eff. 6-7-24; 103-592, Article 45, Section
24 45-10, eff. 6-7-24; revised 7-9-24.)

25 Section 265. The Economic Development for a Growing

1 Economy Tax Credit Act is amended by changing Section 5-56 as
2 follows:

3 (35 ILCS 10/5-56)

4 Sec. 5-56. Annual report. Annually, until construction is
5 completed, a company seeking New Construction EDGE Credits
6 shall submit a report that, at a minimum, describes the
7 projected project scope, timeline, and anticipated budget.
8 Once the project has commenced, the annual report shall
9 include actual data for the prior year as well as projections
10 for each additional year through completion of the project.
11 The Department shall issue detailed reporting guidelines
12 prescribing the requirements of construction-related
13 ~~construction-related~~ reports. In order to receive credit for
14 construction expenses, the company must provide the Department
15 with evidence that a certified third-party executed an
16 Agreed-Upon Procedure (AUP) verifying the construction
17 expenses or accept the standard construction wage expense
18 estimated by the Department.

19 Upon review of the final project scope, timeline, budget,
20 and AUP, the Department shall issue a tax credit certificate
21 reflecting a percentage of the total construction job wages
22 paid throughout the completion of the project.

23 Upon 7 business days' notice, the taxpayer shall make
24 available for inspection and copying at a location within this
25 State during reasonable hours, the records identified in

1 paragraph (1) of this Section to the taxpayer in charge of the
2 project, its officers and agents, and to federal, State, or
3 local law enforcement agencies and prosecutors.

4 (Source: P.A. 102-558, eff. 8-20-21; 103-595, eff. 6-26-24;
5 revised 10-23-24.)

6 Section 270. The Local Journalism Sustainability Act is
7 amended by changing Sections 40-1 and 40-5 as follows:

8 (35 ILCS 18/40-1)

9 Sec. 40-1. Short title. This Article ~~Act~~ may be cited as
10 the Local Journalism Sustainability Act. References in this
11 Article to "this Act" mean this Article.

12 (Source: P.A. 103-592, eff. 6-7-24; revised 10-23-24.)

13 (35 ILCS 18/40-5)

14 Sec. 40-5. Definitions. As used in this Act:

15 "Award cycle" means the 4 reporting periods for which the
16 employer is awarded a credit under Section 40-10.

17 "Comparable rate" has the meaning given to that term by
18 the Federal Communications Commission in its campaign
19 advertising rate rules.

20 "Department" means the Department of Commerce and Economic
21 Opportunity.

22 "Independently owned" means, as applied to a local news
23 organization, that:

1 (1) the local news organization is not a publicly
2 traded entity and no more than 5% of the beneficial
3 ownership of the local news organization is owned,
4 directly or indirectly, by a publicly traded entity; and

5 (2) the local news organization is not a subsidiary.

6 "Local news organization" means an entity that:

7 (1) engages professionals to create, edit, produce,
8 and distribute original content concerning matters of
9 public interest through reporting activities, including
10 conducting interviews, observing current events, or
11 analyzing documents or other information;

12 (2) has at least one employee who meets all of the
13 following criteria:

14 (A) the employee is employed by the entity on a
15 full-time basis for at least 30 hours a week;

16 (B) the employee's job duties for the entity
17 consist primarily of providing coverage of Illinois or
18 local Illinois community news as described in
19 paragraph (C);

20 (C) the employee gathers, prepares, collects,
21 photographs, writes, edits, reports, or publishes
22 original local or State community news for
23 dissemination to the local or State community; and

24 (D) the employee lives within 50 miles of the
25 coverage area;

26 (3) in the case of a print publication, has published

1 at least one print publication per month over the previous
2 12 months and either (i) holds a valid United States
3 Postal Service periodical permit or (ii) has at least 25%
4 of its content dedicated to local news;

5 (4) in the case of a digital-only entity, has
6 published one piece about the community per week over the
7 previous 12 months and has at least 33% of its digital
8 audience in Illinois, averaged over a 12-month period;

9 (5) in the case of a hybrid entity that has both print
10 and digital outlets, meets the requirements in either
11 paragraph (3) or (4) of this definition;

12 (6) has disclosed in its print publication or on its
13 website its beneficial ownership or, in the case of a
14 not-for-profit entity, its board of directors;

15 (7) in the case of an entity that maintains tax status
16 under Section 501(c)(3) of the federal Internal Revenue
17 Code, has declared the coverage of local or State news as
18 the stated mission in its filings with the Internal
19 Revenue Service;

20 (8) has not received any payments of more than 50% of
21 its gross receipts for the previous year from political
22 action committees or other entities described in Section
23 527 of the federal Internal Revenue Code or from an
24 organization that maintains Section 501(c)(4) or 501(c)(6)
25 status under the federal Internal Revenue Code, unless
26 those payments are for political advertising during the

1 lowest unit windows and using comparable rates; and

2 (9) has not received more than 30% of its revenue from
3 the previous taxable year from political advertisements
4 during lowest unit windows.

5 "Local news organization" does not include an organization
6 that received more than \$100,000 from organizations described
7 in paragraph (8) during the taxable year or any preceding
8 taxable year.

9 "Lowest unit window" has the meaning given to that term by
10 the Federal Communications Commission in its campaign
11 advertising rate rules.

12 "New journalism position" means an employment position
13 that results in a net increase in qualified journalists
14 employed by the local news organization from January 1 of the
15 preceding calendar year compared to January 1 of the calendar
16 year in which a credit under this Act is sought.

17 "Private fund" means a corporation that:

18 (1) would be considered an investment company under
19 Section 3 of the Investment Company Act of 1940, 15 U.S.C.
20 80a-3, but for the application of paragraph (1) or (7) of
21 subsection (c) of that Section;

22 (2) is not a venture capital fund, as defined in
23 Section 275.203(1)-1 of Title 17 of the Code of Federal
24 Regulations, as in effect on the effective date of this
25 Act; and

26 (3) is not an institution selected under Section 107

1 of the federal Community Development Banking and Financial
2 Institutions Act of 1994.

3 "Qualified journalist" means a person who:

4 (1) is employed for an average of at least 30 hours per
5 week; and

6 (2) is responsible for gathering, developing,
7 preparing, directing the recording of, producing,
8 collecting, photographing, recording, writing, editing,
9 reporting, designing, presenting, distributing, or
10 publishing original news or information that concerns
11 local matters of public interest.

12 "Reporting period" means the quarter for which a return is
13 required to be filed under Article 7 of the Illinois Income Tax
14 Act.

15 (Source: P.A. 103-592, eff. 6-7-24; revised 10-24-24.)

16 Section 275. The Music and Musicians Tax Credit and Jobs
17 Act is amended by changing Section 50-1 as follows:

18 (35 ILCS 19/50-1)

19 Sec. 50-1. Short title. This Article ~~Act~~ may be cited as
20 the Music and Musicians Tax Credit and Jobs Act. References in
21 this Article to "this Act" mean this Article.

22 (Source: P.A. 103-592, eff. 6-7-24; revised 10-23-24.)

23 Section 280. The Manufacturing Illinois Chips for Real

1 Opportunity (MICRO) Act is amended by changing Section 110-20
2 as follows:

3 (35 ILCS 45/110-20)

4 Sec. 110-20. Manufacturing Illinois Chips for Real
5 Opportunity (MICRO) Program; project applications.

6 (a) The Manufacturing Illinois Chips for Real Opportunity
7 (MICRO) Program is hereby established and shall be
8 administered by the Department. The Program will provide
9 financial incentives to eligible semiconductor manufacturers,
10 microchip manufacturers, quantum computer manufacturers, and
11 companies that primarily engage in research and development in
12 the manufacturing of quantum computers, semiconductors, or
13 microchips. For the purposes of this Section, a company is
14 primarily engaged in research and development in the
15 manufacturing of quantum computers, semiconductors, or
16 microchips if at least 50% of its business activities involve
17 research and development in the manufacturing of quantum
18 computers, semiconductors, or microchips.➤

19 (b) Any taxpayer planning a project to be located in
20 Illinois may request consideration for designation of its
21 project as a MICRO project, by formal written letter of
22 request or by formal application to the Department, in which
23 the applicant states its intent to make at least a specified
24 level of investment and intends to hire a specified number of
25 full-time employees at a designated location in Illinois. As

1 circumstances require, the Department shall require a formal
2 application from an applicant and a formal letter of request
3 for assistance.

4 (c) In order to qualify for credits under the Program
5 ~~program~~, an applicant must:

6 (1) for a semiconductor manufacturer, a microchip
7 manufacturer, a quantum computer manufacturer, or a
8 company focusing on research and development in the
9 manufacturing of quantum computers, semiconductors, or
10 microchips:

11 (A) make an investment of at least \$1,500,000,000
12 in capital improvements at the project site;

13 (B) to be placed in service within the State
14 within a 60-month period after approval of the
15 application; and

16 (C) create at least 500 new full-time employee
17 jobs; or

18 (2) for a semiconductor component parts manufacturer,
19 a microchip component parts manufacturer, a quantum
20 computer component parts manufacturer, or a company
21 focusing on research and development in the manufacture of
22 component parts for quantum computers, semiconductors, or
23 microchips:

24 (A) make an investment of at least \$300,000,000 in
25 capital improvements at the project site;

26 (B) manufacture one or more parts that are

1 primarily used for the manufacture of semiconductors
2 or microchips;

3 (C) to be placed in service within the State
4 within a 60-month period after approval of the
5 application; and

6 (D) create at least 150 new full-time employee
7 jobs; or

8 (3) for a semiconductor manufacturer, a microchip
9 manufacturer, a quantum computer manufacturer, a company
10 focusing on research and development in the manufacturing
11 of quantum computers, semiconductors, or microchips, or a
12 semiconductor or microchip component parts manufacturer
13 that does not qualify ~~quality~~ under paragraph (2) above:

14 (A) make an investment of at least \$2,500,000 in
15 capital improvements at the project site;

16 (B) to be placed in service within the State
17 within a 48-month period after approval of the
18 application; and

19 (C) create at least 50 new full-time employee jobs
20 or new full-time employees equivalent to 10% of the
21 number of full-time employees employed by the
22 applicant world-wide on the date the application is
23 filed with the Department; or

24 (4) for a semiconductor manufacturer, quantum computer
25 manufacturer, microchip manufacturer, or semiconductor or
26 microchip component parts manufacturer with existing

1 operations in Illinois that intends to convert or expand,
2 in whole or in part, the existing facility from
3 traditional manufacturing to semiconductor manufacturing,
4 quantum computer manufacturing, or microchip manufacturing
5 or semiconductor, quantum computer, or microchip component
6 parts manufacturing, or a company focusing on research and
7 development in the manufacturing of quantum computers,
8 semiconductors, or microchips:

9 (A) make an investment of at least \$100,000,000 in
10 capital improvements at the project site;

11 (B) to be placed in service within the State
12 within a 60-month period after approval of the
13 application; and

14 (C) create the lesser of 75 new full-time employee
15 jobs or new full-time employee jobs equivalent to 10%
16 of the Statewide baseline applicable to the taxpayer
17 and any related member at the time of application.

18 (d) For any applicant creating the full-time employee jobs
19 noted in subsection (c), those jobs must have a total
20 compensation equal to or greater than 120% of the average wage
21 paid to full-time employees in the county where the project is
22 located, as determined by the Department.

23 (e) Each applicant must outline its hiring plan and
24 commitment to recruit and hire full-time employee positions at
25 the project site. The hiring plan may include a partnership
26 with an institution of higher education to provide

1 internships, including, but not limited to, internships
2 supported by the Clean Jobs Workforce Network Program, or
3 full-time permanent employment for students at the project
4 site. Additionally, the applicant may create or utilize
5 participants from apprenticeship programs that are approved by
6 and registered with the United States Department of Labor's
7 Bureau of Apprenticeship and Training. The applicant ~~Applicant~~
8 may apply for apprenticeship education expense credits in
9 accordance with the provisions set forth in 14 Ill. Adm.
10 ~~Admin.~~ Code 522. Each applicant is required to report
11 annually, on or before April 15, on the diversity of its
12 workforce in accordance with Section 110-50 of this Act. For
13 existing facilities of applicants under paragraph (3) of
14 subsection (b) above, if the taxpayer expects a reduction in
15 force due to its transition to manufacturing semiconductors,
16 microchips, or semiconductor or microchip component parts, the
17 plan submitted under this Section must outline the taxpayer's
18 plan to assist with retraining its workforce aligned with the
19 taxpayer's adoption of new technologies and anticipated
20 efforts to retrain employees through employment opportunities
21 within the taxpayer's workforce.

22 (f) A taxpayer may not enter into more than one agreement
23 under this Act with respect to a single address or location for
24 the same period of time. Also, a taxpayer may not enter into an
25 agreement under this Act with respect to a single address or
26 location for the same period of time for which the taxpayer

1 currently holds an active agreement under the Economic
2 Development for a Growing Economy Tax Credit Act. This
3 provision does not preclude the applicant from entering into
4 an additional agreement after the expiration or voluntary
5 termination of an earlier agreement under this Act or under
6 the Economic Development for a Growing Economy Tax Credit Act
7 to the extent that the taxpayer's application otherwise
8 satisfies the terms and conditions of this Act and is approved
9 by the Department. An applicant with an existing agreement
10 under the Economic Development for a Growing Economy Tax
11 Credit Act may submit an application for an agreement under
12 this Act after it terminates any existing agreement under the
13 Economic Development for a Growing Economy Tax Credit Act with
14 respect to the same address or location.

15 (Source: P.A. 102-700, eff. 4-19-22; 102-1125, eff. 2-3-23;
16 103-595, eff. 6-26-24; revised 10-21-24.)

17 Section 285. The Illinois Gives Tax Credit Act is amended
18 by changing Section 170-1 as follows:

19 (35 ILCS 60/170-1)

20 Sec. 170-1. Short title. This Article ~~Act~~ may be cited as
21 the Illinois Gives Tax Credit Act. References in this Article
22 to "this Act" mean this Article.

23 (Source: P.A. 103-592, eff. 6-7-24; revised 10-21-24.)

1 Section 290. The Use Tax Act is amended by changing
2 Sections 2, 3-5, and 3-10 as follows:

3 (35 ILCS 105/2) (from Ch. 120, par. 439.2)

4 Sec. 2. Definitions. As used in this Act:

5 "Use" means the exercise by any person of any right or
6 power over tangible personal property incident to the
7 ownership of that property, or, on and after January 1, 2025,
8 incident to the possession or control of, the right to possess
9 or control, or a license to use that property through a lease,
10 except that it does not include the sale of such property in
11 any form as tangible personal property in the regular course
12 of business to the extent that such property is not first
13 subjected to a use for which it was purchased, and does not
14 include the use of such property by its owner for
15 demonstration purposes: Provided that the property purchased
16 is deemed to be purchased for the purpose of resale, despite
17 first being used, to the extent to which it is resold as an
18 ingredient of an intentionally produced product or by-product
19 of manufacturing. "Use" does not mean the demonstration use or
20 interim use of tangible personal property by a retailer before
21 he sells that tangible personal property. On and after January
22 1, 2025, the lease of tangible personal property to a lessee by
23 a retailer who is subject to tax on lease receipts under Public
24 Act 103-592 ~~this amendatory Act of the 103rd General Assembly~~
25 does not qualify as demonstration use or interim use of that

1 property. For watercraft or aircraft, if the period of
2 demonstration use or interim use by the retailer exceeds 18
3 months, the retailer shall pay on the retailers' original cost
4 price the tax imposed by this Act, and no credit for that tax
5 is permitted if the watercraft or aircraft is subsequently
6 sold by the retailer. "Use" does not mean the physical
7 incorporation of tangible personal property, to the extent not
8 first subjected to a use for which it was purchased, as an
9 ingredient or constituent, into other tangible personal
10 property (a) which is sold in the regular course of business or
11 (b) which the person incorporating such ingredient or
12 constituent therein has undertaken at the time of such
13 purchase to cause to be transported in interstate commerce to
14 destinations outside the State of Illinois: Provided that the
15 property purchased is deemed to be purchased for the purpose
16 of resale, despite first being used, to the extent to which it
17 is resold as an ingredient of an intentionally produced
18 product or by-product of manufacturing.

19 "Lease" means a transfer of the possession or control of,
20 the right to possess or control, or a license to use, but not
21 title to, tangible personal property for a fixed or
22 indeterminate term for consideration, regardless of the name
23 by which the transaction is called. "Lease" does not include a
24 lease entered into merely as a security agreement that does
25 not involve a transfer of possession or control from the
26 lessor to the lessee.

1 On and after January 1, 2025, the term "sale", when used in
2 this Act, includes a lease.

3 "Watercraft" means a Class 2, Class 3, or Class 4
4 watercraft as defined in Section 3-2 of the Boat Registration
5 and Safety Act, a personal watercraft, or any boat equipped
6 with an inboard motor.

7 "Purchase at retail" means the acquisition of the
8 ownership of, the title to, the possession or control of, the
9 right to possess or control, or a license to use, tangible
10 personal property through a sale at retail.

11 "Purchaser" means anyone who, through a sale at retail,
12 acquires the ownership of, the title to, the possession or
13 control of, the right to possess or control, or a license to
14 use, tangible personal property for a valuable consideration.

15 "Sale at retail" means any transfer of the ownership of or
16 title to tangible personal property to a purchaser, for the
17 purpose of use, and not for the purpose of resale in any form
18 as tangible personal property to the extent not first
19 subjected to a use for which it was purchased, for a valuable
20 consideration: Provided that the property purchased is deemed
21 to be purchased for the purpose of resale, despite first being
22 used, to the extent to which it is resold as an ingredient of
23 an intentionally produced product or by-product of
24 manufacturing. For this purpose, slag produced as an incident
25 to manufacturing pig iron or steel and sold is considered to be
26 an intentionally produced by-product of manufacturing. "Sale

1 at retail" includes any such transfer made for resale unless
2 made in compliance with Section 2c of the Retailers'
3 Occupation Tax Act, as incorporated by reference into Section
4 12 of this Act. Transactions whereby the possession of the
5 property is transferred but the seller retains the title as
6 security for payment of the selling price are sales.

7 "Sale at retail" shall also be construed to include any
8 Illinois florist's sales transaction in which the purchase
9 order is received in Illinois by a florist and the sale is for
10 use or consumption, but the Illinois florist has a florist in
11 another state deliver the property to the purchaser or the
12 purchaser's donee in such other state.

13 Nonreusable tangible personal property that is used by
14 persons engaged in the business of operating a restaurant,
15 cafeteria, or drive-in is a sale for resale when it is
16 transferred to customers in the ordinary course of business as
17 part of the sale of food or beverages and is used to deliver,
18 package, or consume food or beverages, regardless of where
19 consumption of the food or beverages occurs. Examples of those
20 items include, but are not limited to nonreusable, paper and
21 plastic cups, plates, baskets, boxes, sleeves, buckets or
22 other containers, utensils, straws, placemats, napkins, doggie
23 bags, and wrapping or packaging materials that are transferred
24 to customers as part of the sale of food or beverages in the
25 ordinary course of business.

26 The purchase, employment, and transfer of such tangible

1 personal property as newsprint and ink for the primary purpose
2 of conveying news (with or without other information) is not a
3 purchase, use, or sale of tangible personal property.

4 "Selling price" means the consideration for a sale valued
5 in money whether received in money or otherwise, including
6 cash, credits, property other than as hereinafter provided,
7 and services, but, prior to January 1, 2020 and beginning
8 again on January 1, 2022, not including the value of or credit
9 given for traded-in tangible personal property where the item
10 that is traded-in is of like kind and character as that which
11 is being sold; beginning January 1, 2020 and until January 1,
12 2022, "selling price" includes the portion of the value of or
13 credit given for traded-in motor vehicles of the First
14 Division as defined in Section 1-146 of the Illinois Vehicle
15 Code of like kind and character as that which is being sold
16 that exceeds \$10,000. "Selling price" shall be determined
17 without any deduction on account of the cost of the property
18 sold, the cost of materials used, labor or service cost, or any
19 other expense whatsoever, but does not include interest or
20 finance charges which appear as separate items on the bill of
21 sale or sales contract nor charges that are added to prices by
22 sellers on account of the seller's tax liability under the
23 Retailers' Occupation Tax Act, or on account of the seller's
24 duty to collect, from the purchaser, the tax that is imposed by
25 this Act, or, except as otherwise provided with respect to any
26 cigarette tax imposed by a home rule unit, on account of the

1 seller's tax liability under any local occupation tax
2 administered by the Department, or, except as otherwise
3 provided with respect to any cigarette tax imposed by a home
4 rule unit on account of the seller's duty to collect, from the
5 purchasers, the tax that is imposed under any local use tax
6 administered by the Department. Effective December 1, 1985,
7 "selling price" shall include charges that are added to prices
8 by sellers on account of the seller's tax liability under the
9 Cigarette Tax Act, on account of the seller's duty to collect,
10 from the purchaser, the tax imposed under the Cigarette Use
11 Tax Act, and on account of the seller's duty to collect, from
12 the purchaser, any cigarette tax imposed by a home rule unit.

13 The provisions of this paragraph, which provides only for
14 an alternative meaning of "selling price" with respect to the
15 sale of certain motor vehicles incident to the contemporaneous
16 lease of those motor vehicles, continue in effect and are not
17 changed by the tax on leases implemented by Public Act 103-592
18 ~~this amendatory Act of the 103rd General Assembly.~~
19 Notwithstanding any law to the contrary, for any motor
20 vehicle, as defined in Section 1-146 of the Vehicle Code, that
21 is sold on or after January 1, 2015 for the purpose of leasing
22 the vehicle for a defined period that is longer than one year
23 and (1) is a motor vehicle of the second division that: (A) is
24 a self-contained motor vehicle designed or permanently
25 converted to provide living quarters for recreational,
26 camping, or travel use, with direct walk through access to the

1 living quarters from the driver's seat; (B) is of the van
2 configuration designed for the transportation of not less than
3 7 nor more than 16 passengers; or (C) has a gross vehicle
4 weight rating of 8,000 pounds or less or (2) is a motor vehicle
5 of the first division, "selling price" or "amount of sale"
6 means the consideration received by the lessor pursuant to the
7 lease contract, including amounts due at lease signing and all
8 monthly or other regular payments charged over the term of the
9 lease. Also included in the selling price is any amount
10 received by the lessor from the lessee for the leased vehicle
11 that is not calculated at the time the lease is executed,
12 including, but not limited to, excess mileage charges and
13 charges for excess wear and tear. For sales that occur in
14 Illinois, with respect to any amount received by the lessor
15 from the lessee for the leased vehicle that is not calculated
16 at the time the lease is executed, the lessor who purchased the
17 motor vehicle does not incur the tax imposed by the Use Tax Act
18 on those amounts, and the retailer who makes the retail sale of
19 the motor vehicle to the lessor is not required to collect the
20 tax imposed by this Act or to pay the tax imposed by the
21 Retailers' Occupation Tax Act on those amounts. However, the
22 lessor who purchased the motor vehicle assumes the liability
23 for reporting and paying the tax on those amounts directly to
24 the Department in the same form (Illinois Retailers'
25 Occupation Tax, and local retailers' occupation taxes, if
26 applicable) in which the retailer would have reported and paid

1 such tax if the retailer had accounted for the tax to the
2 Department. For amounts received by the lessor from the lessee
3 that are not calculated at the time the lease is executed, the
4 lessor must file the return and pay the tax to the Department
5 by the due date otherwise required by this Act for returns
6 other than transaction returns. If the retailer is entitled
7 under this Act to a discount for collecting and remitting the
8 tax imposed under this Act to the Department with respect to
9 the sale of the motor vehicle to the lessor, then the right to
10 the discount provided in this Act shall be transferred to the
11 lessor with respect to the tax paid by the lessor for any
12 amount received by the lessor from the lessee for the leased
13 vehicle that is not calculated at the time the lease is
14 executed; provided that the discount is only allowed if the
15 return is timely filed and for amounts timely paid. The
16 "selling price" of a motor vehicle that is sold on or after
17 January 1, 2015 for the purpose of leasing for a defined period
18 of longer than one year shall not be reduced by the value of or
19 credit given for traded-in tangible personal property owned by
20 the lessor, nor shall it be reduced by the value of or credit
21 given for traded-in tangible personal property owned by the
22 lessee, regardless of whether the trade-in value thereof is
23 assigned by the lessee to the lessor. In the case of a motor
24 vehicle that is sold for the purpose of leasing for a defined
25 period of longer than one year, the sale occurs at the time of
26 the delivery of the vehicle, regardless of the due date of any

1 lease payments. A lessor who incurs a Retailers' Occupation
2 Tax liability on the sale of a motor vehicle coming off lease
3 may not take a credit against that liability for the Use Tax
4 the lessor paid upon the purchase of the motor vehicle (or for
5 any tax the lessor paid with respect to any amount received by
6 the lessor from the lessee for the leased vehicle that was not
7 calculated at the time the lease was executed) if the selling
8 price of the motor vehicle at the time of purchase was
9 calculated using the definition of "selling price" as defined
10 in this paragraph. Notwithstanding any other provision of this
11 Act to the contrary, lessors shall file all returns and make
12 all payments required under this paragraph to the Department
13 by electronic means in the manner and form as required by the
14 Department. This paragraph does not apply to leases of motor
15 vehicles for which, at the time the lease is entered into, the
16 term of the lease is not a defined period, including leases
17 with a defined initial period with the option to continue the
18 lease on a month-to-month or other basis beyond the initial
19 defined period.

20 The phrase "like kind and character" shall be liberally
21 construed (including, but not limited to, any form of motor
22 vehicle for any form of motor vehicle, or any kind of farm or
23 agricultural implement for any other kind of farm or
24 agricultural implement), while not including a kind of item
25 which, if sold at retail by that retailer, would be exempt from
26 retailers' occupation tax and use tax as an isolated or

1 occasional sale.

2 "Department" means the Department of Revenue.

3 "Person" means any natural individual, firm, partnership,
4 association, joint stock company, joint adventure, public or
5 private corporation, limited liability company, or a receiver,
6 executor, trustee, guardian, or other representative appointed
7 by order of any court.

8 "Retailer" means and includes every person engaged in the
9 business of making sales, including, on and after January 1,
10 2025, leases, at retail as defined in this Section. With
11 respect to leases, a "retailer" also means a "lessor", except
12 as otherwise provided in this Act.

13 A person who holds himself or herself out as being engaged
14 (or who habitually engages) in selling tangible personal
15 property at retail is a retailer hereunder with respect to
16 such sales (and not primarily in a service occupation)
17 notwithstanding the fact that such person designs and produces
18 such tangible personal property on special order for the
19 purchaser and in such a way as to render the property of value
20 only to such purchaser, if such tangible personal property so
21 produced on special order serves substantially the same
22 function as stock or standard items of tangible personal
23 property that are sold at retail.

24 A person whose activities are organized and conducted
25 primarily as a not-for-profit service enterprise, and who
26 engages in selling tangible personal property at retail

1 (whether to the public or merely to members and their guests)
2 is a retailer with respect to such transactions, excepting
3 only a person organized and operated exclusively for
4 charitable, religious or educational purposes either (1) 7 to
5 the extent of sales by such person to its members, students,
6 patients, 1 or inmates of tangible personal property to be used
7 primarily for the purposes of such person, or (2) 7 to the
8 extent of sales by such person of tangible personal property
9 which is not sold or offered for sale by persons organized for
10 profit. The selling of school books and school supplies by
11 schools at retail to students is not "primarily for the
12 purposes of" the school which does such selling. This
13 paragraph does not apply to nor subject to taxation occasional
14 dinners, social, 1 or similar activities of a person organized
15 and operated exclusively for charitable, religious, 1 or
16 educational purposes, whether or not such activities are open
17 to the public.

18 A person who is the recipient of a grant or contract under
19 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and
20 serves meals to participants in the federal Nutrition Program
21 for the Elderly in return for contributions established in
22 amount by the individual participant pursuant to a schedule of
23 suggested fees as provided for in the federal Act is not a
24 retailer under this Act with respect to such transactions.

25 Persons who engage in the business of transferring
26 tangible personal property upon the redemption of trading

1 stamps are retailers hereunder when engaged in such business.

2 The isolated or occasional sale of tangible personal
3 property at retail by a person who does not hold himself out as
4 being engaged (or who does not habitually engage) in selling
5 such tangible personal property at retail or a sale through a
6 bulk vending machine does not make such person a retailer
7 hereunder. However, any person who is engaged in a business
8 which is not subject to the tax imposed by the Retailers'
9 Occupation Tax Act because of involving the sale of or a
10 contract to sell real estate or a construction contract to
11 improve real estate, but who, in the course of conducting such
12 business, transfers tangible personal property to users or
13 consumers in the finished form in which it was purchased, and
14 which does not become real estate, under any provision of a
15 construction contract or real estate sale or real estate sales
16 agreement entered into with some other person arising out of
17 or because of such nontaxable business, is a retailer to the
18 extent of the value of the tangible personal property so
19 transferred. If, in such transaction, a separate charge is
20 made for the tangible personal property so transferred, the
21 value of such property, for the purposes of this Act, is the
22 amount so separately charged, but not less than the cost of
23 such property to the transferor; if no separate charge is
24 made, the value of such property, for the purposes of this Act,
25 is the cost to the transferor of such tangible personal
26 property.

1 "Retailer maintaining a place of business in this State",
2 or any like term, means and includes any of the following
3 retailers:

4 (1) A retailer having or maintaining within this
5 State, directly or by a subsidiary, an office,
6 distribution house, sales house, warehouse, or other place
7 of business, or any agent or other representative
8 operating within this State under the authority of the
9 retailer or its subsidiary, irrespective of whether such
10 place of business or agent or other representative is
11 located here permanently or temporarily, or whether such
12 retailer or subsidiary is licensed to do business in this
13 State. However, the ownership of property that is located
14 at the premises of a printer with which the retailer has
15 contracted for printing and that consists of the final
16 printed product, property that becomes a part of the final
17 printed product, or copy from which the printed product is
18 produced shall not result in the retailer being deemed to
19 have or maintain an office, distribution house, sales
20 house, warehouse, or other place of business within this
21 State.

22 (1.1) A retailer having a contract with a person
23 located in this State under which the person, for a
24 commission or other consideration based upon the sale of
25 tangible personal property by the retailer, directly or
26 indirectly refers potential customers to the retailer by

1 providing to the potential customers a promotional code or
2 other mechanism that allows the retailer to track
3 purchases referred by such persons. Examples of mechanisms
4 that allow the retailer to track purchases referred by
5 such persons include, but are not limited to, the use of a
6 link on the person's Internet website, promotional codes
7 distributed through the person's hand-delivered or mailed
8 material, and promotional codes distributed by the person
9 through radio or other broadcast media. The provisions of
10 this paragraph (1.1) shall apply only if the cumulative
11 gross receipts from sales of tangible personal property by
12 the retailer to customers who are referred to the retailer
13 by all persons in this State under such contracts exceed
14 \$10,000 during the preceding 4 quarterly periods ending on
15 the last day of March, June, September, and December. A
16 retailer meeting the requirements of this paragraph (1.1)
17 shall be presumed to be maintaining a place of business in
18 this State but may rebut this presumption by submitting
19 proof that the referrals or other activities pursued
20 within this State by such persons were not sufficient to
21 meet the nexus standards of the United States Constitution
22 during the preceding 4 quarterly periods.

23 (1.2) Beginning July 1, 2011, a retailer having a
24 contract with a person located in this State under which:

25 (A) the retailer sells the same or substantially
26 similar line of products as the person located in this

1 State and does so using an identical or substantially
2 similar name, trade name, or trademark as the person
3 located in this State; and

4 (B) the retailer provides a commission or other
5 consideration to the person located in this State
6 based upon the sale of tangible personal property by
7 the retailer.

8 The provisions of this paragraph (1.2) shall apply
9 only if the cumulative gross receipts from sales of
10 tangible personal property by the retailer to customers in
11 this State under all such contracts exceed \$10,000 during
12 the preceding 4 quarterly periods ending on the last day
13 of March, June, September, and December.

14 (2) (Blank).

15 (3) (Blank).

16 (4) (Blank).

17 (5) (Blank).

18 (6) (Blank).

19 (7) (Blank).

20 (8) (Blank).

21 (9) Beginning October 1, 2018, a retailer making sales
22 of tangible personal property to purchasers in Illinois
23 from outside of Illinois if:

24 (A) the cumulative gross receipts from sales of
25 tangible personal property to purchasers in Illinois
26 are \$100,000 or more; or

1 (B) the retailer enters into 200 or more separate
2 transactions for the sale of tangible personal
3 property to purchasers in Illinois.

4 The retailer shall determine on a quarterly basis,
5 ending on the last day of March, June, September, and
6 December, whether he or she meets the criteria of either
7 subparagraph (A) or (B) of this paragraph (9) for the
8 preceding 12-month period. If the retailer meets the
9 threshold of either subparagraph (A) or (B) for a 12-month
10 period, he or she is considered a retailer maintaining a
11 place of business in this State and is required to collect
12 and remit the tax imposed under this Act and file returns
13 for one year. At the end of that one-year period, the
14 retailer shall determine whether he or she met the
15 threshold of either subparagraph (A) or (B) during the
16 preceding 12-month period. If the retailer met the
17 criteria in either subparagraph (A) or (B) for the
18 preceding 12-month period, he or she is considered a
19 retailer maintaining a place of business in this State and
20 is required to collect and remit the tax imposed under
21 this Act and file returns for the subsequent year. If at
22 the end of a one-year period a retailer that was required
23 to collect and remit the tax imposed under this Act
24 determines that he or she did not meet the threshold in
25 either subparagraph (A) or (B) during the preceding
26 12-month period, the retailer shall subsequently determine

1 on a quarterly basis, ending on the last day of March,
2 June, September, and December, whether he or she meets the
3 threshold of either subparagraph (A) or (B) for the
4 preceding 12-month period.

5 Beginning January 1, 2020, neither the gross receipts
6 from nor the number of separate transactions for sales of
7 tangible personal property to purchasers in Illinois that
8 a retailer makes through a marketplace facilitator and for
9 which the retailer has received a certification from the
10 marketplace facilitator pursuant to Section 2d of this Act
11 shall be included for purposes of determining whether he
12 or she has met the thresholds of this paragraph (9).

13 (10) Beginning January 1, 2020, a marketplace
14 facilitator that meets a threshold set forth in subsection
15 (b) of Section 2d of this Act.

16 "Bulk vending machine" means a vending machine, containing
17 unsorted confections, nuts, toys, or other items designed
18 primarily to be used or played with by children which, when a
19 coin or coins of a denomination not larger than \$0.50 are
20 inserted, are dispensed in equal portions, at random and
21 without selection by the customer.

22 (Source: P.A. 102-353, eff. 1-1-22; 103-592, eff. 1-1-25;
23 revised 11-22-24.)

24 (35 ILCS 105/3-5)

25 Sec. 3-5. Exemptions. Use, which, on and after January 1,

1 2025, includes use by a lessee, of the following tangible
2 personal property is exempt from the tax imposed by this Act:

3 (1) Personal property purchased from a corporation,
4 society, association, foundation, institution, or
5 organization, other than a limited liability company, that is
6 organized and operated as a not-for-profit service enterprise
7 for the benefit of persons 65 years of age or older if the
8 personal property was not purchased by the enterprise for the
9 purpose of resale by the enterprise.

10 (2) Personal property purchased by a not-for-profit
11 Illinois county fair association for use in conducting,
12 operating, or promoting the county fair.

13 (3) Personal property purchased by a not-for-profit arts
14 or cultural organization that establishes, by proof required
15 by the Department by rule, that it has received an exemption
16 under Section 501(c)(3) of the Internal Revenue Code and that
17 is organized and operated primarily for the presentation or
18 support of arts or cultural programming, activities, or
19 services. These organizations include, but are not limited to,
20 music and dramatic arts organizations such as symphony
21 orchestras and theatrical groups, arts and cultural service
22 organizations, local arts councils, visual arts organizations,
23 and media arts organizations. On and after July 1, 2001 (the
24 effective date of Public Act 92-35), however, an entity
25 otherwise eligible for this exemption shall not make tax-free
26 purchases unless it has an active identification number issued

1 by the Department.

2 (4) Except as otherwise provided in this Act, personal
3 property purchased by a governmental body, by a corporation,
4 society, association, foundation, or institution organized and
5 operated exclusively for charitable, religious, or educational
6 purposes, or by a not-for-profit corporation, society,
7 association, foundation, institution, or organization that has
8 no compensated officers or employees and that is organized and
9 operated primarily for the recreation of persons 55 years of
10 age or older. A limited liability company may qualify for the
11 exemption under this paragraph only if the limited liability
12 company is organized and operated exclusively for educational
13 purposes. On and after July 1, 1987, however, no entity
14 otherwise eligible for this exemption shall make tax-free
15 purchases unless it has an active exemption identification
16 number issued by the Department.

17 (5) Until July 1, 2003, a passenger car that is a
18 replacement vehicle to the extent that the purchase price of
19 the car is subject to the Replacement Vehicle Tax.

20 (6) Until July 1, 2003 and beginning again on September 1,
21 2004 through August 30, 2014, graphic arts machinery and
22 equipment, including repair and replacement parts, both new
23 and used, and including that manufactured on special order,
24 certified by the purchaser to be used primarily for graphic
25 arts production, and including machinery and equipment
26 purchased for lease. Equipment includes chemicals or chemicals

1 acting as catalysts but only if the chemicals or chemicals
2 acting as catalysts effect a direct and immediate change upon
3 a graphic arts product. Beginning on July 1, 2017, graphic
4 arts machinery and equipment is included in the manufacturing
5 and assembling machinery and equipment exemption under
6 paragraph (18).

7 (7) Farm chemicals.

8 (8) Legal tender, currency, medallions, or gold or silver
9 coinage issued by the State of Illinois, the government of the
10 United States of America, or the government of any foreign
11 country, and bullion.

12 (9) Personal property purchased from a teacher-sponsored
13 student organization affiliated with an elementary or
14 secondary school located in Illinois.

15 (10) A motor vehicle that is used for automobile renting,
16 as defined in the Automobile Renting Occupation and Use Tax
17 Act.

18 (11) Farm machinery and equipment, both new and used,
19 including that manufactured on special order, certified by the
20 purchaser to be used primarily for production agriculture or
21 State or federal agricultural programs, including individual
22 replacement parts for the machinery and equipment, including
23 machinery and equipment purchased for lease, and including
24 implements of husbandry defined in Section 1-130 of the
25 Illinois Vehicle Code, farm machinery and agricultural
26 chemical and fertilizer spreaders, and nurse wagons required

1 to be registered under Section 3-809 of the Illinois Vehicle
2 Code, but excluding other motor vehicles required to be
3 registered under the Illinois Vehicle Code. Horticultural
4 polyhouses or hoop houses used for propagating, growing, or
5 overwintering plants shall be considered farm machinery and
6 equipment under this item (11). Agricultural chemical tender
7 tanks and dry boxes shall include units sold separately from a
8 motor vehicle required to be licensed and units sold mounted
9 on a motor vehicle required to be licensed if the selling price
10 of the tender is separately stated.

11 Farm machinery and equipment shall include precision
12 farming equipment that is installed or purchased to be
13 installed on farm machinery and equipment, including, but not
14 limited to, tractors, harvesters, sprayers, planters, seeders,
15 or spreaders. Precision farming equipment includes, but is not
16 limited to, soil testing sensors, computers, monitors,
17 software, global positioning and mapping systems, and other
18 such equipment.

19 Farm machinery and equipment also includes computers,
20 sensors, software, and related equipment used primarily in the
21 computer-assisted operation of production agriculture
22 facilities, equipment, and activities such as, but not limited
23 to, the collection, monitoring, and correlation of animal and
24 crop data for the purpose of formulating animal diets and
25 agricultural chemicals.

26 Beginning on January 1, 2024, farm machinery and equipment

1 also includes electrical power generation equipment used
2 primarily for production agriculture.

3 This item (11) is exempt from the provisions of Section
4 3-90.

5 (12) Until June 30, 2013, fuel and petroleum products sold
6 to or used by an air common carrier, certified by the carrier
7 to be used for consumption, shipment, or storage in the
8 conduct of its business as an air common carrier, for a flight
9 destined for or returning from a location or locations outside
10 the United States without regard to previous or subsequent
11 domestic stopovers.

12 Beginning July 1, 2013, fuel and petroleum products sold
13 to or used by an air carrier, certified by the carrier to be
14 used for consumption, shipment, or storage in the conduct of
15 its business as an air common carrier, for a flight that (i) is
16 engaged in foreign trade or is engaged in trade between the
17 United States and any of its possessions and (ii) transports
18 at least one individual or package for hire from the city of
19 origination to the city of final destination on the same
20 aircraft, without regard to a change in the flight number of
21 that aircraft.

22 (13) Proceeds of mandatory service charges separately
23 stated on customers' bills for the purchase and consumption of
24 food and beverages purchased at retail from a retailer, to the
25 extent that the proceeds of the service charge are in fact
26 turned over as tips or as a substitute for tips to the

1 employees who participate directly in preparing, serving,
2 hosting or cleaning up the food or beverage function with
3 respect to which the service charge is imposed.

4 (14) Until July 1, 2003, oil field exploration, drilling,
5 and production equipment, including (i) rigs and parts of
6 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
7 pipe and tubular goods, including casing and drill strings,
8 (iii) pumps and pump-jack units, (iv) storage tanks and flow
9 lines, (v) any individual replacement part for oil field
10 exploration, drilling, and production equipment, and (vi)
11 machinery and equipment purchased for lease; but excluding
12 motor vehicles required to be registered under the Illinois
13 Vehicle Code.

14 (15) Photoprocessing machinery and equipment, including
15 repair and replacement parts, both new and used, including
16 that manufactured on special order, certified by the purchaser
17 to be used primarily for photoprocessing, and including
18 photoprocessing machinery and equipment purchased for lease.

19 (16) Until July 1, 2028, coal and aggregate exploration,
20 mining, off-highway hauling, processing, maintenance, and
21 reclamation equipment, including replacement parts and
22 equipment, and including equipment purchased for lease, but
23 excluding motor vehicles required to be registered under the
24 Illinois Vehicle Code. The changes made to this Section by
25 Public Act 97-767 apply on and after July 1, 2003, but no claim
26 for credit or refund is allowed on or after August 16, 2013

1 (the effective date of Public Act 98-456) for such taxes paid
2 during the period beginning July 1, 2003 and ending on August
3 16, 2013 (the effective date of Public Act 98-456).

4 (17) Until July 1, 2003, distillation machinery and
5 equipment, sold as a unit or kit, assembled or installed by the
6 retailer, certified by the user to be used only for the
7 production of ethyl alcohol that will be used for consumption
8 as motor fuel or as a component of motor fuel for the personal
9 use of the user, and not subject to sale or resale.

10 (18) Manufacturing and assembling machinery and equipment
11 used primarily in the process of manufacturing or assembling
12 tangible personal property for wholesale or retail sale or
13 lease, whether that sale or lease is made directly by the
14 manufacturer or by some other person, whether the materials
15 used in the process are owned by the manufacturer or some other
16 person, or whether that sale or lease is made apart from or as
17 an incident to the seller's engaging in the service occupation
18 of producing machines, tools, dies, jigs, patterns, gauges, or
19 other similar items of no commercial value on special order
20 for a particular purchaser. The exemption provided by this
21 paragraph (18) includes production related tangible personal
22 property, as defined in Section 3-50, purchased on or after
23 July 1, 2019. The exemption provided by this paragraph (18)
24 does not include machinery and equipment used in (i) the
25 generation of electricity for wholesale or retail sale; (ii)
26 the generation or treatment of natural or artificial gas for

1 wholesale or retail sale that is delivered to customers
2 through pipes, pipelines, or mains; or (iii) the treatment of
3 water for wholesale or retail sale that is delivered to
4 customers through pipes, pipelines, or mains. The provisions
5 of Public Act 98-583 are declaratory of existing law as to the
6 meaning and scope of this exemption. Beginning on July 1,
7 2017, the exemption provided by this paragraph (18) includes,
8 but is not limited to, graphic arts machinery and equipment,
9 as defined in paragraph (6) of this Section.

10 (19) Personal property delivered to a purchaser or
11 purchaser's donee inside Illinois when the purchase order for
12 that personal property was received by a florist located
13 outside Illinois who has a florist located inside Illinois
14 deliver the personal property.

15 (20) Semen used for artificial insemination of livestock
16 for direct agricultural production.

17 (21) Horses, or interests in horses, registered with and
18 meeting the requirements of any of the Arabian Horse Club
19 Registry of America, Appaloosa Horse Club, American Quarter
20 Horse Association, United States Trotting Association, or
21 Jockey Club, as appropriate, used for purposes of breeding or
22 racing for prizes. This item (21) is exempt from the
23 provisions of Section 3-90, and the exemption provided for
24 under this item (21) applies for all periods beginning May 30,
25 1995, but no claim for credit or refund is allowed on or after
26 January 1, 2008 for such taxes paid during the period

1 beginning May 30, 2000 and ending on January 1, 2008.

2 (22) Computers and communications equipment utilized for
3 any hospital purpose and equipment used in the diagnosis,
4 analysis, or treatment of hospital patients purchased by a
5 lessor who leases the equipment, under a lease of one year or
6 longer executed or in effect at the time the lessor would
7 otherwise be subject to the tax imposed by this Act, to a
8 hospital that has been issued an active tax exemption
9 identification number by the Department under Section 1g of
10 the Retailers' Occupation Tax Act. If the equipment is leased
11 in a manner that does not qualify for this exemption or is used
12 in any other non-exempt manner, the lessor shall be liable for
13 the tax imposed under this Act or the Service Use Tax Act, as
14 the case may be, based on the fair market value of the property
15 at the time the non-qualifying use occurs. No lessor shall
16 collect or attempt to collect an amount (however designated)
17 that purports to reimburse that lessor for the tax imposed by
18 this Act or the Service Use Tax Act, as the case may be, if the
19 tax has not been paid by the lessor. If a lessor improperly
20 collects any such amount from the lessee, the lessee shall
21 have a legal right to claim a refund of that amount from the
22 lessor. If, however, that amount is not refunded to the lessee
23 for any reason, the lessor is liable to pay that amount to the
24 Department.

25 (23) Personal property purchased by a lessor who leases
26 the property, under a lease of one year or longer executed or

1 in effect at the time the lessor would otherwise be subject to
2 the tax imposed by this Act, to a governmental body that has
3 been issued an active sales tax exemption identification
4 number by the Department under Section 1g of the Retailers'
5 Occupation Tax Act. If the property is leased in a manner that
6 does not qualify for this exemption or used in any other
7 non-exempt manner, the lessor shall be liable for the tax
8 imposed under this Act or the Service Use Tax Act, as the case
9 may be, based on the fair market value of the property at the
10 time the non-qualifying use occurs. No lessor shall collect or
11 attempt to collect an amount (however designated) that
12 purports to reimburse that lessor for the tax imposed by this
13 Act or the Service Use Tax Act, as the case may be, if the tax
14 has not been paid by the lessor. If a lessor improperly
15 collects any such amount from the lessee, the lessee shall
16 have a legal right to claim a refund of that amount from the
17 lessor. If, however, that amount is not refunded to the lessee
18 for any reason, the lessor is liable to pay that amount to the
19 Department.

20 (24) Beginning with taxable years ending on or after
21 December 31, 1995 and ending with taxable years ending on or
22 before December 31, 2004, personal property that is donated
23 for disaster relief to be used in a State or federally declared
24 disaster area in Illinois or bordering Illinois by a
25 manufacturer or retailer that is registered in this State to a
26 corporation, society, association, foundation, or institution

1 that has been issued a sales tax exemption identification
2 number by the Department that assists victims of the disaster
3 who reside within the declared disaster area.

4 (25) Beginning with taxable years ending on or after
5 December 31, 1995 and ending with taxable years ending on or
6 before December 31, 2004, personal property that is used in
7 the performance of infrastructure repairs in this State,
8 including, but not limited to, municipal roads and streets,
9 access roads, bridges, sidewalks, waste disposal systems,
10 water and sewer line extensions, water distribution and
11 purification facilities, storm water drainage and retention
12 facilities, and sewage treatment facilities, resulting from a
13 State or federally declared disaster in Illinois or bordering
14 Illinois when such repairs are initiated on facilities located
15 in the declared disaster area within 6 months after the
16 disaster.

17 (26) Beginning July 1, 1999, game or game birds purchased
18 at a "game breeding and hunting preserve area" as that term is
19 used in the Wildlife Code. This paragraph is exempt from the
20 provisions of Section 3-90.

21 (27) A motor vehicle, as that term is defined in Section
22 1-146 of the Illinois Vehicle Code, that is donated to a
23 corporation, limited liability company, society, association,
24 foundation, or institution that is determined by the
25 Department to be organized and operated exclusively for
26 educational purposes. For purposes of this exemption, "a

1 corporation, limited liability company, society, association,
2 foundation, or institution organized and operated exclusively
3 for educational purposes" means all tax-supported public
4 schools, private schools that offer systematic instruction in
5 useful branches of learning by methods common to public
6 schools and that compare favorably in their scope and
7 intensity with the course of study presented in tax-supported
8 schools, and vocational or technical schools or institutes
9 organized and operated exclusively to provide a course of
10 study of not less than 6 weeks duration and designed to prepare
11 individuals to follow a trade or to pursue a manual,
12 technical, mechanical, industrial, business, or commercial
13 occupation.

14 (28) Beginning January 1, 2000, personal property,
15 including food, purchased through fundraising events for the
16 benefit of a public or private elementary or secondary school,
17 a group of those schools, or one or more school districts if
18 the events are sponsored by an entity recognized by the school
19 district that consists primarily of volunteers and includes
20 parents and teachers of the school children. This paragraph
21 does not apply to fundraising events (i) for the benefit of
22 private home instruction or (ii) for which the fundraising
23 entity purchases the personal property sold at the events from
24 another individual or entity that sold the property for the
25 purpose of resale by the fundraising entity and that profits
26 from the sale to the fundraising entity. This paragraph is

1 exempt from the provisions of Section 3-90.

2 (29) Beginning January 1, 2000 and through December 31,
3 2001, new or used automatic vending machines that prepare and
4 serve hot food and beverages, including coffee, soup, and
5 other items, and replacement parts for these machines.
6 Beginning January 1, 2002 and through June 30, 2003, machines
7 and parts for machines used in commercial, coin-operated
8 amusement and vending business if a use or occupation tax is
9 paid on the gross receipts derived from the use of the
10 commercial, coin-operated amusement and vending machines. This
11 paragraph is exempt from the provisions of Section 3-90.

12 (30) Beginning January 1, 2001 and through June 30, 2016,
13 food for human consumption that is to be consumed off the
14 premises where it is sold (other than alcoholic beverages,
15 soft drinks, and food that has been prepared for immediate
16 consumption) and prescription and nonprescription medicines,
17 drugs, medical appliances, and insulin, urine testing
18 materials, syringes, and needles used by diabetics, for human
19 use, when purchased for use by a person receiving medical
20 assistance under Article V of the Illinois Public Aid Code who
21 resides in a licensed long-term care facility, as defined in
22 the Nursing Home Care Act, or in a licensed facility as defined
23 in the ID/DD Community Care Act, the MC/DD Act, or the
24 Specialized Mental Health Rehabilitation Act of 2013.

25 (31) Beginning on August 2, 2001 (the effective date of
26 Public Act 92-227), computers and communications equipment

1 utilized for any hospital purpose and equipment used in the
2 diagnosis, analysis, or treatment of hospital patients
3 purchased by a lessor who leases the equipment, under a lease
4 of one year or longer executed or in effect at the time the
5 lessor would otherwise be subject to the tax imposed by this
6 Act, to a hospital that has been issued an active tax exemption
7 identification number by the Department under Section 1g of
8 the Retailers' Occupation Tax Act. If the equipment is leased
9 in a manner that does not qualify for this exemption or is used
10 in any other nonexempt manner, the lessor shall be liable for
11 the tax imposed under this Act or the Service Use Tax Act, as
12 the case may be, based on the fair market value of the property
13 at the time the nonqualifying use occurs. No lessor shall
14 collect or attempt to collect an amount (however designated)
15 that purports to reimburse that lessor for the tax imposed by
16 this Act or the Service Use Tax Act, as the case may be, if the
17 tax has not been paid by the lessor. If a lessor improperly
18 collects any such amount from the lessee, the lessee shall
19 have a legal right to claim a refund of that amount from the
20 lessor. If, however, that amount is not refunded to the lessee
21 for any reason, the lessor is liable to pay that amount to the
22 Department. This paragraph is exempt from the provisions of
23 Section 3-90.

24 (32) Beginning on August 2, 2001 (the effective date of
25 Public Act 92-227), personal property purchased by a lessor
26 who leases the property, under a lease of one year or longer

1 executed or in effect at the time the lessor would otherwise be
2 subject to the tax imposed by this Act, to a governmental body
3 that has been issued an active sales tax exemption
4 identification number by the Department under Section 1g of
5 the Retailers' Occupation Tax Act. If the property is leased
6 in a manner that does not qualify for this exemption or used in
7 any other nonexempt manner, the lessor shall be liable for the
8 tax imposed under this Act or the Service Use Tax Act, as the
9 case may be, based on the fair market value of the property at
10 the time the nonqualifying use occurs. No lessor shall collect
11 or attempt to collect an amount (however designated) that
12 purports to reimburse that lessor for the tax imposed by this
13 Act or the Service Use Tax Act, as the case may be, if the tax
14 has not been paid by the lessor. If a lessor improperly
15 collects any such amount from the lessee, the lessee shall
16 have a legal right to claim a refund of that amount from the
17 lessor. If, however, that amount is not refunded to the lessee
18 for any reason, the lessor is liable to pay that amount to the
19 Department. This paragraph is exempt from the provisions of
20 Section 3-90.

21 (33) On and after July 1, 2003 and through June 30, 2004,
22 the use in this State of motor vehicles of the second division
23 with a gross vehicle weight in excess of 8,000 pounds and that
24 are subject to the commercial distribution fee imposed under
25 Section 3-815.1 of the Illinois Vehicle Code. Beginning on
26 July 1, 2004 and through June 30, 2005, the use in this State

1 of motor vehicles of the second division: (i) with a gross
2 vehicle weight rating in excess of 8,000 pounds; (ii) that are
3 subject to the commercial distribution fee imposed under
4 Section 3-815.1 of the Illinois Vehicle Code; and (iii) that
5 are primarily used for commercial purposes. Through June 30,
6 2005, this exemption applies to repair and replacement parts
7 added after the initial purchase of such a motor vehicle if
8 that motor vehicle is used in a manner that would qualify for
9 the rolling stock exemption otherwise provided for in this
10 Act. For purposes of this paragraph, the term "used for
11 commercial purposes" means the transportation of persons or
12 property in furtherance of any commercial or industrial
13 enterprise, whether for-hire or not.

14 (34) Beginning January 1, 2008, tangible personal property
15 used in the construction or maintenance of a community water
16 supply, as defined under Section 3.145 of the Environmental
17 Protection Act, that is operated by a not-for-profit
18 corporation that holds a valid water supply permit issued
19 under Title IV of the Environmental Protection Act. This
20 paragraph is exempt from the provisions of Section 3-90.

21 (35) Beginning January 1, 2010 and continuing through
22 December 31, 2029, materials, parts, equipment, components,
23 and furnishings incorporated into or upon an aircraft as part
24 of the modification, refurbishment, completion, replacement,
25 repair, or maintenance of the aircraft. This exemption
26 includes consumable supplies used in the modification,

1 refurbishment, completion, replacement, repair, and
2 maintenance of aircraft. However, until January 1, 2024, this
3 exemption excludes any materials, parts, equipment,
4 components, and consumable supplies used in the modification,
5 replacement, repair, and maintenance of aircraft engines or
6 power plants, whether such engines or power plants are
7 installed or uninstalled upon any such aircraft. "Consumable
8 supplies" include, but are not limited to, adhesive, tape,
9 sandpaper, general purpose lubricants, cleaning solution,
10 latex gloves, and protective films.

11 Beginning January 1, 2010 and continuing through December
12 31, 2023, this exemption applies only to the use of qualifying
13 tangible personal property by persons who modify, refurbish,
14 complete, repair, replace, or maintain aircraft and who (i)
15 hold an Air Agency Certificate and are empowered to operate an
16 approved repair station by the Federal Aviation
17 Administration, (ii) have a Class IV Rating, and (iii) conduct
18 operations in accordance with Part 145 of the Federal Aviation
19 Regulations. From January 1, 2024 through December 31, 2029,
20 this exemption applies only to the use of qualifying tangible
21 personal property by: (A) persons who modify, refurbish,
22 complete, repair, replace, or maintain aircraft and who (i)
23 hold an Air Agency Certificate and are empowered to operate an
24 approved repair station by the Federal Aviation
25 Administration, (ii) have a Class IV Rating, and (iii) conduct
26 operations in accordance with Part 145 of the Federal Aviation

1 Regulations; and (B) persons who engage in the modification,
2 replacement, repair, and maintenance of aircraft engines or
3 power plants without regard to whether or not those persons
4 meet the qualifications of item (A).

5 The exemption does not include aircraft operated by a
6 commercial air carrier providing scheduled passenger air
7 service pursuant to authority issued under Part 121 or Part
8 129 of the Federal Aviation Regulations. The changes made to
9 this paragraph (35) by Public Act 98-534 are declarative of
10 existing law. It is the intent of the General Assembly that the
11 exemption under this paragraph (35) applies continuously from
12 January 1, 2010 through December 31, 2024; however, no claim
13 for credit or refund is allowed for taxes paid as a result of
14 the disallowance of this exemption on or after January 1, 2015
15 and prior to February 5, 2020 (the effective date of Public Act
16 101-629).

17 (36) Tangible personal property purchased by a
18 public-facilities corporation, as described in Section
19 11-65-10 of the Illinois Municipal Code, for purposes of
20 constructing or furnishing a municipal convention hall, but
21 only if the legal title to the municipal convention hall is
22 transferred to the municipality without any further
23 consideration by or on behalf of the municipality at the time
24 of the completion of the municipal convention hall or upon the
25 retirement or redemption of any bonds or other debt
26 instruments issued by the public-facilities corporation in

1 connection with the development of the municipal convention
2 hall. This exemption includes existing public-facilities
3 corporations as provided in Section 11-65-25 of the Illinois
4 Municipal Code. This paragraph is exempt from the provisions
5 of Section 3-90.

6 (37) Beginning January 1, 2017 and through December 31,
7 2026, menstrual pads, tampons, and menstrual cups.

8 (38) Merchandise that is subject to the Rental Purchase
9 Agreement Occupation and Use Tax. The purchaser must certify
10 that the item is purchased to be rented subject to a
11 rental-purchase agreement, as defined in the Rental-Purchase
12 Agreement Act, and provide proof of registration under the
13 Rental Purchase Agreement Occupation and Use Tax Act. This
14 paragraph is exempt from the provisions of Section 3-90.

15 (39) Tangible personal property purchased by a purchaser
16 who is exempt from the tax imposed by this Act by operation of
17 federal law. This paragraph is exempt from the provisions of
18 Section 3-90.

19 (40) Qualified tangible personal property used in the
20 construction or operation of a data center that has been
21 granted a certificate of exemption by the Department of
22 Commerce and Economic Opportunity, whether that tangible
23 personal property is purchased by the owner, operator, or
24 tenant of the data center or by a contractor or subcontractor
25 of the owner, operator, or tenant. Data centers that would
26 have qualified for a certificate of exemption prior to January

1 1, 2020 had Public Act 101-31 been in effect may apply for and
2 obtain an exemption for subsequent purchases of computer
3 equipment or enabling software purchased or leased to upgrade,
4 supplement, or replace computer equipment or enabling software
5 purchased or leased in the original investment that would have
6 qualified.

7 The Department of Commerce and Economic Opportunity shall
8 grant a certificate of exemption under this item (40) to
9 qualified data centers as defined by Section 605-1025 of the
10 Department of Commerce and Economic Opportunity Law of the
11 Civil Administrative Code of Illinois.

12 For the purposes of this item (40):

13 "Data center" means a building or a series of
14 buildings rehabilitated or constructed to house working
15 servers in one physical location or multiple sites within
16 the State of Illinois.

17 "Qualified tangible personal property" means:
18 electrical systems and equipment; climate control and
19 chilling equipment and systems; mechanical systems and
20 equipment; monitoring and secure systems; emergency
21 generators; hardware; computers; servers; data storage
22 devices; network connectivity equipment; racks; cabinets;
23 telecommunications cabling infrastructure; raised floor
24 systems; peripheral components or systems; software;
25 mechanical, electrical, or plumbing systems; battery
26 systems; cooling systems and towers; temperature control

1 systems; other cabling; and other data center
2 infrastructure equipment and systems necessary to operate
3 qualified tangible personal property, including fixtures;
4 and component parts of any of the foregoing, including
5 installation, maintenance, repair, refurbishment, and
6 replacement of qualified tangible personal property to
7 generate, transform, transmit, distribute, or manage
8 electricity necessary to operate qualified tangible
9 personal property; and all other tangible personal
10 property that is essential to the operations of a computer
11 data center. The term "qualified tangible personal
12 property" also includes building materials physically
13 incorporated into the qualifying data center. To document
14 the exemption allowed under this Section, the retailer
15 must obtain from the purchaser a copy of the certificate
16 of eligibility issued by the Department of Commerce and
17 Economic Opportunity.

18 This item (40) is exempt from the provisions of Section
19 3-90.

20 (41) Beginning July 1, 2022, breast pumps, breast pump
21 collection and storage supplies, and breast pump kits. This
22 item (41) is exempt from the provisions of Section 3-90. As
23 used in this item (41):

24 "Breast pump" means an electrically controlled or
25 manually controlled pump device designed or marketed to be
26 used to express milk from a human breast during lactation,

1 including the pump device and any battery, AC adapter, or
2 other power supply unit that is used to power the pump
3 device and is packaged and sold with the pump device at the
4 time of sale.

5 "Breast pump collection and storage supplies" means
6 items of tangible personal property designed or marketed
7 to be used in conjunction with a breast pump to collect
8 milk expressed from a human breast and to store collected
9 milk until it is ready for consumption.

10 "Breast pump collection and storage supplies"
11 includes, but is not limited to: breast shields and breast
12 shield connectors; breast pump tubes and tubing adapters;
13 breast pump valves and membranes; backflow protectors and
14 backflow protector adaptors; bottles and bottle caps
15 specific to the operation of the breast pump; and breast
16 milk storage bags.

17 "Breast pump collection and storage supplies" does not
18 include: (1) bottles and bottle caps not specific to the
19 operation of the breast pump; (2) breast pump travel bags
20 and other similar carrying accessories, including ice
21 packs, labels, and other similar products; (3) breast pump
22 cleaning supplies; (4) nursing bras, bra pads, breast
23 shells, and other similar products; and (5) creams,
24 ointments, and other similar products that relieve
25 breastfeeding-related symptoms or conditions of the
26 breasts or nipples, unless sold as part of a breast pump

1 kit that is pre-packaged by the breast pump manufacturer
2 or distributor.

3 "Breast pump kit" means a kit that: (1) contains no
4 more than a breast pump, breast pump collection and
5 storage supplies, a rechargeable battery for operating the
6 breast pump, a breastmilk cooler, bottle stands, ice
7 packs, and a breast pump carrying case; and (2) is
8 pre-packaged as a breast pump kit by the breast pump
9 manufacturer or distributor.

10 (42) Tangible personal property sold by or on behalf of
11 the State Treasurer pursuant to the Revised Uniform Unclaimed
12 Property Act. This item (42) is exempt from the provisions of
13 Section 3-90.

14 (43) Beginning on January 1, 2024, tangible personal
15 property purchased by an active duty member of the armed
16 forces of the United States who presents valid military
17 identification and purchases the property using a form of
18 payment where the federal government is the payor. The member
19 of the armed forces must complete, at the point of sale, a form
20 prescribed by the Department of Revenue documenting that the
21 transaction is eligible for the exemption under this
22 paragraph. Retailers must keep the form as documentation of
23 the exemption in their records for a period of not less than 6
24 years. "Armed forces of the United States" means the United
25 States Army, Navy, Air Force, Space Force, Marine Corps, or
26 Coast Guard. This paragraph is exempt from the provisions of

1 Section 3-90.

2 (44) Beginning July 1, 2024, home-delivered meals provided
3 to Medicare or Medicaid recipients when payment is made by an
4 intermediary, such as a Medicare Administrative Contractor, a
5 Managed Care Organization, or a Medicare Advantage
6 Organization, pursuant to a government contract. This item
7 (44) is exempt from the provisions of Section 3-90.

8 (45) ~~(44)~~ Beginning on January 1, 2026, as further defined
9 in Section 3-10, food for human consumption that is to be
10 consumed off the premises where it is sold (other than
11 alcoholic beverages, food consisting of or infused with adult
12 use cannabis, soft drinks, candy, and food that has been
13 prepared for immediate consumption). This item (45) ~~(44)~~ is
14 exempt from the provisions of Section 3-90.

15 (46) ~~(44)~~ Use by the lessee of the following leased
16 tangible personal property:

17 (1) software transferred subject to a license that
18 meets the following requirements:

19 (A) it is evidenced by a written agreement signed
20 by the licensor and the customer;

21 (i) an electronic agreement in which the
22 customer accepts the license by means of an
23 electronic signature that is verifiable and can be
24 authenticated and is attached to or made part of
25 the license will comply with this requirement;

26 (ii) a license agreement in which the customer

1 electronically accepts the terms by clicking "I
2 agree" does not comply with this requirement;

3 (B) it restricts the customer's duplication and
4 use of the software;

5 (C) it prohibits the customer from licensing,
6 sublicensing, or transferring the software to a third
7 party (except to a related party) without the
8 permission and continued control of the licensor;

9 (D) the licensor has a policy of providing another
10 copy at minimal or no charge if the customer loses or
11 damages the software, or of permitting the licensee to
12 make and keep an archival copy, and such policy is
13 either stated in the license agreement, supported by
14 the licensor's books and records, or supported by a
15 notarized statement made under penalties of perjury by
16 the licensor; and

17 (E) the customer must destroy or return all copies
18 of the software to the licensor at the end of the
19 license period; this provision is deemed to be met, in
20 the case of a perpetual license, without being set
21 forth in the license agreement; and

22 (2) property that is subject to a tax on lease
23 receipts imposed by a home rule unit of local government
24 if the ordinance imposing that tax was adopted prior to
25 January 1, 2023.

26 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,

1 Section 70-5, eff. 4-19-22; 102-700, Article 75, Section 75-5,
2 eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,
3 Section 5-5, eff. 6-7-23; 103-9, Article 15, Section 15-5,
4 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;
5 103-592, eff. 1-1-25; 103-605, eff. 7-1-24; 103-643, eff.
6 7-1-24; 103-746, eff. 1-1-25; 103-781, eff. 8-5-24; revised
7 11-26-24.)

8 (35 ILCS 105/3-10) from Ch. 120, par. 439.33-10

9 Sec. 3-10. Rate of tax. Unless otherwise provided in this
10 Section, the tax imposed by this Act is at the rate of 6.25% of
11 either the selling price or the fair market value, if any, of
12 the tangible personal property, which, on and after January 1,
13 2025, includes leases of tangible personal property. In all
14 cases where property functionally used or consumed is the same
15 as the property that was purchased at retail, then the tax is
16 imposed on the selling price of the property. In all cases
17 where property functionally used or consumed is a by-product
18 or waste product that has been refined, manufactured, or
19 produced from property purchased at retail, then the tax is
20 imposed on the lower of the fair market value, if any, of the
21 specific property so used in this State or on the selling price
22 of the property purchased at retail. For purposes of this
23 Section "fair market value" means the price at which property
24 would change hands between a willing buyer and a willing
25 seller, neither being under any compulsion to buy or sell and

1 both having reasonable knowledge of the relevant facts. The
2 fair market value shall be established by Illinois sales by
3 the taxpayer of the same property as that functionally used or
4 consumed, or if there are no such sales by the taxpayer, then
5 comparable sales or purchases of property of like kind and
6 character in Illinois.

7 Beginning on July 1, 2000 and through December 31, 2000,
8 with respect to motor fuel, as defined in Section 1.1 of the
9 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
10 the Use Tax Act, the tax is imposed at the rate of 1.25%.

11 Beginning on August 6, 2010 through August 15, 2010, and
12 beginning again on August 5, 2022 through August 14, 2022,
13 with respect to sales tax holiday items as defined in Section
14 3-6 of this Act, the tax is imposed at the rate of 1.25%.

15 With respect to gasohol, the tax imposed by this Act
16 applies to (i) 70% of the proceeds of sales made on or after
17 January 1, 1990, and before July 1, 2003, (ii) 80% of the
18 proceeds of sales made on or after July 1, 2003 and on or
19 before July 1, 2017, (iii) 100% of the proceeds of sales made
20 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of
21 the proceeds of sales made on or after January 1, 2024 and on
22 or before December 31, 2028, and (v) 100% of the proceeds of
23 sales made after December 31, 2028. If, at any time, however,
24 the tax under this Act on sales of gasohol is imposed at the
25 rate of 1.25%, then the tax imposed by this Act applies to 100%
26 of the proceeds of sales of gasohol made during that time.

1 With respect to mid-range ethanol blends, the tax imposed
2 by this Act applies to (i) 80% of the proceeds of sales made on
3 or after January 1, 2024 and on or before December 31, 2028 and
4 (ii) 100% of the proceeds of sales made thereafter. If, at any
5 time, however, the tax under this Act on sales of mid-range
6 ethanol blends is imposed at the rate of 1.25%, then the tax
7 imposed by this Act applies to 100% of the proceeds of sales of
8 mid-range ethanol blends made during that time.

9 With respect to majority blended ethanol fuel, the tax
10 imposed by this Act does not apply to the proceeds of sales
11 made on or after July 1, 2003 and on or before December 31,
12 2028 but applies to 100% of the proceeds of sales made
13 thereafter.

14 With respect to biodiesel blends with no less than 1% and
15 no more than 10% biodiesel, the tax imposed by this Act applies
16 to (i) 80% of the proceeds of sales made on or after July 1,
17 2003 and on or before December 31, 2018 and (ii) 100% of the
18 proceeds of sales made after December 31, 2018 and before
19 January 1, 2024. On and after January 1, 2024 and on or before
20 December 31, 2030, the taxation of biodiesel, renewable
21 diesel, and biodiesel blends shall be as provided in Section
22 3-5.1. If, at any time, however, the tax under this Act on
23 sales of biodiesel blends with no less than 1% and no more than
24 10% biodiesel is imposed at the rate of 1.25%, then the tax
25 imposed by this Act applies to 100% of the proceeds of sales of
26 biodiesel blends with no less than 1% and no more than 10%

1 biodiesel made during that time.

2 With respect to biodiesel and biodiesel blends with more
3 than 10% but no more than 99% biodiesel, the tax imposed by
4 this Act does not apply to the proceeds of sales made on or
5 after July 1, 2003 and on or before December 31, 2023. On and
6 after January 1, 2024 and on or before December 31, 2030, the
7 taxation of biodiesel, renewable diesel, and biodiesel blends
8 shall be as provided in Section 3-5.1.

9 Until July 1, 2022 and from July 1, 2023 through December
10 31, 2025, with respect to food for human consumption that is to
11 be consumed off the premises where it is sold (other than
12 alcoholic beverages, food consisting of or infused with adult
13 use cannabis, soft drinks, and food that has been prepared for
14 immediate consumption), the tax is imposed at the rate of 1%.
15 Beginning on July 1, 2022 and until July 1, 2023, with respect
16 to food for human consumption that is to be consumed off the
17 premises where it is sold (other than alcoholic beverages,
18 food consisting of or infused with adult use cannabis, soft
19 drinks, and food that has been prepared for immediate
20 consumption), the tax is imposed at the rate of 0%. On and
21 after January 1, 2026, food for human consumption that is to be
22 consumed off the premises where it is sold (other than
23 alcoholic beverages, food consisting of or infused with adult
24 use cannabis, soft drinks, candy, and food that has been
25 prepared for immediate consumption) is exempt from the tax
26 imposed by this Act.

1 With respect to prescription and nonprescription
2 medicines, drugs, medical appliances, products classified as
3 Class III medical devices by the United States Food and Drug
4 Administration that are used for cancer treatment pursuant to
5 a prescription, as well as any accessories and components
6 related to those devices, modifications to a motor vehicle for
7 the purpose of rendering it usable by a person with a
8 disability, and insulin, blood sugar testing materials,
9 syringes, and needles used by human diabetics, the tax is
10 imposed at the rate of 1%. For the purposes of this Section,
11 until September 1, 2009: the term "soft drinks" means any
12 complete, finished, ready-to-use, non-alcoholic drink, whether
13 carbonated or not, including, but not limited to, soda water,
14 cola, fruit juice, vegetable juice, carbonated water, and all
15 other preparations commonly known as soft drinks of whatever
16 kind or description that are contained in any closed or sealed
17 bottle, can, carton, or container, regardless of size; but
18 "soft drinks" does not include coffee, tea, non-carbonated
19 water, infant formula, milk or milk products as defined in the
20 Grade A Pasteurized Milk and Milk Products Act, or drinks
21 containing 50% or more natural fruit or vegetable juice.

22 Notwithstanding any other provisions of this Act,
23 beginning September 1, 2009, "soft drinks" means non-alcoholic
24 beverages that contain natural or artificial sweeteners. "Soft
25 drinks" does not include beverages that contain milk or milk
26 products, soy, rice or similar milk substitutes, or greater

1 than 50% of vegetable or fruit juice by volume.

2 Until August 1, 2009, and notwithstanding any other
3 provisions of this Act, "food for human consumption that is to
4 be consumed off the premises where it is sold" includes all
5 food sold through a vending machine, except soft drinks and
6 food products that are dispensed hot from a vending machine,
7 regardless of the location of the vending machine. Beginning
8 August 1, 2009, and notwithstanding any other provisions of
9 this Act, "food for human consumption that is to be consumed
10 off the premises where it is sold" includes all food sold
11 through a vending machine, except soft drinks, candy, and food
12 products that are dispensed hot from a vending machine,
13 regardless of the location of the vending machine.

14 Notwithstanding any other provisions of this Act,
15 beginning September 1, 2009, "food for human consumption that
16 is to be consumed off the premises where it is sold" does not
17 include candy. For purposes of this Section, "candy" means a
18 preparation of sugar, honey, or other natural or artificial
19 sweeteners in combination with chocolate, fruits, nuts or
20 other ingredients or flavorings in the form of bars, drops, or
21 pieces. "Candy" does not include any preparation that contains
22 flour or requires refrigeration.

23 Notwithstanding any other provisions of this Act,
24 beginning September 1, 2009, "nonprescription medicines and
25 drugs" does not include grooming and hygiene products. For
26 purposes of this Section, "grooming and hygiene products"

1 includes, but is not limited to, soaps and cleaning solutions,
2 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
3 lotions and screens, unless those products are available by
4 prescription only, regardless of whether the products meet the
5 definition of "over-the-counter-drugs". For the purposes of
6 this paragraph, "over-the-counter-drug" means a drug for human
7 use that contains a label that identifies the product as a drug
8 as required by 21 CFR 201.66. The "over-the-counter-drug"
9 label includes:

10 (A) a "Drug Facts" panel; or

11 (B) a statement of the "active ingredient(s)" with a
12 list of those ingredients contained in the compound,
13 substance or preparation.

14 Beginning on January 1, 2014 (the effective date of Public
15 Act 98-122), "prescription and nonprescription medicines and
16 drugs" includes medical cannabis purchased from a registered
17 dispensing organization under the Compassionate Use of Medical
18 Cannabis Program Act.

19 As used in this Section, "adult use cannabis" means
20 cannabis subject to tax under the Cannabis Cultivation
21 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
22 and does not include cannabis subject to tax under the
23 Compassionate Use of Medical Cannabis Program Act.

24 If the property that is purchased at retail from a
25 retailer is acquired outside Illinois and used outside
26 Illinois before being brought to Illinois for use here and is

1 taxable under this Act, the "selling price" on which the tax is
2 computed shall be reduced by an amount that represents a
3 reasonable allowance for depreciation for the period of prior
4 out-of-state use. No depreciation is allowed in cases where
5 the tax under this Act is imposed on lease receipts.

6 (Source: P.A. 102-4, eff. 4-27-21; 102-700, Article 20,
7 Section 20-5, eff. 4-19-22; 102-700, Article 60, Section
8 60-15, eff. 4-19-22; 102-700, Article 65, Section 65-5, eff.
9 4-19-22; 103-9, eff. 6-7-23; 103-154, eff. 6-30-23; 103-592,
10 eff. 1-1-25; 103-781, eff. 8-5-24; revised 11-26-24.)

11 Section 295. The Service Use Tax Act is amended by
12 changing Sections 3-5, 3-10, and 9 as follows:

13 (35 ILCS 110/3-5)

14 Sec. 3-5. Exemptions. Use of the following tangible
15 personal property is exempt from the tax imposed by this Act:

16 (1) Personal property purchased from a corporation,
17 society, association, foundation, institution, or
18 organization, other than a limited liability company, that is
19 organized and operated as a not-for-profit service enterprise
20 for the benefit of persons 65 years of age or older if the
21 personal property was not purchased by the enterprise for the
22 purpose of resale by the enterprise.

23 (2) Personal property purchased by a non-profit Illinois
24 county fair association for use in conducting, operating, or

1 promoting the county fair.

2 (3) Personal property purchased by a not-for-profit arts
3 or cultural organization that establishes, by proof required
4 by the Department by rule, that it has received an exemption
5 under Section 501(c)(3) of the Internal Revenue Code and that
6 is organized and operated primarily for the presentation or
7 support of arts or cultural programming, activities, or
8 services. These organizations include, but are not limited to,
9 music and dramatic arts organizations such as symphony
10 orchestras and theatrical groups, arts and cultural service
11 organizations, local arts councils, visual arts organizations,
12 and media arts organizations. On and after July 1, 2001 (the
13 effective date of Public Act 92-35), however, an entity
14 otherwise eligible for this exemption shall not make tax-free
15 purchases unless it has an active identification number issued
16 by the Department.

17 (4) Legal tender, currency, medallions, or gold or silver
18 coinage issued by the State of Illinois, the government of the
19 United States of America, or the government of any foreign
20 country, and bullion.

21 (5) Until July 1, 2003 and beginning again on September 1,
22 2004 through August 30, 2014, graphic arts machinery and
23 equipment, including repair and replacement parts, both new
24 and used, and including that manufactured on special order or
25 purchased for lease, certified by the purchaser to be used
26 primarily for graphic arts production. Equipment includes

1 chemicals or chemicals acting as catalysts but only if the
2 chemicals or chemicals acting as catalysts effect a direct and
3 immediate change upon a graphic arts product. Beginning on
4 July 1, 2017, graphic arts machinery and equipment is included
5 in the manufacturing and assembling machinery and equipment
6 exemption under Section 2 of this Act.

7 (6) Personal property purchased from a teacher-sponsored
8 student organization affiliated with an elementary or
9 secondary school located in Illinois.

10 (7) Farm machinery and equipment, both new and used,
11 including that manufactured on special order, certified by the
12 purchaser to be used primarily for production agriculture or
13 State or federal agricultural programs, including individual
14 replacement parts for the machinery and equipment, including
15 machinery and equipment purchased for lease, and including
16 implements of husbandry defined in Section 1-130 of the
17 Illinois Vehicle Code, farm machinery and agricultural
18 chemical and fertilizer spreaders, and nurse wagons required
19 to be registered under Section 3-809 of the Illinois Vehicle
20 Code, but excluding other motor vehicles required to be
21 registered under the Illinois Vehicle Code. Horticultural
22 polyhouses or hoop houses used for propagating, growing, or
23 overwintering plants shall be considered farm machinery and
24 equipment under this item (7). Agricultural chemical tender
25 tanks and dry boxes shall include units sold separately from a
26 motor vehicle required to be licensed and units sold mounted

1 on a motor vehicle required to be licensed if the selling price
2 of the tender is separately stated.

3 Farm machinery and equipment shall include precision
4 farming equipment that is installed or purchased to be
5 installed on farm machinery and equipment, including, but not
6 limited to, tractors, harvesters, sprayers, planters, seeders,
7 or spreaders. Precision farming equipment includes, but is not
8 limited to, soil testing sensors, computers, monitors,
9 software, global positioning and mapping systems, and other
10 such equipment.

11 Farm machinery and equipment also includes computers,
12 sensors, software, and related equipment used primarily in the
13 computer-assisted operation of production agriculture
14 facilities, equipment, and activities such as, but not limited
15 to, the collection, monitoring, and correlation of animal and
16 crop data for the purpose of formulating animal diets and
17 agricultural chemicals.

18 Beginning on January 1, 2024, farm machinery and equipment
19 also includes electrical power generation equipment used
20 primarily for production agriculture.

21 This item (7) is exempt from the provisions of Section
22 3-75.

23 (8) Until June 30, 2013, fuel and petroleum products sold
24 to or used by an air common carrier, certified by the carrier
25 to be used for consumption, shipment, or storage in the
26 conduct of its business as an air common carrier, for a flight

1 destined for or returning from a location or locations outside
2 the United States without regard to previous or subsequent
3 domestic stopovers.

4 Beginning July 1, 2013, fuel and petroleum products sold
5 to or used by an air carrier, certified by the carrier to be
6 used for consumption, shipment, or storage in the conduct of
7 its business as an air common carrier, for a flight that (i) is
8 engaged in foreign trade or is engaged in trade between the
9 United States and any of its possessions and (ii) transports
10 at least one individual or package for hire from the city of
11 origination to the city of final destination on the same
12 aircraft, without regard to a change in the flight number of
13 that aircraft.

14 (9) Proceeds of mandatory service charges separately
15 stated on customers' bills for the purchase and consumption of
16 food and beverages acquired as an incident to the purchase of a
17 service from a serviceman, to the extent that the proceeds of
18 the service charge are in fact turned over as tips or as a
19 substitute for tips to the employees who participate directly
20 in preparing, serving, hosting or cleaning up the food or
21 beverage function with respect to which the service charge is
22 imposed.

23 (10) Until July 1, 2003, oil field exploration, drilling,
24 and production equipment, including (i) rigs and parts of
25 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
26 pipe and tubular goods, including casing and drill strings,

1 (iii) pumps and pump-jack units, (iv) storage tanks and flow
2 lines, (v) any individual replacement part for oil field
3 exploration, drilling, and production equipment, and (vi)
4 machinery and equipment purchased for lease; but excluding
5 motor vehicles required to be registered under the Illinois
6 Vehicle Code.

7 (11) Proceeds from the sale of photoprocessing machinery
8 and equipment, including repair and replacement parts, both
9 new and used, including that manufactured on special order,
10 certified by the purchaser to be used primarily for
11 photoprocessing, and including photoprocessing machinery and
12 equipment purchased for lease.

13 (12) Until July 1, 2028, coal and aggregate exploration,
14 mining, off-highway hauling, processing, maintenance, and
15 reclamation equipment, including replacement parts and
16 equipment, and including equipment purchased for lease, but
17 excluding motor vehicles required to be registered under the
18 Illinois Vehicle Code. The changes made to this Section by
19 Public Act 97-767 apply on and after July 1, 2003, but no claim
20 for credit or refund is allowed on or after August 16, 2013
21 (the effective date of Public Act 98-456) for such taxes paid
22 during the period beginning July 1, 2003 and ending on August
23 16, 2013 (the effective date of Public Act 98-456).

24 (13) Semen used for artificial insemination of livestock
25 for direct agricultural production.

26 (14) Horses, or interests in horses, registered with and

1 meeting the requirements of any of the Arabian Horse Club
2 Registry of America, Appaloosa Horse Club, American Quarter
3 Horse Association, United States Trotting Association, or
4 Jockey Club, as appropriate, used for purposes of breeding or
5 racing for prizes. This item (14) is exempt from the
6 provisions of Section 3-75, and the exemption provided for
7 under this item (14) applies for all periods beginning May 30,
8 1995, but no claim for credit or refund is allowed on or after
9 January 1, 2008 (the effective date of Public Act 95-88) for
10 such taxes paid during the period beginning May 30, 2000 and
11 ending on January 1, 2008 (the effective date of Public Act
12 95-88).

13 (15) Computers and communications equipment utilized for
14 any hospital purpose and equipment used in the diagnosis,
15 analysis, or treatment of hospital patients purchased by a
16 lessor who leases the equipment, under a lease of one year or
17 longer executed or in effect at the time the lessor would
18 otherwise be subject to the tax imposed by this Act, to a
19 hospital that has been issued an active tax exemption
20 identification number by the Department under Section 1g of
21 the Retailers' Occupation Tax Act. If the equipment is leased
22 in a manner that does not qualify for this exemption or is used
23 in any other non-exempt manner, the lessor shall be liable for
24 the tax imposed under this Act or the Use Tax Act, as the case
25 may be, based on the fair market value of the property at the
26 time the non-qualifying use occurs. No lessor shall collect or

1 attempt to collect an amount (however designated) that
2 purports to reimburse that lessor for the tax imposed by this
3 Act or the Use Tax Act, as the case may be, if the tax has not
4 been paid by the lessor. If a lessor improperly collects any
5 such amount from the lessee, the lessee shall have a legal
6 right to claim a refund of that amount from the lessor. If,
7 however, that amount is not refunded to the lessee for any
8 reason, the lessor is liable to pay that amount to the
9 Department.

10 (16) Personal property purchased by a lessor who leases
11 the property, under a lease of one year or longer executed or
12 in effect at the time the lessor would otherwise be subject to
13 the tax imposed by this Act, to a governmental body that has
14 been issued an active tax exemption identification number by
15 the Department under Section 1g of the Retailers' Occupation
16 Tax Act. If the property is leased in a manner that does not
17 qualify for this exemption or is used in any other non-exempt
18 manner, the lessor shall be liable for the tax imposed under
19 this Act or the Use Tax Act, as the case may be, based on the
20 fair market value of the property at the time the
21 non-qualifying use occurs. No lessor shall collect or attempt
22 to collect an amount (however designated) that purports to
23 reimburse that lessor for the tax imposed by this Act or the
24 Use Tax Act, as the case may be, if the tax has not been paid
25 by the lessor. If a lessor improperly collects any such amount
26 from the lessee, the lessee shall have a legal right to claim a

1 refund of that amount from the lessor. If, however, that
2 amount is not refunded to the lessee for any reason, the lessor
3 is liable to pay that amount to the Department.

4 (17) Beginning with taxable years ending on or after
5 December 31, 1995 and ending with taxable years ending on or
6 before December 31, 2004, personal property that is donated
7 for disaster relief to be used in a State or federally declared
8 disaster area in Illinois or bordering Illinois by a
9 manufacturer or retailer that is registered in this State to a
10 corporation, society, association, foundation, or institution
11 that has been issued a sales tax exemption identification
12 number by the Department that assists victims of the disaster
13 who reside within the declared disaster area.

14 (18) Beginning with taxable years ending on or after
15 December 31, 1995 and ending with taxable years ending on or
16 before December 31, 2004, personal property that is used in
17 the performance of infrastructure repairs in this State,
18 including, but not limited to, municipal roads and streets,
19 access roads, bridges, sidewalks, waste disposal systems,
20 water and sewer line extensions, water distribution and
21 purification facilities, storm water drainage and retention
22 facilities, and sewage treatment facilities, resulting from a
23 State or federally declared disaster in Illinois or bordering
24 Illinois when such repairs are initiated on facilities located
25 in the declared disaster area within 6 months after the
26 disaster.

1 (19) Beginning July 1, 1999, game or game birds purchased
2 at a "game breeding and hunting preserve area" as that term is
3 used in the Wildlife Code. This paragraph is exempt from the
4 provisions of Section 3-75.

5 (20) A motor vehicle, as that term is defined in Section
6 1-146 of the Illinois Vehicle Code, that is donated to a
7 corporation, limited liability company, society, association,
8 foundation, or institution that is determined by the
9 Department to be organized and operated exclusively for
10 educational purposes. For purposes of this exemption, "a
11 corporation, limited liability company, society, association,
12 foundation, or institution organized and operated exclusively
13 for educational purposes" means all tax-supported public
14 schools, private schools that offer systematic instruction in
15 useful branches of learning by methods common to public
16 schools and that compare favorably in their scope and
17 intensity with the course of study presented in tax-supported
18 schools, and vocational or technical schools or institutes
19 organized and operated exclusively to provide a course of
20 study of not less than 6 weeks duration and designed to prepare
21 individuals to follow a trade or to pursue a manual,
22 technical, mechanical, industrial, business, or commercial
23 occupation.

24 (21) Beginning January 1, 2000, personal property,
25 including food, purchased through fundraising events for the
26 benefit of a public or private elementary or secondary school,

1 a group of those schools, or one or more school districts if
2 the events are sponsored by an entity recognized by the school
3 district that consists primarily of volunteers and includes
4 parents and teachers of the school children. This paragraph
5 does not apply to fundraising events (i) for the benefit of
6 private home instruction or (ii) for which the fundraising
7 entity purchases the personal property sold at the events from
8 another individual or entity that sold the property for the
9 purpose of resale by the fundraising entity and that profits
10 from the sale to the fundraising entity. This paragraph is
11 exempt from the provisions of Section 3-75.

12 (22) Beginning January 1, 2000 and through December 31,
13 2001, new or used automatic vending machines that prepare and
14 serve hot food and beverages, including coffee, soup, and
15 other items, and replacement parts for these machines.
16 Beginning January 1, 2002 and through June 30, 2003, machines
17 and parts for machines used in commercial, coin-operated
18 amusement and vending business if a use or occupation tax is
19 paid on the gross receipts derived from the use of the
20 commercial, coin-operated amusement and vending machines. This
21 paragraph is exempt from the provisions of Section 3-75.

22 (23) Beginning August 23, 2001 and through June 30, 2016,
23 food for human consumption that is to be consumed off the
24 premises where it is sold (other than alcoholic beverages,
25 soft drinks, and food that has been prepared for immediate
26 consumption) and prescription and nonprescription medicines,

1 drugs, medical appliances, and insulin, urine testing
2 materials, syringes, and needles used by diabetics, for human
3 use, when purchased for use by a person receiving medical
4 assistance under Article V of the Illinois Public Aid Code who
5 resides in a licensed long-term care facility, as defined in
6 the Nursing Home Care Act, or in a licensed facility as defined
7 in the ID/DD Community Care Act, the MC/DD Act, or the
8 Specialized Mental Health Rehabilitation Act of 2013.

9 (24) Beginning on August 2, 2001 (the effective date of
10 Public Act 92-227), computers and communications equipment
11 utilized for any hospital purpose and equipment used in the
12 diagnosis, analysis, or treatment of hospital patients
13 purchased by a lessor who leases the equipment, under a lease
14 of one year or longer executed or in effect at the time the
15 lessor would otherwise be subject to the tax imposed by this
16 Act, to a hospital that has been issued an active tax exemption
17 identification number by the Department under Section 1g of
18 the Retailers' Occupation Tax Act. If the equipment is leased
19 in a manner that does not qualify for this exemption or is used
20 in any other nonexempt manner, the lessor shall be liable for
21 the tax imposed under this Act or the Use Tax Act, as the case
22 may be, based on the fair market value of the property at the
23 time the nonqualifying use occurs. No lessor shall collect or
24 attempt to collect an amount (however designated) that
25 purports to reimburse that lessor for the tax imposed by this
26 Act or the Use Tax Act, as the case may be, if the tax has not

1 been paid by the lessor. If a lessor improperly collects any
2 such amount from the lessee, the lessee shall have a legal
3 right to claim a refund of that amount from the lessor. If,
4 however, that amount is not refunded to the lessee for any
5 reason, the lessor is liable to pay that amount to the
6 Department. This paragraph is exempt from the provisions of
7 Section 3-75.

8 (25) Beginning on August 2, 2001 (the effective date of
9 Public Act 92-227), personal property purchased by a lessor
10 who leases the property, under a lease of one year or longer
11 executed or in effect at the time the lessor would otherwise be
12 subject to the tax imposed by this Act, to a governmental body
13 that has been issued an active tax exemption identification
14 number by the Department under Section 1g of the Retailers'
15 Occupation Tax Act. If the property is leased in a manner that
16 does not qualify for this exemption or is used in any other
17 nonexempt manner, the lessor shall be liable for the tax
18 imposed under this Act or the Use Tax Act, as the case may be,
19 based on the fair market value of the property at the time the
20 nonqualifying use occurs. No lessor shall collect or attempt
21 to collect an amount (however designated) that purports to
22 reimburse that lessor for the tax imposed by this Act or the
23 Use Tax Act, as the case may be, if the tax has not been paid
24 by the lessor. If a lessor improperly collects any such amount
25 from the lessee, the lessee shall have a legal right to claim a
26 refund of that amount from the lessor. If, however, that

1 amount is not refunded to the lessee for any reason, the lessor
2 is liable to pay that amount to the Department. This paragraph
3 is exempt from the provisions of Section 3-75.

4 (26) Beginning January 1, 2008, tangible personal property
5 used in the construction or maintenance of a community water
6 supply, as defined under Section 3.145 of the Environmental
7 Protection Act, that is operated by a not-for-profit
8 corporation that holds a valid water supply permit issued
9 under Title IV of the Environmental Protection Act. This
10 paragraph is exempt from the provisions of Section 3-75.

11 (27) Beginning January 1, 2010 and continuing through
12 December 31, 2029, materials, parts, equipment, components,
13 and furnishings incorporated into or upon an aircraft as part
14 of the modification, refurbishment, completion, replacement,
15 repair, or maintenance of the aircraft. This exemption
16 includes consumable supplies used in the modification,
17 refurbishment, completion, replacement, repair, and
18 maintenance of aircraft. However, until January 1, 2024, this
19 exemption excludes any materials, parts, equipment,
20 components, and consumable supplies used in the modification,
21 replacement, repair, and maintenance of aircraft engines or
22 power plants, whether such engines or power plants are
23 installed or uninstalled upon any such aircraft. "Consumable
24 supplies" include, but are not limited to, adhesive, tape,
25 sandpaper, general purpose lubricants, cleaning solution,
26 latex gloves, and protective films.

1 Beginning January 1, 2010 and continuing through December
2 31, 2023, this exemption applies only to the use of qualifying
3 tangible personal property transferred incident to the
4 modification, refurbishment, completion, replacement, repair,
5 or maintenance of aircraft by persons who (i) hold an Air
6 Agency Certificate and are empowered to operate an approved
7 repair station by the Federal Aviation Administration, (ii)
8 have a Class IV Rating, and (iii) conduct operations in
9 accordance with Part 145 of the Federal Aviation Regulations.
10 From January 1, 2024 through December 31, 2029, this exemption
11 applies only to the use of qualifying tangible personal
12 property transferred incident to: (A) the modification,
13 refurbishment, completion, repair, replacement, or maintenance
14 of an aircraft by persons who (i) hold an Air Agency
15 Certificate and are empowered to operate an approved repair
16 station by the Federal Aviation Administration, (ii) have a
17 Class IV Rating, and (iii) conduct operations in accordance
18 with Part 145 of the Federal Aviation Regulations; and (B) the
19 modification, replacement, repair, and maintenance of aircraft
20 engines or power plants without regard to whether or not those
21 persons meet the qualifications of item (A).

22 The exemption does not include aircraft operated by a
23 commercial air carrier providing scheduled passenger air
24 service pursuant to authority issued under Part 121 or Part
25 129 of the Federal Aviation Regulations. The changes made to
26 this paragraph (27) by Public Act 98-534 are declarative of

1 existing law. It is the intent of the General Assembly that the
2 exemption under this paragraph (27) applies continuously from
3 January 1, 2010 through December 31, 2024; however, no claim
4 for credit or refund is allowed for taxes paid as a result of
5 the disallowance of this exemption on or after January 1, 2015
6 and prior to February 5, 2020 (the effective date of Public Act
7 101-629).

8 (28) Tangible personal property purchased by a
9 public-facilities corporation, as described in Section
10 11-65-10 of the Illinois Municipal Code, for purposes of
11 constructing or furnishing a municipal convention hall, but
12 only if the legal title to the municipal convention hall is
13 transferred to the municipality without any further
14 consideration by or on behalf of the municipality at the time
15 of the completion of the municipal convention hall or upon the
16 retirement or redemption of any bonds or other debt
17 instruments issued by the public-facilities corporation in
18 connection with the development of the municipal convention
19 hall. This exemption includes existing public-facilities
20 corporations as provided in Section 11-65-25 of the Illinois
21 Municipal Code. This paragraph is exempt from the provisions
22 of Section 3-75.

23 (29) Beginning January 1, 2017 and through December 31,
24 2026, menstrual pads, tampons, and menstrual cups.

25 (30) Tangible personal property transferred to a purchaser
26 who is exempt from the tax imposed by this Act by operation of

1 federal law. This paragraph is exempt from the provisions of
2 Section 3-75.

3 (31) Qualified tangible personal property used in the
4 construction or operation of a data center that has been
5 granted a certificate of exemption by the Department of
6 Commerce and Economic Opportunity, whether that tangible
7 personal property is purchased by the owner, operator, or
8 tenant of the data center or by a contractor or subcontractor
9 of the owner, operator, or tenant. Data centers that would
10 have qualified for a certificate of exemption prior to January
11 1, 2020 had Public Act 101-31 been in effect, may apply for and
12 obtain an exemption for subsequent purchases of computer
13 equipment or enabling software purchased or leased to upgrade,
14 supplement, or replace computer equipment or enabling software
15 purchased or leased in the original investment that would have
16 qualified.

17 The Department of Commerce and Economic Opportunity shall
18 grant a certificate of exemption under this item (31) to
19 qualified data centers as defined by Section 605-1025 of the
20 Department of Commerce and Economic Opportunity Law of the
21 Civil Administrative Code of Illinois.

22 For the purposes of this item (31):

23 "Data center" means a building or a series of
24 buildings rehabilitated or constructed to house working
25 servers in one physical location or multiple sites within
26 the State of Illinois.

1 "Qualified tangible personal property" means:
2 electrical systems and equipment; climate control and
3 chilling equipment and systems; mechanical systems and
4 equipment; monitoring and secure systems; emergency
5 generators; hardware; computers; servers; data storage
6 devices; network connectivity equipment; racks; cabinets;
7 telecommunications cabling infrastructure; raised floor
8 systems; peripheral components or systems; software;
9 mechanical, electrical, or plumbing systems; battery
10 systems; cooling systems and towers; temperature control
11 systems; other cabling; and other data center
12 infrastructure equipment and systems necessary to operate
13 qualified tangible personal property, including fixtures;
14 and component parts of any of the foregoing, including
15 installation, maintenance, repair, refurbishment, and
16 replacement of qualified tangible personal property to
17 generate, transform, transmit, distribute, or manage
18 electricity necessary to operate qualified tangible
19 personal property; and all other tangible personal
20 property that is essential to the operations of a computer
21 data center. The term "qualified tangible personal
22 property" also includes building materials physically
23 incorporated into the qualifying data center. To document
24 the exemption allowed under this Section, the retailer
25 must obtain from the purchaser a copy of the certificate
26 of eligibility issued by the Department of Commerce and

1 Economic Opportunity.

2 This item (31) is exempt from the provisions of Section
3 3-75.

4 (32) Beginning July 1, 2022, breast pumps, breast pump
5 collection and storage supplies, and breast pump kits. This
6 item (32) is exempt from the provisions of Section 3-75. As
7 used in this item (32):

8 "Breast pump" means an electrically controlled or
9 manually controlled pump device designed or marketed to be
10 used to express milk from a human breast during lactation,
11 including the pump device and any battery, AC adapter, or
12 other power supply unit that is used to power the pump
13 device and is packaged and sold with the pump device at the
14 time of sale.

15 "Breast pump collection and storage supplies" means
16 items of tangible personal property designed or marketed
17 to be used in conjunction with a breast pump to collect
18 milk expressed from a human breast and to store collected
19 milk until it is ready for consumption.

20 "Breast pump collection and storage supplies"
21 includes, but is not limited to: breast shields and breast
22 shield connectors; breast pump tubes and tubing adapters;
23 breast pump valves and membranes; backflow protectors and
24 backflow protector adaptors; bottles and bottle caps
25 specific to the operation of the breast pump; and breast
26 milk storage bags.

1 "Breast pump collection and storage supplies" does not
2 include: (1) bottles and bottle caps not specific to the
3 operation of the breast pump; (2) breast pump travel bags
4 and other similar carrying accessories, including ice
5 packs, labels, and other similar products; (3) breast pump
6 cleaning supplies; (4) nursing bras, bra pads, breast
7 shells, and other similar products; and (5) creams,
8 ointments, and other similar products that relieve
9 breastfeeding-related symptoms or conditions of the
10 breasts or nipples, unless sold as part of a breast pump
11 kit that is pre-packaged by the breast pump manufacturer
12 or distributor.

13 "Breast pump kit" means a kit that: (1) contains no
14 more than a breast pump, breast pump collection and
15 storage supplies, a rechargeable battery for operating the
16 breast pump, a breastmilk cooler, bottle stands, ice
17 packs, and a breast pump carrying case; and (2) is
18 pre-packaged as a breast pump kit by the breast pump
19 manufacturer or distributor.

20 (33) Tangible personal property sold by or on behalf of
21 the State Treasurer pursuant to the Revised Uniform Unclaimed
22 Property Act. This item (33) is exempt from the provisions of
23 Section 3-75.

24 (34) Beginning on January 1, 2024, tangible personal
25 property purchased by an active duty member of the armed
26 forces of the United States who presents valid military

1 identification and purchases the property using a form of
2 payment where the federal government is the payor. The member
3 of the armed forces must complete, at the point of sale, a form
4 prescribed by the Department of Revenue documenting that the
5 transaction is eligible for the exemption under this
6 paragraph. Retailers must keep the form as documentation of
7 the exemption in their records for a period of not less than 6
8 years. "Armed forces of the United States" means the United
9 States Army, Navy, Air Force, Space Force, Marine Corps, or
10 Coast Guard. This paragraph is exempt from the provisions of
11 Section 3-75.

12 (35) Beginning July 1, 2024, home-delivered meals provided
13 to Medicare or Medicaid recipients when payment is made by an
14 intermediary, such as a Medicare Administrative Contractor, a
15 Managed Care Organization, or a Medicare Advantage
16 Organization, pursuant to a government contract. This
17 paragraph (35) is exempt from the provisions of Section 3-75.

18 (36) ~~(35)~~ Beginning on January 1, 2026, as further defined
19 in Section 3-10, food prepared for immediate consumption and
20 transferred incident to a sale of service subject to this Act
21 or the Service Occupation Tax Act by an entity licensed under
22 the Hospital Licensing Act, the Nursing Home Care Act, the
23 Assisted Living and Shared Housing Act, the ID/DD Community
24 Care Act, the MC/DD Act, the Specialized Mental Health
25 Rehabilitation Act of 2013, or the Child Care Act of 1969~~7~~ or
26 by an entity that holds a permit issued pursuant to the Life

1 Care Facilities Act. This item (36) ~~(35)~~ is exempt from the
2 provisions of Section 3-75.

3 (37) ~~(36)~~ Beginning on January 1, 2026, as further defined
4 in Section 3-10, food for human consumption that is to be
5 consumed off the premises where it is sold (other than
6 alcoholic beverages, food consisting of or infused with adult
7 use cannabis, soft drinks, candy, and food that has been
8 prepared for immediate consumption). This item (37) ~~(36)~~ is
9 exempt from the provisions of Section 3-75.

10 (38) ~~(35)~~ Use by a lessee of the following leased tangible
11 personal property:

12 (1) software transferred subject to a license that
13 meets the following requirements:

14 (A) it is evidenced by a written agreement signed
15 by the licensor and the customer;

16 (i) an electronic agreement in which the
17 customer accepts the license by means of an
18 electronic signature that is verifiable and can be
19 authenticated and is attached to or made part of
20 the license will comply with this requirement;

21 (ii) a license agreement in which the customer
22 electronically accepts the terms by clicking "I
23 agree" does not comply with this requirement;

24 (B) it restricts the customer's duplication and
25 use of the software;

26 (C) it prohibits the customer from licensing,

1 sublicensing, or transferring the software to a third
2 party (except to a related party) without the
3 permission and continued control of the licensor;

4 (D) the licensor has a policy of providing another
5 copy at minimal or no charge if the customer loses or
6 damages the software, or of permitting the licensee to
7 make and keep an archival copy, and such policy is
8 either stated in the license agreement, supported by
9 the licensor's books and records, or supported by a
10 notarized statement made under penalties of perjury by
11 the licensor; and

12 (E) the customer must destroy or return all copies
13 of the software to the licensor at the end of the
14 license period; this provision is deemed to be met, in
15 the case of a perpetual license, without being set
16 forth in the license agreement; and

17 (2) property that is subject to a tax on lease
18 receipts imposed by a home rule unit of local government
19 if the ordinance imposing that tax was adopted prior to
20 January 1, 2023.

21 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,
22 Section 70-10, eff. 4-19-22; 102-700, Article 75, Section
23 75-10, eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,
24 Section 5-10, eff. 6-7-23; 103-9, Article 15, Section 15-10,
25 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;
26 103-592, eff. 1-1-25; 103-605, eff. 7-1-24; 103-643, eff.

1 7-1-24; 103-746, eff. 1-1-25; 103-781, eff. 8-5-24; 103-995,
2 eff. 8-9-24; revised 11-26-24.)

3 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

4 Sec. 3-10. Rate of tax. Unless otherwise provided in this
5 Section, the tax imposed by this Act is at the rate of 6.25% of
6 the selling price of tangible personal property transferred,
7 including, on and after January 1, 2025, transferred by lease,
8 as an incident to the sale of service, but, for the purpose of
9 computing this tax, in no event shall the selling price be less
10 than the cost price of the property to the serviceman.

11 Beginning on July 1, 2000 and through December 31, 2000,
12 with respect to motor fuel, as defined in Section 1.1 of the
13 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
14 the Use Tax Act, the tax is imposed at the rate of 1.25%.

15 With respect to gasohol, as defined in the Use Tax Act, the
16 tax imposed by this Act applies to (i) 70% of the selling price
17 of property transferred as an incident to the sale of service
18 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
19 of the selling price of property transferred as an incident to
20 the sale of service on or after July 1, 2003 and on or before
21 July 1, 2017, (iii) 100% of the selling price of property
22 transferred as an incident to the sale of service after July 1,
23 2017 and before January 1, 2024, (iv) 90% of the selling price
24 of property transferred as an incident to the sale of service
25 on or after January 1, 2024 and on or before December 31, 2028,

1 and (v) 100% of the selling price of property transferred as an
2 incident to the sale of service after December 31, 2028. If, at
3 any time, however, the tax under this Act on sales of gasohol,
4 as defined in the Use Tax Act, is imposed at the rate of 1.25%,
5 then the tax imposed by this Act applies to 100% of the
6 proceeds of sales of gasohol made during that time.

7 With respect to mid-range ethanol blends, as defined in
8 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
9 applies to (i) 80% of the selling price of property
10 transferred as an incident to the sale of service on or after
11 January 1, 2024 and on or before December 31, 2028 and (ii)
12 100% of the selling price of property transferred as an
13 incident to the sale of service after December 31, 2028. If, at
14 any time, however, the tax under this Act on sales of mid-range
15 ethanol blends is imposed at the rate of 1.25%, then the tax
16 imposed by this Act applies to 100% of the selling price of
17 mid-range ethanol blends transferred as an incident to the
18 sale of service during that time.

19 With respect to majority blended ethanol fuel, as defined
20 in the Use Tax Act, the tax imposed by this Act does not apply
21 to the selling price of property transferred as an incident to
22 the sale of service on or after July 1, 2003 and on or before
23 December 31, 2028 but applies to 100% of the selling price
24 thereafter.

25 With respect to biodiesel blends, as defined in the Use
26 Tax Act, with no less than 1% and no more than 10% biodiesel,

1 the tax imposed by this Act applies to (i) 80% of the selling
2 price of property transferred as an incident to the sale of
3 service on or after July 1, 2003 and on or before December 31,
4 2018 and (ii) 100% of the proceeds of the selling price after
5 December 31, 2018 and before January 1, 2024. On and after
6 January 1, 2024 and on or before December 31, 2030, the
7 taxation of biodiesel, renewable diesel, and biodiesel blends
8 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
9 at any time, however, the tax under this Act on sales of
10 biodiesel blends, as defined in the Use Tax Act, with no less
11 than 1% and no more than 10% biodiesel is imposed at the rate
12 of 1.25%, then the tax imposed by this Act applies to 100% of
13 the proceeds of sales of biodiesel blends with no less than 1%
14 and no more than 10% biodiesel made during that time.

15 With respect to biodiesel, as defined in the Use Tax Act,
16 and biodiesel blends, as defined in the Use Tax Act, with more
17 than 10% but no more than 99% biodiesel, the tax imposed by
18 this Act does not apply to the proceeds of the selling price of
19 property transferred as an incident to the sale of service on
20 or after July 1, 2003 and on or before December 31, 2023. On
21 and after January 1, 2024 and on or before December 31, 2030,
22 the taxation of biodiesel, renewable diesel, and biodiesel
23 blends shall be as provided in Section 3-5.1 of the Use Tax
24 Act.

25 At the election of any registered serviceman made for each
26 fiscal year, sales of service in which the aggregate annual

1 cost price of tangible personal property transferred as an
2 incident to the sales of service is less than 35%, or 75% in
3 the case of servicemen transferring prescription drugs or
4 servicemen engaged in graphic arts production, of the
5 aggregate annual total gross receipts from all sales of
6 service, the tax imposed by this Act shall be based on the
7 serviceman's cost price of the tangible personal property
8 transferred as an incident to the sale of those services.

9 Until July 1, 2022 and from July 1, 2023 through December
10 31, 2025, the tax shall be imposed at the rate of 1% on food
11 prepared for immediate consumption and transferred incident to
12 a sale of service subject to this Act or the Service Occupation
13 Tax Act by an entity licensed under the Hospital Licensing
14 Act, the Nursing Home Care Act, the Assisted Living and Shared
15 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
16 Specialized Mental Health Rehabilitation Act of 2013, or the
17 Child Care Act of 1969, or an entity that holds a permit issued
18 pursuant to the Life Care Facilities Act. Until July 1, 2022
19 and from July 1, 2023 through December 31, 2025, the tax shall
20 also be imposed at the rate of 1% on food for human consumption
21 that is to be consumed off the premises where it is sold (other
22 than alcoholic beverages, food consisting of or infused with
23 adult use cannabis, soft drinks, and food that has been
24 prepared for immediate consumption and is not otherwise
25 included in this paragraph).

26 Beginning on July 1, 2022 and until July 1, 2023, the tax

1 shall be imposed at the rate of 0% on food prepared for
2 immediate consumption and transferred incident to a sale of
3 service subject to this Act or the Service Occupation Tax Act
4 by an entity licensed under the Hospital Licensing Act, the
5 Nursing Home Care Act, the Assisted Living and Shared Housing
6 Act, the ID/DD Community Care Act, the MC/DD Act, the
7 Specialized Mental Health Rehabilitation Act of 2013, or the
8 Child Care Act of 1969, or an entity that holds a permit issued
9 pursuant to the Life Care Facilities Act. Beginning on July 1,
10 2022 and until July 1, 2023, the tax shall also be imposed at
11 the rate of 0% on food for human consumption that is to be
12 consumed off the premises where it is sold (other than
13 alcoholic beverages, food consisting of or infused with adult
14 use cannabis, soft drinks, and food that has been prepared for
15 immediate consumption and is not otherwise included in this
16 paragraph).

17 On and ~~an~~ after January 1, 2026, food prepared for
18 immediate consumption and transferred incident to a sale of
19 service subject to this Act or the Service Occupation Tax Act
20 by an entity licensed under the Hospital Licensing Act, the
21 Nursing Home Care Act, the Assisted Living and Shared Housing
22 Act, the ID/DD Community Care Act, the MC/DD Act, the
23 Specialized Mental Health Rehabilitation Act of 2013, or the
24 Child Care Act of 1969, or by an entity that holds a permit
25 issued pursuant to the Life Care Facilities Act is exempt from
26 the tax under this Act. On and after January 1, 2026, food for

1 human consumption that is to be consumed off the premises
2 where it is sold (other than alcoholic beverages, food
3 consisting of or infused with adult use cannabis, soft drinks,
4 candy, and food that has been prepared for immediate
5 consumption and is not otherwise included in this paragraph)
6 is exempt from the tax under this Act.

7 The tax shall be imposed at the rate of 1% on prescription
8 and nonprescription medicines, drugs, medical appliances,
9 products classified as Class III medical devices by the United
10 States Food and Drug Administration that are used for cancer
11 treatment pursuant to a prescription, as well as any
12 accessories and components related to those devices,
13 modifications to a motor vehicle for the purpose of rendering
14 it usable by a person with a disability, and insulin, blood
15 sugar testing materials, syringes, and needles used by human
16 diabetics. For the purposes of this Section, until September
17 1, 2009: the term "soft drinks" means any complete, finished,
18 ready-to-use, non-alcoholic drink, whether carbonated or not,
19 including, but not limited to, soda water, cola, fruit juice,
20 vegetable juice, carbonated water, and all other preparations
21 commonly known as soft drinks of whatever kind or description
22 that are contained in any closed or sealed bottle, can,
23 carton, or container, regardless of size; but "soft drinks"
24 does not include coffee, tea, non-carbonated water, infant
25 formula, milk or milk products as defined in the Grade A
26 Pasteurized Milk and Milk Products Act, or drinks containing

1 50% or more natural fruit or vegetable juice.

2 Notwithstanding any other provisions of this Act,
3 beginning September 1, 2009, "soft drinks" means non-alcoholic
4 beverages that contain natural or artificial sweeteners. "Soft
5 drinks" does not include beverages that contain milk or milk
6 products, soy, rice or similar milk substitutes, or greater
7 than 50% of vegetable or fruit juice by volume.

8 Until August 1, 2009, and notwithstanding any other
9 provisions of this Act, "food for human consumption that is to
10 be consumed off the premises where it is sold" includes all
11 food sold through a vending machine, except soft drinks and
12 food products that are dispensed hot from a vending machine,
13 regardless of the location of the vending machine. Beginning
14 August 1, 2009, and notwithstanding any other provisions of
15 this Act, "food for human consumption that is to be consumed
16 off the premises where it is sold" includes all food sold
17 through a vending machine, except soft drinks, candy, and food
18 products that are dispensed hot from a vending machine,
19 regardless of the location of the vending machine.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "food for human consumption that
22 is to be consumed off the premises where it is sold" does not
23 include candy. For purposes of this Section, "candy" means a
24 preparation of sugar, honey, or other natural or artificial
25 sweeteners in combination with chocolate, fruits, nuts or
26 other ingredients or flavorings in the form of bars, drops, or

1 pieces. "Candy" does not include any preparation that contains
2 flour or requires refrigeration.

3 Notwithstanding any other provisions of this Act,
4 beginning September 1, 2009, "nonprescription medicines and
5 drugs" does not include grooming and hygiene products. For
6 purposes of this Section, "grooming and hygiene products"
7 includes, but is not limited to, soaps and cleaning solutions,
8 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
9 lotions and screens, unless those products are available by
10 prescription only, regardless of whether the products meet the
11 definition of "over-the-counter-drugs". For the purposes of
12 this paragraph, "over-the-counter-drug" means a drug for human
13 use that contains a label that identifies the product as a drug
14 as required by 21 CFR 201.66. The "over-the-counter-drug"
15 label includes:

16 (A) a "Drug Facts" panel; or

17 (B) a statement of the "active ingredient(s)" with a
18 list of those ingredients contained in the compound,
19 substance or preparation.

20 Beginning on January 1, 2014 (the effective date of Public
21 Act 98-122), "prescription and nonprescription medicines and
22 drugs" includes medical cannabis purchased from a registered
23 dispensing organization under the Compassionate Use of Medical
24 Cannabis Program Act.

25 As used in this Section, "adult use cannabis" means
26 cannabis subject to tax under the Cannabis Cultivation

1 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
2 and does not include cannabis subject to tax under the
3 Compassionate Use of Medical Cannabis Program Act.

4 If the property that is acquired from a serviceman is
5 acquired outside Illinois and used outside Illinois before
6 being brought to Illinois for use here and is taxable under
7 this Act, the "selling price" on which the tax is computed
8 shall be reduced by an amount that represents a reasonable
9 allowance for depreciation for the period of prior
10 out-of-state use. No depreciation is allowed in cases where
11 the tax under this Act is imposed on lease receipts.

12 (Source: P.A. 102-4, eff. 4-27-21; 102-16, eff. 6-17-21;
13 102-700, Article 20, Section 20-10, eff. 4-19-22; 102-700,
14 Article 60, Section 60-20, eff. 4-19-22; 103-9, eff. 6-7-23;
15 103-154, eff. 6-30-23; 103-592, eff. 1-1-25; 103-781, eff.
16 8-5-24; revised 11-26-24.)

17 (35 ILCS 110/9)

18 Sec. 9. Each serviceman required or authorized to collect
19 the tax herein imposed shall pay to the Department the amount
20 of such tax (except as otherwise provided) at the time when he
21 is required to file his return for the period during which such
22 tax was collected, less a discount of 2.1% prior to January 1,
23 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
24 year, whichever is greater, which is allowed to reimburse the
25 serviceman for expenses incurred in collecting the tax,

1 keeping records, preparing and filing returns, remitting the
2 tax, and supplying data to the Department on request.
3 Beginning with returns due on or after January 1, 2025, the
4 vendor's discount allowed in this Section, the Retailers'
5 Occupation Tax Act, the Service Occupation Tax Act, and the
6 Use Tax Act, including any local tax administered by the
7 Department and reported on the same return, shall not exceed
8 \$1,000 per month in the aggregate. When determining the
9 discount allowed under this Section, servicemen shall include
10 the amount of tax that would have been due at the 1% rate but
11 for the 0% rate imposed under Public Act 102-700 ~~this~~
12 ~~amendatory Act of the 102nd General Assembly~~. The discount
13 under this Section is not allowed for the 1.25% portion of
14 taxes paid on aviation fuel that is subject to the revenue use
15 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. The
16 discount allowed under this Section is allowed only for
17 returns that are filed in the manner required by this Act. The
18 Department may disallow the discount for servicemen whose
19 certificate of registration is revoked at the time the return
20 is filed, but only if the Department's decision to revoke the
21 certificate of registration has become final. A serviceman
22 need not remit that part of any tax collected by him to the
23 extent that he is required to pay and does pay the tax imposed
24 by the Service Occupation Tax Act with respect to his sale of
25 service involving the incidental transfer by him of the same
26 property.

1 Except as provided hereinafter in this Section, on or
2 before the twentieth day of each calendar month, such
3 serviceman shall file a return for the preceding calendar
4 month in accordance with reasonable Rules and Regulations to
5 be promulgated by the Department. Such return shall be filed
6 on a form prescribed by the Department and shall contain such
7 information as the Department may reasonably require. The
8 return shall include the gross receipts which were received
9 during the preceding calendar month or quarter on the
10 following items upon which tax would have been due but for the
11 0% rate imposed under Public Act 102-700 ~~this amendatory Act~~
12 ~~of the 102nd General Assembly~~: (i) food for human consumption
13 that is to be consumed off the premises where it is sold (other
14 than alcoholic beverages, food consisting of or infused with
15 adult use cannabis, soft drinks, and food that has been
16 prepared for immediate consumption); and (ii) food prepared
17 for immediate consumption and transferred incident to a sale
18 of service subject to this Act or the Service Occupation Tax
19 Act by an entity licensed under the Hospital Licensing Act,
20 the Nursing Home Care Act, the Assisted Living and Shared
21 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
22 Specialized Mental Health Rehabilitation Act of 2013, or the
23 Child Care Act of 1969, or an entity that holds a permit issued
24 pursuant to the Life Care Facilities Act. The return shall
25 also include the amount of tax that would have been due on the
26 items listed in the previous sentence but for the 0% rate

1 imposed under Public Act 102-700 ~~this amendatory Act of the~~
2 ~~102nd General Assembly.~~

3 In the case of leases, except as otherwise provided in
4 this Act, the lessor, in collecting the tax, may collect for
5 each tax return period, only the tax applicable to that part of
6 the selling price actually received during such tax return
7 period.

8 On and after January 1, 2018, with respect to servicemen
9 whose annual gross receipts average \$20,000 or more, all
10 returns required to be filed pursuant to this Act shall be
11 filed electronically. Servicemen who demonstrate that they do
12 not have access to the Internet or demonstrate hardship in
13 filing electronically may petition the Department to waive the
14 electronic filing requirement.

15 The Department may require returns to be filed on a
16 quarterly basis. If so required, a return for each calendar
17 quarter shall be filed on or before the twentieth day of the
18 calendar month following the end of such calendar quarter. The
19 taxpayer shall also file a return with the Department for each
20 of the first two months of each calendar quarter, on or before
21 the twentieth day of the following calendar month, stating:

22 1. The name of the seller;

23 2. The address of the principal place of business from
24 which he engages in business as a serviceman in this
25 State;

26 3. The total amount of taxable receipts received by

1 him during the preceding calendar month, including
2 receipts from charge and time sales, but less all
3 deductions allowed by law;

4 4. The amount of credit provided in Section 2d of this
5 Act;

6 5. The amount of tax due;

7 5-5. The signature of the taxpayer; and

8 6. Such other reasonable information as the Department
9 may require.

10 Each serviceman required or authorized to collect the tax
11 imposed by this Act on aviation fuel transferred as an
12 incident of a sale of service in this State during the
13 preceding calendar month shall, instead of reporting and
14 paying tax on aviation fuel as otherwise required by this
15 Section, report and pay such tax on a separate aviation fuel
16 tax return. The requirements related to the return shall be as
17 otherwise provided in this Section. Notwithstanding any other
18 provisions of this Act to the contrary, servicemen collecting
19 tax on aviation fuel shall file all aviation fuel tax returns
20 and shall make all aviation fuel tax payments by electronic
21 means in the manner and form required by the Department. For
22 purposes of this Section, "aviation fuel" means jet fuel and
23 aviation gasoline.

24 If a taxpayer fails to sign a return within 30 days after
25 the proper notice and demand for signature by the Department,
26 the return shall be considered valid and any amount shown to be

1 due on the return shall be deemed assessed.

2 Notwithstanding any other provision of this Act to the
3 contrary, servicemen subject to tax on cannabis shall file all
4 cannabis tax returns and shall make all cannabis tax payments
5 by electronic means in the manner and form required by the
6 Department.

7 Beginning October 1, 1993, a taxpayer who has an average
8 monthly tax liability of \$150,000 or more shall make all
9 payments required by rules of the Department by electronic
10 funds transfer. Beginning October 1, 1994, a taxpayer who has
11 an average monthly tax liability of \$100,000 or more shall
12 make all payments required by rules of the Department by
13 electronic funds transfer. Beginning October 1, 1995, a
14 taxpayer who has an average monthly tax liability of \$50,000
15 or more shall make all payments required by rules of the
16 Department by electronic funds transfer. Beginning October 1,
17 2000, a taxpayer who has an annual tax liability of \$200,000 or
18 more shall make all payments required by rules of the
19 Department by electronic funds transfer. The term "annual tax
20 liability" shall be the sum of the taxpayer's liabilities
21 under this Act, and under all other State and local occupation
22 and use tax laws administered by the Department, for the
23 immediately preceding calendar year. The term "average monthly
24 tax liability" means the sum of the taxpayer's liabilities
25 under this Act, and under all other State and local occupation
26 and use tax laws administered by the Department, for the

1 immediately preceding calendar year divided by 12. Beginning
2 on October 1, 2002, a taxpayer who has a tax liability in the
3 amount set forth in subsection (b) of Section 2505-210 of the
4 Department of Revenue Law shall make all payments required by
5 rules of the Department by electronic funds transfer.

6 Before August 1 of each year beginning in 1993, the
7 Department shall notify all taxpayers required to make
8 payments by electronic funds transfer. All taxpayers required
9 to make payments by electronic funds transfer shall make those
10 payments for a minimum of one year beginning on October 1.

11 Any taxpayer not required to make payments by electronic
12 funds transfer may make payments by electronic funds transfer
13 with the permission of the Department.

14 All taxpayers required to make payment by electronic funds
15 transfer and any taxpayers authorized to voluntarily make
16 payments by electronic funds transfer shall make those
17 payments in the manner authorized by the Department.

18 The Department shall adopt such rules as are necessary to
19 effectuate a program of electronic funds transfer and the
20 requirements of this Section.

21 If the serviceman is otherwise required to file a monthly
22 return and if the serviceman's average monthly tax liability
23 to the Department does not exceed \$200, the Department may
24 authorize his returns to be filed on a quarter annual basis,
25 with the return for January, February, and March of a given
26 year being due by April 20 of such year; with the return for

1 April, May, and June of a given year being due by July 20 of
2 such year; with the return for July, August, and September of a
3 given year being due by October 20 of such year, and with the
4 return for October, November, and December of a given year
5 being due by January 20 of the following year.

6 If the serviceman is otherwise required to file a monthly
7 or quarterly return and if the serviceman's average monthly
8 tax liability to the Department does not exceed \$50, the
9 Department may authorize his returns to be filed on an annual
10 basis, with the return for a given year being due by January 20
11 of the following year.

12 Such quarter annual and annual returns, as to form and
13 substance, shall be subject to the same requirements as
14 monthly returns.

15 Notwithstanding any other provision in this Act concerning
16 the time within which a serviceman may file his return, in the
17 case of any serviceman who ceases to engage in a kind of
18 business which makes him responsible for filing returns under
19 this Act, such serviceman shall file a final return under this
20 Act with the Department not more than one ± month after
21 discontinuing such business.

22 Where a serviceman collects the tax with respect to the
23 selling price of property which he sells and the purchaser
24 thereafter returns such property and the serviceman refunds
25 the selling price thereof to the purchaser, such serviceman
26 shall also refund, to the purchaser, the tax so collected from

1 the purchaser. When filing his return for the period in which
2 he refunds such tax to the purchaser, the serviceman may
3 deduct the amount of the tax so refunded by him to the
4 purchaser from any other Service Use Tax, Service Occupation
5 Tax, retailers' occupation tax, or use tax which such
6 serviceman may be required to pay or remit to the Department,
7 as shown by such return, provided that the amount of the tax to
8 be deducted shall previously have been remitted to the
9 Department by such serviceman. If the serviceman shall not
10 previously have remitted the amount of such tax to the
11 Department, he shall be entitled to no deduction hereunder
12 upon refunding such tax to the purchaser.

13 Any serviceman filing a return hereunder shall also
14 include the total tax upon the selling price of tangible
15 personal property purchased for use by him as an incident to a
16 sale of service, and such serviceman shall remit the amount of
17 such tax to the Department when filing such return.

18 If experience indicates such action to be practicable, the
19 Department may prescribe and furnish a combination or joint
20 return which will enable servicemen, who are required to file
21 returns hereunder and also under the Service Occupation Tax
22 Act, to furnish all the return information required by both
23 Acts on the one form.

24 Where the serviceman has more than one business registered
25 with the Department under separate registration hereunder,
26 such serviceman shall not file each return that is due as a

1 single return covering all such registered businesses, but
2 shall file separate returns for each such registered business.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the State and Local Tax Reform Fund, a special fund in
5 the State treasury ~~Treasury~~, the net revenue realized for the
6 preceding month from the 1% tax imposed under this Act.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the State and Local Sales Tax Reform Fund 20% of the
9 net revenue realized for the preceding month from the 6.25%
10 general rate on transfers of tangible personal property, other
11 than (i) tangible personal property which is purchased outside
12 Illinois at retail from a retailer and which is titled or
13 registered by an agency of this State's government and (ii)
14 aviation fuel sold on or after December 1, 2019. This
15 exception for aviation fuel only applies for so long as the
16 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
17 47133 are binding on the State.

18 For aviation fuel sold on or after December 1, 2019, each
19 month the Department shall pay into the State Aviation Program
20 Fund 20% of the net revenue realized for the preceding month
21 from the 6.25% general rate on the selling price of aviation
22 fuel, less an amount estimated by the Department to be
23 required for refunds of the 20% portion of the tax on aviation
24 fuel under this Act, which amount shall be deposited into the
25 Aviation Fuel Sales Tax Refund Fund. The Department shall only
26 pay moneys into the State Aviation Program Fund and the

1 Aviation Fuel Sales Tax Refund Fund under this Act for so long
2 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
3 U.S.C. 47133 are binding on the State.

4 Beginning August 1, 2000, each month the Department shall
5 pay into the State and Local Sales Tax Reform Fund 100% of the
6 net revenue realized for the preceding month from the 1.25%
7 rate on the selling price of motor fuel and gasohol.

8 Beginning October 1, 2009, each month the Department shall
9 pay into the Capital Projects Fund an amount that is equal to
10 an amount estimated by the Department to represent 80% of the
11 net revenue realized for the preceding month from the sale of
12 candy, grooming and hygiene products, and soft drinks that had
13 been taxed at a rate of 1% prior to September 1, 2009 but that
14 are now taxed at 6.25%.

15 Beginning July 1, 2013, each month the Department shall
16 pay into the Underground Storage Tank Fund from the proceeds
17 collected under this Act, the Use Tax Act, the Service
18 Occupation Tax Act, and the Retailers' Occupation Tax Act an
19 amount equal to the average monthly deficit in the Underground
20 Storage Tank Fund during the prior year, as certified annually
21 by the Illinois Environmental Protection Agency, but the total
22 payment into the Underground Storage Tank Fund under this Act,
23 the Use Tax Act, the Service Occupation Tax Act, and the
24 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in
25 any State fiscal year. As used in this paragraph, the "average
26 monthly deficit" shall be equal to the difference between the

1 average monthly claims for payment by the fund and the average
2 monthly revenues deposited into the fund, excluding payments
3 made pursuant to this paragraph.

4 Beginning July 1, 2015, of the remainder of the moneys
5 received by the Department under the Use Tax Act, this Act, the
6 Service Occupation Tax Act, and the Retailers' Occupation Tax
7 Act, each month the Department shall deposit \$500,000 into the
8 State Crime Laboratory Fund.

9 Of the remainder of the moneys received by the Department
10 pursuant to this Act, (a) 1.75% thereof shall be paid into the
11 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
12 and after July 1, 1989, 3.8% thereof shall be paid into the
13 Build Illinois Fund; provided, however, that if in any fiscal
14 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
15 may be, of the moneys received by the Department and required
16 to be paid into the Build Illinois Fund pursuant to Section 3
17 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
18 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
19 Service Occupation Tax Act, such Acts being hereinafter called
20 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
21 may be, of moneys being hereinafter called the "Tax Act
22 Amount", and (2) the amount transferred to the Build Illinois
23 Fund from the State and Local Sales Tax Reform Fund shall be
24 less than the Annual Specified Amount (as defined in Section 3
25 of the Retailers' Occupation Tax Act), an amount equal to the
26 difference shall be immediately paid into the Build Illinois

1 Fund from other moneys received by the Department pursuant to
2 the Tax Acts; and further provided, that if on the last
3 business day of any month the sum of (1) the Tax Act Amount
4 required to be deposited into the Build Illinois Bond Account
5 in the Build Illinois Fund during such month and (2) the amount
6 transferred during such month to the Build Illinois Fund from
7 the State and Local Sales Tax Reform Fund shall have been less
8 than 1/12 of the Annual Specified Amount, an amount equal to
9 the difference shall be immediately paid into the Build
10 Illinois Fund from other moneys received by the Department
11 pursuant to the Tax Acts; and, further provided, that in no
12 event shall the payments required under the preceding proviso
13 result in aggregate payments into the Build Illinois Fund
14 pursuant to this clause (b) for any fiscal year in excess of
15 the greater of (i) the Tax Act Amount or (ii) the Annual
16 Specified Amount for such fiscal year; and, further provided,
17 that the amounts payable into the Build Illinois Fund under
18 this clause (b) shall be payable only until such time as the
19 aggregate amount on deposit under each trust indenture
20 securing Bonds issued and outstanding pursuant to the Build
21 Illinois Bond Act is sufficient, taking into account any
22 future investment income, to fully provide, in accordance with
23 such indenture, for the defeasance of or the payment of the
24 principal of, premium, if any, and interest on the Bonds
25 secured by such indenture and on any Bonds expected to be
26 issued thereafter and all fees and costs payable with respect

1 thereto, all as certified by the Director of the Bureau of the
2 Budget (now Governor's Office of Management and Budget). If on
3 the last business day of any month in which Bonds are
4 outstanding pursuant to the Build Illinois Bond Act, the
5 aggregate of the moneys deposited in the Build Illinois Bond
6 Account in the Build Illinois Fund in such month shall be less
7 than the amount required to be transferred in such month from
8 the Build Illinois Bond Account to the Build Illinois Bond
9 Retirement and Interest Fund pursuant to Section 13 of the
10 Build Illinois Bond Act, an amount equal to such deficiency
11 shall be immediately paid from other moneys received by the
12 Department pursuant to the Tax Acts to the Build Illinois
13 Fund; provided, however, that any amounts paid to the Build
14 Illinois Fund in any fiscal year pursuant to this sentence
15 shall be deemed to constitute payments pursuant to clause (b)
16 of the preceding sentence and shall reduce the amount
17 otherwise payable for such fiscal year pursuant to clause (b)
18 of the preceding sentence. The moneys received by the
19 Department pursuant to this Act and required to be deposited
20 into the Build Illinois Fund are subject to the pledge, claim
21 and charge set forth in Section 12 of the Build Illinois Bond
22 Act.

23 Subject to payment of amounts into the Build Illinois Fund
24 as provided in the preceding paragraph or in any amendment
25 thereto hereafter enacted, the following specified monthly
26 installment of the amount requested in the certificate of the

Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
	1993	\$0
	1994	53,000,000
	1995	58,000,000
	1996	61,000,000
	1997	64,000,000
	1998	68,000,000
	1999	71,000,000
	2000	75,000,000
	2001	80,000,000
	2002	93,000,000
	2003	99,000,000
	2004	103,000,000
	2005	108,000,000
	2006	113,000,000
	2007	119,000,000
	2008	126,000,000

1	2009	132,000,000
2	2010	139,000,000
3	2011	146,000,000
4	2012	153,000,000
5	2013	161,000,000
6	2014	170,000,000
7	2015	179,000,000
8	2016	189,000,000
9	2017	199,000,000
10	2018	210,000,000
11	2019	221,000,000
12	2020	233,000,000
13	2021	300,000,000
14	2022	300,000,000
15	2023	300,000,000
16	2024	300,000,000
17	2025	300,000,000
18	2026	300,000,000
19	2027	375,000,000
20	2028	375,000,000
21	2029	375,000,000
22	2030	375,000,000
23	2031	375,000,000
24	2032	375,000,000
25	2033	375,000,000
26	2034	375,000,000

1 2035 375,000,000

2 2036 450,000,000

3 and

4 each fiscal year

5 thereafter that bonds

6 are outstanding under

7 Section 13.2 of the

8 Metropolitan Pier and

9 Exposition Authority Act,

10 but not after fiscal year 2060.

11 Beginning July 20, 1993 and in each month of each fiscal
12 year thereafter, one-eighth of the amount requested in the
13 certificate of the Chairman of the Metropolitan Pier and
14 Exposition Authority for that fiscal year, less the amount
15 deposited into the McCormick Place Expansion Project Fund by
16 the State Treasurer in the respective month under subsection
17 (g) of Section 13 of the Metropolitan Pier and Exposition
18 Authority Act, plus cumulative deficiencies in the deposits
19 required under this Section for previous months and years,
20 shall be deposited into the McCormick Place Expansion Project
21 Fund, until the full amount requested for the fiscal year, but
22 not in excess of the amount specified above as "Total
23 Deposit", has been deposited.

24 Subject to payment of amounts into the Capital Projects
25 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
26 and the McCormick Place Expansion Project Fund pursuant to the

1 preceding paragraphs or in any amendments thereto hereafter
2 enacted, for aviation fuel sold on or after December 1, 2019,
3 the Department shall each month deposit into the Aviation Fuel
4 Sales Tax Refund Fund an amount estimated by the Department to
5 be required for refunds of the 80% portion of the tax on
6 aviation fuel under this Act. The Department shall only
7 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
8 under this paragraph for so long as the revenue use
9 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
10 binding on the State.

11 Subject to payment of amounts into the Build Illinois Fund
12 and the McCormick Place Expansion Project Fund pursuant to the
13 preceding paragraphs or in any amendments thereto hereafter
14 enacted, beginning July 1, 1993 and ending on September 30,
15 2013, the Department shall each month pay into the Illinois
16 Tax Increment Fund 0.27% of 80% of the net revenue realized for
17 the preceding month from the 6.25% general rate on the selling
18 price of tangible personal property.

19 Subject to payment of amounts into the Build Illinois
20 Fund, the McCormick Place Expansion Project Fund, the Illinois
21 Tax Increment Fund, pursuant to the preceding paragraphs or in
22 any amendments to this Section hereafter enacted, beginning on
23 the first day of the first calendar month to occur on or after
24 August 26, 2014 (the effective date of Public Act 98-1098),
25 each month, from the collections made under Section 9 of the
26 Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of

1 the Service Occupation Tax Act, and Section 3 of the
2 Retailers' Occupation Tax Act, the Department shall pay into
3 the Tax Compliance and Administration Fund, to be used,
4 subject to appropriation, to fund additional auditors and
5 compliance personnel at the Department of Revenue, an amount
6 equal to 1/12 of 5% of 80% of the cash receipts collected
7 during the preceding fiscal year by the Audit Bureau of the
8 Department under the Use Tax Act, the Service Use Tax Act, the
9 Service Occupation Tax Act, the Retailers' Occupation Tax Act,
10 and associated local occupation and use taxes administered by
11 the Department.

12 Subject to payments of amounts into the Build Illinois
13 Fund, the McCormick Place Expansion Project Fund, the Illinois
14 Tax Increment Fund, and the Tax Compliance and Administration
15 Fund as provided in this Section, beginning on July 1, 2018 the
16 Department shall pay each month into the Downstate Public
17 Transportation Fund the moneys required to be so paid under
18 Section 2-3 of the Downstate Public Transportation Act.

19 Subject to successful execution and delivery of a
20 public-private agreement between the public agency and private
21 entity and completion of the civic build, beginning on July 1,
22 2023, of the remainder of the moneys received by the
23 Department under the Use Tax Act, the Service Use Tax Act, the
24 Service Occupation Tax Act, and this Act, the Department shall
25 deposit the following specified deposits in the aggregate from
26 collections under the Use Tax Act, the Service Use Tax Act, the

1 Service Occupation Tax Act, and the Retailers' Occupation Tax
2 Act, as required under Section 8.25g of the State Finance Act
3 for distribution consistent with the Public-Private
4 Partnership for Civic and Transit Infrastructure Project Act.
5 The moneys received by the Department pursuant to this Act and
6 required to be deposited into the Civic and Transit
7 Infrastructure Fund are subject to the pledge, claim, and
8 charge set forth in Section 25-55 of the Public-Private
9 Partnership for Civic and Transit Infrastructure Project Act.
10 As used in this paragraph, "civic build", "private entity",
11 "public-private agreement", and "public agency" have the
12 meanings provided in Section 25-10 of the Public-Private
13 Partnership for Civic and Transit Infrastructure Project Act.

Fiscal Year.....	Total Deposit
2024	\$200,000,000
2025	\$206,000,000
2026	\$212,200,000
2027	\$218,500,000
2028	\$225,100,000
2029	\$288,700,000
2030	\$298,900,000
2031	\$309,300,000
2032	\$320,100,000
2033	\$331,200,000
2034	\$341,200,000
2035	\$351,400,000

1	2036	\$361,900,000
2	2037	\$372,800,000
3	2038	\$384,000,000
4	2039	\$395,500,000
5	2040	\$407,400,000
6	2041	\$419,600,000
7	2042	\$432,200,000
8	2043	\$445,100,000

9 Beginning July 1, 2021 and until July 1, 2022, subject to
10 the payment of amounts into the State and Local Sales Tax
11 Reform Fund, the Build Illinois Fund, the McCormick Place
12 Expansion Project Fund, the Energy Infrastructure Fund, and
13 the Tax Compliance and Administration Fund as provided in this
14 Section, the Department shall pay each month into the Road
15 Fund the amount estimated to represent 16% of the net revenue
16 realized from the taxes imposed on motor fuel and gasohol.
17 Beginning July 1, 2022 and until July 1, 2023, subject to the
18 payment of amounts into the State and Local Sales Tax Reform
19 Fund, the Build Illinois Fund, the McCormick Place Expansion
20 Project Fund, the Illinois Tax Increment Fund, and the Tax
21 Compliance and Administration Fund as provided in this
22 Section, the Department shall pay each month into the Road
23 Fund the amount estimated to represent 32% of the net revenue
24 realized from the taxes imposed on motor fuel and gasohol.
25 Beginning July 1, 2023 and until July 1, 2024, subject to the
26 payment of amounts into the State and Local Sales Tax Reform

1 Fund, the Build Illinois Fund, the McCormick Place Expansion
2 Project Fund, the Illinois Tax Increment Fund, and the Tax
3 Compliance and Administration Fund as provided in this
4 Section, the Department shall pay each month into the Road
5 Fund the amount estimated to represent 48% of the net revenue
6 realized from the taxes imposed on motor fuel and gasohol.
7 Beginning July 1, 2024 and until July 1, 2025, subject to the
8 payment of amounts into the State and Local Sales Tax Reform
9 Fund, the Build Illinois Fund, the McCormick Place Expansion
10 Project Fund, the Illinois Tax Increment Fund, and the Tax
11 Compliance and Administration Fund as provided in this
12 Section, the Department shall pay each month into the Road
13 Fund the amount estimated to represent 64% of the net revenue
14 realized from the taxes imposed on motor fuel and gasohol.
15 Beginning on July 1, 2025, subject to the payment of amounts
16 into the State and Local Sales Tax Reform Fund, the Build
17 Illinois Fund, the McCormick Place Expansion Project Fund, the
18 Illinois Tax Increment Fund, and the Tax Compliance and
19 Administration Fund as provided in this Section, the
20 Department shall pay each month into the Road Fund the amount
21 estimated to represent 80% of the net revenue realized from
22 the taxes imposed on motor fuel and gasohol. As used in this
23 paragraph "motor fuel" has the meaning given to that term in
24 Section 1.1 of the Motor Fuel Tax Law, and "gasohol" has the
25 meaning given to that term in Section 3-40 of the Use Tax Act.

26 Of the remainder of the moneys received by the Department

1 pursuant to this Act, 75% thereof shall be paid into the
2 General Revenue Fund of the State treasury ~~Treasury~~ and 25%
3 shall be reserved in a special account and used only for the
4 transfer to the Common School Fund as part of the monthly
5 transfer from the General Revenue Fund in accordance with
6 Section 8a of the State Finance Act.

7 As soon as possible after the first day of each month, upon
8 certification of the Department of Revenue, the Comptroller
9 shall order transferred and the Treasurer shall transfer from
10 the General Revenue Fund to the Motor Fuel Tax Fund an amount
11 equal to 1.7% of 80% of the net revenue realized under this Act
12 for the second preceding month. Beginning April 1, 2000, this
13 transfer is no longer required and shall not be made.

14 Net revenue realized for a month shall be the revenue
15 collected by the State pursuant to this Act, less the amount
16 paid out during that month as refunds to taxpayers for
17 overpayment of liability.

18 (Source: P.A. 102-700, eff. 4-19-22; 103-363, eff. 7-28-23;
19 103-592, Article 75, Section 75-10, eff. 1-1-25; 103-592,
20 Article 110, Section 110-10, eff. 6-7-24; revised 11-26-24.)

21 Section 300. The Service Occupation Tax Act is amended by
22 changing Sections 3-5 and 3-10 as follows:

23 (35 ILCS 115/3-5)

24 Sec. 3-5. Exemptions. The following tangible personal

1 property is exempt from the tax imposed by this Act:

2 (1) Personal property sold by a corporation, society,
3 association, foundation, institution, or organization, other
4 than a limited liability company, that is organized and
5 operated as a not-for-profit service enterprise for the
6 benefit of persons 65 years of age or older if the personal
7 property was not purchased by the enterprise for the purpose
8 of resale by the enterprise.

9 (2) Personal property purchased by a not-for-profit
10 Illinois county fair association for use in conducting,
11 operating, or promoting the county fair.

12 (3) Personal property purchased by any not-for-profit arts
13 or cultural organization that establishes, by proof required
14 by the Department by rule, that it has received an exemption
15 under Section 501(c)(3) of the Internal Revenue Code and that
16 is organized and operated primarily for the presentation or
17 support of arts or cultural programming, activities, or
18 services. These organizations include, but are not limited to,
19 music and dramatic arts organizations such as symphony
20 orchestras and theatrical groups, arts and cultural service
21 organizations, local arts councils, visual arts organizations,
22 and media arts organizations. On and after July 1, 2001 (the
23 effective date of Public Act 92-35), however, an entity
24 otherwise eligible for this exemption shall not make tax-free
25 purchases unless it has an active identification number issued
26 by the Department.

1 (4) Legal tender, currency, medallions, or gold or silver
2 coinage issued by the State of Illinois, the government of the
3 United States of America, or the government of any foreign
4 country, and bullion.

5 (5) Until July 1, 2003 and beginning again on September 1,
6 2004 through August 30, 2014, graphic arts machinery and
7 equipment, including repair and replacement parts, both new
8 and used, and including that manufactured on special order or
9 purchased for lease, certified by the purchaser to be used
10 primarily for graphic arts production. Equipment includes
11 chemicals or chemicals acting as catalysts but only if the
12 chemicals or chemicals acting as catalysts effect a direct and
13 immediate change upon a graphic arts product. Beginning on
14 July 1, 2017, graphic arts machinery and equipment is included
15 in the manufacturing and assembling machinery and equipment
16 exemption under Section 2 of this Act.

17 (6) Personal property sold by a teacher-sponsored student
18 organization affiliated with an elementary or secondary school
19 located in Illinois.

20 (7) Farm machinery and equipment, both new and used,
21 including that manufactured on special order, certified by the
22 purchaser to be used primarily for production agriculture or
23 State or federal agricultural programs, including individual
24 replacement parts for the machinery and equipment, including
25 machinery and equipment purchased for lease, and including
26 implements of husbandry defined in Section 1-130 of the

1 Illinois Vehicle Code, farm machinery and agricultural
2 chemical and fertilizer spreaders, and nurse wagons required
3 to be registered under Section 3-809 of the Illinois Vehicle
4 Code, but excluding other motor vehicles required to be
5 registered under the Illinois Vehicle Code. Horticultural
6 polyhouses or hoop houses used for propagating, growing, or
7 overwintering plants shall be considered farm machinery and
8 equipment under this item (7). Agricultural chemical tender
9 tanks and dry boxes shall include units sold separately from a
10 motor vehicle required to be licensed and units sold mounted
11 on a motor vehicle required to be licensed if the selling price
12 of the tender is separately stated.

13 Farm machinery and equipment shall include precision
14 farming equipment that is installed or purchased to be
15 installed on farm machinery and equipment, including, but not
16 limited to, tractors, harvesters, sprayers, planters, seeders,
17 or spreaders. Precision farming equipment includes, but is not
18 limited to, soil testing sensors, computers, monitors,
19 software, global positioning and mapping systems, and other
20 such equipment.

21 Farm machinery and equipment also includes computers,
22 sensors, software, and related equipment used primarily in the
23 computer-assisted operation of production agriculture
24 facilities, equipment, and activities such as, but not limited
25 to, the collection, monitoring, and correlation of animal and
26 crop data for the purpose of formulating animal diets and

1 agricultural chemicals.

2 Beginning on January 1, 2024, farm machinery and equipment
3 also includes electrical power generation equipment used
4 primarily for production agriculture.

5 This item (7) is exempt from the provisions of Section
6 3-55.

7 (8) Until June 30, 2013, fuel and petroleum products sold
8 to or used by an air common carrier, certified by the carrier
9 to be used for consumption, shipment, or storage in the
10 conduct of its business as an air common carrier, for a flight
11 destined for or returning from a location or locations outside
12 the United States without regard to previous or subsequent
13 domestic stopovers.

14 Beginning July 1, 2013, fuel and petroleum products sold
15 to or used by an air carrier, certified by the carrier to be
16 used for consumption, shipment, or storage in the conduct of
17 its business as an air common carrier, for a flight that (i) is
18 engaged in foreign trade or is engaged in trade between the
19 United States and any of its possessions and (ii) transports
20 at least one individual or package for hire from the city of
21 origination to the city of final destination on the same
22 aircraft, without regard to a change in the flight number of
23 that aircraft.

24 (9) Proceeds of mandatory service charges separately
25 stated on customers' bills for the purchase and consumption of
26 food and beverages, to the extent that the proceeds of the

1 service charge are in fact turned over as tips or as a
2 substitute for tips to the employees who participate directly
3 in preparing, serving, hosting or cleaning up the food or
4 beverage function with respect to which the service charge is
5 imposed.

6 (10) Until July 1, 2003, oil field exploration, drilling,
7 and production equipment, including (i) rigs and parts of
8 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
9 pipe and tubular goods, including casing and drill strings,
10 (iii) pumps and pump-jack units, (iv) storage tanks and flow
11 lines, (v) any individual replacement part for oil field
12 exploration, drilling, and production equipment, and (vi)
13 machinery and equipment purchased for lease; but excluding
14 motor vehicles required to be registered under the Illinois
15 Vehicle Code.

16 (11) Photoprocessing machinery and equipment, including
17 repair and replacement parts, both new and used, including
18 that manufactured on special order, certified by the purchaser
19 to be used primarily for photoprocessing, and including
20 photoprocessing machinery and equipment purchased for lease.

21 (12) Until July 1, 2028, coal and aggregate exploration,
22 mining, off-highway hauling, processing, maintenance, and
23 reclamation equipment, including replacement parts and
24 equipment, and including equipment purchased for lease, but
25 excluding motor vehicles required to be registered under the
26 Illinois Vehicle Code. The changes made to this Section by

1 Public Act 97-767 apply on and after July 1, 2003, but no claim
2 for credit or refund is allowed on or after August 16, 2013
3 (the effective date of Public Act 98-456) for such taxes paid
4 during the period beginning July 1, 2003 and ending on August
5 16, 2013 (the effective date of Public Act 98-456).

6 (13) Beginning January 1, 1992 and through June 30, 2016,
7 food for human consumption that is to be consumed off the
8 premises where it is sold (other than alcoholic beverages,
9 soft drinks and food that has been prepared for immediate
10 consumption) and prescription and non-prescription medicines,
11 drugs, medical appliances, and insulin, urine testing
12 materials, syringes, and needles used by diabetics, for human
13 use, when purchased for use by a person receiving medical
14 assistance under Article V of the Illinois Public Aid Code who
15 resides in a licensed long-term care facility, as defined in
16 the Nursing Home Care Act, or in a licensed facility as defined
17 in the ID/DD Community Care Act, the MC/DD Act, or the
18 Specialized Mental Health Rehabilitation Act of 2013.

19 (14) Semen used for artificial insemination of livestock
20 for direct agricultural production.

21 (15) Horses, or interests in horses, registered with and
22 meeting the requirements of any of the Arabian Horse Club
23 Registry of America, Appaloosa Horse Club, American Quarter
24 Horse Association, United States Trotting Association, or
25 Jockey Club, as appropriate, used for purposes of breeding or
26 racing for prizes. This item (15) is exempt from the

1 provisions of Section 3-55, and the exemption provided for
2 under this item (15) applies for all periods beginning May 30,
3 1995, but no claim for credit or refund is allowed on or after
4 January 1, 2008 (the effective date of Public Act 95-88) for
5 such taxes paid during the period beginning May 30, 2000 and
6 ending on January 1, 2008 (the effective date of Public Act
7 95-88).

8 (16) Computers and communications equipment utilized for
9 any hospital purpose and equipment used in the diagnosis,
10 analysis, or treatment of hospital patients sold to a lessor
11 who leases the equipment, under a lease of one year or longer
12 executed or in effect at the time of the purchase, to a
13 hospital that has been issued an active tax exemption
14 identification number by the Department under Section 1g of
15 the Retailers' Occupation Tax Act.

16 (17) Personal property sold to a lessor who leases the
17 property, under a lease of one year or longer executed or in
18 effect at the time of the purchase, to a governmental body that
19 has been issued an active tax exemption identification number
20 by the Department under Section 1g of the Retailers'
21 Occupation Tax Act.

22 (18) Beginning with taxable years ending on or after
23 December 31, 1995 and ending with taxable years ending on or
24 before December 31, 2004, personal property that is donated
25 for disaster relief to be used in a State or federally declared
26 disaster area in Illinois or bordering Illinois by a

1 manufacturer or retailer that is registered in this State to a
2 corporation, society, association, foundation, or institution
3 that has been issued a sales tax exemption identification
4 number by the Department that assists victims of the disaster
5 who reside within the declared disaster area.

6 (19) Beginning with taxable years ending on or after
7 December 31, 1995 and ending with taxable years ending on or
8 before December 31, 2004, personal property that is used in
9 the performance of infrastructure repairs in this State,
10 including, but not limited to, municipal roads and streets,
11 access roads, bridges, sidewalks, waste disposal systems,
12 water and sewer line extensions, water distribution and
13 purification facilities, storm water drainage and retention
14 facilities, and sewage treatment facilities, resulting from a
15 State or federally declared disaster in Illinois or bordering
16 Illinois when such repairs are initiated on facilities located
17 in the declared disaster area within 6 months after the
18 disaster.

19 (20) Beginning July 1, 1999, game or game birds sold at a
20 "game breeding and hunting preserve area" as that term is used
21 in the Wildlife Code. This paragraph is exempt from the
22 provisions of Section 3-55.

23 (21) A motor vehicle, as that term is defined in Section
24 1-146 of the Illinois Vehicle Code, that is donated to a
25 corporation, limited liability company, society, association,
26 foundation, or institution that is determined by the

1 Department to be organized and operated exclusively for
2 educational purposes. For purposes of this exemption, "a
3 corporation, limited liability company, society, association,
4 foundation, or institution organized and operated exclusively
5 for educational purposes" means all tax-supported public
6 schools, private schools that offer systematic instruction in
7 useful branches of learning by methods common to public
8 schools and that compare favorably in their scope and
9 intensity with the course of study presented in tax-supported
10 schools, and vocational or technical schools or institutes
11 organized and operated exclusively to provide a course of
12 study of not less than 6 weeks duration and designed to prepare
13 individuals to follow a trade or to pursue a manual,
14 technical, mechanical, industrial, business, or commercial
15 occupation.

16 (22) Beginning January 1, 2000, personal property,
17 including food, purchased through fundraising events for the
18 benefit of a public or private elementary or secondary school,
19 a group of those schools, or one or more school districts if
20 the events are sponsored by an entity recognized by the school
21 district that consists primarily of volunteers and includes
22 parents and teachers of the school children. This paragraph
23 does not apply to fundraising events (i) for the benefit of
24 private home instruction or (ii) for which the fundraising
25 entity purchases the personal property sold at the events from
26 another individual or entity that sold the property for the

1 purpose of resale by the fundraising entity and that profits
2 from the sale to the fundraising entity. This paragraph is
3 exempt from the provisions of Section 3-55.

4 (23) Beginning January 1, 2000 and through December 31,
5 2001, new or used automatic vending machines that prepare and
6 serve hot food and beverages, including coffee, soup, and
7 other items, and replacement parts for these machines.
8 Beginning January 1, 2002 and through June 30, 2003, machines
9 and parts for machines used in commercial, coin-operated
10 amusement and vending business if a use or occupation tax is
11 paid on the gross receipts derived from the use of the
12 commercial, coin-operated amusement and vending machines. This
13 paragraph is exempt from the provisions of Section 3-55.

14 (24) Beginning on August 2, 2001 (the effective date of
15 Public Act 92-227), computers and communications equipment
16 utilized for any hospital purpose and equipment used in the
17 diagnosis, analysis, or treatment of hospital patients sold to
18 a lessor who leases the equipment, under a lease of one year or
19 longer executed or in effect at the time of the purchase, to a
20 hospital that has been issued an active tax exemption
21 identification number by the Department under Section 1g of
22 the Retailers' Occupation Tax Act. This paragraph is exempt
23 from the provisions of Section 3-55.

24 (25) Beginning on August 2, 2001 (the effective date of
25 Public Act 92-227), personal property sold to a lessor who
26 leases the property, under a lease of one year or longer

1 executed or in effect at the time of the purchase, to a
2 governmental body that has been issued an active tax exemption
3 identification number by the Department under Section 1g of
4 the Retailers' Occupation Tax Act. This paragraph is exempt
5 from the provisions of Section 3-55.

6 (26) Beginning on January 1, 2002 and through June 30,
7 2016, tangible personal property purchased from an Illinois
8 retailer by a taxpayer engaged in centralized purchasing
9 activities in Illinois who will, upon receipt of the property
10 in Illinois, temporarily store the property in Illinois (i)
11 for the purpose of subsequently transporting it outside this
12 State for use or consumption thereafter solely outside this
13 State or (ii) for the purpose of being processed, fabricated,
14 or manufactured into, attached to, or incorporated into other
15 tangible personal property to be transported outside this
16 State and thereafter used or consumed solely outside this
17 State. The Director of Revenue shall, pursuant to rules
18 adopted in accordance with the Illinois Administrative
19 Procedure Act, issue a permit to any taxpayer in good standing
20 with the Department who is eligible for the exemption under
21 this paragraph (26). The permit issued under this paragraph
22 (26) shall authorize the holder, to the extent and in the
23 manner specified in the rules adopted under this Act, to
24 purchase tangible personal property from a retailer exempt
25 from the taxes imposed by this Act. Taxpayers shall maintain
26 all necessary books and records to substantiate the use and

1 consumption of all such tangible personal property outside of
2 the State of Illinois.

3 (27) Beginning January 1, 2008, tangible personal property
4 used in the construction or maintenance of a community water
5 supply, as defined under Section 3.145 of the Environmental
6 Protection Act, that is operated by a not-for-profit
7 corporation that holds a valid water supply permit issued
8 under Title IV of the Environmental Protection Act. This
9 paragraph is exempt from the provisions of Section 3-55.

10 (28) Tangible personal property sold to a
11 public-facilities corporation, as described in Section
12 11-65-10 of the Illinois Municipal Code, for purposes of
13 constructing or furnishing a municipal convention hall, but
14 only if the legal title to the municipal convention hall is
15 transferred to the municipality without any further
16 consideration by or on behalf of the municipality at the time
17 of the completion of the municipal convention hall or upon the
18 retirement or redemption of any bonds or other debt
19 instruments issued by the public-facilities corporation in
20 connection with the development of the municipal convention
21 hall. This exemption includes existing public-facilities
22 corporations as provided in Section 11-65-25 of the Illinois
23 Municipal Code. This paragraph is exempt from the provisions
24 of Section 3-55.

25 (29) Beginning January 1, 2010 and continuing through
26 December 31, 2029, materials, parts, equipment, components,

1 and furnishings incorporated into or upon an aircraft as part
2 of the modification, refurbishment, completion, replacement,
3 repair, or maintenance of the aircraft. This exemption
4 includes consumable supplies used in the modification,
5 refurbishment, completion, replacement, repair, and
6 maintenance of aircraft. However, until January 1, 2024, this
7 exemption excludes any materials, parts, equipment,
8 components, and consumable supplies used in the modification,
9 replacement, repair, and maintenance of aircraft engines or
10 power plants, whether such engines or power plants are
11 installed or uninstalled upon any such aircraft. "Consumable
12 supplies" include, but are not limited to, adhesive, tape,
13 sandpaper, general purpose lubricants, cleaning solution,
14 latex gloves, and protective films.

15 Beginning January 1, 2010 and continuing through December
16 31, 2023, this exemption applies only to the transfer of
17 qualifying tangible personal property incident to the
18 modification, refurbishment, completion, replacement, repair,
19 or maintenance of an aircraft by persons who (i) hold an Air
20 Agency Certificate and are empowered to operate an approved
21 repair station by the Federal Aviation Administration, (ii)
22 have a Class IV Rating, and (iii) conduct operations in
23 accordance with Part 145 of the Federal Aviation Regulations.
24 The exemption does not include aircraft operated by a
25 commercial air carrier providing scheduled passenger air
26 service pursuant to authority issued under Part 121 or Part

1 129 of the Federal Aviation Regulations. From January 1, 2024
2 through December 31, 2029, this exemption applies only to the
3 transfer of qualifying tangible personal property incident to:
4 (A) the modification, refurbishment, completion, repair,
5 replacement, or maintenance of an aircraft by persons who (i)
6 hold an Air Agency Certificate and are empowered to operate an
7 approved repair station by the Federal Aviation
8 Administration, (ii) have a Class IV Rating, and (iii) conduct
9 operations in accordance with Part 145 of the Federal Aviation
10 Regulations; and (B) the modification, replacement, repair,
11 and maintenance of aircraft engines or power plants without
12 regard to whether or not those persons meet the qualifications
13 of item (A).

14 The changes made to this paragraph (29) by Public Act
15 98-534 are declarative of existing law. It is the intent of the
16 General Assembly that the exemption under this paragraph (29)
17 applies continuously from January 1, 2010 through December 31,
18 2024; however, no claim for credit or refund is allowed for
19 taxes paid as a result of the disallowance of this exemption on
20 or after January 1, 2015 and prior to February 5, 2020 (the
21 effective date of Public Act 101-629).

22 (30) Beginning January 1, 2017 and through December 31,
23 2026, menstrual pads, tampons, and menstrual cups.

24 (31) Tangible personal property transferred to a purchaser
25 who is exempt from tax by operation of federal law. This
26 paragraph is exempt from the provisions of Section 3-55.

1 (32) Qualified tangible personal property used in the
2 construction or operation of a data center that has been
3 granted a certificate of exemption by the Department of
4 Commerce and Economic Opportunity, whether that tangible
5 personal property is purchased by the owner, operator, or
6 tenant of the data center or by a contractor or subcontractor
7 of the owner, operator, or tenant. Data centers that would
8 have qualified for a certificate of exemption prior to January
9 1, 2020 had Public Act 101-31 been in effect, may apply for and
10 obtain an exemption for subsequent purchases of computer
11 equipment or enabling software purchased or leased to upgrade,
12 supplement, or replace computer equipment or enabling software
13 purchased or leased in the original investment that would have
14 qualified.

15 The Department of Commerce and Economic Opportunity shall
16 grant a certificate of exemption under this item (32) to
17 qualified data centers as defined by Section 605-1025 of the
18 Department of Commerce and Economic Opportunity Law of the
19 Civil Administrative Code of Illinois.

20 For the purposes of this item (32):

21 "Data center" means a building or a series of
22 buildings rehabilitated or constructed to house working
23 servers in one physical location or multiple sites within
24 the State of Illinois.

25 "Qualified tangible personal property" means:
26 electrical systems and equipment; climate control and

1 chilling equipment and systems; mechanical systems and
2 equipment; monitoring and secure systems; emergency
3 generators; hardware; computers; servers; data storage
4 devices; network connectivity equipment; racks; cabinets;
5 telecommunications cabling infrastructure; raised floor
6 systems; peripheral components or systems; software;
7 mechanical, electrical, or plumbing systems; battery
8 systems; cooling systems and towers; temperature control
9 systems; other cabling; and other data center
10 infrastructure equipment and systems necessary to operate
11 qualified tangible personal property, including fixtures;
12 and component parts of any of the foregoing, including
13 installation, maintenance, repair, refurbishment, and
14 replacement of qualified tangible personal property to
15 generate, transform, transmit, distribute, or manage
16 electricity necessary to operate qualified tangible
17 personal property; and all other tangible personal
18 property that is essential to the operations of a computer
19 data center. The term "qualified tangible personal
20 property" also includes building materials physically
21 incorporated into the qualifying data center. To document
22 the exemption allowed under this Section, the retailer
23 must obtain from the purchaser a copy of the certificate
24 of eligibility issued by the Department of Commerce and
25 Economic Opportunity.
26 This item (32) is exempt from the provisions of Section

1 3-55.

2 (33) Beginning July 1, 2022, breast pumps, breast pump
3 collection and storage supplies, and breast pump kits. This
4 item (33) is exempt from the provisions of Section 3-55. As
5 used in this item (33):

6 "Breast pump" means an electrically controlled or
7 manually controlled pump device designed or marketed to be
8 used to express milk from a human breast during lactation,
9 including the pump device and any battery, AC adapter, or
10 other power supply unit that is used to power the pump
11 device and is packaged and sold with the pump device at the
12 time of sale.

13 "Breast pump collection and storage supplies" means
14 items of tangible personal property designed or marketed
15 to be used in conjunction with a breast pump to collect
16 milk expressed from a human breast and to store collected
17 milk until it is ready for consumption.

18 "Breast pump collection and storage supplies"
19 includes, but is not limited to: breast shields and breast
20 shield connectors; breast pump tubes and tubing adapters;
21 breast pump valves and membranes; backflow protectors and
22 backflow protector adaptors; bottles and bottle caps
23 specific to the operation of the breast pump; and breast
24 milk storage bags.

25 "Breast pump collection and storage supplies" does not
26 include: (1) bottles and bottle caps not specific to the

1 operation of the breast pump; (2) breast pump travel bags
2 and other similar carrying accessories, including ice
3 packs, labels, and other similar products; (3) breast pump
4 cleaning supplies; (4) nursing bras, bra pads, breast
5 shells, and other similar products; and (5) creams,
6 ointments, and other similar products that relieve
7 breastfeeding-related symptoms or conditions of the
8 breasts or nipples, unless sold as part of a breast pump
9 kit that is pre-packaged by the breast pump manufacturer
10 or distributor.

11 "Breast pump kit" means a kit that: (1) contains no
12 more than a breast pump, breast pump collection and
13 storage supplies, a rechargeable battery for operating the
14 breast pump, a breastmilk cooler, bottle stands, ice
15 packs, and a breast pump carrying case; and (2) is
16 pre-packaged as a breast pump kit by the breast pump
17 manufacturer or distributor.

18 (34) Tangible personal property sold by or on behalf of
19 the State Treasurer pursuant to the Revised Uniform Unclaimed
20 Property Act. This item (34) is exempt from the provisions of
21 Section 3-55.

22 (35) Beginning on January 1, 2024, tangible personal
23 property purchased by an active duty member of the armed
24 forces of the United States who presents valid military
25 identification and purchases the property using a form of
26 payment where the federal government is the payor. The member

1 of the armed forces must complete, at the point of sale, a form
2 prescribed by the Department of Revenue documenting that the
3 transaction is eligible for the exemption under this
4 paragraph. Retailers must keep the form as documentation of
5 the exemption in their records for a period of not less than 6
6 years. "Armed forces of the United States" means the United
7 States Army, Navy, Air Force, Space Force, Marine Corps, or
8 Coast Guard. This paragraph is exempt from the provisions of
9 Section 3-55.

10 (36) Beginning July 1, 2024, home-delivered meals provided
11 to Medicare or Medicaid recipients when payment is made by an
12 intermediary, such as a Medicare Administrative Contractor, a
13 Managed Care Organization, or a Medicare Advantage
14 Organization, pursuant to a government contract. This
15 paragraph (36) ~~(35)~~ is exempt from the provisions of Section
16 3-55.

17 (37) ~~(36)~~ Beginning on January 1, 2026, as further defined
18 in Section 3-10, food prepared for immediate consumption and
19 transferred incident to a sale of service subject to this Act
20 or the Service Use Tax Act by an entity licensed under the
21 Hospital Licensing Act, the Nursing Home Care Act, the
22 Assisted Living and Shared Housing Act, the ID/DD Community
23 Care Act, the MC/DD Act, the Specialized Mental Health
24 Rehabilitation Act of 2013, or the Child Care Act of 1969 or by
25 an entity that holds a permit issued pursuant to the Life Care
26 Facilities Act. This item (37) ~~(36)~~ is exempt from the

1 provisions of Section 3-55.

2 (38) ~~(37)~~ Beginning on January 1, 2026, as further defined
3 in Section 3-10, food for human consumption that is to be
4 consumed off the premises where it is sold (other than
5 alcoholic beverages, food consisting of or infused with adult
6 use cannabis, soft drinks, candy, and food that has been
7 prepared for immediate consumption). This item (38) ~~(37)~~ is
8 exempt from the provisions of Section 3-55.

9 (39) ~~(36)~~ The lease of the following tangible personal
10 property:

11 (1) computer software transferred subject to a license
12 that meets the following requirements:

13 (A) it is evidenced by a written agreement signed
14 by the licensor and the customer;

15 (i) an electronic agreement in which the
16 customer accepts the license by means of an
17 electronic signature that is verifiable and can be
18 authenticated and is attached to or made part of
19 the license will comply with this requirement;

20 (ii) a license agreement in which the customer
21 electronically accepts the terms by clicking "I
22 agree" does not comply with this requirement;

23 (B) it restricts the customer's duplication and
24 use of the software;

25 (C) it prohibits the customer from licensing,
26 sublicensing, or transferring the software to a third

1 party (except to a related party) without the
2 permission and continued control of the licensor;

3 (D) the licensor has a policy of providing another
4 copy at minimal or no charge if the customer loses or
5 damages the software, or of permitting the licensee to
6 make and keep an archival copy, and such policy is
7 either stated in the license agreement, supported by
8 the licensor's books and records, or supported by a
9 notarized statement made under penalties of perjury by
10 the licensor; and

11 (E) the customer must destroy or return all copies
12 of the software to the licensor at the end of the
13 license period; this provision is deemed to be met, in
14 the case of a perpetual license, without being set
15 forth in the license agreement; and

16 (2) property that is subject to a tax on lease
17 receipts imposed by a home rule unit of local government
18 if the ordinance imposing that tax was adopted prior to
19 January 1, 2023.

20 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,
21 Section 70-15, eff. 4-19-22; 102-700, Article 75, Section
22 75-15, eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,
23 Section 5-15, eff. 6-7-23; 103-9, Article 15, Section 15-15,
24 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;
25 103-592, eff. 1-1-25; 103-605, eff. 7-1-24; 103-643, eff.
26 7-1-24; 103-746, eff. 1-1-25; 103-781, eff. 8-5-24; 103-995,

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

2 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

3 Sec. 3-10. Rate of tax. Unless otherwise provided in this
4 Section, the tax imposed by this Act is at the rate of 6.25% of
5 the "selling price", as defined in Section 2 of the Service Use
6 Tax Act, of the tangible personal property, including, on and
7 after January 1, 2025, tangible personal property transferred
8 by lease. For the purpose of computing this tax, in no event
9 shall the "selling price" be less than the cost price to the
10 serviceman of the tangible personal property transferred. The
11 selling price of each item of tangible personal property
12 transferred as an incident of a sale of service may be shown as
13 a distinct and separate item on the serviceman's billing to
14 the service customer. If the selling price is not so shown, the
15 selling price of the tangible personal property is deemed to
16 be 50% of the serviceman's entire billing to the service
17 customer. When, however, a serviceman contracts to design,
18 develop, and produce special order machinery or equipment, the
19 tax imposed by this Act shall be based on the serviceman's cost
20 price of the tangible personal property transferred incident
21 to the completion of the contract.

22 Beginning on July 1, 2000 and through December 31, 2000,
23 with respect to motor fuel, as defined in Section 1.1 of the
24 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
25 the Use Tax Act, the tax is imposed at the rate of 1.25%.

1 With respect to gasohol, as defined in the Use Tax Act, the
2 tax imposed by this Act shall apply to (i) 70% of the cost
3 price of property transferred as an incident to the sale of
4 service on or after January 1, 1990, and before July 1, 2003,
5 (ii) 80% of the selling price of property transferred as an
6 incident to the sale of service on or after July 1, 2003 and on
7 or before July 1, 2017, (iii) 100% of the selling price of
8 property transferred as an incident to the sale of service
9 after July 1, 2017 and prior to January 1, 2024, (iv) 90% of
10 the selling price of property transferred as an incident to
11 the sale of service on or after January 1, 2024 and on or
12 before December 31, 2028, and (v) 100% of the selling price of
13 property transferred as an incident to the sale of service
14 after December 31, 2028. If, at any time, however, the tax
15 under this Act on sales of gasohol, as defined in the Use Tax
16 Act, is imposed at the rate of 1.25%, then the tax imposed by
17 this Act applies to 100% of the proceeds of sales of gasohol
18 made during that time.

19 With respect to mid-range ethanol blends, as defined in
20 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
21 applies to (i) 80% of the selling price of property
22 transferred as an incident to the sale of service on or after
23 January 1, 2024 and on or before December 31, 2028 and (ii)
24 100% of the selling price of property transferred as an
25 incident to the sale of service after December 31, 2028. If, at
26 any time, however, the tax under this Act on sales of mid-range

1 ethanol blends is imposed at the rate of 1.25%, then the tax
2 imposed by this Act applies to 100% of the selling price of
3 mid-range ethanol blends transferred as an incident to the
4 sale of service during that time.

5 With respect to majority blended ethanol fuel, as defined
6 in the Use Tax Act, the tax imposed by this Act does not apply
7 to the selling price of property transferred as an incident to
8 the sale of service on or after July 1, 2003 and on or before
9 December 31, 2028 but applies to 100% of the selling price
10 thereafter.

11 With respect to biodiesel blends, as defined in the Use
12 Tax Act, with no less than 1% and no more than 10% biodiesel,
13 the tax imposed by this Act applies to (i) 80% of the selling
14 price of property transferred as an incident to the sale of
15 service on or after July 1, 2003 and on or before December 31,
16 2018 and (ii) 100% of the proceeds of the selling price after
17 December 31, 2018 and before January 1, 2024. On and after
18 January 1, 2024 and on or before December 31, 2030, the
19 taxation of biodiesel, renewable diesel, and biodiesel blends
20 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
21 at any time, however, the tax under this Act on sales of
22 biodiesel blends, as defined in the Use Tax Act, with no less
23 than 1% and no more than 10% biodiesel is imposed at the rate
24 of 1.25%, then the tax imposed by this Act applies to 100% of
25 the proceeds of sales of biodiesel blends with no less than 1%
26 and no more than 10% biodiesel made during that time.

1 With respect to biodiesel, as defined in the Use Tax Act,
2 and biodiesel blends, as defined in the Use Tax Act, with more
3 than 10% but no more than 99% biodiesel material, the tax
4 imposed by this Act does not apply to the proceeds of the
5 selling price of property transferred as an incident to the
6 sale of service on or after July 1, 2003 and on or before
7 December 31, 2023. On and after January 1, 2024 and on or
8 before December 31, 2030, the taxation of biodiesel, renewable
9 diesel, and biodiesel blends shall be as provided in Section
10 3-5.1 of the Use Tax Act.

11 At the election of any registered serviceman made for each
12 fiscal year, sales of service in which the aggregate annual
13 cost price of tangible personal property transferred as an
14 incident to the sales of service is less than 35%, or 75% in
15 the case of servicemen transferring prescription drugs or
16 servicemen engaged in graphic arts production, of the
17 aggregate annual total gross receipts from all sales of
18 service, the tax imposed by this Act shall be based on the
19 serviceman's cost price of the tangible personal property
20 transferred incident to the sale of those services.

21 Until July 1, 2022 and from July 1, 2023 through December
22 31, 2025, the tax shall be imposed at the rate of 1% on food
23 prepared for immediate consumption and transferred incident to
24 a sale of service subject to this Act or the Service Use Tax
25 Act by an entity licensed under the Hospital Licensing Act,
26 the Nursing Home Care Act, the Assisted Living and Shared

1 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
2 Specialized Mental Health Rehabilitation Act of 2013, or the
3 Child Care Act of 1969, or an entity that holds a permit issued
4 pursuant to the Life Care Facilities Act. Until July 1, 2022
5 and from July 1, 2023 through December 31, 2025, the tax shall
6 also be imposed at the rate of 1% on food for human consumption
7 that is to be consumed off the premises where it is sold (other
8 than alcoholic beverages, food consisting of or infused with
9 adult use cannabis, soft drinks, and food that has been
10 prepared for immediate consumption and is not otherwise
11 included in this paragraph).

12 Beginning on July 1, 2022 and until July 1, 2023, the tax
13 shall be imposed at the rate of 0% on food prepared for
14 immediate consumption and transferred incident to a sale of
15 service subject to this Act or the Service Use Tax Act by an
16 entity licensed under the Hospital Licensing Act, the Nursing
17 Home Care Act, the Assisted Living and Shared Housing Act, the
18 ID/DD Community Care Act, the MC/DD Act, the Specialized
19 Mental Health Rehabilitation Act of 2013, or the Child Care
20 Act of 1969, or an entity that holds a permit issued pursuant
21 to the Life Care Facilities Act. Beginning July 1, 2022 and
22 until July 1, 2023, the tax shall also be imposed at the rate
23 of 0% on food for human consumption that is to be consumed off
24 the premises where it is sold (other than alcoholic beverages,
25 food consisting of or infused with adult use cannabis, soft
26 drinks, and food that has been prepared for immediate

1 consumption and is not otherwise included in this paragraph).

2 On and after January 1, 2026, food prepared for immediate
3 consumption and transferred incident to a sale of service
4 subject to this Act or the Service Use Tax Act by an entity
5 licensed under the Hospital Licensing Act, the Nursing Home
6 Care Act, the Assisted Living and Shared Housing Act, the
7 ID/DD Community Care Act, the MC/DD Act, the Specialized
8 Mental Health Rehabilitation Act of 2013, or the Child Care
9 Act of 1969, or an entity that holds a permit issued pursuant
10 to the Life Care Facilities Act is exempt from the tax imposed
11 by this Act. On and after January 1, 2026, food for human
12 consumption that is to be consumed off the premises where it is
13 sold (other than alcoholic beverages, food consisting of or
14 infused with adult use cannabis, soft drinks, candy, and food
15 that has been prepared for immediate consumption and is not
16 otherwise included in this paragraph) is exempt from the tax
17 imposed by this Act.

18 The tax shall be imposed at the rate of 1% on prescription
19 and nonprescription medicines, drugs, medical appliances,
20 products classified as Class III medical devices by the United
21 States Food and Drug Administration that are used for cancer
22 treatment pursuant to a prescription, as well as any
23 accessories and components related to those devices,
24 modifications to a motor vehicle for the purpose of rendering
25 it usable by a person with a disability, and insulin, blood
26 sugar testing materials, syringes, and needles used by human

1 diabetics. For the purposes of this Section, until September
2 1, 2009: the term "soft drinks" means any complete, finished,
3 ready-to-use, non-alcoholic drink, whether carbonated or not,
4 including, but not limited to, soda water, cola, fruit juice,
5 vegetable juice, carbonated water, and all other preparations
6 commonly known as soft drinks of whatever kind or description
7 that are contained in any closed or sealed can, carton, or
8 container, regardless of size; but "soft drinks" does not
9 include coffee, tea, non-carbonated water, infant formula,
10 milk or milk products as defined in the Grade A Pasteurized
11 Milk and Milk Products Act, or drinks containing 50% or more
12 natural fruit or vegetable juice.

13 Notwithstanding any other provisions of this Act,
14 beginning September 1, 2009, "soft drinks" means non-alcoholic
15 beverages that contain natural or artificial sweeteners. "Soft
16 drinks" does not include beverages that contain milk or milk
17 products, soy, rice or similar milk substitutes, or greater
18 than 50% of vegetable or fruit juice by volume.

19 Until August 1, 2009, and notwithstanding any other
20 provisions of this Act, "food for human consumption that is to
21 be consumed off the premises where it is sold" includes all
22 food sold through a vending machine, except soft drinks and
23 food products that are dispensed hot from a vending machine,
24 regardless of the location of the vending machine. Beginning
25 August 1, 2009, and notwithstanding any other provisions of
26 this Act, "food for human consumption that is to be consumed

1 off the premises where it is sold" includes all food sold
2 through a vending machine, except soft drinks, candy, and food
3 products that are dispensed hot from a vending machine,
4 regardless of the location of the vending machine.

5 Notwithstanding any other provisions of this Act,
6 beginning September 1, 2009, "food for human consumption that
7 is to be consumed off the premises where it is sold" does not
8 include candy. For purposes of this Section, "candy" means a
9 preparation of sugar, honey, or other natural or artificial
10 sweeteners in combination with chocolate, fruits, nuts or
11 other ingredients or flavorings in the form of bars, drops, or
12 pieces. "Candy" does not include any preparation that contains
13 flour or requires refrigeration.

14 Notwithstanding any other provisions of this Act,
15 beginning September 1, 2009, "nonprescription medicines and
16 drugs" does not include grooming and hygiene products. For
17 purposes of this Section, "grooming and hygiene products"
18 includes, but is not limited to, soaps and cleaning solutions,
19 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
20 lotions and screens, unless those products are available by
21 prescription only, regardless of whether the products meet the
22 definition of "over-the-counter-drugs". For the purposes of
23 this paragraph, "over-the-counter-drug" means a drug for human
24 use that contains a label that identifies the product as a drug
25 as required by 21 CFR 201.66. The "over-the-counter-drug"
26 label includes:

1 (A) a "Drug Facts" panel; or

2 (B) a statement of the "active ingredient(s)" with a
3 list of those ingredients contained in the compound,
4 substance or preparation.

5 Beginning on January 1, 2014 (the effective date of Public
6 Act 98-122), "prescription and nonprescription medicines and
7 drugs" includes medical cannabis purchased from a registered
8 dispensing organization under the Compassionate Use of Medical
9 Cannabis Program Act.

10 As used in this Section, "adult use cannabis" means
11 cannabis subject to tax under the Cannabis Cultivation
12 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
13 and does not include cannabis subject to tax under the
14 Compassionate Use of Medical Cannabis Program Act.

15 (Source: P.A. 102-4, eff. 4-27-21; 102-16, eff. 6-17-21;
16 102-700, Article 20, Section 20-15, eff. 4-19-22; 102-700,
17 Article 60, Section 60-25, eff. 4-19-22; 103-9, eff. 6-7-23;
18 103-154, eff. 6-30-23; 103-592, eff. 1-1-25; 103-781, eff.
19 8-5-24; revised 11-26-24.)

20 Section 305. The Retailers' Occupation Tax Act is amended
21 by changing Sections 1, 2, 2-5, 2-10, and 2-12 as follows:

22 (35 ILCS 120/1)

23 Sec. 1. Definitions. As used in this Act:

24 "Sale at retail" means any transfer of the ownership of,

1 the title to, the possession or control of, the right to
2 possess or control, or a license to use tangible personal
3 property to a purchaser, for the purpose of use or
4 consumption, and not for the purpose of resale in any form as
5 tangible personal property to the extent not first subjected
6 to a use for which it was purchased, for a valuable
7 consideration: Provided that the property purchased is deemed
8 to be purchased for the purpose of resale, despite first being
9 used, to the extent to which it is resold as an ingredient of
10 an intentionally produced product or byproduct of
11 manufacturing. For this purpose, slag produced as an incident
12 to manufacturing pig iron or steel and sold is considered to be
13 an intentionally produced byproduct of manufacturing.
14 Transactions whereby the possession of the property is
15 transferred but the seller retains the title as security for
16 payment of the selling price shall be deemed to be sales.

17 "Sale at retail" shall be construed to include any
18 transfer of the ownership of, the title to, the possession or
19 control of, the right to possess or control, or a license to
20 use tangible personal property to a purchaser, for use or
21 consumption by any other person to whom such purchaser may
22 transfer the tangible personal property without a valuable
23 consideration, and to include any transfer, whether made for
24 or without a valuable consideration, for resale in any form as
25 tangible personal property unless made in compliance with
26 Section 2c of this Act.

1 Sales of tangible personal property, which property, to
2 the extent not first subjected to a use for which it was
3 purchased, as an ingredient or constituent, goes into and
4 forms a part of tangible personal property subsequently the
5 subject of a "Sale at retail", are not sales at retail as
6 defined in this Act: Provided that the property purchased is
7 deemed to be purchased for the purpose of resale, despite
8 first being used, to the extent to which it is resold as an
9 ingredient of an intentionally produced product or byproduct
10 of manufacturing.

11 "Sale at retail" shall be construed to include any
12 Illinois florist's sales transaction in which the purchase
13 order is received in Illinois by a florist and the sale is for
14 use or consumption, but the Illinois florist has a florist in
15 another state deliver the property to the purchaser or the
16 purchaser's donee in such other state.

17 Nonreusable tangible personal property that is used by
18 persons engaged in the business of operating a restaurant,
19 cafeteria, or drive-in is a sale for resale when it is
20 transferred to customers in the ordinary course of business as
21 part of the sale of food or beverages and is used to deliver,
22 package, or consume food or beverages, regardless of where
23 consumption of the food or beverages occurs. Examples of those
24 items include, but are not limited to nonreusable, paper and
25 plastic cups, plates, baskets, boxes, sleeves, buckets or
26 other containers, utensils, straws, placemats, napkins, doggie

1 bags, and wrapping or packaging materials that are transferred
2 to customers as part of the sale of food or beverages in the
3 ordinary course of business.

4 The purchase, employment and transfer of such tangible
5 personal property as newsprint and ink for the primary purpose
6 of conveying news (with or without other information) is not a
7 purchase, use or sale of tangible personal property.

8 A person whose activities are organized and conducted
9 primarily as a not-for-profit service enterprise, and who
10 engages in selling tangible personal property at retail
11 (whether to the public or merely to members and their guests)
12 is engaged in the business of selling tangible personal
13 property at retail with respect to such transactions,
14 excepting only a person organized and operated exclusively for
15 charitable, religious or educational purposes either (1), to
16 the extent of sales by such person to its members, students,
17 patients or inmates of tangible personal property to be used
18 primarily for the purposes of such person, or (2), to the
19 extent of sales by such person of tangible personal property
20 which is not sold or offered for sale by persons organized for
21 profit. The selling of school books and school supplies by
22 schools at retail to students is not "primarily for the
23 purposes of" the school which does such selling. The
24 provisions of this paragraph shall not apply to nor subject to
25 taxation occasional dinners, socials or similar activities of
26 a person organized and operated exclusively for charitable,

1 religious or educational purposes, whether or not such
2 activities are open to the public.

3 A person who is the recipient of a grant or contract under
4 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and
5 serves meals to participants in the federal Nutrition Program
6 for the Elderly in return for contributions established in
7 amount by the individual participant pursuant to a schedule of
8 suggested fees as provided for in the federal Act is not
9 engaged in the business of selling tangible personal property
10 at retail with respect to such transactions.

11 "Lease" means a transfer of the possession or control of,
12 the right to possess or control, or a license to use, but not
13 title to, tangible personal property for a fixed or
14 indeterminate term for consideration, regardless of the name
15 by which the transaction is called. "Lease" does not include a
16 lease entered into merely as a security agreement that does
17 not involve a transfer of possession or control from the
18 lessor to the lessee.

19 On and after January 1, 2025, the term "sale", when used in
20 this Act, includes a lease.

21 "Purchaser" means anyone who, through a sale at retail,
22 acquires the ownership of, the title to, the possession or
23 control of, the right to possess or control, or a license to
24 use tangible personal property for a valuable consideration.

25 "Reseller of motor fuel" means any person engaged in the
26 business of selling or delivering or transferring title of

1 motor fuel to another person other than for use or
2 consumption. No person shall act as a reseller of motor fuel
3 within this State without first being registered as a reseller
4 pursuant to Section 2c or a retailer pursuant to Section 2a.

5 "Selling price" or the "amount of sale" means the
6 consideration for a sale valued in money whether received in
7 money or otherwise, including cash, credits, property, other
8 than as hereinafter provided, and services, but, prior to
9 January 1, 2020 and beginning again on January 1, 2022, not
10 including the value of or credit given for traded-in tangible
11 personal property where the item that is traded-in is of like
12 kind and character as that which is being sold; beginning
13 January 1, 2020 and until January 1, 2022, "selling price"
14 includes the portion of the value of or credit given for
15 traded-in motor vehicles of the First Division as defined in
16 Section 1-146 of the Illinois Vehicle Code of like kind and
17 character as that which is being sold that exceeds \$10,000.

18 "Selling price" shall be determined without any deduction on
19 account of the cost of the property sold, the cost of materials
20 used, labor or service cost or any other expense whatsoever,
21 but does not include charges that are added to prices by
22 sellers on account of the seller's tax liability under this
23 Act, or on account of the seller's duty to collect, from the
24 purchaser, the tax that is imposed by the Use Tax Act, or,
25 except as otherwise provided with respect to any cigarette tax
26 imposed by a home rule unit, on account of the seller's tax

1 liability under any local occupation tax administered by the
2 Department, or, except as otherwise provided with respect to
3 any cigarette tax imposed by a home rule unit on account of the
4 seller's duty to collect, from the purchasers, the tax that is
5 imposed under any local use tax administered by the
6 Department. Effective December 1, 1985, "selling price" shall
7 include charges that are added to prices by sellers on account
8 of the seller's tax liability under the Cigarette Tax Act, on
9 account of the sellers' duty to collect, from the purchaser,
10 the tax imposed under the Cigarette Use Tax Act, and on account
11 of the seller's duty to collect, from the purchaser, any
12 cigarette tax imposed by a home rule unit.

13 The provisions of this paragraph, which provides only for
14 an alternative meaning of "selling price" with respect to the
15 sale of certain motor vehicles incident to the contemporaneous
16 lease of those motor vehicles, continue in effect and are not
17 changed by the tax on leases implemented by Public Act 103-592
18 ~~this amendatory Act of the 103rd General Assembly.~~
19 Notwithstanding any law to the contrary, for any motor
20 vehicle, as defined in Section 1-146 of the Illinois Vehicle
21 Code, that is sold on or after January 1, 2015 for the purpose
22 of leasing the vehicle for a defined period that is longer than
23 one year and (1) is a motor vehicle of the second division
24 that: (A) is a self-contained motor vehicle designed or
25 permanently converted to provide living quarters for
26 recreational, camping, or travel use, with direct walk through

1 access to the living quarters from the driver's seat; (B) is of
2 the van configuration designed for the transportation of not
3 less than 7 nor more than 16 passengers; or (C) has a gross
4 vehicle weight rating of 8,000 pounds or less or (2) is a motor
5 vehicle of the first division, "selling price" or "amount of
6 sale" means the consideration received by the lessor pursuant
7 to the lease contract, including amounts due at lease signing
8 and all monthly or other regular payments charged over the
9 term of the lease. Also included in the selling price is any
10 amount received by the lessor from the lessee for the leased
11 vehicle that is not calculated at the time the lease is
12 executed, including, but not limited to, excess mileage
13 charges and charges for excess wear and tear. For sales that
14 occur in Illinois, with respect to any amount received by the
15 lessor from the lessee for the leased vehicle that is not
16 calculated at the time the lease is executed, the lessor who
17 purchased the motor vehicle does not incur the tax imposed by
18 the Use Tax Act on those amounts, and the retailer who makes
19 the retail sale of the motor vehicle to the lessor is not
20 required to collect the tax imposed by the Use Tax Act or to
21 pay the tax imposed by this Act on those amounts. However, the
22 lessor who purchased the motor vehicle assumes the liability
23 for reporting and paying the tax on those amounts directly to
24 the Department in the same form (Illinois Retailers'
25 Occupation Tax, and local retailers' occupation taxes, if
26 applicable) in which the retailer would have reported and paid

1 such tax if the retailer had accounted for the tax to the
2 Department. For amounts received by the lessor from the lessee
3 that are not calculated at the time the lease is executed, the
4 lessor must file the return and pay the tax to the Department
5 by the due date otherwise required by this Act for returns
6 other than transaction returns. If the retailer is entitled
7 under this Act to a discount for collecting and remitting the
8 tax imposed under this Act to the Department with respect to
9 the sale of the motor vehicle to the lessor, then the right to
10 the discount provided in this Act shall be transferred to the
11 lessor with respect to the tax paid by the lessor for any
12 amount received by the lessor from the lessee for the leased
13 vehicle that is not calculated at the time the lease is
14 executed; provided that the discount is only allowed if the
15 return is timely filed and for amounts timely paid. The
16 "selling price" of a motor vehicle that is sold on or after
17 January 1, 2015 for the purpose of leasing for a defined period
18 of longer than one year shall not be reduced by the value of or
19 credit given for traded-in tangible personal property owned by
20 the lessor, nor shall it be reduced by the value of or credit
21 given for traded-in tangible personal property owned by the
22 lessee, regardless of whether the trade-in value thereof is
23 assigned by the lessee to the lessor. In the case of a motor
24 vehicle that is sold for the purpose of leasing for a defined
25 period of longer than one year, the sale occurs at the time of
26 the delivery of the vehicle, regardless of the due date of any

1 lease payments. A lessor who incurs a Retailers' Occupation
2 Tax liability on the sale of a motor vehicle coming off lease
3 may not take a credit against that liability for the Use Tax
4 the lessor paid upon the purchase of the motor vehicle (or for
5 any tax the lessor paid with respect to any amount received by
6 the lessor from the lessee for the leased vehicle that was not
7 calculated at the time the lease was executed) if the selling
8 price of the motor vehicle at the time of purchase was
9 calculated using the definition of "selling price" as defined
10 in this paragraph. Notwithstanding any other provision of this
11 Act to the contrary, lessors shall file all returns and make
12 all payments required under this paragraph to the Department
13 by electronic means in the manner and form as required by the
14 Department. This paragraph does not apply to leases of motor
15 vehicles for which, at the time the lease is entered into, the
16 term of the lease is not a defined period, including leases
17 with a defined initial period with the option to continue the
18 lease on a month-to-month or other basis beyond the initial
19 defined period.

20 The phrase "like kind and character" shall be liberally
21 construed (including but not limited to any form of motor
22 vehicle for any form of motor vehicle, or any kind of farm or
23 agricultural implement for any other kind of farm or
24 agricultural implement), while not including a kind of item
25 which, if sold at retail by that retailer, would be exempt from
26 retailers' occupation tax and use tax as an isolated or

1 occasional sale.

2 "Gross receipts" from the sales of tangible personal
3 property at retail means the total selling price or the amount
4 of such sales, as hereinbefore defined. In the case of charge
5 and time sales, the amount thereof shall be included only as
6 and when payments are received by the seller. In the case of
7 leases, except as otherwise provided in this Act, the amount
8 thereof shall be included only as and when gross receipts are
9 received by the lessor. Receipts or other consideration
10 derived by a seller from the sale, transfer or assignment of
11 accounts receivable to a wholly owned subsidiary will not be
12 deemed payments prior to the time the purchaser makes payment
13 on such accounts.

14 "Department" means the Department of Revenue.

15 "Person" means any natural individual, firm, partnership,
16 association, joint stock company, joint adventure, public or
17 private corporation, limited liability company, or a receiver,
18 executor, trustee, guardian or other representative appointed
19 by order of any court.

20 The isolated or occasional sale of tangible personal
21 property at retail by a person who does not hold himself out as
22 being engaged (or who does not habitually engage) in selling
23 such tangible personal property at retail, or a sale through a
24 bulk vending machine, does not constitute engaging in a
25 business of selling such tangible personal property at retail
26 within the meaning of this Act; provided that any person who is

1 engaged in a business which is not subject to the tax imposed
2 by this Act because of involving the sale of or a contract to
3 sell real estate or a construction contract to improve real
4 estate or a construction contract to engineer, install, and
5 maintain an integrated system of products, but who, in the
6 course of conducting such business, transfers tangible
7 personal property to users or consumers in the finished form
8 in which it was purchased, and which does not become real
9 estate or was not engineered and installed, under any
10 provision of a construction contract or real estate sale or
11 real estate sales agreement entered into with some other
12 person arising out of or because of such nontaxable business,
13 is engaged in the business of selling tangible personal
14 property at retail to the extent of the value of the tangible
15 personal property so transferred. If, in such a transaction, a
16 separate charge is made for the tangible personal property so
17 transferred, the value of such property, for the purpose of
18 this Act, shall be the amount so separately charged, but not
19 less than the cost of such property to the transferor; if no
20 separate charge is made, the value of such property, for the
21 purposes of this Act, is the cost to the transferor of such
22 tangible personal property. Construction contracts for the
23 improvement of real estate consisting of engineering,
24 installation, and maintenance of voice, data, video, security,
25 and all telecommunication systems do not constitute engaging
26 in a business of selling tangible personal property at retail

1 within the meaning of this Act if they are sold at one
2 specified contract price.

3 A person who holds himself or herself out as being engaged
4 (or who habitually engages) in selling tangible personal
5 property at retail is a person engaged in the business of
6 selling tangible personal property at retail hereunder with
7 respect to such sales (and not primarily in a service
8 occupation) notwithstanding the fact that such person designs
9 and produces such tangible personal property on special order
10 for the purchaser and in such a way as to render the property
11 of value only to such purchaser, if such tangible personal
12 property so produced on special order serves substantially the
13 same function as stock or standard items of tangible personal
14 property that are sold at retail.

15 Persons who engage in the business of transferring
16 tangible personal property upon the redemption of trading
17 stamps are engaged in the business of selling such property at
18 retail and shall be liable for and shall pay the tax imposed by
19 this Act on the basis of the retail value of the property
20 transferred upon redemption of such stamps.

21 "Bulk vending machine" means a vending machine, containing
22 unsorted confections, nuts, toys, or other items designed
23 primarily to be used or played with by children which, when a
24 coin or coins of a denomination not larger than \$0.50 are
25 inserted, are dispensed in equal portions, at random and
26 without selection by the customer.

1 "Remote retailer" means a retailer that does not maintain
2 within this State, directly or by a subsidiary, an office,
3 distribution house, sales house, warehouse or other place of
4 business, or any agent or other representative operating
5 within this State under the authority of the retailer or its
6 subsidiary, irrespective of whether such place of business or
7 agent is located here permanently or temporarily or whether
8 such retailer or subsidiary is licensed to do business in this
9 State.

10 "Retailer maintaining a place of business in this State"
11 has the meaning given to that term in Section 2 of the Use Tax
12 Act.

13 "Marketplace" means a physical or electronic place, forum,
14 platform, application, or other method by which a marketplace
15 seller sells or offers to sell items.

16 "Marketplace facilitator" means a person who, pursuant to
17 an agreement with an unrelated third-party marketplace seller,
18 directly or indirectly through one or more affiliates
19 facilitates a retail sale by an unrelated third-party ~~third~~
20 ~~party~~ marketplace seller by:

21 (1) listing or advertising for sale by the marketplace
22 seller in a marketplace, tangible personal property that
23 is subject to tax under this Act; and

24 (2) either directly or indirectly, through agreements
25 or arrangements with third parties, collecting payment
26 from the customer and transmitting that payment to the

1 marketplace seller regardless of whether the marketplace
2 facilitator receives compensation or other consideration
3 in exchange for its services.

4 A person who provides advertising services, including
5 listing products for sale, is not considered a marketplace
6 facilitator, so long as the advertising service platform or
7 forum does not engage, directly or indirectly through one or
8 more affiliated persons, in the activities described in
9 paragraph (2) of this definition of "marketplace facilitator".

10 "Marketplace facilitator" does not include any person
11 licensed under the Auction License Act. This exemption does
12 not apply to any person who is an Internet auction listing
13 service, as defined by the Auction License Act.

14 "Marketplace seller" means a person who ~~that~~ makes sales
15 through a marketplace operated by an unrelated third-party
16 ~~third-party~~ marketplace facilitator.

17 (Source: P.A. 102-353, eff. 1-1-22; 102-634, eff. 8-27-21;
18 102-813, eff. 5-13-22; 103-592, eff. 1-1-25; 103-983, eff.
19 1-1-25; revised 11-26-24.)

20 (35 ILCS 120/2)

21 Sec. 2. Tax imposed.

22 (a) A tax is imposed upon persons engaged in the business
23 of selling at retail, which, on and after January 1, 2025,
24 includes leasing, tangible personal property, including
25 computer software, and including photographs, negatives, and

1 positives that are the product of photoprocessing, but not
2 including products of photoprocessing produced for use in
3 motion pictures for public commercial exhibition. Beginning
4 January 1, 2001, prepaid telephone calling arrangements shall
5 be considered tangible personal property subject to the tax
6 imposed under this Act regardless of the form in which those
7 arrangements may be embodied, transmitted, or fixed by any
8 method now known or hereafter developed.

9 The imposition of the tax under this Act on persons
10 engaged in the business of leasing tangible personal property
11 applies to leases in effect, entered into, or renewed on or
12 after January 1, 2025. In the case of leases, except as
13 otherwise provided in this Act, the lessor must remit, for
14 each tax return period, only the tax applicable to that part of
15 the selling price actually received during such tax return
16 period.

17 The inclusion of leases in the tax imposed under this Act
18 by Public Act 103-592 ~~this amendatory Act of the 103rd General~~
19 ~~Assembly~~ does not, however, extend to motor vehicles,
20 watercraft, aircraft, and semitrailers, as defined in Section
21 1-187 of the Illinois Vehicle Code, that are required to be
22 registered with an agency of this State. The taxation of these
23 items shall continue in effect as prior to the effective date
24 of the changes made to this Section by Public Act 103-592 ~~this~~
25 ~~amendatory Act of the 103rd General Assembly~~ (i.e., dealers
26 owe retailers' occupation tax, lessors owe use tax, and

1 lessees are not subject to retailers' occupation or use tax).

2 Sales of (1) electricity delivered to customers by wire;
3 (2) natural or artificial gas that is delivered to customers
4 through pipes, pipelines, or mains; and (3) water that is
5 delivered to customers through pipes, pipelines, or mains are
6 not subject to tax under this Act. The provisions of Public Act
7 98-583 ~~this amendatory Act of the 98th General Assembly~~ are
8 declaratory of existing law as to the meaning and scope of this
9 Act.

10 (b) Beginning on January 1, 2021, a remote retailer is
11 engaged in the occupation of selling at retail in Illinois for
12 purposes of this Act, if:

13 (1) the cumulative gross receipts from sales of
14 tangible personal property to purchasers in Illinois are
15 \$100,000 or more; or

16 (2) the retailer enters into 200 or more separate
17 transactions for the sale of tangible personal property to
18 purchasers in Illinois.

19 Remote retailers that meet or exceed the threshold in
20 either paragraph (1) or (2) above shall be liable for all
21 applicable State retailers' and locally imposed retailers'
22 occupation taxes administered by the Department on all retail
23 sales to Illinois purchasers.

24 The remote retailer shall determine on a quarterly basis,
25 ending on the last day of March, June, September, and
26 December, whether he or she meets the criteria of either

1 paragraph (1) or (2) of this subsection for the preceding
2 12-month period. If the retailer meets the criteria of either
3 paragraph (1) or (2) for a 12-month period, he or she is
4 considered a retailer maintaining a place of business in this
5 State and is required to collect and remit the tax imposed
6 under this Act and all retailers' occupation tax imposed by
7 local taxing jurisdictions in Illinois, provided such local
8 taxes are administered by the Department, and to file all
9 applicable returns for one year. At the end of that one-year
10 period, the retailer shall determine whether the retailer met
11 the criteria of either paragraph (1) or (2) for the preceding
12 12-month period. If the retailer met the criteria in either
13 paragraph (1) or (2) for the preceding 12-month period, he or
14 she is considered a retailer maintaining a place of business
15 in this State and is required to collect and remit all
16 applicable State and local retailers' occupation taxes and
17 file returns for the subsequent year. If, at the end of a
18 one-year period, a retailer that was required to collect and
19 remit the tax imposed under this Act determines that he or she
20 did not meet the criteria in either paragraph (1) or (2) during
21 the preceding 12-month period, then the retailer shall
22 subsequently determine on a quarterly basis, ending on the
23 last day of March, June, September, and December, whether he
24 or she meets the criteria of either paragraph (1) or (2) for
25 the preceding 12-month period.

26 (b-2) Beginning on January 1, 2025, a retailer maintaining

1 a place of business in this State that makes retail sales of
2 tangible personal property to Illinois customers from a
3 location or locations outside of Illinois is engaged in the
4 occupation of selling at retail in Illinois for the purposes
5 of this Act. Those retailers are liable for all applicable
6 State and locally imposed retailers' occupation taxes
7 administered by the Department on retail sales made by those
8 retailers to Illinois customers from locations outside of
9 Illinois.

10 (b-5) For the purposes of this Section, neither the gross
11 receipts from nor the number of separate transactions for
12 sales of tangible personal property to purchasers in Illinois
13 that a remote retailer makes through a marketplace facilitator
14 shall be included for the purposes of determining whether he
15 or she has met the thresholds of subsection (b) of this Section
16 so long as the remote retailer has received certification from
17 the marketplace facilitator that the marketplace facilitator
18 is legally responsible for payment of tax on such sales.

19 (b-10) A remote retailer that is required to collect taxes
20 imposed under the Use Tax Act on retail sales made to Illinois
21 purchasers or a retailer maintaining a place of business in
22 this State that is required to collect taxes imposed under the
23 Use Tax Act on retail sales made to Illinois purchasers shall
24 be liable to the Department for such taxes, except when the
25 remote retailer or retailer maintaining a place of business in
26 this State is relieved of the duty to remit such taxes by

1 virtue of having paid to the Department taxes imposed by this
2 Act in accordance with this Section upon his or her gross
3 receipts from such sales.

4 (c) Marketplace facilitators engaged in the business of
5 selling at retail tangible personal property in Illinois.
6 Beginning January 1, 2021, a marketplace facilitator is
7 engaged in the occupation of selling at retail tangible
8 personal property in Illinois for purposes of this Act if,
9 during the previous 12-month period:

10 (1) the cumulative gross receipts from sales of
11 tangible personal property on its own behalf or on behalf
12 of marketplace sellers to purchasers in Illinois equals
13 \$100,000 or more; or

14 (2) the marketplace facilitator enters into 200 or
15 more separate transactions on its own behalf or on behalf
16 of marketplace sellers for the sale of tangible personal
17 property to purchasers in Illinois, regardless of whether
18 the marketplace facilitator or marketplace sellers for
19 whom such sales are facilitated are registered as
20 retailers in this State.

21 A marketplace facilitator who meets either paragraph (1)
22 or (2) of this subsection is required to remit the applicable
23 State retailers' occupation taxes under this Act and local
24 retailers' occupation taxes administered by the Department on
25 all taxable sales of tangible personal property made by the
26 marketplace facilitator or facilitated for marketplace sellers

1 to customers in this State. A marketplace facilitator selling
2 or facilitating the sale of tangible personal property to
3 customers in this State is subject to all applicable
4 procedures and requirements of this Act.

5 The marketplace facilitator shall determine on a quarterly
6 basis, ending on the last day of March, June, September, and
7 December, whether he or she meets the criteria of either
8 paragraph (1) or (2) of this subsection for the preceding
9 12-month period. If the marketplace facilitator meets the
10 criteria of either paragraph (1) or (2) for a 12-month period,
11 he or she is considered a retailer maintaining a place of
12 business in this State and is required to remit the tax imposed
13 under this Act and all retailers' occupation tax imposed by
14 local taxing jurisdictions in Illinois, provided such local
15 taxes are administered by the Department, and to file all
16 applicable returns for one year. At the end of that one-year
17 period, the marketplace facilitator shall determine whether it
18 met the criteria of either paragraph (1) or (2) for the
19 preceding 12-month period. If the marketplace facilitator met
20 the criteria in either paragraph (1) or (2) for the preceding
21 12-month period, it is considered a retailer maintaining a
22 place of business in this State and is required to collect and
23 remit all applicable State and local retailers' occupation
24 taxes and file returns for the subsequent year. If at the end
25 of a one-year period a marketplace facilitator that was
26 required to collect and remit the tax imposed under this Act

1 determines that he or she did not meet the criteria in either
2 paragraph (1) or (2) during the preceding 12-month period, the
3 marketplace facilitator shall subsequently determine on a
4 quarterly basis, ending on the last day of March, June,
5 September, and December, whether he or she meets the criteria
6 of either paragraph (1) or (2) for the preceding 12-month
7 period.

8 A marketplace facilitator shall be entitled to any
9 credits, deductions, or adjustments to the sales price
10 otherwise provided to the marketplace seller, in addition to
11 any such adjustments provided directly to the marketplace
12 facilitator. This Section pertains to, but is not limited to,
13 adjustments such as discounts, coupons, and rebates. In
14 addition, a marketplace facilitator shall be entitled to the
15 retailers' discount provided in Section 3 of the Retailers'
16 Occupation Tax Act on all marketplace sales, and the
17 marketplace seller shall not include sales made through a
18 marketplace facilitator when computing any retailers' discount
19 on remaining sales. Marketplace facilitators shall report and
20 remit the applicable State and local retailers' occupation
21 taxes on sales facilitated for marketplace sellers separately
22 from any sales or use tax collected on taxable retail sales
23 made directly by the marketplace facilitator or its
24 affiliates.

25 The marketplace facilitator is liable for the remittance
26 of all applicable State retailers' occupation taxes under this

1 Act and local retailers' occupation taxes administered by the
2 Department on sales through the marketplace and is subject to
3 audit on all such sales. The Department shall not audit
4 marketplace sellers for their marketplace sales where a
5 marketplace facilitator remitted the applicable State and
6 local retailers' occupation taxes unless the marketplace
7 facilitator seeks relief as a result of incorrect information
8 provided to the marketplace facilitator by a marketplace
9 seller as set forth in this Section. The marketplace
10 facilitator shall not be held liable for tax on any sales made
11 by a marketplace seller that take place outside of the
12 marketplace and which are not a part of any agreement between a
13 marketplace facilitator and a marketplace seller. In addition,
14 marketplace facilitators shall not be held liable to State and
15 local governments of Illinois for having charged and remitted
16 an incorrect amount of State and local retailers' occupation
17 tax if, at the time of the sale, the tax is computed based on
18 erroneous data provided by the State in database files on tax
19 rates, boundaries, or taxing jurisdictions or incorrect
20 information provided to the marketplace facilitator by the
21 marketplace seller.

22 (d) A marketplace facilitator shall:

23 (1) certify to each marketplace seller that the
24 marketplace facilitator assumes the rights and duties of a
25 retailer under this Act with respect to sales made by the
26 marketplace seller through the marketplace; and

1 (2) remit taxes imposed by this Act as required by
2 this Act for sales made through the marketplace.

3 (e) A marketplace seller shall retain books and records
4 for all sales made through a marketplace in accordance with
5 the requirements of this Act.

6 (f) A marketplace facilitator is subject to audit on all
7 marketplace sales for which it is considered to be the
8 retailer, but shall not be liable for tax or subject to audit
9 on sales made by marketplace sellers outside of the
10 marketplace.

11 (g) A marketplace facilitator required to collect taxes
12 imposed under the Use Tax Act on marketplace sales made to
13 Illinois purchasers shall be liable to the Department for such
14 taxes, except when the marketplace facilitator is relieved of
15 the duty to remit such taxes by virtue of having paid to the
16 Department taxes imposed by this Act in accordance with this
17 Section upon his or her gross receipts from such sales.

18 (h) Nothing in this Section shall allow the Department to
19 collect retailers' occupation taxes from both the marketplace
20 facilitator and marketplace seller on the same transaction.

21 (i) If, for any reason, the Department is prohibited from
22 enforcing the marketplace facilitator's duty under this Act to
23 remit taxes pursuant to this Section, the duty to remit such
24 taxes remains with the marketplace seller.

25 (j) Nothing in this Section affects the obligation of any
26 consumer to remit use tax for any taxable transaction for

1 which a certified service provider acting on behalf of a
2 remote retailer or a marketplace facilitator does not collect
3 and remit the appropriate tax.

4 (k) Nothing in this Section shall allow the Department to
5 collect the retailers' occupation tax from both the
6 marketplace facilitator and the marketplace seller.

7 (Source: P.A. 103-592, eff. 1-1-25; 103-983, eff. 1-1-25;
8 revised 11-26-24.)

9 (35 ILCS 120/2-5)

10 Sec. 2-5. Exemptions. Gross receipts from proceeds from
11 the sale, which, on and after January 1, 2025, includes the
12 lease, of the following tangible personal property are exempt
13 from the tax imposed by this Act:

14 (1) Farm chemicals.

15 (2) Farm machinery and equipment, both new and used,
16 including that manufactured on special order, certified by
17 the purchaser to be used primarily for production
18 agriculture or State or federal agricultural programs,
19 including individual replacement parts for the machinery
20 and equipment, including machinery and equipment purchased
21 for lease, and including implements of husbandry defined
22 in Section 1-130 of the Illinois Vehicle Code, farm
23 machinery and agricultural chemical and fertilizer
24 spreaders, and nurse wagons required to be registered
25 under Section 3-809 of the Illinois Vehicle Code, but

1 excluding other motor vehicles required to be registered
2 under the Illinois Vehicle Code. Horticultural polyhouses
3 or hoop houses used for propagating, growing, or
4 overwintering plants shall be considered farm machinery
5 and equipment under this item (2). Agricultural chemical
6 tender tanks and dry boxes shall include units sold
7 separately from a motor vehicle required to be licensed
8 and units sold mounted on a motor vehicle required to be
9 licensed, if the selling price of the tender is separately
10 stated.

11 Farm machinery and equipment shall include precision
12 farming equipment that is installed or purchased to be
13 installed on farm machinery and equipment including, but
14 not limited to, tractors, harvesters, sprayers, planters,
15 seeders, or spreaders. Precision farming equipment
16 includes, but is not limited to, soil testing sensors,
17 computers, monitors, software, global positioning and
18 mapping systems, and other such equipment.

19 Farm machinery and equipment also includes computers,
20 sensors, software, and related equipment used primarily in
21 the computer-assisted operation of production agriculture
22 facilities, equipment, and activities such as, but not
23 limited to, the collection, monitoring, and correlation of
24 animal and crop data for the purpose of formulating animal
25 diets and agricultural chemicals.

26 Beginning on January 1, 2024, farm machinery and

1 equipment also includes electrical power generation
2 equipment used primarily for production agriculture.

3 This item (2) is exempt from the provisions of Section
4 2-70.

5 (3) Until July 1, 2003, distillation machinery and
6 equipment, sold as a unit or kit, assembled or installed
7 by the retailer, certified by the user to be used only for
8 the production of ethyl alcohol that will be used for
9 consumption as motor fuel or as a component of motor fuel
10 for the personal use of the user, and not subject to sale
11 or resale.

12 (4) Until July 1, 2003 and beginning again September
13 1, 2004 through August 30, 2014, graphic arts machinery
14 and equipment, including repair and replacement parts,
15 both new and used, and including that manufactured on
16 special order or purchased for lease, certified by the
17 purchaser to be used primarily for graphic arts
18 production. Equipment includes chemicals or chemicals
19 acting as catalysts but only if the chemicals or chemicals
20 acting as catalysts effect a direct and immediate change
21 upon a graphic arts product. Beginning on July 1, 2017,
22 graphic arts machinery and equipment is included in the
23 manufacturing and assembling machinery and equipment
24 exemption under paragraph (14).

25 (5) A motor vehicle that is used for automobile
26 renting, as defined in the Automobile Renting Occupation

1 and Use Tax Act. This paragraph is exempt from the
2 provisions of Section 2-70.

3 (6) Personal property sold by a teacher-sponsored
4 student organization affiliated with an elementary or
5 secondary school located in Illinois.

6 (7) Until July 1, 2003, proceeds of that portion of
7 the selling price of a passenger car the sale of which is
8 subject to the Replacement Vehicle Tax.

9 (8) Personal property sold to an Illinois county fair
10 association for use in conducting, operating, or promoting
11 the county fair.

12 (9) Personal property sold to a not-for-profit arts or
13 cultural organization that establishes, by proof required
14 by the Department by rule, that it has received an
15 exemption under Section 501(c)(3) of the Internal Revenue
16 Code and that is organized and operated primarily for the
17 presentation or support of arts or cultural programming,
18 activities, or services. These organizations include, but
19 are not limited to, music and dramatic arts organizations
20 such as symphony orchestras and theatrical groups, arts
21 and cultural service organizations, local arts councils,
22 visual arts organizations, and media arts organizations.
23 On and after July 1, 2001 (the effective date of Public Act
24 92-35), however, an entity otherwise eligible for this
25 exemption shall not make tax-free purchases unless it has
26 an active identification number issued by the Department.

1 (10) Personal property sold by a corporation, society,
2 association, foundation, institution, or organization,
3 other than a limited liability company, that is organized
4 and operated as a not-for-profit service enterprise for
5 the benefit of persons 65 years of age or older if the
6 personal property was not purchased by the enterprise for
7 the purpose of resale by the enterprise.

8 (11) Except as otherwise provided in this Section,
9 personal property sold to a governmental body, to a
10 corporation, society, association, foundation, or
11 institution organized and operated exclusively for
12 charitable, religious, or educational purposes, or to a
13 not-for-profit corporation, society, association,
14 foundation, institution, or organization that has no
15 compensated officers or employees and that is organized
16 and operated primarily for the recreation of persons 55
17 years of age or older. A limited liability company may
18 qualify for the exemption under this paragraph only if the
19 limited liability company is organized and operated
20 exclusively for educational purposes. On and after July 1,
21 1987, however, no entity otherwise eligible for this
22 exemption shall make tax-free purchases unless it has an
23 active identification number issued by the Department.

24 (12) (Blank).

25 (12-5) On and after July 1, 2003 and through June 30,
26 2004, motor vehicles of the second division with a gross

1 vehicle weight in excess of 8,000 pounds that are subject
2 to the commercial distribution fee imposed under Section
3 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,
4 2004 and through June 30, 2005, the use in this State of
5 motor vehicles of the second division: (i) with a gross
6 vehicle weight rating in excess of 8,000 pounds; (ii) that
7 are subject to the commercial distribution fee imposed
8 under Section 3-815.1 of the Illinois Vehicle Code; and
9 (iii) that are primarily used for commercial purposes.
10 Through June 30, 2005, this exemption applies to repair
11 and replacement parts added after the initial purchase of
12 such a motor vehicle if that motor vehicle is used in a
13 manner that would qualify for the rolling stock exemption
14 otherwise provided for in this Act. For purposes of this
15 paragraph, "used for commercial purposes" means the
16 transportation of persons or property in furtherance of
17 any commercial or industrial enterprise whether for-hire
18 or not.

19 (13) Proceeds from sales to owners or lessors,
20 lessees, or shippers of tangible personal property that is
21 utilized by interstate carriers for hire for use as
22 rolling stock moving in interstate commerce and equipment
23 operated by a telecommunications provider, licensed as a
24 common carrier by the Federal Communications Commission,
25 which is permanently installed in or affixed to aircraft
26 moving in interstate commerce.

1 (14) Machinery and equipment that will be used by the
2 purchaser, or a lessee of the purchaser, primarily in the
3 process of manufacturing or assembling tangible personal
4 property for wholesale or retail sale or lease, whether
5 the sale or lease is made directly by the manufacturer or
6 by some other person, whether the materials used in the
7 process are owned by the manufacturer or some other
8 person, or whether the sale or lease is made apart from or
9 as an incident to the seller's engaging in the service
10 occupation of producing machines, tools, dies, jigs,
11 patterns, gauges, or other similar items of no commercial
12 value on special order for a particular purchaser. The
13 exemption provided by this paragraph (14) does not include
14 machinery and equipment used in (i) the generation of
15 electricity for wholesale or retail sale; (ii) the
16 generation or treatment of natural or artificial gas for
17 wholesale or retail sale that is delivered to customers
18 through pipes, pipelines, or mains; or (iii) the treatment
19 of water for wholesale or retail sale that is delivered to
20 customers through pipes, pipelines, or mains. The
21 provisions of Public Act 98-583 are declaratory of
22 existing law as to the meaning and scope of this
23 exemption. Beginning on July 1, 2017, the exemption
24 provided by this paragraph (14) includes, but is not
25 limited to, graphic arts machinery and equipment, as
26 defined in paragraph (4) of this Section.

1 (15) Proceeds of mandatory service charges separately
2 stated on customers' bills for purchase and consumption of
3 food and beverages, to the extent that the proceeds of the
4 service charge are in fact turned over as tips or as a
5 substitute for tips to the employees who participate
6 directly in preparing, serving, hosting or cleaning up the
7 food or beverage function with respect to which the
8 service charge is imposed.

9 (16) Tangible personal property sold to a purchaser if
10 the purchaser is exempt from use tax by operation of
11 federal law. This paragraph is exempt from the provisions
12 of Section 2-70.

13 (17) Tangible personal property sold to a common
14 carrier by rail or motor that receives the physical
15 possession of the property in Illinois and that transports
16 the property, or shares with another common carrier in the
17 transportation of the property, out of Illinois on a
18 standard uniform bill of lading showing the seller of the
19 property as the shipper or consignor of the property to a
20 destination outside Illinois, for use outside Illinois.

21 (18) Legal tender, currency, medallions, or gold or
22 silver coinage issued by the State of Illinois, the
23 government of the United States of America, or the
24 government of any foreign country, and bullion.

25 (19) Until July 1, 2003, oil field exploration,
26 drilling, and production equipment, including (i) rigs and

1 parts of rigs, rotary rigs, cable tool rigs, and workover
2 rigs, (ii) pipe and tubular goods, including casing and
3 drill strings, (iii) pumps and pump-jack units, (iv)
4 storage tanks and flow lines, (v) any individual
5 replacement part for oil field exploration, drilling, and
6 production equipment, and (vi) machinery and equipment
7 purchased for lease; but excluding motor vehicles required
8 to be registered under the Illinois Vehicle Code.

9 (20) Photoprocessing machinery and equipment,
10 including repair and replacement parts, both new and used,
11 including that manufactured on special order, certified by
12 the purchaser to be used primarily for photoprocessing,
13 and including photoprocessing machinery and equipment
14 purchased for lease.

15 (21) Until July 1, 2028, coal and aggregate
16 exploration, mining, off-highway hauling, processing,
17 maintenance, and reclamation equipment, including
18 replacement parts and equipment, and including equipment
19 purchased for lease, but excluding motor vehicles required
20 to be registered under the Illinois Vehicle Code. The
21 changes made to this Section by Public Act 97-767 apply on
22 and after July 1, 2003, but no claim for credit or refund
23 is allowed on or after August 16, 2013 (the effective date
24 of Public Act 98-456) for such taxes paid during the
25 period beginning July 1, 2003 and ending on August 16,
26 2013 (the effective date of Public Act 98-456).

1 (22) Until June 30, 2013, fuel and petroleum products
2 sold to or used by an air carrier, certified by the carrier
3 to be used for consumption, shipment, or storage in the
4 conduct of its business as an air common carrier, for a
5 flight destined for or returning from a location or
6 locations outside the United States without regard to
7 previous or subsequent domestic stopovers.

8 Beginning July 1, 2013, fuel and petroleum products
9 sold to or used by an air carrier, certified by the carrier
10 to be used for consumption, shipment, or storage in the
11 conduct of its business as an air common carrier, for a
12 flight that (i) is engaged in foreign trade or is engaged
13 in trade between the United States and any of its
14 possessions and (ii) transports at least one individual or
15 package for hire from the city of origination to the city
16 of final destination on the same aircraft, without regard
17 to a change in the flight number of that aircraft.

18 (23) A transaction in which the purchase order is
19 received by a florist who is located outside Illinois, but
20 who has a florist located in Illinois deliver the property
21 to the purchaser or the purchaser's donee in Illinois.

22 (24) Fuel consumed or used in the operation of ships,
23 barges, or vessels that are used primarily in or for the
24 transportation of property or the conveyance of persons
25 for hire on rivers bordering on this State if the fuel is
26 delivered by the seller to the purchaser's barge, ship, or

1 vessel while it is afloat upon that bordering river.

2 (25) Except as provided in item (25-5) of this
3 Section, a motor vehicle sold in this State to a
4 nonresident even though the motor vehicle is delivered to
5 the nonresident in this State, if the motor vehicle is not
6 to be titled in this State, and if a drive-away permit is
7 issued to the motor vehicle as provided in Section 3-603
8 of the Illinois Vehicle Code or if the nonresident
9 purchaser has vehicle registration plates to transfer to
10 the motor vehicle upon returning to his or her home state.
11 The issuance of the drive-away permit or having the
12 out-of-state registration plates to be transferred is
13 prima facie evidence that the motor vehicle will not be
14 titled in this State.

15 (25-5) The exemption under item (25) does not apply if
16 the state in which the motor vehicle will be titled does
17 not allow a reciprocal exemption for a motor vehicle sold
18 and delivered in that state to an Illinois resident but
19 titled in Illinois. The tax collected under this Act on
20 the sale of a motor vehicle in this State to a resident of
21 another state that does not allow a reciprocal exemption
22 shall be imposed at a rate equal to the state's rate of tax
23 on taxable property in the state in which the purchaser is
24 a resident, except that the tax shall not exceed the tax
25 that would otherwise be imposed under this Act. At the
26 time of the sale, the purchaser shall execute a statement,

1 signed under penalty of perjury, of his or her intent to
2 title the vehicle in the state in which the purchaser is a
3 resident within 30 days after the sale and of the fact of
4 the payment to the State of Illinois of tax in an amount
5 equivalent to the state's rate of tax on taxable property
6 in his or her state of residence and shall submit the
7 statement to the appropriate tax collection agency in his
8 or her state of residence. In addition, the retailer must
9 retain a signed copy of the statement in his or her
10 records. Nothing in this item shall be construed to
11 require the removal of the vehicle from this state
12 following the filing of an intent to title the vehicle in
13 the purchaser's state of residence if the purchaser titles
14 the vehicle in his or her state of residence within 30 days
15 after the date of sale. The tax collected under this Act in
16 accordance with this item (25-5) shall be proportionately
17 distributed as if the tax were collected at the 6.25%
18 general rate imposed under this Act.

19 (25-7) Beginning on July 1, 2007, no tax is imposed
20 under this Act on the sale of an aircraft, as defined in
21 Section 3 of the Illinois Aeronautics Act, if all of the
22 following conditions are met:

23 (1) the aircraft leaves this State within 15 days
24 after the later of either the issuance of the final
25 billing for the sale of the aircraft, or the
26 authorized approval for return to service, completion

1 of the maintenance record entry, and completion of the
2 test flight and ground test for inspection, as
3 required by 14 CFR 91.407;

4 (2) the aircraft is not based or registered in
5 this State after the sale of the aircraft; and

6 (3) the seller retains in his or her books and
7 records and provides to the Department a signed and
8 dated certification from the purchaser, on a form
9 prescribed by the Department, certifying that the
10 requirements of this item (25-7) are met. The
11 certificate must also include the name and address of
12 the purchaser, the address of the location where the
13 aircraft is to be titled or registered, the address of
14 the primary physical location of the aircraft, and
15 other information that the Department may reasonably
16 require.

17 For purposes of this item (25-7):

18 "Based in this State" means hangared, stored, or
19 otherwise used, excluding post-sale customizations as
20 defined in this Section, for 10 or more days in each
21 12-month period immediately following the date of the sale
22 of the aircraft.

23 "Registered in this State" means an aircraft
24 registered with the Department of Transportation,
25 Aeronautics Division, or titled or registered with the
26 Federal Aviation Administration to an address located in

1 this State.

2 This paragraph (25-7) is exempt from the provisions of
3 Section 2-70.

4 (26) Semen used for artificial insemination of
5 livestock for direct agricultural production.

6 (27) Horses, or interests in horses, registered with
7 and meeting the requirements of any of the Arabian Horse
8 Club Registry of America, Appaloosa Horse Club, American
9 Quarter Horse Association, United States Trotting
10 Association, or Jockey Club, as appropriate, used for
11 purposes of breeding or racing for prizes. This item (27)
12 is exempt from the provisions of Section 2-70, and the
13 exemption provided for under this item (27) applies for
14 all periods beginning May 30, 1995, but no claim for
15 credit or refund is allowed on or after January 1, 2008
16 (the effective date of Public Act 95-88) for such taxes
17 paid during the period beginning May 30, 2000 and ending
18 on January 1, 2008 (the effective date of Public Act
19 95-88).

20 (28) Computers and communications equipment utilized
21 for any hospital purpose and equipment used in the
22 diagnosis, analysis, or treatment of hospital patients
23 sold to a lessor who leases the equipment, under a lease of
24 one year or longer executed or in effect at the time of the
25 purchase, to a hospital that has been issued an active tax
26 exemption identification number by the Department under

1 Section 1g of this Act.

2 (29) Personal property sold to a lessor who leases the
3 property, under a lease of one year or longer executed or
4 in effect at the time of the purchase, to a governmental
5 body that has been issued an active tax exemption
6 identification number by the Department under Section 1g
7 of this Act.

8 (30) Beginning with taxable years ending on or after
9 December 31, 1995 and ending with taxable years ending on
10 or before December 31, 2004, personal property that is
11 donated for disaster relief to be used in a State or
12 federally declared disaster area in Illinois or bordering
13 Illinois by a manufacturer or retailer that is registered
14 in this State to a corporation, society, association,
15 foundation, or institution that has been issued a sales
16 tax exemption identification number by the Department that
17 assists victims of the disaster who reside within the
18 declared disaster area.

19 (31) Beginning with taxable years ending on or after
20 December 31, 1995 and ending with taxable years ending on
21 or before December 31, 2004, personal property that is
22 used in the performance of infrastructure repairs in this
23 State, including, but not limited to, municipal roads and
24 streets, access roads, bridges, sidewalks, waste disposal
25 systems, water and sewer line extensions, water
26 distribution and purification facilities, storm water

1 drainage and retention facilities, and sewage treatment
2 facilities, resulting from a State or federally declared
3 disaster in Illinois or bordering Illinois when such
4 repairs are initiated on facilities located in the
5 declared disaster area within 6 months after the disaster.

6 (32) Beginning July 1, 1999, game or game birds sold
7 at a "game breeding and hunting preserve area" as that
8 term is used in the Wildlife Code. This paragraph is
9 exempt from the provisions of Section 2-70.

10 (33) A motor vehicle, as that term is defined in
11 Section 1-146 of the Illinois Vehicle Code, that is
12 donated to a corporation, limited liability company,
13 society, association, foundation, or institution that is
14 determined by the Department to be organized and operated
15 exclusively for educational purposes. For purposes of this
16 exemption, "a corporation, limited liability company,
17 society, association, foundation, or institution organized
18 and operated exclusively for educational purposes" means
19 all tax-supported public schools, private schools that
20 offer systematic instruction in useful branches of
21 learning by methods common to public schools and that
22 compare favorably in their scope and intensity with the
23 course of study presented in tax-supported schools, and
24 vocational or technical schools or institutes organized
25 and operated exclusively to provide a course of study of
26 not less than 6 weeks duration and designed to prepare

1 individuals to follow a trade or to pursue a manual,
2 technical, mechanical, industrial, business, or commercial
3 occupation.

4 (34) Beginning January 1, 2000, personal property,
5 including food, purchased through fundraising events for
6 the benefit of a public or private elementary or secondary
7 school, a group of those schools, or one or more school
8 districts if the events are sponsored by an entity
9 recognized by the school district that consists primarily
10 of volunteers and includes parents and teachers of the
11 school children. This paragraph does not apply to
12 fundraising events (i) for the benefit of private home
13 instruction or (ii) for which the fundraising entity
14 purchases the personal property sold at the events from
15 another individual or entity that sold the property for
16 the purpose of resale by the fundraising entity and that
17 profits from the sale to the fundraising entity. This
18 paragraph is exempt from the provisions of Section 2-70.

19 (35) Beginning January 1, 2000 and through December
20 31, 2001, new or used automatic vending machines that
21 prepare and serve hot food and beverages, including
22 coffee, soup, and other items, and replacement parts for
23 these machines. Beginning January 1, 2002 and through June
24 30, 2003, machines and parts for machines used in
25 commercial, coin-operated amusement and vending business
26 if a use or occupation tax is paid on the gross receipts

1 derived from the use of the commercial, coin-operated
2 amusement and vending machines. This paragraph is exempt
3 from the provisions of Section 2-70.

4 (35-5) Beginning August 23, 2001 and through June 30,
5 2016, food for human consumption that is to be consumed
6 off the premises where it is sold (other than alcoholic
7 beverages, soft drinks, and food that has been prepared
8 for immediate consumption) and prescription and
9 nonprescription medicines, drugs, medical appliances, and
10 insulin, urine testing materials, syringes, and needles
11 used by diabetics, for human use, when purchased for use
12 by a person receiving medical assistance under Article V
13 of the Illinois Public Aid Code who resides in a licensed
14 long-term care facility, as defined in the Nursing Home
15 Care Act, or a licensed facility as defined in the ID/DD
16 Community Care Act, the MC/DD Act, or the Specialized
17 Mental Health Rehabilitation Act of 2013.

18 (36) Beginning August 2, 2001, computers and
19 communications equipment utilized for any hospital purpose
20 and equipment used in the diagnosis, analysis, or
21 treatment of hospital patients sold to a lessor who leases
22 the equipment, under a lease of one year or longer
23 executed or in effect at the time of the purchase, to a
24 hospital that has been issued an active tax exemption
25 identification number by the Department under Section 1g
26 of this Act. This paragraph is exempt from the provisions

1 of Section 2-70.

2 (37) Beginning August 2, 2001, personal property sold
3 to a lessor who leases the property, under a lease of one
4 year or longer executed or in effect at the time of the
5 purchase, to a governmental body that has been issued an
6 active tax exemption identification number by the
7 Department under Section 1g of this Act. This paragraph is
8 exempt from the provisions of Section 2-70.

9 (38) Beginning on January 1, 2002 and through June 30,
10 2016, tangible personal property purchased from an
11 Illinois retailer by a taxpayer engaged in centralized
12 purchasing activities in Illinois who will, upon receipt
13 of the property in Illinois, temporarily store the
14 property in Illinois (i) for the purpose of subsequently
15 transporting it outside this State for use or consumption
16 thereafter solely outside this State or (ii) for the
17 purpose of being processed, fabricated, or manufactured
18 into, attached to, or incorporated into other tangible
19 personal property to be transported outside this State and
20 thereafter used or consumed solely outside this State. The
21 Director of Revenue shall, pursuant to rules adopted in
22 accordance with the Illinois Administrative Procedure Act,
23 issue a permit to any taxpayer in good standing with the
24 Department who is eligible for the exemption under this
25 paragraph (38). The permit issued under this paragraph
26 (38) shall authorize the holder, to the extent and in the

1 manner specified in the rules adopted under this Act, to
2 purchase tangible personal property from a retailer exempt
3 from the taxes imposed by this Act. Taxpayers shall
4 maintain all necessary books and records to substantiate
5 the use and consumption of all such tangible personal
6 property outside of the State of Illinois.

7 (39) Beginning January 1, 2008, tangible personal
8 property used in the construction or maintenance of a
9 community water supply, as defined under Section 3.145 of
10 the Environmental Protection Act, that is operated by a
11 not-for-profit corporation that holds a valid water supply
12 permit issued under Title IV of the Environmental
13 Protection Act. This paragraph is exempt from the
14 provisions of Section 2-70.

15 (40) Beginning January 1, 2010 and continuing through
16 December 31, 2029, materials, parts, equipment,
17 components, and furnishings incorporated into or upon an
18 aircraft as part of the modification, refurbishment,
19 completion, replacement, repair, or maintenance of the
20 aircraft. This exemption includes consumable supplies used
21 in the modification, refurbishment, completion,
22 replacement, repair, and maintenance of aircraft. However,
23 until January 1, 2024, this exemption excludes any
24 materials, parts, equipment, components, and consumable
25 supplies used in the modification, replacement, repair,
26 and maintenance of aircraft engines or power plants,

1 whether such engines or power plants are installed or
2 uninstalled upon any such aircraft. "Consumable supplies"
3 include, but are not limited to, adhesive, tape,
4 sandpaper, general purpose lubricants, cleaning solution,
5 latex gloves, and protective films.

6 Beginning January 1, 2010 and continuing through
7 December 31, 2023, this exemption applies only to the sale
8 of qualifying tangible personal property to persons who
9 modify, refurbish, complete, replace, or maintain an
10 aircraft and who (i) hold an Air Agency Certificate and
11 are empowered to operate an approved repair station by the
12 Federal Aviation Administration, (ii) have a Class IV
13 Rating, and (iii) conduct operations in accordance with
14 Part 145 of the Federal Aviation Regulations. The
15 exemption does not include aircraft operated by a
16 commercial air carrier providing scheduled passenger air
17 service pursuant to authority issued under Part 121 or
18 Part 129 of the Federal Aviation Regulations. From January
19 1, 2024 through December 31, 2029, this exemption applies
20 only to the sale of qualifying tangible personal property
21 to: (A) persons who modify, refurbish, complete, repair,
22 replace, or maintain aircraft and who (i) hold an Air
23 Agency Certificate and are empowered to operate an
24 approved repair station by the Federal Aviation
25 Administration, (ii) have a Class IV Rating, and (iii)
26 conduct operations in accordance with Part 145 of the

1 Federal Aviation Regulations; and (B) persons who engage
2 in the modification, replacement, repair, and maintenance
3 of aircraft engines or power plants without regard to
4 whether or not those persons meet the qualifications of
5 item (A).

6 The changes made to this paragraph (40) by Public Act
7 98-534 are declarative of existing law. It is the intent
8 of the General Assembly that the exemption under this
9 paragraph (40) applies continuously from January 1, 2010
10 through December 31, 2024; however, no claim for credit or
11 refund is allowed for taxes paid as a result of the
12 disallowance of this exemption on or after January 1, 2015
13 and prior to February 5, 2020 (the effective date of
14 Public Act 101-629).

15 (41) Tangible personal property sold to a
16 public-facilities corporation, as described in Section
17 11-65-10 of the Illinois Municipal Code, for purposes of
18 constructing or furnishing a municipal convention hall,
19 but only if the legal title to the municipal convention
20 hall is transferred to the municipality without any
21 further consideration by or on behalf of the municipality
22 at the time of the completion of the municipal convention
23 hall or upon the retirement or redemption of any bonds or
24 other debt instruments issued by the public-facilities
25 corporation in connection with the development of the
26 municipal convention hall. This exemption includes

1 existing public-facilities corporations as provided in
2 Section 11-65-25 of the Illinois Municipal Code. This
3 paragraph is exempt from the provisions of Section 2-70.

4 (42) Beginning January 1, 2017 and through December
5 31, 2026, menstrual pads, tampons, and menstrual cups.

6 (43) Merchandise that is subject to the Rental
7 Purchase Agreement Occupation and Use Tax. The purchaser
8 must certify that the item is purchased to be rented
9 subject to a rental-purchase agreement, as defined in the
10 Rental-Purchase Agreement Act, and provide proof of
11 registration under the Rental Purchase Agreement
12 Occupation and Use Tax Act. This paragraph is exempt from
13 the provisions of Section 2-70.

14 (44) Qualified tangible personal property used in the
15 construction or operation of a data center that has been
16 granted a certificate of exemption by the Department of
17 Commerce and Economic Opportunity, whether that tangible
18 personal property is purchased by the owner, operator, or
19 tenant of the data center or by a contractor or
20 subcontractor of the owner, operator, or tenant. Data
21 centers that would have qualified for a certificate of
22 exemption prior to January 1, 2020 had Public Act 101-31
23 been in effect, may apply for and obtain an exemption for
24 subsequent purchases of computer equipment or enabling
25 software purchased or leased to upgrade, supplement, or
26 replace computer equipment or enabling software purchased

1 or leased in the original investment that would have
2 qualified.

3 The Department of Commerce and Economic Opportunity
4 shall grant a certificate of exemption under this item
5 (44) to qualified data centers as defined by Section
6 605-1025 of the Department of Commerce and Economic
7 Opportunity Law of the Civil Administrative Code of
8 Illinois.

9 For the purposes of this item (44):

10 "Data center" means a building or a series of
11 buildings rehabilitated or constructed to house
12 working servers in one physical location or multiple
13 sites within the State of Illinois.

14 "Qualified tangible personal property" means:
15 electrical systems and equipment; climate control and
16 chilling equipment and systems; mechanical systems and
17 equipment; monitoring and secure systems; emergency
18 generators; hardware; computers; servers; data storage
19 devices; network connectivity equipment; racks;
20 cabinets; telecommunications cabling infrastructure;
21 raised floor systems; peripheral components or
22 systems; software; mechanical, electrical, or plumbing
23 systems; battery systems; cooling systems and towers;
24 temperature control systems; other cabling; and other
25 data center infrastructure equipment and systems
26 necessary to operate qualified tangible personal

1 property, including fixtures; and component parts of
2 any of the foregoing, including installation,
3 maintenance, repair, refurbishment, and replacement of
4 qualified tangible personal property to generate,
5 transform, transmit, distribute, or manage electricity
6 necessary to operate qualified tangible personal
7 property; and all other tangible personal property
8 that is essential to the operations of a computer data
9 center. The term "qualified tangible personal
10 property" also includes building materials physically
11 incorporated into the qualifying data center. To
12 document the exemption allowed under this Section, the
13 retailer must obtain from the purchaser a copy of the
14 certificate of eligibility issued by the Department of
15 Commerce and Economic Opportunity.

16 This item (44) is exempt from the provisions of
17 Section 2-70.

18 (45) Beginning January 1, 2020 and through December
19 31, 2020, sales of tangible personal property made by a
20 marketplace seller over a marketplace for which tax is due
21 under this Act but for which use tax has been collected and
22 remitted to the Department by a marketplace facilitator
23 under Section 2d of the Use Tax Act are exempt from tax
24 under this Act. A marketplace seller claiming this
25 exemption shall maintain books and records demonstrating
26 that the use tax on such sales has been collected and

1 remitted by a marketplace facilitator. Marketplace sellers
2 that have properly remitted tax under this Act on such
3 sales may file a claim for credit as provided in Section 6
4 of this Act. No claim is allowed, however, for such taxes
5 for which a credit or refund has been issued to the
6 marketplace facilitator under the Use Tax Act, or for
7 which the marketplace facilitator has filed a claim for
8 credit or refund under the Use Tax Act.

9 (46) Beginning July 1, 2022, breast pumps, breast pump
10 collection and storage supplies, and breast pump kits.
11 This item (46) is exempt from the provisions of Section
12 2-70. As used in this item (46):

13 "Breast pump" means an electrically controlled or
14 manually controlled pump device designed or marketed to be
15 used to express milk from a human breast during lactation,
16 including the pump device and any battery, AC adapter, or
17 other power supply unit that is used to power the pump
18 device and is packaged and sold with the pump device at the
19 time of sale.

20 "Breast pump collection and storage supplies" means
21 items of tangible personal property designed or marketed
22 to be used in conjunction with a breast pump to collect
23 milk expressed from a human breast and to store collected
24 milk until it is ready for consumption.

25 "Breast pump collection and storage supplies"
26 includes, but is not limited to: breast shields and breast

1 shield connectors; breast pump tubes and tubing adapters;
2 breast pump valves and membranes; backflow protectors and
3 backflow protector adaptors; bottles and bottle caps
4 specific to the operation of the breast pump; and breast
5 milk storage bags.

6 "Breast pump collection and storage supplies" does not
7 include: (1) bottles and bottle caps not specific to the
8 operation of the breast pump; (2) breast pump travel bags
9 and other similar carrying accessories, including ice
10 packs, labels, and other similar products; (3) breast pump
11 cleaning supplies; (4) nursing bras, bra pads, breast
12 shells, and other similar products; and (5) creams,
13 ointments, and other similar products that relieve
14 breastfeeding-related symptoms or conditions of the
15 breasts or nipples, unless sold as part of a breast pump
16 kit that is pre-packaged by the breast pump manufacturer
17 or distributor.

18 "Breast pump kit" means a kit that: (1) contains no
19 more than a breast pump, breast pump collection and
20 storage supplies, a rechargeable battery for operating the
21 breast pump, a breastmilk cooler, bottle stands, ice
22 packs, and a breast pump carrying case; and (2) is
23 pre-packaged as a breast pump kit by the breast pump
24 manufacturer or distributor.

25 (47) Tangible personal property sold by or on behalf
26 of the State Treasurer pursuant to the Revised Uniform

1 Unclaimed Property Act. This item (47) is exempt from the
2 provisions of Section 2-70.

3 (48) Beginning on January 1, 2024, tangible personal
4 property purchased by an active duty member of the armed
5 forces of the United States who presents valid military
6 identification and purchases the property using a form of
7 payment where the federal government is the payor. The
8 member of the armed forces must complete, at the point of
9 sale, a form prescribed by the Department of Revenue
10 documenting that the transaction is eligible for the
11 exemption under this paragraph. Retailers must keep the
12 form as documentation of the exemption in their records
13 for a period of not less than 6 years. "Armed forces of the
14 United States" means the United States Army, Navy, Air
15 Force, Space Force, Marine Corps, or Coast Guard. This
16 paragraph is exempt from the provisions of Section 2-70.

17 (49) Beginning July 1, 2024, home-delivered meals
18 provided to Medicare or Medicaid recipients when payment
19 is made by an intermediary, such as a Medicare
20 Administrative Contractor, a Managed Care Organization, or
21 a Medicare Advantage Organization, pursuant to a
22 government contract. This paragraph (49) is exempt from
23 the provisions of Section 2-70.

24 (50) ~~(49)~~ Beginning on January 1, 2026, as further
25 defined in Section 2-10, food for human consumption that
26 is to be consumed off the premises where it is sold (other

1 than alcoholic beverages, food consisting of or infused
2 with adult use cannabis, soft drinks, candy, and food that
3 has been prepared for immediate consumption). This item
4 (50) ~~(49)~~ is exempt from the provisions of Section 2-70.

5 (51) ~~(49)~~ Gross receipts from the lease of the
6 following tangible personal property:

7 (1) computer software transferred subject to a
8 license that meets the following requirements:

9 (A) it is evidenced by a written agreement
10 signed by the licensor and the customer;

11 (i) an electronic agreement in which the
12 customer accepts the license by means of an
13 electronic signature that is verifiable and
14 can be authenticated and is attached to or
15 made part of the license will comply with this
16 requirement;

17 (ii) a license agreement in which the
18 customer electronically accepts the terms by
19 clicking "I agree" does not comply with this
20 requirement;

21 (B) it restricts the customer's duplication
22 and use of the software;

23 (C) it prohibits the customer from licensing,
24 sublicensing, or transferring the software to a
25 third party (except to a related party) without
26 the permission and continued control of the

1 licensor;

2 (D) the licensor has a policy of providing
3 another copy at minimal or no charge if the
4 customer loses or damages the software, or of
5 permitting the licensee to make and keep an
6 archival copy, and such policy is either stated in
7 the license agreement, supported by the licensor's
8 books and records, or supported by a notarized
9 statement made under penalties of perjury by the
10 licensor; and

11 (E) the customer must destroy or return all
12 copies of the software to the licensor at the end
13 of the license period; this provision is deemed to
14 be met, in the case of a perpetual license,
15 without being set forth in the license agreement;
16 and

17 (2) property that is subject to a tax on lease
18 receipts imposed by a home rule unit of local
19 government if the ordinance imposing that tax was
20 adopted prior to January 1, 2023.

21 (Source: P.A. 102-16, eff. 6-17-21; 102-634, eff. 8-27-21;
22 102-700, Article 70, Section 70-20, eff. 4-19-22; 102-700,
23 Article 75, Section 75-20, eff. 4-19-22; 102-813, eff.
24 5-13-22; 102-1026, eff. 5-27-22; 103-9, Article 5, Section
25 5-20, eff. 6-7-23; 103-9, Article 15, Section 15-20, eff.
26 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24; 103-592,

1 eff. 1-1-25; 103-605, eff. 7-1-24; 103-643, eff. 7-1-24;
2 103-746, eff. 1-1-25; 103-781, eff. 8-5-24; 103-995, eff.
3 8-9-24; revised 11-26-24.)

4 (35 ILCS 120/2-10) from Ch. 120, par. 441-10

5 Sec. 2-10. Rate of tax. Unless otherwise provided in this
6 Section, the tax imposed by this Act is at the rate of 6.25% of
7 gross receipts from sales, which, on and after January 1,
8 2025, includes leases, of tangible personal property made in
9 the course of business.

10 Beginning on July 1, 2000 and through December 31, 2000,
11 with respect to motor fuel, as defined in Section 1.1 of the
12 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
13 the Use Tax Act, the tax is imposed at the rate of 1.25%.

14 Beginning on August 6, 2010 through August 15, 2010, and
15 beginning again on August 5, 2022 through August 14, 2022,
16 with respect to sales tax holiday items as defined in Section
17 2-8 of this Act, the tax is imposed at the rate of 1.25%.

18 Within 14 days after July 1, 2000 (the effective date of
19 Public Act 91-872), each retailer of motor fuel and gasohol
20 shall cause the following notice to be posted in a prominently
21 visible place on each retail dispensing device that is used to
22 dispense motor fuel or gasohol in the State of Illinois: "As of
23 July 1, 2000, the State of Illinois has eliminated the State's
24 share of sales tax on motor fuel and gasohol through December
25 31, 2000. The price on this pump should reflect the

1 elimination of the tax." The notice shall be printed in bold
2 print on a sign that is no smaller than 4 inches by 8 inches.
3 The sign shall be clearly visible to customers. Any retailer
4 who fails to post or maintain a required sign through December
5 31, 2000 is guilty of a petty offense for which the fine shall
6 be \$500 per day per each retail premises where a violation
7 occurs.

8 With respect to gasohol, as defined in the Use Tax Act, the
9 tax imposed by this Act applies to (i) 70% of the proceeds of
10 sales made on or after January 1, 1990, and before July 1,
11 2003, (ii) 80% of the proceeds of sales made on or after July
12 1, 2003 and on or before July 1, 2017, (iii) 100% of the
13 proceeds of sales made after July 1, 2017 and prior to January
14 1, 2024, (iv) 90% of the proceeds of sales made on or after
15 January 1, 2024 and on or before December 31, 2028, and (v)
16 100% of the proceeds of sales made after December 31, 2028. If,
17 at any time, however, the tax under this Act on sales of
18 gasohol, as defined in the Use Tax Act, is imposed at the rate
19 of 1.25%, then the tax imposed by this Act applies to 100% of
20 the proceeds of sales of gasohol made during that time.

21 With respect to mid-range ethanol blends, as defined in
22 Section 3-44.3 of the Use Tax Act, the tax imposed by this Act
23 applies to (i) 80% of the proceeds of sales made on or after
24 January 1, 2024 and on or before December 31, 2028 and (ii)
25 100% of the proceeds of sales made after December 31, 2028. If,
26 at any time, however, the tax under this Act on sales of

1 mid-range ethanol blends is imposed at the rate of 1.25%, then
2 the tax imposed by this Act applies to 100% of the proceeds of
3 sales of mid-range ethanol blends made during that time.

4 With respect to majority blended ethanol fuel, as defined
5 in the Use Tax Act, the tax imposed by this Act does not apply
6 to the proceeds of sales made on or after July 1, 2003 and on
7 or before December 31, 2028 but applies to 100% of the proceeds
8 of sales made thereafter.

9 With respect to biodiesel blends, as defined in the Use
10 Tax Act, with no less than 1% and no more than 10% biodiesel,
11 the tax imposed by this Act applies to (i) 80% of the proceeds
12 of sales made on or after July 1, 2003 and on or before
13 December 31, 2018 and (ii) 100% of the proceeds of sales made
14 after December 31, 2018 and before January 1, 2024. On and
15 after January 1, 2024 and on or before December 31, 2030, the
16 taxation of biodiesel, renewable diesel, and biodiesel blends
17 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
18 at any time, however, the tax under this Act on sales of
19 biodiesel blends, as defined in the Use Tax Act, with no less
20 than 1% and no more than 10% biodiesel is imposed at the rate
21 of 1.25%, then the tax imposed by this Act applies to 100% of
22 the proceeds of sales of biodiesel blends with no less than 1%
23 and no more than 10% biodiesel made during that time.

24 With respect to biodiesel, as defined in the Use Tax Act,
25 and biodiesel blends, as defined in the Use Tax Act, with more
26 than 10% but no more than 99% biodiesel, the tax imposed by

1 this Act does not apply to the proceeds of sales made on or
2 after July 1, 2003 and on or before December 31, 2023. On and
3 after January 1, 2024 and on or before December 31, 2030, the
4 taxation of biodiesel, renewable diesel, and biodiesel blends
5 shall be as provided in Section 3-5.1 of the Use Tax Act.

6 Until July 1, 2022 and from July 1, 2023 through December
7 31, 2025, with respect to food for human consumption that is to
8 be consumed off the premises where it is sold (other than
9 alcoholic beverages, food consisting of or infused with adult
10 use cannabis, soft drinks, and food that has been prepared for
11 immediate consumption), the tax is imposed at the rate of 1%.
12 Beginning July 1, 2022 and until July 1, 2023, with respect to
13 food for human consumption that is to be consumed off the
14 premises where it is sold (other than alcoholic beverages,
15 food consisting of or infused with adult use cannabis, soft
16 drinks, and food that has been prepared for immediate
17 consumption), the tax is imposed at the rate of 0%. On and
18 after January 1, 2026, food for human consumption that is to be
19 consumed off the premises where it is sold (other than
20 alcoholic beverages, food consisting of or infused with adult
21 use cannabis, soft drinks, candy, and food that has been
22 prepared for immediate consumption) is exempt from the tax
23 imposed by this Act.

24 With respect to prescription and nonprescription
25 medicines, drugs, medical appliances, products classified as
26 Class III medical devices by the United States Food and Drug

1 Administration that are used for cancer treatment pursuant to
2 a prescription, as well as any accessories and components
3 related to those devices, modifications to a motor vehicle for
4 the purpose of rendering it usable by a person with a
5 disability, and insulin, blood sugar testing materials,
6 syringes, and needles used by human diabetics, the tax is
7 imposed at the rate of 1%. For the purposes of this Section,
8 until September 1, 2009: the term "soft drinks" means any
9 complete, finished, ready-to-use, non-alcoholic drink, whether
10 carbonated or not, including, but not limited to, soda water,
11 cola, fruit juice, vegetable juice, carbonated water, and all
12 other preparations commonly known as soft drinks of whatever
13 kind or description that are contained in any closed or sealed
14 bottle, can, carton, or container, regardless of size; but
15 "soft drinks" does not include coffee, tea, non-carbonated
16 water, infant formula, milk or milk products as defined in the
17 Grade A Pasteurized Milk and Milk Products Act, or drinks
18 containing 50% or more natural fruit or vegetable juice.

19 Notwithstanding any other provisions of this Act,
20 beginning September 1, 2009, "soft drinks" means non-alcoholic
21 beverages that contain natural or artificial sweeteners. "Soft
22 drinks" does not include beverages that contain milk or milk
23 products, soy, rice or similar milk substitutes, or greater
24 than 50% of vegetable or fruit juice by volume.

25 Until August 1, 2009, and notwithstanding any other
26 provisions of this Act, "food for human consumption that is to

1 be consumed off the premises where it is sold" includes all
2 food sold through a vending machine, except soft drinks and
3 food products that are dispensed hot from a vending machine,
4 regardless of the location of the vending machine. Beginning
5 August 1, 2009, and notwithstanding any other provisions of
6 this Act, "food for human consumption that is to be consumed
7 off the premises where it is sold" includes all food sold
8 through a vending machine, except soft drinks, candy, and food
9 products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "food for human consumption that
13 is to be consumed off the premises where it is sold" does not
14 include candy. For purposes of this Section, "candy" means a
15 preparation of sugar, honey, or other natural or artificial
16 sweeteners in combination with chocolate, fruits, nuts or
17 other ingredients or flavorings in the form of bars, drops, or
18 pieces. "Candy" does not include any preparation that contains
19 flour or requires refrigeration.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "nonprescription medicines and
22 drugs" does not include grooming and hygiene products. For
23 purposes of this Section, "grooming and hygiene products"
24 includes, but is not limited to, soaps and cleaning solutions,
25 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
26 lotions and screens, unless those products are available by

1 prescription only, regardless of whether the products meet the
2 definition of "over-the-counter-drugs". For the purposes of
3 this paragraph, "over-the-counter-drug" means a drug for human
4 use that contains a label that identifies the product as a drug
5 as required by 21 CFR 201.66. The "over-the-counter-drug"
6 label includes:

7 (A) a "Drug Facts" panel; or

8 (B) a statement of the "active ingredient(s)" with a
9 list of those ingredients contained in the compound,
10 substance or preparation.

11 Beginning on January 1, 2014 (the effective date of Public
12 Act 98-122), "prescription and nonprescription medicines and
13 drugs" includes medical cannabis purchased from a registered
14 dispensing organization under the Compassionate Use of Medical
15 Cannabis Program Act.

16 As used in this Section, "adult use cannabis" means
17 cannabis subject to tax under the Cannabis Cultivation
18 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
19 and does not include cannabis subject to tax under the
20 Compassionate Use of Medical Cannabis Program Act.

21 (Source: P.A. 102-4, eff. 4-27-21; 102-700, Article 20,
22 Section 20-20, eff. 4-19-22; 102-700, Article 60, Section
23 60-30, eff. 4-19-22; 102-700, Article 65, Section 65-10, eff.
24 4-19-22; 103-9, eff. 6-7-23; 103-154, eff. 6-30-23; 103-592,
25 eff. 1-1-25; 103-781, eff. 8-5-24; revised 11-26-24.)

1 (35 ILCS 120/2-12)

2 Sec. 2-12. Location where retailer is deemed to be engaged
3 in the business of selling. The purpose of this Section is to
4 specify where a retailer is deemed to be engaged in the
5 business of selling tangible personal property for the
6 purposes of this Act, the Use Tax Act, the Service Use Tax Act,
7 and the Service Occupation Tax Act, and for the purpose of
8 collecting any other local retailers' occupation tax
9 administered by the Department. This Section applies only with
10 respect to the particular selling activities described in the
11 following paragraphs. The provisions of this Section are not
12 intended to, and shall not be interpreted to, affect where a
13 retailer is deemed to be engaged in the business of selling
14 with respect to any activity that is not specifically
15 described in the following paragraphs.

16 (1) If a purchaser who is present at the retailer's
17 place of business, having no prior commitment to the
18 retailer, agrees to purchase and makes payment for
19 tangible personal property at the retailer's place of
20 business, then the transaction shall be deemed an
21 over-the-counter sale occurring at the retailer's same
22 place of business where the purchaser was present and made
23 payment for that tangible personal property if the
24 retailer regularly stocks the purchased tangible personal
25 property or similar tangible personal property in the
26 quantity, or similar quantity, for sale at the retailer's

1 same place of business and then either (i) the purchaser
2 takes possession of the tangible personal property at the
3 same place of business or (ii) the retailer delivers or
4 arranges for the tangible personal property to be
5 delivered to the purchaser.

6 (2) If a purchaser, having no prior commitment to the
7 retailer, agrees to purchase tangible personal property
8 and makes payment over the phone, in writing, or via the
9 Internet and takes possession of the tangible personal
10 property at the retailer's place of business, then the
11 sale shall be deemed to have occurred at the retailer's
12 place of business where the purchaser takes possession of
13 the property if the retailer regularly stocks the item or
14 similar items in the quantity, or similar quantities,
15 purchased by the purchaser.

16 (3) A retailer is deemed to be engaged in the business
17 of selling food, beverages, or other tangible personal
18 property through a vending machine at the location where
19 the vending machine is located at the time the sale is made
20 if (i) the vending machine is a device operated by coin,
21 currency, credit card, token, coupon or similar device;
22 (2) the food, beverage or other tangible personal property
23 is contained within the vending machine and dispensed from
24 the vending machine; and (3) the purchaser takes
25 possession of the purchased food, beverage or other
26 tangible personal property immediately.

1 (4) Minerals. A producer of coal or other mineral
2 mined in Illinois is deemed to be engaged in the business
3 of selling at the place where the coal or other mineral
4 mined in Illinois is extracted from the earth. With
5 respect to minerals (i) the term "extracted from the
6 earth" means the location at which the coal or other
7 mineral is extracted from the mouth of the mine, and (ii) a
8 "mineral" includes not only coal, but also oil, sand,
9 stone taken from a quarry, gravel and any other thing
10 commonly regarded as a mineral and extracted from the
11 earth. This paragraph does not apply to coal or another
12 mineral when it is delivered or shipped by the seller to
13 the purchaser at a point outside Illinois so that the sale
14 is exempt under the United States Constitution as a sale
15 in interstate or foreign commerce.

16 (5) A retailer selling tangible personal property to a
17 nominal lessee or bailee pursuant to a lease with a dollar
18 or other nominal option to purchase is engaged in the
19 business of selling at the location where the property is
20 first delivered to the lessee or bailee for its intended
21 use.

22 (5.5) Lease transactions. The lease of tangible
23 personal property that is subject to the tax on leases
24 under Public Act 103-592 ~~this amendatory Act of the 103rd~~
25 ~~General Assembly~~ is sourced as follows:

26 (i) For a lease that requires recurring periodic

1 payments and for which the property is delivered to
2 the lessee by the lessor, each periodic payment is
3 sourced to the primary property location for each
4 period covered by the payment. The primary property
5 location shall be as indicated by an address for the
6 property provided by the lessee that is available to
7 the lessor from its records maintained in the ordinary
8 course of business, when use of this address does not
9 constitute bad faith. The property location is not
10 altered by intermittent use at different locations,
11 such as use of business property that accompanies
12 employees on business trips and service calls.

13 (ii) For all other leases, including a lease that
14 does not require recurring periodic payments and any
15 lease for which the lessee takes possession of the
16 property at the lessor's place of business, the
17 payment is sourced as otherwise provided under this
18 Act for sales at retail other than leases.

19 (6) Beginning on January 1, 2021, a remote retailer
20 making retail sales of tangible personal property that
21 meet or exceed the thresholds established in paragraph (1)
22 or (2) of subsection (b) of Section 2 of this Act is
23 engaged in the business of selling at the Illinois
24 location to which the tangible personal property is
25 shipped or delivered or at which possession is taken by
26 the purchaser.

1 (7) Beginning January 1, 2021, a marketplace
2 facilitator facilitating sales of tangible personal
3 property that meet or exceed one of the thresholds
4 established in paragraph (1) or (2) of subsection (c) of
5 Section 2 of this Act is deemed to be engaged in the
6 business of selling at the Illinois location to which the
7 tangible personal property is shipped or delivered or at
8 which possession is taken by the purchaser when the sale
9 is made by a marketplace seller on the marketplace
10 facilitator's marketplace.

11 (8) Beginning on January 1, 2025, for sales that would
12 otherwise be sourced outside of this State, a retailer
13 maintaining a place of business in this State that makes
14 retail sales of tangible personal property to Illinois
15 customers from a location or locations outside of Illinois
16 is engaged in the business of selling at the Illinois
17 location to which the tangible personal property is
18 shipped or delivered or at which possession is taken by
19 the purchaser.

20 (Source: P.A. 103-592, eff. 1-1-25; 103-983, eff. 1-1-25;
21 revised 11-26-24.)

22 Section 310. The Hotel Operators' Occupation Tax Act is
23 amended by changing Sections 2 and 6 as follows:

24 (35 ILCS 145/2) (from Ch. 120, par. 481b.32)

1 Sec. 2. Definitions. As used in this Act, unless the
2 context otherwise requires:

3 (1) "Hotel" means any building or buildings in which the
4 public may, for a consideration, obtain living quarters,
5 sleeping or housekeeping accommodations. The term includes,
6 but is not limited to, inns, motels, tourist homes or courts,
7 lodging houses, rooming houses and apartment houses, retreat
8 centers, conference centers, and hunting lodges. For the
9 purposes of re-renters of hotel rooms only, "hotel" does not
10 include a short-term rental.

11 (2) "Operator" means any person engaged in the business of
12 renting, leasing, or letting rooms in a hotel.

13 (3) "Occupancy" means the use or possession, or the right
14 to the use or possession, of any room or rooms in a hotel for
15 any purpose, or the right to the use or possession of the
16 furnishings or to the services and accommodations accompanying
17 the use and possession of the room or rooms.

18 (4) "Room" or "rooms" means any living quarters, sleeping
19 or housekeeping accommodations.

20 (5) "Permanent resident" means any person who occupied or
21 has the right to occupy any room or rooms, regardless of
22 whether or not it is the same room or rooms, in a hotel for at
23 least 30 consecutive days.

24 (6) "Rent" or "rental" means the consideration received
25 for occupancy, valued in money, whether received in money or
26 otherwise, including all receipts, cash, credits, and property

1 or services of any kind or nature. "Rent" or "rental" includes
2 any fee, charge, or commission received from a guest by a
3 re-renter of hotel rooms specifically in connection with the
4 re-rental of hotel rooms, but does not include any fee,
5 charge, or commission received from a short-term rental by a
6 hosting platform.

7 (7) "Department" means the Department of Revenue.

8 (8) "Person" means any natural individual, firm,
9 partnership, association, joint stock company, joint
10 adventure, public or private corporation, limited liability
11 company, or a receiver, executor, trustee, guardian, or other
12 representative appointed by order of any court.

13 (9) "Re-renter of hotel rooms" means a person who is not
14 employed by the hotel operator but who, either directly or
15 indirectly, through agreements or arrangements with third
16 parties, collects or processes the payment of rent for a hotel
17 room located in this State and (i) obtains the right or
18 authority to grant control of, access to, or occupancy of a
19 hotel room in this State to a guest of the hotel or (ii)
20 facilitates the booking of a hotel room located in this State.
21 A person who obtains those rights or authorities is not
22 considered a re-renter of a hotel room if the person operates
23 under a shared hotel brand with the operator.

24 (10) "Hosting platform" or "platform" means a person who
25 provides an online application, software, website, or system
26 through which a short-term rental located in this State is

1 advertised or held out to the public as available to rent for
2 occupancy. For purposes of this definition, "short-term
3 rental" means an owner-occupied, tenant-occupied, or
4 non-owner-occupied dwelling, including, but not limited to, an
5 apartment, house, cottage, or condominium, located in this
6 State, where: (i) at least one room in the dwelling is rented
7 to an occupant for a period of less than 30 consecutive days;
8 and (ii) all accommodations are reserved in advance; provided,
9 however, that a dwelling shall be considered a single room if
10 rented as such.

11 (11) "Shared hotel brand" means an identifying trademark
12 that a hotel operator is expressly licensed to operate under
13 in accordance with the terms of a hotel franchise or
14 management agreement.

15 (Source: P.A. 103-592, eff. 7-1-24; revised 10-21-24.)

16 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

17 Sec. 6. Returns; allocation of proceeds.

18 (a) Except as provided hereinafter in this Section, on or
19 before the last day of each calendar month, every person
20 engaged as a hotel operator in this State during the preceding
21 calendar month shall file a return with the Department,
22 stating:

23 1. the name of the operator;

24 2. his residence address and the address of his
25 principal place of business and the address of the

1 principal place of business (if that is a different
2 address) from which he engages in business as a hotel
3 operator in this State (including, if required by the
4 Department, the address of each hotel from which rental
5 receipts were received);

6 3. total amount of rental receipts received by him
7 during the preceding calendar month from engaging in
8 business as a hotel operator during such preceding
9 calendar month;

10 4. total amount of rental receipts received by him
11 during the preceding calendar month from renting, leasing
12 or letting rooms to permanent residents during such
13 preceding calendar month;

14 5. total amount of other exclusions from gross rental
15 receipts allowed by this Act;

16 6. gross rental receipts which were received by him
17 during the preceding calendar month and upon the basis of
18 which the tax is imposed;

19 7. the amount of tax due;

20 8. credit for any reimbursement of tax paid by a
21 re-renter of hotel rooms to hotel operators for rentals
22 purchased for re-rental, as provided in Section 3-3 of
23 this Act;

24 9. such other reasonable information as the Department
25 may require.

26 If the operator's average monthly tax liability to the

1 Department does not exceed \$200, the Department may authorize
2 his returns to be filed on a quarter annual basis, with the
3 return for January, February and March of a given year being
4 due by April 30 of such year; with the return for April, May
5 and June of a given year being due by July 31 of such year;
6 with the return for July, August and September of a given year
7 being due by October 31 of such year, and with the return for
8 October, November and December of a given year being due by
9 January 31 of the following year.

10 If the operator's average monthly tax liability to the
11 Department does not exceed \$50, the Department may authorize
12 his returns to be filed on an annual basis, with the return for
13 a given year being due by January 31 of the following year.

14 Such quarter annual and annual returns, as to form and
15 substance, shall be subject to the same requirements as
16 monthly returns.

17 Notwithstanding any other provision in this Act concerning
18 the time within which an operator may file his return, in the
19 case of any operator who ceases to engage in a kind of business
20 which makes him responsible for filing returns under this Act,
21 such operator shall file a final return under this Act with the
22 Department not more than one ± month after discontinuing such
23 business.

24 Where the same person has more than one ± business
25 registered with the Department under separate registrations
26 under this Act, such person shall not file each return that is

1 due as a single return covering all such registered
2 businesses, but shall file separate returns for each such
3 registered business.

4 In his return, the operator shall determine the value of
5 any consideration other than money received by him in
6 connection with engaging in business as a hotel operator and
7 he shall include such value in his return. Such determination
8 shall be subject to review and revision by the Department in
9 the manner hereinafter provided for the correction of returns.

10 Where the operator is a corporation, the return filed on
11 behalf of such corporation shall be signed by the president,
12 vice-president, secretary or treasurer or by the properly
13 accredited agent of such corporation.

14 The person filing the return herein provided for shall, at
15 the time of filing such return, pay to the Department the
16 amount of tax herein imposed. The operator filing the return
17 under this Section shall, at the time of filing such return,
18 pay to the Department the amount of tax imposed by this Act
19 less a discount of 2.1% or \$25 per calendar year, whichever is
20 greater, which is allowed to reimburse the operator for the
21 expenses incurred in keeping records, preparing and filing
22 returns, remitting the tax and supplying data to the
23 Department on request.

24 If any payment provided for in this Section exceeds the
25 operator's liabilities under this Act, as shown on an original
26 return, the Department may authorize the operator to credit

1 such excess payment against liability subsequently to be
2 remitted to the Department under this Act, in accordance with
3 reasonable rules adopted by the Department. If the Department
4 subsequently determines that all or any part of the credit
5 taken was not actually due to the operator, the operator's
6 discount shall be reduced by an amount equal to the difference
7 between the discount as applied to the credit taken and that
8 actually due, and that operator shall be liable for penalties
9 and interest on such difference.

10 (b) Until July 1, 2024, the Department shall deposit the
11 total net revenue realized from the tax imposed under this Act
12 as provided in this subsection (b). Beginning on July 1, 2024,
13 the Department shall deposit the total net revenue realized
14 from the tax imposed under this Act as provided in subsection
15 (c).

16 There shall be deposited into the Build Illinois Fund in
17 the State treasury ~~Treasury~~ for each State fiscal year 40% of
18 the amount of total net revenue from the tax imposed by
19 subsection (a) of Section 3. Of the remaining 60%: (i)
20 \$5,000,000 shall be deposited into the Illinois Sports
21 Facilities Fund and credited to the Subsidy Account each
22 fiscal year by making monthly deposits in the amount of 1/8 of
23 \$5,000,000 plus cumulative deficiencies in such deposits for
24 prior months, and (ii) an amount equal to the then applicable
25 Advance Amount, as defined in subsection (d), shall be
26 deposited into the Illinois Sports Facilities Fund and

1 credited to the Advance Account each fiscal year by making
2 monthly deposits in the amount of 1/8 of the then applicable
3 Advance Amount plus any cumulative deficiencies in such
4 deposits for prior months. (The deposits of the then
5 applicable Advance Amount during each fiscal year shall be
6 treated as advances of funds to the Illinois Sports Facilities
7 Authority for its corporate purposes to the extent paid to the
8 Authority or its trustee and shall be repaid into the General
9 Revenue Fund in the State treasury ~~Treasury~~ by the State
10 Treasurer on behalf of the Authority pursuant to Section 19 of
11 the Illinois Sports Facilities Authority Act, as amended. If
12 in any fiscal year the full amount of the then applicable
13 Advance Amount is not repaid into the General Revenue Fund,
14 then the deficiency shall be paid from the amount in the Local
15 Government Distributive Fund that would otherwise be allocated
16 to the City of Chicago under the State Revenue Sharing Act.)

17 Of the remaining 60% of the amount of total net revenue
18 beginning on August 1, 2011 through June 30, 2023, from the tax
19 imposed by subsection (a) of Section 3 after all required
20 deposits into the Illinois Sports Facilities Fund, an amount
21 equal to 8% of the net revenue realized from this Act during
22 the preceding month shall be deposited as follows: 18% of such
23 amount shall be deposited into the Chicago Travel Industry
24 Promotion Fund for the purposes described in subsection (n) of
25 Section 5 of the Metropolitan Pier and Exposition Authority
26 Act and the remaining 82% of such amount shall be deposited

1 into the Local Tourism Fund each month for purposes authorized
2 by Section 605-705 of the Department of Commerce and Economic
3 Opportunity Law. Beginning on August 1, 2011 and through June
4 30, 2023, an amount equal to 4.5% of the net revenue realized
5 from this Act during the preceding month shall be deposited as
6 follows: 55% of such amount shall be deposited into the
7 Chicago Travel Industry Promotion Fund for the purposes
8 described in subsection (n) of Section 5 of the Metropolitan
9 Pier and Exposition Authority Act and the remaining 45% of
10 such amount deposited into the International Tourism Fund for
11 the purposes authorized in Section 605-707 of the Department
12 of Commerce and Economic Opportunity Law.

13 Beginning on July 1, 2023 and until July 1, 2024, of the
14 remaining 60% of the amount of total net revenue realized from
15 the tax imposed under subsection (a) of Section 3, after all
16 required deposits into the Illinois Sports Facilities Fund:

17 (1) an amount equal to 8% of the net revenue realized
18 under this Act for the preceding month shall be deposited
19 as follows: 82% to the Local Tourism Fund and 18% to the
20 Chicago Travel Industry Promotion Fund; and

21 (2) an amount equal to 4.5% of the net revenue
22 realized under this Act for the preceding month shall be
23 deposited as follows: 55% to the Chicago Travel Industry
24 Promotion Fund and 45% to the International Tourism Fund.

25 After making all these deposits, any remaining net revenue
26 realized from the tax imposed under subsection (a) of Section

1 3 shall be deposited into the Tourism Promotion Fund in the
2 State treasury ~~Treasury~~. All moneys received by the Department
3 from the additional tax imposed under subsection (b) of
4 Section 3 shall be deposited into the Build Illinois Fund in
5 the State treasury ~~Treasury~~.

6 (c) Beginning on July 1, 2024, the total net revenue
7 realized from the tax imposed under this Act for the preceding
8 month shall be deposited each month as follows:

9 (1) 50% shall be deposited into the Build Illinois
10 Fund; and

11 (2) the remaining 50% shall be deposited in the
12 following order of priority:

13 (A) First:

14 (i) \$5,000,000 shall be deposited into the
15 Illinois Sports Facilities Fund and credited to
16 the Subsidy Account each fiscal year by making
17 monthly deposits in the amount of one-eighth of
18 \$5,000,000 plus cumulative deficiencies in those
19 deposits for prior months; and

20 (ii) an amount equal to the then applicable
21 Advance Amount, as defined in subsection (d),
22 shall be deposited into the Illinois Sports
23 Facilities Fund and credited to the Advance
24 Account each fiscal year by making monthly
25 deposits in the amount of one-eighth of the then
26 applicable Advance Amount plus any cumulative

1 deficiencies in such deposits for prior months;
2 the deposits of the then applicable Advance Amount
3 during each fiscal year shall be treated as
4 advances of funds to the Illinois Sports
5 Facilities Authority for its corporate purposes to
6 the extent paid to the Illinois Sports Facilities
7 Authority or its trustee and shall be repaid into
8 the General Revenue Fund in the State treasury
9 ~~Treasury~~ by the State Treasurer on behalf of the
10 Authority pursuant to Section 19 of the Illinois
11 Sports Facilities Authority Act; if, in any fiscal
12 year, the full amount of the Advance Amount is not
13 repaid into the General Revenue Fund, then the
14 deficiency shall be paid from the amount in the
15 Local Government Distributive Fund that would
16 otherwise be allocated to the City of Chicago
17 under the State Revenue Sharing Act; and

18 (B) after all required deposits into the Illinois
19 Sports Facilities Fund under paragraph (A) have been
20 made each month, the remainder shall be deposited as
21 follows:

22 (i) 56% into the Tourism Promotion Fund;

23 (ii) 23% into the Local Tourism Fund;

24 (iii) 14% into the Chicago Travel Industry
25 Promotion Fund; and

26 (iv) 7% into the International Tourism Fund.

1 (d) As used in subsections (b) and (c):

2 "Advance Amount" means, for fiscal year 2002, \$22,179,000,
3 and for subsequent fiscal years through fiscal year 2033,
4 105.615% of the Advance Amount for the immediately preceding
5 fiscal year, rounded up to the nearest \$1,000.

6 "Net revenue realized" means the revenue collected by the
7 State under this Act less the amount paid out as refunds to
8 taxpayers for overpayment of liability under this Act.

9 (e) The Department may, upon separate written notice to a
10 taxpayer, require the taxpayer to prepare and file with the
11 Department on a form prescribed by the Department within not
12 less than 60 days after receipt of the notice an annual
13 information return for the tax year specified in the notice.
14 Such annual return to the Department shall include a statement
15 of gross receipts as shown by the operator's last State income
16 tax return. If the total receipts of the business as reported
17 in the State income tax return do not agree with the gross
18 receipts reported to the Department for the same period, the
19 operator shall attach to his annual information return a
20 schedule showing a reconciliation of the 2 amounts and the
21 reasons for the difference. The operator's annual information
22 return to the Department shall also disclose payroll
23 information of the operator's business during the year covered
24 by such return and any additional reasonable information which
25 the Department deems would be helpful in determining the
26 accuracy of the monthly, quarterly or annual tax returns by

1 such operator as hereinbefore provided for in this Section.

2 If the annual information return required by this Section
3 is not filed when and as required the taxpayer shall be liable
4 for a penalty in an amount determined in accordance with
5 Section 3-4 of the Uniform Penalty and Interest Act until such
6 return is filed as required, the penalty to be assessed and
7 collected in the same manner as any other penalty provided for
8 in this Act.

9 The chief executive officer, proprietor, owner or highest
10 ranking manager shall sign the annual return to certify the
11 accuracy of the information contained therein. Any person who
12 willfully signs the annual return containing false or
13 inaccurate information shall be guilty of perjury and punished
14 accordingly. The annual return form prescribed by the
15 Department shall include a warning that the person signing the
16 return may be liable for perjury.

17 The foregoing portion of this Section concerning the
18 filing of an annual information return shall not apply to an
19 operator who is not required to file an income tax return with
20 the United States Government.

21 (Source: P.A. 102-16, eff. 6-17-21; 103-8, eff. 6-7-23;
22 103-592, eff. 7-1-24; 103-642, eff. 7-1-24; revised 8-12-24.)

23 Section 315. The Automobile Renting Occupation and Use Tax
24 Act is amended by changing Sections 2 and 6 as follows:

(35 ILCS 155/2) (from Ch. 120, par. 1702)

Sec. 2. Definitions. As used in this Act:

"Renting" means any transfer of the possession or right to possession of an automobile to a user for a valuable consideration for a period of one year or less.

"Renting" does not include making a charge for the use of an automobile where the rentor, either himself or through an agent, furnishes a service of operating an automobile so that the rentor remains in possession of the automobile, because this does not constitute a transfer of possession or right to possession of the automobile.

"Renting" does not include the making of a charge by an automobile dealer for the use of an automobile as a demonstrator in connection with the dealer's business of selling, where the charge is merely made to recover the costs of operating the automobile as a demonstrator and is not intended as a rental or leasing charge in the ordinary sense.

"Renting" does not include peer-to-peer car sharing, as defined in Section 5 of the Car-Sharing Program Act, if tax due on the automobile under the Retailers' Occupation Tax Act or Use Tax Act was paid upon the purchase of the automobile or when the automobile was brought into Illinois. The car-sharing program shall ask a shared-vehicle ~~shared-vehicle~~ owner if the shared-vehicle ~~shared-vehicle~~ owner paid applicable taxes at the time of purchase. Notwithstanding any law to the contrary, the car-sharing program shall have the right to rely on the

1 ~~shared-vehicle~~ ~~shared-vehicle~~ owner's response and to be held
2 legally harmless for such reliance.

3 "Automobile" means (1) any motor vehicle of the first
4 division, or (2) a motor vehicle of the second division which:
5 (A) is a self-contained motor vehicle designed or permanently
6 converted to provide living quarters for recreational, camping
7 or travel use, with direct walk through access to the living
8 quarters from the driver's seat; (B) is of the van
9 configuration designed for the transportation of not less than
10 7 nor more than 16 passengers, as defined in Section 1-146 of
11 the Illinois Vehicle Code; or (C) has a Gross Vehicle Weight
12 Rating, as defined in Section 1-124.5 of the Illinois Vehicle
13 Code, of 8,000 pounds or less.

14 "Department" means the Department of Revenue.

15 "Person" means any natural individual, firm, partnership,
16 association, joint stock company, joint adventure, public or
17 private corporation, limited liability company, or a receiver,
18 executor, trustee, conservator, or other representative
19 appointed by order of any court.

20 "Rentor" means any person, firm, corporation, or
21 association engaged in the business of renting or leasing
22 automobiles to users. For this purpose, the objective of
23 making a profit is not necessary to make the renting activity a
24 business.

25 "Rentor" does not include a car-sharing program or a
26 shared-vehicle owner, as defined in Section 5 of the

1 Car-Sharing Program Act, if tax due on the automobile under
2 the Retailers' Occupation Tax Act or Use Tax Act was paid upon
3 the purchase of the automobile or when the automobile was
4 brought into Illinois. The car-sharing program shall ask a
5 shared-vehicle ~~shared-vehicle~~ owner if the shared-vehicle
6 ~~shared-vehicle~~ owner paid applicable taxes at the time of
7 purchase. Notwithstanding any law to the contrary, the
8 car-sharing program shall have the right to rely on the
9 shared-vehicle ~~shared-vehicle~~ owner's response and to be held
10 legally harmless for such reliance.

11 "Rentee" means any user to whom the possession, or the
12 right to possession, of an automobile is transferred for a
13 valuable consideration for a period of one year or less,
14 whether paid for by the "rentee" or by someone else.

15 "Rentee" does not include a shared-vehicle driver, as
16 defined in Section 5 of the Car-Sharing Program Act, if tax due
17 on the automobile under the Retailers' Occupation Tax Act or
18 Use Tax Act was paid upon the purchase of the automobile or
19 when the automobile was brought into Illinois. The car-sharing
20 program shall ask a shared-vehicle ~~shared-vehicle~~ owner if the
21 shared-vehicle ~~shared-vehicle~~ owner paid applicable taxes at
22 the time of purchase. Notwithstanding any law to the contrary,
23 the car-sharing program shall have the right to rely on the
24 shared-vehicle ~~shared-vehicle~~ owner's response and to be held
25 legally harmless for such reliance.

26 "Gross receipts" from the renting of tangible personal

1 property or "rent" means the total rental price or leasing
2 price. In the case of rental transactions in which the
3 consideration is paid to the rentor on an installment basis,
4 the amounts of such payments shall be included by the rentor in
5 gross receipts or rent only as and when payments are received
6 by the rentor.

7 "Gross receipts" does not include receipts received by an
8 automobile dealer from a manufacturer or service contract
9 provider for the use of an automobile by a person while that
10 person's automobile is being repaired by that automobile
11 dealer and the repair is made pursuant to a manufacturer's
12 warranty or a service contract where a manufacturer or service
13 contract provider reimburses that automobile dealer pursuant
14 to a manufacturer's warranty or a service contract and the
15 reimbursement is merely made to recover the costs of operating
16 the automobile as a loaner vehicle.

17 "Rental price" means the consideration for renting or
18 leasing an automobile valued in money, whether received in
19 money or otherwise, including cash credits, property and
20 services, and shall be determined without any deduction on
21 account of the cost of the property rented, the cost of
22 materials used, labor or service cost, or any other expense
23 whatsoever, but does not include charges that are added by a
24 rentor on account of the rentor's tax liability under this Act
25 or on account of the rentor's duty to collect, from the rentee,
26 the tax that is imposed by Section 4 of this Act. The phrase

1 "rental price" does not include compensation paid to a rentor
2 by a rentee in consideration of the waiver by the rentor of any
3 right of action or claim against the rentee for loss or damage
4 to the automobile rented and also does not include a
5 separately stated charge for insurance or recovery of
6 refueling costs or other separately stated charges that are
7 not for the use of tangible personal property.

8 "Rental price" does not include consideration paid for
9 peer-to-peer car sharing to a shared-vehicle owner or a
10 car-sharing program, as those terms are defined in Section 5
11 of the Car-Sharing Program Act, if tax due on the automobile
12 under the Retailers' Occupation Tax Act or Use Tax Act was paid
13 upon the purchase of the automobile or when the automobile was
14 brought into Illinois. The car-sharing program shall ask a
15 shared-vehicle ~~shared-vehicle~~ owner if the shared-vehicle
16 ~~shared-vehicle~~ owner paid applicable taxes at the time of
17 purchase. Notwithstanding any law to the contrary, the
18 car-sharing program shall have the right to rely on the
19 shared-vehicle ~~shared-vehicle~~ owner's response and to be held
20 legally harmless for such reliance.

21 (Source: P.A. 103-520, eff. 8-11-23; revised 10-23-24.)

22 (35 ILCS 155/6)

23 Sec. 6. Applicability. The taxes imposed by Sections 3 and
24 4 of this Act do not apply to any amounts paid or received for
25 peer-to-peer car sharing, as defined in Section 5 of the

1 Car-Sharing Program Act, or the privilege of sharing a shared
2 vehicle through a car-sharing program, as defined in Section 5
3 of the Car-Sharing Program Act, if the shared-vehicle ~~shared~~
4 ~~vehicle~~ owner paid applicable taxes upon the purchase of the
5 automobile.

6 As used in this Section, "applicable taxes" means, with
7 respect to vehicles purchased in Illinois, the retailers'
8 occupation tax levied under the Retailers' Occupation Tax Act
9 or the use tax levied under the Use Tax Act. "Applicable
10 taxes", with respect to vehicles not purchased in Illinois,
11 refers to the sales, use, excise, or other generally
12 applicable tax that is due upon the purchase of a vehicle in
13 the jurisdiction in which the vehicle was purchased.

14 Notwithstanding any law to the contrary, the car-sharing
15 program shall have the right to rely on the shared-vehicle
16 ~~shared-vehicle~~ owner's response and to be held legally
17 harmless for such reliance.

18 (Source: P.A. 103-520, eff. 8-11-23; revised 10-23-24.)

19 Section 320. The Property Tax Code is amended by changing
20 Sections 18-185, 18-250, 22-15, and 22-40 as follows:

21 (35 ILCS 200/18-185)

22 Sec. 18-185. Short title; definitions. This Division 5
23 may be cited as the Property Tax Extension Limitation Law. As
24 used in this Division 5:

1 "Consumer Price Index" means the Consumer Price Index for
2 All Urban Consumers for all items published by the United
3 States Department of Labor.

4 "Extension limitation" means (a) the lesser of 5% or the
5 percentage increase in the Consumer Price Index during the
6 12-month calendar year preceding the levy year or (b) the rate
7 of increase approved by voters under Section 18-205.

8 "Affected county" means a county of 3,000,000 or more
9 inhabitants or a county contiguous to a county of 3,000,000 or
10 more inhabitants.

11 "Taxing district" has the same meaning provided in Section
12 1-150, except as otherwise provided in this Section. For the
13 1991 through 1994 levy years only, "taxing district" includes
14 only each non-home rule taxing district having the majority of
15 its 1990 equalized assessed value within any county or
16 counties contiguous to a county with 3,000,000 or more
17 inhabitants. Beginning with the 1995 levy year, "taxing
18 district" includes only each non-home rule taxing district
19 subject to this Law before the 1995 levy year and each non-home
20 rule taxing district not subject to this Law before the 1995
21 levy year having the majority of its 1994 equalized assessed
22 value in an affected county or counties. Beginning with the
23 levy year in which this Law becomes applicable to a taxing
24 district as provided in Section 18-213, "taxing district" also
25 includes those taxing districts made subject to this Law as
26 provided in Section 18-213.

1 "Aggregate extension" for taxing districts to which this
2 Law applied before the 1995 levy year means the annual
3 corporate extension for the taxing district and those special
4 purpose extensions that are made annually for the taxing
5 district, excluding special purpose extensions: (a) made for
6 the taxing district to pay interest or principal on general
7 obligation bonds that were approved by referendum; (b) made
8 for any taxing district to pay interest or principal on
9 general obligation bonds issued before October 1, 1991; (c)
10 made for any taxing district to pay interest or principal on
11 bonds issued to refund or continue to refund those bonds
12 issued before October 1, 1991; (d) made for any taxing
13 district to pay interest or principal on bonds issued to
14 refund or continue to refund bonds issued after October 1,
15 1991 that were approved by referendum; (e) made for any taxing
16 district to pay interest or principal on revenue bonds issued
17 before October 1, 1991 for payment of which a property tax levy
18 or the full faith and credit of the unit of local government is
19 pledged; however, a tax for the payment of interest or
20 principal on those bonds shall be made only after the
21 governing body of the unit of local government finds that all
22 other sources for payment are insufficient to make those
23 payments; (f) made for payments under a building commission
24 lease when the lease payments are for the retirement of bonds
25 issued by the commission before October 1, 1991, to pay for the
26 building project; (g) made for payments due under installment

1 contracts entered into before October 1, 1991; (h) made for
2 payments of principal and interest on bonds issued under the
3 Metropolitan Water Reclamation District Act to finance
4 construction projects initiated before October 1, 1991; (i)
5 made for payments of principal and interest on limited bonds,
6 as defined in Section 3 of the Local Government Debt Reform
7 Act, in an amount not to exceed the debt service extension base
8 less the amount in items (b), (c), (e), and (h) of this
9 definition for non-referendum obligations, except obligations
10 initially issued pursuant to referendum; (j) made for payments
11 of principal and interest on bonds issued under Section 15 of
12 the Local Government Debt Reform Act; (k) made by a school
13 district that participates in the Special Education District
14 of Lake County, created by special education joint agreement
15 under Section 10-22.31 of the School Code, for payment of the
16 school district's share of the amounts required to be
17 contributed by the Special Education District of Lake County
18 to the Illinois Municipal Retirement Fund under Article 7 of
19 the Illinois Pension Code; the amount of any extension under
20 this item (k) shall be certified by the school district to the
21 county clerk; (l) made to fund expenses of providing joint
22 recreational programs for persons with disabilities under
23 Section 5-8 of the Park District Code or Section 11-95-14 of
24 the Illinois Municipal Code; (m) made for temporary relocation
25 loan repayment purposes pursuant to Sections 2-3.77 and
26 17-2.2d of the School Code; (n) made for payment of principal

1 and interest on any bonds issued under the authority of
2 Section 17-2.2d of the School Code; (o) made for contributions
3 to a firefighter's pension fund created under Article 4 of the
4 Illinois Pension Code, to the extent of the amount certified
5 under item (5) of Section 4-134 of the Illinois Pension Code;
6 (p) made for road purposes in the first year after a township
7 assumes the rights, powers, duties, assets, property,
8 liabilities, obligations, and responsibilities of a road
9 district abolished under the provisions of Section 6-133 of
10 the Illinois Highway Code; ~~and~~ (q) made under Section 4 of the
11 Community Mental Health Act to provide the necessary funds or
12 to supplement existing funds for community mental health
13 facilities and services, including facilities and services for
14 the person with a developmental disability or a substance use
15 disorder; and (r) ~~(q)~~ made for the payment of principal and
16 interest on any bonds issued under the authority of Section
17 17-2.11 of the School Code or to refund or continue to refund
18 those bonds.

19 "Aggregate extension" for the taxing districts to which
20 this Law did not apply before the 1995 levy year (except taxing
21 districts subject to this Law in accordance with Section
22 18-213) means the annual corporate extension for the taxing
23 district and those special purpose extensions that are made
24 annually for the taxing district, excluding special purpose
25 extensions: (a) made for the taxing district to pay interest
26 or principal on general obligation bonds that were approved by

1 referendum; (b) made for any taxing district to pay interest
2 or principal on general obligation bonds issued before March
3 1, 1995; (c) made for any taxing district to pay interest or
4 principal on bonds issued to refund or continue to refund
5 those bonds issued before March 1, 1995; (d) made for any
6 taxing district to pay interest or principal on bonds issued
7 to refund or continue to refund bonds issued after March 1,
8 1995 that were approved by referendum; (e) made for any taxing
9 district to pay interest or principal on revenue bonds issued
10 before March 1, 1995 for payment of which a property tax levy
11 or the full faith and credit of the unit of local government is
12 pledged; however, a tax for the payment of interest or
13 principal on those bonds shall be made only after the
14 governing body of the unit of local government finds that all
15 other sources for payment are insufficient to make those
16 payments; (f) made for payments under a building commission
17 lease when the lease payments are for the retirement of bonds
18 issued by the commission before March 1, 1995 to pay for the
19 building project; (g) made for payments due under installment
20 contracts entered into before March 1, 1995; (h) made for
21 payments of principal and interest on bonds issued under the
22 Metropolitan Water Reclamation District Act to finance
23 construction projects initiated before October 1, 1991; (h-4)
24 made for stormwater management purposes by the Metropolitan
25 Water Reclamation District of Greater Chicago under Section 12
26 of the Metropolitan Water Reclamation District Act; (h-8) made

1 for payments of principal and interest on bonds issued under
2 Section 9.6a of the Metropolitan Water Reclamation District
3 Act to make contributions to the pension fund established
4 under Article 13 of the Illinois Pension Code; (i) made for
5 payments of principal and interest on limited bonds, as
6 defined in Section 3 of the Local Government Debt Reform Act,
7 in an amount not to exceed the debt service extension base less
8 the amount in items (b), (c), and (e) of this definition for
9 non-referendum obligations, except obligations initially
10 issued pursuant to referendum and bonds described in
11 subsections (h) and (h-8) of this definition; (j) made for
12 payments of principal and interest on bonds issued under
13 Section 15 of the Local Government Debt Reform Act; (k) made
14 for payments of principal and interest on bonds authorized by
15 Public Act 88-503 and issued under Section 20a of the Chicago
16 Park District Act for aquarium or museum projects and bonds
17 issued under Section 20a of the Chicago Park District Act for
18 the purpose of making contributions to the pension fund
19 established under Article 12 of the Illinois Pension Code; (l)
20 made for payments of principal and interest on bonds
21 authorized by Public Act 87-1191 or 93-601 and (i) issued
22 pursuant to Section 21.2 of the Cook County Forest Preserve
23 District Act, (ii) issued under Section 42 of the Cook County
24 Forest Preserve District Act for zoological park projects, or
25 (iii) issued under Section 44.1 of the Cook County Forest
26 Preserve District Act for botanical gardens projects; (m) made

1 pursuant to Section 34-53.5 of the School Code, whether levied
2 annually or not; (n) made to fund expenses of providing joint
3 recreational programs for persons with disabilities under
4 Section 5-8 of the Park District Code or Section 11-95-14 of
5 the Illinois Municipal Code; (o) made by the Chicago Park
6 District for recreational programs for persons with
7 disabilities under subsection (c) of Section 7.06 of the
8 Chicago Park District Act; (p) made for contributions to a
9 firefighter's pension fund created under Article 4 of the
10 Illinois Pension Code, to the extent of the amount certified
11 under item (5) of Section 4-134 of the Illinois Pension Code;
12 (q) made by Ford Heights School District 169 under Section
13 17-9.02 of the School Code; (r) made for the purpose of making
14 employer contributions to the Public School Teachers' Pension
15 and Retirement Fund of Chicago under Section 34-53 of the
16 School Code; ~~and~~ (s) made under Section 4 of the Community
17 Mental Health Act to provide the necessary funds or to
18 supplement existing funds for community mental health
19 facilities and services, including facilities and services for
20 the person with a developmental disability or a substance use
21 disorder; and (t) ~~(s)~~ made for the payment of principal and
22 interest on any bonds issued under the authority of Section
23 17-2.11 of the School Code or to refund or continue to refund
24 those bonds.

25 "Aggregate extension" for all taxing districts to which
26 this Law applies in accordance with Section 18-213, except for

1 those taxing districts subject to paragraph (2) of subsection
2 (e) of Section 18-213, means the annual corporate extension
3 for the taxing district and those special purpose extensions
4 that are made annually for the taxing district, excluding
5 special purpose extensions: (a) made for the taxing district
6 to pay interest or principal on general obligation bonds that
7 were approved by referendum; (b) made for any taxing district
8 to pay interest or principal on general obligation bonds
9 issued before the date on which the referendum making this Law
10 applicable to the taxing district is held; (c) made for any
11 taxing district to pay interest or principal on bonds issued
12 to refund or continue to refund those bonds issued before the
13 date on which the referendum making this Law applicable to the
14 taxing district is held; (d) made for any taxing district to
15 pay interest or principal on bonds issued to refund or
16 continue to refund bonds issued after the date on which the
17 referendum making this Law applicable to the taxing district
18 is held if the bonds were approved by referendum after the date
19 on which the referendum making this Law applicable to the
20 taxing district is held; (e) made for any taxing district to
21 pay interest or principal on revenue bonds issued before the
22 date on which the referendum making this Law applicable to the
23 taxing district is held for payment of which a property tax
24 levy or the full faith and credit of the unit of local
25 government is pledged; however, a tax for the payment of
26 interest or principal on those bonds shall be made only after

1 the governing body of the unit of local government finds that
2 all other sources for payment are insufficient to make those
3 payments; (f) made for payments under a building commission
4 lease when the lease payments are for the retirement of bonds
5 issued by the commission before the date on which the
6 referendum making this Law applicable to the taxing district
7 is held to pay for the building project; (g) made for payments
8 due under installment contracts entered into before the date
9 on which the referendum making this Law applicable to the
10 taxing district is held; (h) made for payments of principal
11 and interest on limited bonds, as defined in Section 3 of the
12 Local Government Debt Reform Act, in an amount not to exceed
13 the debt service extension base less the amount in items (b),
14 (c), and (e) of this definition for non-referendum
15 obligations, except obligations initially issued pursuant to
16 referendum; (i) made for payments of principal and interest on
17 bonds issued under Section 15 of the Local Government Debt
18 Reform Act; (j) made for a qualified airport authority to pay
19 interest or principal on general obligation bonds issued for
20 the purpose of paying obligations due under, or financing
21 airport facilities required to be acquired, constructed,
22 installed or equipped pursuant to, contracts entered into
23 before March 1, 1996 (but not including any amendments to such
24 a contract taking effect on or after that date); (k) made to
25 fund expenses of providing joint recreational programs for
26 persons with disabilities under Section 5-8 of the Park

1 District Code or Section 11-95-14 of the Illinois Municipal
2 Code; (l) made for contributions to a firefighter's pension
3 fund created under Article 4 of the Illinois Pension Code, to
4 the extent of the amount certified under item (5) of Section
5 4-134 of the Illinois Pension Code; (m) made for the taxing
6 district to pay interest or principal on general obligation
7 bonds issued pursuant to Section 19-3.10 of the School Code;
8 ~~and~~ (n) made under Section 4 of the Community Mental Health Act
9 to provide the necessary funds or to supplement existing funds
10 for community mental health facilities and services, including
11 facilities and services for the person with a developmental
12 disability or a substance use disorder; and (o) ~~(n)~~ made for
13 the payment of principal and interest on any bonds issued
14 under the authority of Section 17-2.11 of the School Code or to
15 refund or continue to refund those bonds.

16 "Aggregate extension" for all taxing districts to which
17 this Law applies in accordance with paragraph (2) of
18 subsection (e) of Section 18-213 means the annual corporate
19 extension for the taxing district and those special purpose
20 extensions that are made annually for the taxing district,
21 excluding special purpose extensions: (a) made for the taxing
22 district to pay interest or principal on general obligation
23 bonds that were approved by referendum; (b) made for any
24 taxing district to pay interest or principal on general
25 obligation bonds issued before March 7, 1997 (the effective
26 date of Public Act 89-718); (c) made for any taxing district to

1 pay interest or principal on bonds issued to refund or
2 continue to refund those bonds issued before March 7, 1997
3 (the effective date of Public Act 89-718); (d) made for any
4 taxing district to pay interest or principal on bonds issued
5 to refund or continue to refund bonds issued after March 7,
6 1997 (the effective date of Public Act 89-718) if the bonds
7 were approved by referendum after March 7, 1997 (the effective
8 date of Public Act 89-718); (e) made for any taxing district to
9 pay interest or principal on revenue bonds issued before March
10 7, 1997 (the effective date of Public Act 89-718) for payment
11 of which a property tax levy or the full faith and credit of
12 the unit of local government is pledged; however, a tax for the
13 payment of interest or principal on those bonds shall be made
14 only after the governing body of the unit of local government
15 finds that all other sources for payment are insufficient to
16 make those payments; (f) made for payments under a building
17 commission lease when the lease payments are for the
18 retirement of bonds issued by the commission before March 7,
19 1997 (the effective date of Public Act 89-718) to pay for the
20 building project; (g) made for payments due under installment
21 contracts entered into before March 7, 1997 (the effective
22 date of Public Act 89-718); (h) made for payments of principal
23 and interest on limited bonds, as defined in Section 3 of the
24 Local Government Debt Reform Act, in an amount not to exceed
25 the debt service extension base less the amount in items (b),
26 (c), and (e) of this definition for non-referendum

obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; ~~and~~ (m) made under Section 4 of the Community Mental Health Act to provide the necessary funds or to supplement existing funds for community mental health facilities and services, including facilities and services for the person with a developmental disability or a substance use disorder; and (n) ~~(m)~~ made for the payment of principal and interest on any bonds issued under the authority of Section 17-2.11 of the School Code or to refund or continue to refund those bonds.

"Debt service extension base" means an amount equal to

1 that portion of the extension for a taxing district for the
2 1994 levy year, or for those taxing districts subject to this
3 Law in accordance with Section 18-213, except for those
4 subject to paragraph (2) of subsection (e) of Section 18-213,
5 for the levy year in which the referendum making this Law
6 applicable to the taxing district is held, or for those taxing
7 districts subject to this Law in accordance with paragraph (2)
8 of subsection (e) of Section 18-213 for the 1996 levy year,
9 constituting an extension for payment of principal and
10 interest on bonds issued by the taxing district without
11 referendum, but not including excluded non-referendum bonds.
12 For park districts (i) that were first subject to this Law in
13 1991 or 1995 and (ii) whose extension for the 1994 levy year
14 for the payment of principal and interest on bonds issued by
15 the park district without referendum (but not including
16 excluded non-referendum bonds) was less than 51% of the amount
17 for the 1991 levy year constituting an extension for payment
18 of principal and interest on bonds issued by the park district
19 without referendum (but not including excluded non-referendum
20 bonds), "debt service extension base" means an amount equal to
21 that portion of the extension for the 1991 levy year
22 constituting an extension for payment of principal and
23 interest on bonds issued by the park district without
24 referendum (but not including excluded non-referendum bonds).
25 A debt service extension base established or increased at any
26 time pursuant to any provision of this Law, except Section

1 18-212, shall be increased each year commencing with the later
2 of (i) the 2009 levy year or (ii) the first levy year in which
3 this Law becomes applicable to the taxing district, by the
4 lesser of 5% or the percentage increase in the Consumer Price
5 Index during the 12-month calendar year preceding the levy
6 year. The debt service extension base may be established or
7 increased as provided under Section 18-212. "Excluded
8 non-referendum bonds" means (i) bonds authorized by Public Act
9 88-503 and issued under Section 20a of the Chicago Park
10 District Act for aquarium and museum projects; (ii) bonds
11 issued under Section 15 of the Local Government Debt Reform
12 Act; or (iii) refunding obligations issued to refund or to
13 continue to refund obligations initially issued pursuant to
14 referendum.

15 "Special purpose extensions" include, but are not limited
16 to, extensions for levies made on an annual basis for
17 unemployment and workers' compensation, self-insurance,
18 contributions to pension plans, and extensions made pursuant
19 to Section 6-601 of the Illinois Highway Code for a road
20 district's permanent road fund whether levied annually or not.
21 The extension for a special service area is not included in the
22 aggregate extension.

23 "Aggregate extension base" means the taxing district's
24 last preceding aggregate extension as adjusted under Sections
25 18-135, 18-215, 18-230, 18-206, and 18-233. Beginning with
26 levy year 2022, for taxing districts that are specified in

1 Section 18-190.7, the taxing district's aggregate extension
2 base shall be calculated as provided in Section 18-190.7. An
3 adjustment under Section 18-135 shall be made for the 2007
4 levy year and all subsequent levy years whenever one or more
5 counties within which a taxing district is located (i) used
6 estimated valuations or rates when extending taxes in the
7 taxing district for the last preceding levy year that resulted
8 in the over or under extension of taxes, or (ii) increased or
9 decreased the tax extension for the last preceding levy year
10 as required by Section 18-135(c). Whenever an adjustment is
11 required under Section 18-135, the aggregate extension base of
12 the taxing district shall be equal to the amount that the
13 aggregate extension of the taxing district would have been for
14 the last preceding levy year if either or both (i) actual,
15 rather than estimated, valuations or rates had been used to
16 calculate the extension of taxes for the last levy year, or
17 (ii) the tax extension for the last preceding levy year had not
18 been adjusted as required by subsection (c) of Section 18-135.

19 Notwithstanding any other provision of law, for levy year
20 2012, the aggregate extension base for West Northfield School
21 District No. 31 in Cook County shall be \$12,654,592.

22 Notwithstanding any other provision of law, for the
23 purpose of calculating the limiting rate for levy year 2023,
24 the last preceding aggregate extension base for Homewood
25 School District No. 153 in Cook County shall be \$19,535,377.

26 Notwithstanding any other provision of law, for levy year

1 2022, the aggregate extension base of a home equity assurance
2 program that levied at least \$1,000,000 in property taxes in
3 levy year 2019 or 2020 under the Home Equity Assurance Act
4 shall be the amount that the program's aggregate extension
5 base for levy year 2021 would have been if the program had
6 levied a property tax for levy year 2021.

7 "Levy year" has the same meaning as "year" under Section
8 1-155.

9 "New property" means (i) the assessed value, after final
10 board of review or board of appeals action, of new
11 improvements or additions to existing improvements on any
12 parcel of real property that increase the assessed value of
13 that real property during the levy year multiplied by the
14 equalization factor issued by the Department under Section
15 17-30, (ii) the assessed value, after final board of review or
16 board of appeals action, of real property not exempt from real
17 estate taxation, which real property was exempt from real
18 estate taxation for any portion of the immediately preceding
19 levy year, multiplied by the equalization factor issued by the
20 Department under Section 17-30, including the assessed value,
21 upon final stabilization of occupancy after new construction
22 is complete, of any real property located within the
23 boundaries of an otherwise or previously exempt military
24 reservation that is intended for residential use and owned by
25 or leased to a private corporation or other entity, (iii) in
26 counties that classify in accordance with Section 4 of Article

1 IX of the Illinois Constitution, an incentive property's
2 additional assessed value resulting from a scheduled increase
3 in the level of assessment as applied to the first year final
4 board of review market value, and (iv) any increase in
5 assessed value due to oil or gas production from an oil or gas
6 well required to be permitted under the Hydraulic Fracturing
7 Regulatory Act that was not produced in or accounted for
8 during the previous levy year. In addition, the county clerk
9 in a county containing a population of 3,000,000 or more shall
10 include in the 1997 recovered tax increment value for any
11 school district, any recovered tax increment value that was
12 applicable to the 1995 tax year calculations.

13 "Qualified airport authority" means an airport authority
14 organized under the Airport Authorities Act and located in a
15 county bordering on the State of Wisconsin and having a
16 population in excess of 200,000 and not greater than 500,000.

17 "Recovered tax increment value" means, except as otherwise
18 provided in this paragraph, the amount of the current year's
19 equalized assessed value, in the first year after a
20 municipality terminates the designation of an area as a
21 redevelopment project area previously established under the
22 Tax Increment Allocation Redevelopment Act in the Illinois
23 Municipal Code, previously established under the Industrial
24 Jobs Recovery Law in the Illinois Municipal Code, previously
25 established under the Economic Development Project Area Tax
26 Increment Act of 1995, or previously established under the

1 Economic Development Area Tax Increment Allocation Act, of
2 each taxable lot, block, tract, or parcel of real property in
3 the redevelopment project area over and above the initial
4 equalized assessed value of each property in the redevelopment
5 project area. For the taxes which are extended for the 1997
6 levy year, the recovered tax increment value for a non-home
7 rule taxing district that first became subject to this Law for
8 the 1995 levy year because a majority of its 1994 equalized
9 assessed value was in an affected county or counties shall be
10 increased if a municipality terminated the designation of an
11 area in 1993 as a redevelopment project area previously
12 established under the Tax Increment Allocation Redevelopment
13 Act in the Illinois Municipal Code, previously established
14 under the Industrial Jobs Recovery Law in the Illinois
15 Municipal Code, or previously established under the Economic
16 Development Area Tax Increment Allocation Act, by an amount
17 equal to the 1994 equalized assessed value of each taxable
18 lot, block, tract, or parcel of real property in the
19 redevelopment project area over and above the initial
20 equalized assessed value of each property in the redevelopment
21 project area. In the first year after a municipality removes a
22 taxable lot, block, tract, or parcel of real property from a
23 redevelopment project area established under the Tax Increment
24 Allocation Redevelopment Act in the Illinois Municipal Code,
25 the Industrial Jobs Recovery Law in the Illinois Municipal
26 Code, or the Economic Development Area Tax Increment

1 Allocation Act, "recovered tax increment value" means the
2 amount of the current year's equalized assessed value of each
3 taxable lot, block, tract, or parcel of real property removed
4 from the redevelopment project area over and above the initial
5 equalized assessed value of that real property before removal
6 from the redevelopment project area.

7 Except as otherwise provided in this Section, "limiting
8 rate" means a fraction the numerator of which is the last
9 preceding aggregate extension base times an amount equal to
10 one plus the extension limitation defined in this Section and
11 the denominator of which is the current year's equalized
12 assessed value of all real property in the territory under the
13 jurisdiction of the taxing district during the prior levy
14 year. For those taxing districts that reduced their aggregate
15 extension for the last preceding levy year, except for school
16 districts that reduced their extension for educational
17 purposes pursuant to Section 18-206, the highest aggregate
18 extension in any of the last 3 preceding levy years shall be
19 used for the purpose of computing the limiting rate. The
20 denominator shall not include new property or the recovered
21 tax increment value. If a new rate, a rate decrease, or a
22 limiting rate increase has been approved at an election held
23 after March 21, 2006, then (i) the otherwise applicable
24 limiting rate shall be increased by the amount of the new rate
25 or shall be reduced by the amount of the rate decrease, as the
26 case may be, or (ii) in the case of a limiting rate increase,

1 the limiting rate shall be equal to the rate set forth in the
2 proposition approved by the voters for each of the years
3 specified in the proposition, after which the limiting rate of
4 the taxing district shall be calculated as otherwise provided.

5 In the case of a taxing district that obtained referendum
6 approval for an increased limiting rate on March 20, 2012, the
7 limiting rate for tax year 2012 shall be the rate that
8 generates the approximate total amount of taxes extendable for
9 that tax year, as set forth in the proposition approved by the
10 voters; this rate shall be the final rate applied by the county
11 clerk for the aggregate of all capped funds of the district for
12 tax year 2012.

13 (Source: P.A. 102-263, eff. 8-6-21; 102-311, eff. 8-6-21;
14 102-519, eff. 8-20-21; 102-558, eff. 8-20-21; 102-707, eff.
15 4-22-22; 102-813, eff. 5-13-22; 102-895, eff. 5-23-22;
16 103-154, eff. 6-30-23; 103-587, eff. 5-28-24; 103-591, eff.
17 7-1-24; 103-592, eff. 6-7-24; revised 7-9-24.)

18 (35 ILCS 200/18-250)

19 Sec. 18-250. Additions to forfeited taxes and unpaid
20 special assessments; fee for estimate.

21 (a) When any property has been forfeited for taxes or
22 special assessments, the clerk shall compute the amount of
23 back taxes and special assessments, interest, statutory costs,
24 and printer's fees remaining due, with one year's interest on
25 all taxes forfeited, and enter them upon the collector's books

1 as separate items. Except as otherwise provided in Section
2 21-375, the aggregate so computed shall be collected in the
3 same manner as the taxes on other property for that year. The
4 county clerk shall examine the forfeitures, and strike all
5 errors and make corrections as necessary. For counties with
6 fewer than 3,000,000 inhabitants, interest added to
7 forfeitures under this Section shall be at the rate of 12% per
8 year. For counties with 3,000,000 or more inhabitants,
9 interest added to forfeitures under this Section shall accrue
10 at the rate of (i) 12% per year if the forfeiture is for a tax
11 year before tax year 2023 or (ii) 0.75% per month, or portion
12 thereof, if the forfeiture is for tax year 2023 or any tax year
13 thereafter.

14 (b) In counties with 3,000,000 or more inhabitants, taxes
15 first extended for prior years, or previously extended for
16 prior years for which application for judgment and order of
17 sale is not already pending, shall be added to the tax of the
18 current year, with interest and costs as provided by law.
19 Forfeitures shall not be so added, but they shall remain a lien
20 on the property upon which they were charged until paid or sold
21 as provided by law. There shall be added to such forfeitures
22 annually the same interest as would be added if forfeited
23 annually, until paid or sold, and the addition of each year's
24 interest shall be considered a separate forfeiture.
25 Forfeitures may be redeemed in the manner provided in Section
26 21-370 or 21-375. Taxes and special assessments for which

1 application for judgment and order of sale is pending, or
2 entered but not enforced for any reason, shall not be added to
3 the tax for the current year. However, if the taxes and special
4 assessments remain unpaid, the property~~7~~ shall be advertised
5 and sold under judgments and orders of sale to be entered in
6 pending applications, or already entered in prior
7 applications, including judgments and orders of sale under
8 which the purchaser fails to complete his or her purchase.

9 (c) In counties with 3,000,000 or more inhabitants, on or
10 before January 1, 2001 and during each year thereafter, the
11 county clerk shall compute the amount of taxes on each
12 property that remain due or forfeited for any year prior to the
13 current year and have not become subject to Sections 20-180
14 through 20-190, and the clerk shall enter the same upon the
15 collector's warrant books of the current and all following
16 years as separate items in a suitable column. The county clerk
17 shall examine the collector's warrant books and the Tax
18 Judgment, Sale, Redemption and Forfeiture records for the
19 appropriate years and may take any other actions as the clerk
20 finds to be necessary or convenient in order to comply with
21 this subsection. On and after January 1, 2001, any taxes for
22 any year remaining due or forfeited against real property in
23 such county not entered on the current collector's warrant
24 books shall be deemed uncollectible and void, but shall not be
25 subject to the posting or other requirements of Sections
26 20-180 through 20-190.

1 (d) In counties with 100,000 or more inhabitants, the
2 county clerk shall, when making the annual collector's books,
3 in a suitable column, insert and designate previous
4 forfeitures of general taxes by the word "forfeiture", to be
5 stamped opposite each property forfeited at the last previous
6 tax sale for general taxes and not redeemed or purchased
7 previous to the completion of the collector's books. The
8 collectors of general taxes shall stamp upon all bills
9 rendered and receipts given the information on the collector's
10 books regarding forfeiture of general taxes, and the stamped
11 notation shall also refer the recipient to the county clerk
12 for full information. The county clerk shall be allowed to
13 collect from the person requesting an estimate of costs of
14 redemption of a forfeited property, the fee provided by law.

15 (Source: P.A. 103-555, eff. 1-1-24; revised 7-22-24.)

16 (35 ILCS 200/22-15)

17 Sec. 22-15. Service of notice. The purchaser or his or her
18 assignee shall give the notice required by Section 22-10 by
19 causing it to be published in a newspaper as set forth in
20 Section 22-20. In addition, the notice shall be served upon
21 owners who reside on any part of the subject property by
22 leaving a copy of the notice with those owners personally. The
23 notice must be served by a sheriff (or if he or she is
24 disqualified, by a coroner) of the county in which the
25 property, or any part thereof, is located or, by a person who

1 is licensed or registered as a private detective under the
2 Private Detective, Private Alarm, Private Security,
3 Fingerprint Vendor, and Locksmith Act of 2004.

4 In counties of 3,000,000 or more inhabitants, if the
5 notice required by Section 22-10 is to be served by the
6 sheriff, no sale in error may be declared pursuant to Section
7 22-50 or subparagraph (5) of subsection (a) of Section 21-310
8 based upon the sheriff's failure to serve the notice in
9 accordance with this Section unless the notice and service
10 list for the first service attempt is delivered by the
11 purchaser or assignee to the sheriff at least 5 months prior to
12 the expiration of the period of redemption. Purchasers or
13 assignees may request that the sheriff make additional service
14 attempts to the same entities and locations, and the sheriff
15 may make those additional attempts within the noticing period
16 established in Section 22-10, but the sheriff's failure to
17 make such additional service attempts is not grounds for a
18 sale in error under Section 22-50 or subparagraph (5) of
19 subsection (a) of Section 21-310.

20 In counties of 3,000,000 or more inhabitants, if the
21 purchaser or assignee requests that the sheriff make an
22 additional service attempt upon an entity or to a location
23 that was not included on the service list for the first
24 attempt, then the purchaser or assignee must deliver the
25 notice and service list for the additional service attempt to
26 the sheriff at least 4 months before the expiration of the

1 period of redemption. If the purchaser or assignee delivers
2 the notice and service list for an additional service attempt
3 upon an entity or to a location that was not included on the
4 service list for the first attempt to the sheriff at least 4
5 months before the expiration of the period of redemption, then
6 the sheriff's failure to serve the notice in accordance with
7 this Section may be grounds for a sale in error under Section
8 22-50 but not under subparagraph (5) of subsection (a) of
9 Section 21-310. If the purchaser or assignee fails to deliver
10 the notice and service list for an additional service attempt
11 upon an entity or to a location that was not included on the
12 first service list to the sheriff at least 4 months prior to
13 the expiration of the period of redemption, then the sheriff's
14 failure to serve that additional notice in accordance with
15 this Section is not grounds for a sale in error under either
16 Section 22-50 or subparagraph (5) of subsection (a) of Section
17 21-310.

18 In counties of 3,000,000 or more inhabitants where a
19 taxing district is a petitioner for tax deed pursuant to
20 Section 21-90, in lieu of service by the sheriff or coroner the
21 notice may be served by a special process server appointed by
22 the circuit court as provided in this Section. The taxing
23 district may move prior to filing one or more petitions for tax
24 deed for appointment of such a special process server. The
25 court, upon being satisfied that the person named in the
26 motion is at least 18 years of age and is capable of serving

1 notice as required under this Code, shall enter an order
2 appointing such person as a special process server for a
3 period of one year. The appointment may be renewed for
4 successive periods of one year each by motion and order, and a
5 copy of the original and any subsequent order shall be filed in
6 each tax deed case in which a notice is served by the appointed
7 person. Delivery of the notice to and service of the notice by
8 the special process server shall have the same force and
9 effect as its delivery to and service by the sheriff or
10 coroner.

11 The same form of notice shall also be served, in the manner
12 set forth under Sections 2-203, 2-204, 2-205, 2-205.1, and
13 2-211 of the Code of Civil Procedure, upon all other owners and
14 parties interested in the property, if upon diligent inquiry
15 they can be found in the county, and upon the occupants of the
16 property.

17 If the property sold has more than 4 dwellings or other
18 rental units, and has a managing agent or party who collects
19 rents, that person shall be deemed the occupant and shall be
20 served with notice instead of the occupants of the individual
21 units. If the property has no dwellings or rental units, but
22 economic or recreational activities are carried on therein,
23 the person directing such activities shall be deemed the
24 occupant. Holders of rights of entry and possibilities of
25 reverter shall not be deemed parties interested in the
26 property.

1 When a party interested in the property is a trustee,
2 notice served upon the trustee shall be deemed to have been
3 served upon any beneficiary or note holder thereunder unless
4 the holder of the note is disclosed of record.

5 When a judgment is a lien upon the property sold, the
6 holder of the lien shall be served with notice if the name of
7 the judgment debtor as shown in the transcript, certified copy
8 or memorandum of judgment filed of record is identical, as to
9 given name and surname, with the name of the party interested
10 as it appears of record.

11 If any owner or party interested, upon diligent inquiry
12 and effort, cannot be found or served with notice in the county
13 as provided in this Section, and the person in actual
14 occupancy and possession is tenant to, or in possession under
15 the owners or the parties interested in the property, then
16 service of notice upon the tenant, occupant or person in
17 possession shall be deemed service upon the owners or parties
18 interested.

19 If any owner or party interested, upon diligent inquiry
20 and effort, cannot be found or served with notice in the
21 county, then the person making the service shall cause a copy
22 of the notice to be sent by registered or certified mail,
23 return receipt requested, to that party at his or her
24 residence, if ascertainable.

25 The changes to this Section made by Public Act 95-477
26 apply only to matters in which a petition for tax deed is filed

1 on or after June 1, 2008 (the effective date of Public Act
2 95-477).

3 (Source: P.A. 103-555, eff. 1-1-24; revised 8-6-24.)

4 (35 ILCS 200/22-40)

5 Sec. 22-40. Issuance of deed; possession.

6 (a) To obtain an order for issuance of tax deed, the
7 petitioner must provide sufficient evidence that:

8 (1) the redemption period has expired and the property
9 has not been redeemed;

10 (2) all taxes and special assessments which became due
11 and payable subsequent to the sale have been paid, unless
12 the county or its agent, as trustee pursuant to Section
13 21-90, is the petitioner;

14 (3) all forfeitures and sales which occur subsequent
15 to the sale are paid or redeemed, unless the county or its
16 agent, as trustee pursuant to Section 21-90, is the
17 petitioner;

18 (4) the notices required by law have been given, and
19 all advancements of public funds under the police power
20 made by a county, city, village, or town under Section
21 22-35 have been paid; and

22 (5) the petitioner has complied with all the
23 provisions of law entitling him or her to a deed.

24 Upon receipt of sufficient evidence of the requirements
25 under this subsection (a), the court shall find that the

1 petitioner complied with those requirements and shall enter an
2 order directing the county clerk, on the production of the tax
3 certificate and a certified copy of the order, to issue to the
4 purchaser or its assignee a tax deed. The court shall insist on
5 strict compliance with Section 22-10 through 22-25. Prior to
6 the entry of an order directing the issuance of a tax deed, the
7 petitioner shall furnish the court with a report of
8 proceedings of the evidence received on the application for
9 tax deed and the report of proceedings shall be filed and made
10 a part of the court record.

11 (b) Except as provided in subsection (e), if taxes for
12 years prior to the year or years sold are or become delinquent
13 subsequent to the date of sale, the court shall find that the
14 lien of those delinquent taxes has been or will be merged into
15 the tax deed grantee's title if the court determines that the
16 tax deed grantee or any prior holder of the certificate of
17 purchase, or any person or entity under common ownership or
18 control with any such grantee or prior holder of the
19 certificate of purchase, was at no time the holder of any
20 certificate of purchase for the years sought to be merged. If
21 delinquent taxes are merged into the tax deed pursuant to this
22 subsection, the court shall enter an order declaring which
23 specific taxes have been or will be merged into the tax deed
24 title and directing the county treasurer and county clerk to
25 reflect that declaration in the warrant and judgment records;
26 provided, that no such order shall be effective until a tax

1 deed has been issued and timely recorded. Nothing contained in
2 this Section shall relieve any owner liable for delinquent
3 property taxes under this Code from the payment of the taxes
4 that have been merged into the title upon issuance of the tax
5 deed.

6 (c) The county clerk is entitled to a fee of \$10 in
7 counties of 3,000,000 or more inhabitants and \$5 in counties
8 with less than 3,000,000 inhabitants for the issuance of the
9 tax deed, with the exception of deeds issued to the county
10 pursuant to its authority under Section 21-90. The clerk may
11 not include in a tax deed more than one property as listed,
12 assessed and sold in one description, except in cases where
13 several properties are owned by one person.

14 Upon application, the court shall enter an order to place
15 the tax deed grantee or the grantee's successor in interest in
16 possession of the property and may enter orders and grant
17 relief as may be necessary or desirable to maintain the
18 grantee or the grantee's successor in interest in possession.

19 (d) The court shall retain jurisdiction to enter orders
20 pursuant to subsections (b) and (c) of this Section. Public
21 Act 92-223 ~~This amendatory Act of the 92nd General Assembly~~
22 and Public Act 95-477 ~~this amendatory Act of the 95th General~~
23 ~~Assembly~~ shall be construed as being declarative of existing
24 law and not as a new enactment.

25 (e) Prior to the issuance of any tax deed under this
26 Section, the petitioner must redeem all taxes and special

1 assessments on the property that are subject to a pending tax
2 petition filed by a county or its assignee pursuant to Section
3 21-90.

4 (f) If, for any reason, a purchaser fails to obtain an
5 order for tax deed within the required time period and no sale
6 in error was granted or redemption paid, then the certificate
7 shall be forfeited to the county, as trustee, pursuant to
8 Section 21-90.

9 (Source: P.A. 103-555, eff. 1-1-24; revised 8-5-24.)

10 Section 325. The Telecommunications Excise Tax Act is
11 amended by changing Section 2 as follows:

12 (35 ILCS 630/2) (from Ch. 120, par. 2002)

13 Sec. 2. As used in this Article, unless the context
14 clearly requires otherwise:

15 (a) "Gross charge" means the amount paid for the act or
16 privilege of originating or receiving telecommunications in
17 this State and for all services and equipment provided in
18 connection therewith by a retailer, valued in money whether
19 paid in money or otherwise, including cash, credits, services,
20 and property of every kind or nature, and shall be determined
21 without any deduction on account of the cost of such
22 telecommunications, the cost of materials used, labor or
23 service costs, or any other expense whatsoever. In case credit
24 is extended, the amount thereof shall be included only as and

1 when paid. "Gross charges" for private line service shall
2 include charges imposed at each channel termination point
3 within this State, charges for the channel mileage between
4 each channel termination point within this State, and charges
5 for that portion of the interstate inter-office channel
6 provided within Illinois. Charges for that portion of the
7 interstate inter-office channel provided in Illinois shall be
8 determined by the retailer as follows: (i) for interstate
9 inter-office channels having 2 channel termination points,
10 only one of which is in Illinois, 50% of the total charge
11 imposed; or (ii) for interstate inter-office channels having
12 more than 2 channel termination points, one or more of which
13 are in Illinois, an amount equal to the total charge
14 multiplied by a fraction, the numerator of which is the number
15 of channel termination points within Illinois and the
16 denominator of which is the total number of channel
17 termination points. Prior to January 1, 2004, any method
18 consistent with this paragraph or other method that reasonably
19 apportions the total charges for interstate inter-office
20 channels among the states in which channel terminations points
21 are located shall be accepted as a reasonable method to
22 determine the charges for that portion of the interstate
23 inter-office channel provided within Illinois for that period.
24 However, "gross charges" shall not include any of the
25 following:

26 (1) Any amounts added to a purchaser's bill because of

1 a charge made pursuant to (i) the tax imposed by this
2 Article; (ii) charges added to customers' bills pursuant
3 to the provisions of Section ~~Sections~~ 9-221 or 9-222 of
4 the Public Utilities Act, as amended, or any similar
5 charges added to customers' bills by retailers who are not
6 subject to rate regulation by the Illinois Commerce
7 Commission for the purpose of recovering any of the tax
8 liabilities or other amounts specified in such provisions
9 of such Act; (iii) the tax imposed by Section 4251 of the
10 Internal Revenue Code; (iv) 911 surcharges; or (v) the tax
11 imposed by the Simplified Municipal Telecommunications Tax
12 Act.

13 (2) Charges for a sent collect telecommunication
14 received outside of the State.

15 (3) Charges for leased time on equipment or charges
16 for the storage of data or information for subsequent
17 retrieval or the processing of data or information
18 intended to change its form or content. Such equipment
19 includes, but is not limited to, the use of calculators,
20 computers, data processing equipment, tabulating
21 equipment, or accounting equipment and also includes the
22 usage of computers under a time-sharing agreement.

23 (4) Charges for customer equipment, including such
24 equipment that is leased or rented by the customer from
25 any source, wherein such charges are disaggregated and
26 separately identified from other charges.

1 (5) Charges to business enterprises certified under
2 Section 9-222.1 of the Public Utilities Act, as amended,
3 or under Section 95 of the Reimagining Energy and Vehicles
4 in Illinois Act, to the extent of such exemption and
5 during the period of time specified by the Department of
6 Commerce and Economic Opportunity.

7 (5.1) Charges to business enterprises certified under
8 the Manufacturing Illinois Chips for Real Opportunity
9 (MICRO) Act, to the extent of the exemption and during the
10 period of time specified by the Department of Commerce and
11 Economic Opportunity.

12 (5.2) Charges to entities certified under Section
13 605-1115 of the Department of Commerce and Economic
14 Opportunity Law of the Civil Administrative Code of
15 Illinois to the extent of the exemption and during the
16 period of time specified by the Department of Commerce and
17 Economic Opportunity.

18 (6) Charges for telecommunications and all services
19 and equipment provided in connection therewith between a
20 parent corporation and its wholly owned subsidiaries or
21 between wholly owned subsidiaries when the tax imposed
22 under this Article has already been paid to a retailer and
23 only to the extent that the charges between the parent
24 corporation and wholly owned subsidiaries or between
25 wholly owned subsidiaries represent expense allocation
26 between the corporations and not the generation of profit

1 for the corporation rendering such service.

2 (7) Bad debts. Bad debt means any portion of a debt
3 that is related to a sale at retail for which gross charges
4 are not otherwise deductible or excludable that has become
5 worthless or uncollectable, as determined under applicable
6 federal income tax standards. If the portion of the debt
7 deemed to be bad is subsequently paid, the retailer shall
8 report and pay the tax on that portion during the
9 reporting period in which the payment is made.

10 (8) Charges paid by inserting coins in coin-operated
11 telecommunication devices.

12 (9) Amounts paid by telecommunications retailers under
13 the Telecommunications Municipal Infrastructure
14 Maintenance Fee Act.

15 (10) Charges for nontaxable services or
16 telecommunications if (i) those charges are aggregated
17 with other charges for telecommunications that are
18 taxable, (ii) those charges are not separately stated on
19 the customer bill or invoice, and (iii) the retailer can
20 reasonably identify the nontaxable charges on the
21 retailer's books and records kept in the regular course of
22 business. If the nontaxable charges cannot reasonably be
23 identified, the gross charge from the sale of both taxable
24 and nontaxable services or telecommunications billed on a
25 combined basis shall be attributed to the taxable services
26 or telecommunications. The burden of proving nontaxable

1 charges shall be on the retailer of the
2 telecommunications.

3 (b) "Amount paid" means the amount charged to the
4 taxpayer's service address in this State regardless of where
5 such amount is billed or paid.

6 (c) "Telecommunications", in addition to the meaning
7 ordinarily and popularly ascribed to it, includes, without
8 limitation, messages or information transmitted through use of
9 local, toll, and wide area telephone service; private line
10 services; channel services; telegraph services;
11 teletypewriter; computer exchange services; cellular mobile
12 telecommunications service; specialized mobile radio;
13 stationary 2-way ~~two-way~~ radio; paging service; or any other
14 form of mobile and portable one-way or 2-way ~~two-way~~
15 communications; or any other transmission of messages or
16 information by electronic or similar means, between or among
17 points by wire, cable, fiber optics ~~fiber-optics~~, laser,
18 microwave, radio, satellite, or similar facilities. As used in
19 this Act, "private line" means a dedicated non-traffic
20 sensitive service for a single customer, that entitles the
21 customer to exclusive or priority use of a communications
22 channel or group of channels, from one or more specified
23 locations to one or more other specified locations. The
24 definition of "telecommunications" shall not include value
25 added services in which computer processing applications are
26 used to act on the form, content, code, and protocol of the

1 information for purposes other than transmission.
2 "Telecommunications" shall not include purchases of
3 telecommunications by a telecommunications service provider
4 for use as a component part of the service provided by him to
5 the ultimate retail consumer who originates or terminates the
6 taxable end-to-end communications. Carrier access charges,
7 right of access charges, charges for use of inter-company
8 facilities, and all telecommunications resold in the
9 subsequent provision of, used as a component of, or integrated
10 into end-to-end telecommunications service shall be
11 non-taxable as sales for resale.

12 (d) "Interstate telecommunications" means all
13 telecommunications that either originate or terminate outside
14 this State.

15 (e) "Intrastate telecommunications" means all
16 telecommunications that originate and terminate within this
17 State.

18 (f) "Department" means the Department of Revenue of the
19 State of Illinois.

20 (g) "Director" means the Director of Revenue for the
21 Department of Revenue of the State of Illinois.

22 (h) "Taxpayer" means a person who individually or through
23 his agents, employees, or permittees engages in the act or
24 privilege of originating or receiving telecommunications in
25 this State and who incurs a tax liability under this Article.

26 (i) "Person" means any natural individual, firm, trust,

1 estate, partnership, association, joint stock company, joint
2 venture, corporation, limited liability company, or a
3 receiver, trustee, guardian or other representative appointed
4 by order of any court, the federal ~~Federal~~ and State
5 governments, including State universities created by statute
6 or any city, town, county, or other political subdivision of
7 this State.

8 (j) "Purchase at retail" means the acquisition,
9 consumption, or use of telecommunication through a sale at
10 retail.

11 (k) "Sale at retail" means the transmitting, supplying, or
12 furnishing of telecommunications and all services and
13 equipment provided in connection therewith for a consideration
14 to persons other than the federal ~~Federal~~ and State
15 governments, and State universities created by statute and
16 other than between a parent corporation and its wholly owned
17 subsidiaries or between wholly owned subsidiaries for their
18 use or consumption and not for resale.

19 (l) "Retailer" means and includes every person engaged in
20 the business of making sales at retail as defined in this
21 Article. The Department may, in its discretion, upon
22 application, authorize the collection of the tax hereby
23 imposed by any retailer not maintaining a place of business
24 within this State, who, to the satisfaction of the Department,
25 furnishes adequate security to insure collection and payment
26 of the tax. Such retailer shall be issued, without charge, a

1 permit to collect such tax. When so authorized, it shall be the
2 duty of such retailer to collect the tax upon all of the gross
3 charges for telecommunications in this State in the same
4 manner and subject to the same requirements as a retailer
5 maintaining a place of business within this State. The permit
6 may be revoked by the Department at its discretion.

7 (m) "Retailer maintaining a place of business in this
8 State", or any like term, means and includes any retailer
9 having or maintaining within this State, directly or by a
10 subsidiary, an office, distribution facilities, transmission
11 facilities, sales office, warehouse or other place of
12 business, or any agent or other representative operating
13 within this State under the authority of the retailer or its
14 subsidiary, irrespective of whether such place of business or
15 agent or other representative is located here permanently or
16 temporarily, or whether such retailer or subsidiary is
17 licensed to do business in this State.

18 (n) "Service address" means the location of
19 telecommunications equipment from which the telecommunications
20 services are originated or at which telecommunications
21 services are received by a taxpayer. In the event this may not
22 be a defined location, as in the case of mobile phones, paging
23 systems, maritime systems, "service address" means the
24 customer's place of primary use as defined in the Mobile
25 Telecommunications Sourcing Conformity Act. For air-to-ground
26 systems and the like, "service address" shall mean the

1 location of a taxpayer's primary use of the telecommunications
2 equipment as defined by telephone number, authorization code,
3 or location in Illinois where bills are sent.

4 (o) "Prepaid telephone calling arrangements" mean the
5 right to exclusively purchase telephone or telecommunications
6 services that must be paid for in advance and enable the
7 origination of one or more intrastate, interstate, or
8 international telephone calls or other telecommunications
9 using an access number, an authorization code, or both,
10 whether manually or electronically dialed, for which payment
11 to a retailer must be made in advance, provided that, unless
12 recharged, no further service is provided once that prepaid
13 amount of service has been consumed. Prepaid telephone calling
14 arrangements include the recharge of a prepaid calling
15 arrangement. For purposes of this subsection, "recharge" means
16 the purchase of additional prepaid telephone or
17 telecommunications services whether or not the purchaser
18 acquires a different access number or authorization code.
19 "Prepaid telephone calling arrangement" does not include an
20 arrangement whereby a customer purchases a payment card and
21 pursuant to which the service provider reflects the amount of
22 such purchase as a credit on an invoice issued to that customer
23 under an existing subscription plan.

24 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22;
25 102-1125, eff. 2-3-23; 103-595, eff. 6-26-24; revised
26 10-21-24.)

1 Section 330. The Telecommunications Infrastructure
2 Maintenance Fee Act is amended by changing Section 10 as
3 follows:

4 (35 ILCS 635/10)

5 Sec. 10. Definitions. In this Act:

6 (a) "Gross charges" means the amount paid to a
7 telecommunications retailer for the act or privilege of
8 originating or receiving telecommunications in this State and
9 for all services rendered in connection therewith, valued in
10 money whether paid in money or otherwise, including cash,
11 credits, services, and property of every kind or nature, and
12 shall be determined without any deduction on account of the
13 cost of such telecommunications, the cost of the materials
14 used, labor or service costs, or any other expense whatsoever.
15 In case credit is extended, the amount thereof shall be
16 included only as and when paid. "Gross charges" for private
17 line service shall include charges imposed at each channel
18 termination point within this State, charges for the channel
19 mileage between each channel termination point within this
20 State, and charges for that portion of the interstate
21 inter-office channel provided within Illinois. Charges for
22 that portion of the interstate inter-office channel provided
23 in Illinois shall be determined by the retailer as follows:
24 (i) for interstate inter-office channels having 2 channel

1 termination points, only one of which is in Illinois, 50% of
2 the total charge imposed; or (ii) for interstate inter-office
3 channels having more than 2 channel termination points, one or
4 more of which are in Illinois, an amount equal to the total
5 charge multiplied by a fraction, the numerator of which is the
6 number of channel termination points within Illinois and the
7 denominator of which is the total number of channel
8 termination points. Prior to January 1, 2004, any method
9 consistent with this paragraph or other method that reasonably
10 apportions the total charges for interstate inter-office
11 channels among the states in which channel terminations points
12 are located shall be accepted as a reasonable method to
13 determine the charges for that portion of the interstate
14 inter-office channel provided within Illinois for that period.
15 However, "gross charges" shall not include any of the
16 following:

17 (1) Any amounts added to a purchaser's bill because of
18 a charge made under: (i) the fee imposed by this Section,
19 (ii) additional charges added to a purchaser's bill under
20 Section 9-221 or 9-222 of the Public Utilities Act, (iii)
21 the tax imposed by the Telecommunications Excise Tax Act,
22 (iv) 911 surcharges, (v) the tax imposed by Section 4251
23 of the Internal Revenue Code, or (vi) the tax imposed by
24 the Simplified Municipal Telecommunications Tax Act.

25 (2) Charges for a sent collect telecommunication
26 received outside of this State.

1 (3) Charges for leased time on equipment or charges
2 for the storage of data or information or subsequent
3 retrieval or the processing of data or information
4 intended to change its form or content. Such equipment
5 includes, but is not limited to, the use of calculators,
6 computers, data processing equipment, tabulating
7 equipment, or accounting equipment and also includes the
8 usage of computers under a time-sharing agreement.

9 (4) Charges for customer equipment, including such
10 equipment that is leased or rented by the customer from
11 any source, wherein such charges are disaggregated and
12 separately identified from other charges.

13 (5) Charges to business enterprises certified under
14 Section 9-222.1 of the Public Utilities Act to the extent
15 of such exemption and during the period of time specified
16 by the Department of Commerce and Economic Opportunity.

17 (5.1) Charges to business enterprises certified under
18 Section 95 of the Reimagining Energy and Vehicles in
19 Illinois Act, to the extent of the exemption and during
20 the period of time specified by the Department of Commerce
21 and Economic Opportunity.

22 (5.2) Charges to business enterprises certified under
23 Section 110-95 of the Manufacturing Illinois Chips for
24 Real Opportunity (MICRO) Act, to the extent of the
25 exemption and during the period of time specified by the
26 Department of Commerce and Economic Opportunity.

1 (5.3) Charges to entities certified under Section
2 605-1115 of the Department of Commerce and Economic
3 Opportunity Law of the Civil Administrative Code of
4 Illinois to the extent of the exemption and during the
5 period of time specified by the Department of Commerce and
6 Economic Opportunity.

7 (6) Charges for telecommunications and all services
8 and equipment provided in connection therewith between a
9 parent corporation and its wholly owned subsidiaries or
10 between wholly owned subsidiaries, and only to the extent
11 that the charges between the parent corporation and wholly
12 owned subsidiaries or between wholly owned subsidiaries
13 represent expense allocation between the corporations and
14 not the generation of profit other than a regulatory
15 required profit for the corporation rendering such
16 services.

17 (7) Bad debts ("bad debt" means any portion of a debt
18 that is related to a sale at retail for which gross charges
19 are not otherwise deductible or excludable that has become
20 worthless or uncollectible, as determined under applicable
21 federal income tax standards; if the portion of the debt
22 deemed to be bad is subsequently paid, the retailer shall
23 report and pay the tax on that portion during the
24 reporting period in which the payment is made).

25 (8) Charges paid by inserting coins in coin-operated
26 telecommunication devices.

1 (9) Charges for nontaxable services or
2 telecommunications if (i) those charges are aggregated
3 with other charges for telecommunications that are
4 taxable, (ii) those charges are not separately stated on
5 the customer bill or invoice, and (iii) the retailer can
6 reasonably identify the nontaxable charges on the
7 retailer's books and records kept in the regular course of
8 business. If the nontaxable charges cannot reasonably be
9 identified, the gross charge from the sale of both taxable
10 and nontaxable services or telecommunications billed on a
11 combined basis shall be attributed to the taxable services
12 or telecommunications. The burden of proving nontaxable
13 charges shall be on the retailer of the
14 telecommunications.

15 (a-5) "Department" means the Illinois Department of
16 Revenue.

17 (b) "Telecommunications" includes, but is not limited to,
18 messages or information transmitted through use of local,
19 toll, and wide area telephone service, channel services,
20 telegraph services, teletypewriter service, computer exchange
21 services, private line services, specialized mobile radio
22 services, or any other transmission of messages or information
23 by electronic or similar means, between or among points by
24 wire, cable, fiber optics, laser, microwave, radio, satellite,
25 or similar facilities. Unless the context clearly requires
26 otherwise, "telecommunications" shall also include wireless

1 telecommunications as hereinafter defined.
2 "Telecommunications" shall not include value added services in
3 which computer processing applications are used to act on the
4 form, content, code, and protocol of the information for
5 purposes other than transmission. "Telecommunications" shall
6 not include purchase of telecommunications by a
7 telecommunications service provider for use as a component
8 part of the service provided by him or her to the ultimate
9 retail consumer who originates or terminates the end-to-end
10 communications. Retailer access charges, right of access
11 charges, charges for use of intercompany facilities, and all
12 telecommunications resold in the subsequent provision and used
13 as a component of, or integrated into, end-to-end
14 telecommunications service shall not be included in gross
15 charges as sales for resale. "Telecommunications" shall not
16 include the provision of cable services through a cable system
17 as defined in the Cable Communications Act of 1984 (47 U.S.C.
18 Sections 521 and following) as now or hereafter amended or
19 through an open video system as defined in the Rules of the
20 Federal Communications Commission (47 C.D.F. 76.1550 and
21 following) as now or hereafter amended. Beginning January 1,
22 2001, prepaid telephone calling arrangements shall not be
23 considered "telecommunications" subject to the tax imposed
24 under this Act. For purposes of this Section, "prepaid
25 telephone calling arrangements" means that term as defined in
26 Section 2-27 of the Retailers' Occupation Tax Act.

1 (c) "Wireless telecommunications" includes cellular mobile
2 telephone services, personal wireless services as defined in
3 Section 704(C) of the Telecommunications Act of 1996 (Public
4 Law No. 104-104) as now or hereafter amended, including all
5 commercial mobile radio services, and paging services.

6 (d) "Telecommunications retailer" or "retailer" or
7 "carrier" means and includes every person engaged in the
8 business of making sales of telecommunications at retail as
9 defined in this Section. The Department may, in its
10 discretion, upon applications, authorize the collection of the
11 fee hereby imposed by any retailer not maintaining a place of
12 business within this State, who, to the satisfaction of the
13 Department, furnishes adequate security to insure collection
14 and payment of the fee. When so authorized, it shall be the
15 duty of such retailer to pay the fee upon all of the gross
16 charges for telecommunications in the same manner and subject
17 to the same requirements as a retailer maintaining a place of
18 business within this State.

19 (e) "Retailer maintaining a place of business in this
20 State", or any like term, means and includes any retailer
21 having or maintaining within this State, directly or by a
22 subsidiary, an office, distribution facilities, transmission
23 facilities, sales office, warehouse, or other place of
24 business, or any agent or other representative operating
25 within this State under the authority of the retailer or its
26 subsidiary, irrespective of whether such place of business or

1 agent or other representative is located here permanently or
2 temporarily, or whether such retailer or subsidiary is
3 licensed to do business in this State.

4 (f) "Sale of telecommunications at retail" means the
5 transmitting, supplying, or furnishing of telecommunications
6 and all services rendered in connection therewith for a
7 consideration, other than between a parent corporation and its
8 wholly owned subsidiaries or between wholly owned
9 subsidiaries, when the gross charge made by one such
10 corporation to another such corporation is not greater than
11 the gross charge paid to the retailer for their use or
12 consumption and not for sale.

13 (g) "Service address" means the location of
14 telecommunications equipment from which telecommunications
15 services are originated or at which telecommunications
16 services are received. If this is not a defined location, as in
17 the case of wireless telecommunications, paging systems,
18 maritime systems, "service address" means the customer's place
19 of primary use as defined in the Mobile Telecommunications
20 Sourcing Conformity Act. For air-to-ground systems, and the
21 like, "service address" shall mean the location of the
22 customer's primary use of the telecommunications equipment as
23 defined by the location in Illinois where bills are sent.

24 (Source: P.A. 102-1125, eff. 2-3-23; 103-595, eff. 6-26-24;
25 revised 10-21-24.)

1 Section 335. The Illinois Pension Code is amended by
2 changing Sections 9-169.2, 13-309, 13-310, and 15-112 as
3 follows:

4 (40 ILCS 5/9-169.2)

5 Sec. 9-169.2. Minimum required employer contribution. The
6 minimum required employer contribution for a specified year,
7 as set forth in the annual actuarial report required under
8 Section 9-169.1, shall be the amount determined by the Fund's
9 actuary to be equal to the sum of: (i) the projected normal
10 cost for pensions for that fiscal year based on the entry age
11 actuarial cost method, plus (ii) a projected unfunded
12 actuarial accrued liability amortization payment for pensions
13 for the fiscal year, plus (iii) projected expenses for that
14 fiscal year, plus (iv) interest to adjust for payment pattern
15 during the fiscal year, less (v) projected employee
16 contributions for that fiscal year.

17 The minimum required employer contribution for the next
18 year shall be submitted annually by the county on or before
19 June 14 of each year unless another time frame is agreed upon
20 by the county and the Fund.

21 For the purposes of this Section:

22 "5-Year smoothed actuarial value of assets" means the
23 value of assets as determined by a method that spreads the
24 effect of each year's investment return in excess of or below
25 the expected return.

1 "Entry age actuarial cost method" means a method of
2 determining the normal cost and is determined as a level
3 percentage of pay that, if paid from entry age to the assumed
4 retirement age, assuming all the actuarial assumptions are
5 exactly met by experience and no changes in assumptions or
6 benefit provisions, would accumulate to a fund sufficient to
7 pay all benefits provided by the Fund.

8 "Layered amortization" means a technique that separately
9 layers the different components of the unfunded actuarial
10 accrued liabilities to be amortized over a fixed period not to
11 exceed 30 years.

12 "Projected expenses" means the projected administrative
13 expenses for the cost of administering ~~administering~~ the
14 Fund.

15 "Projected normal costs for pensions" means the cost of
16 the benefits that accrue during the year for active members
17 under the entry age actuarial cost method.

18 "Unfunded actuarial accrued liability amortization
19 payment" means the annual contribution equal to the difference
20 between the values of assets and the accrued liabilities of
21 the plan, calculated by an actuary, needed to amortize the
22 Fund's liabilities over a period of 30 years starting in 2017,
23 with layered amortization of the Fund's unexpected unfunded
24 actuarial accrued liability amortization payment following
25 2017 in periods of 30 years, with amortization payments
26 increasing 2% per year, and reflecting a discount rate for all

1 liabilities consistent with the assumed investment rate of
2 return on fund assets and a 5-year smoothed actuarial value of
3 assets.

4 (Source: P.A. 103-529, eff. 8-11-23; revised 7-17-24.)

5 (40 ILCS 5/13-309) (from Ch. 108 1/2, par. 13-309)

6 Sec. 13-309. Duty disability benefit.

7 (a) Any employee who becomes disabled, which disability is
8 the result of an injury or illness compensable under the
9 Illinois Workers' Compensation Act or the Illinois Workers'
10 Occupational Diseases Act, is entitled to a duty disability
11 benefit during the period of disability for which the employee
12 does not receive any part of salary, or any part of a
13 retirement annuity under this Article; except that in the case
14 of an employee who first enters service on or after June 13,
15 1997 and becomes disabled before August 18, 2005 (the
16 effective date of Public Act 94-621), a duty disability
17 benefit is not payable for the first 3 days of disability that
18 would otherwise be payable under this Section if the
19 disability does not continue for at least 11 additional days.
20 The changes made to this Section by Public Act 94-621 are
21 prospective only and do not entitle an employee to a duty
22 disability benefit for the first 3 days of any disability that
23 occurred before that effective date and did not continue for
24 at least 11 additional days. This benefit shall be 75% of
25 salary at the date disability begins. However, if the

1 disability in any measure resulted from any physical defect or
2 disease which existed at the time such injury was sustained or
3 such illness commenced, the duty disability benefit shall be
4 50% of salary.

5 Unless the employer acknowledges that the disability is a
6 result of injury or illness compensable under the Workers'
7 Compensation Act or the Workers' Occupational Diseases Act,
8 the duty disability benefit shall not be payable until the
9 issue of compensability under those Acts is finally
10 adjudicated. The period of disability shall be as determined
11 by the Illinois Workers' Compensation Commission or
12 acknowledged by the employer.

13 An employee in service before June 13, 1997 shall also
14 receive a child's disability benefit during the period of
15 disability of \$10 per month for each unmarried natural or
16 adopted child of the employee under 18 years of age.

17 The first payment shall be made not later than one month
18 after the benefit is granted, and subsequent payments shall be
19 made at least monthly. The Board shall by rule prescribe for
20 the payment of such benefits on the basis of the amount of
21 salary lost during the period of disability.

22 (b) The benefit shall be allowed only if all of the
23 following requirements are met by the employee:

24 (1) Application is made to the Board.

25 (2) A medical report is submitted by at least one
26 licensed health care professional as part of the

1 employee's application.

2 (3) The employee is examined by at least one licensed
3 health care professional appointed by the Board and found
4 to be in a disabled physical condition and shall be
5 re-examined at least annually thereafter during the
6 continuance of disability. The employee need not be
7 examined by a licensed health care professional appointed
8 by the Board if the attorney for the district certifies in
9 writing that the employee is entitled to receive
10 compensation under the Workers' Compensation Act or the
11 Workers' Occupational Diseases Act. The Board may require
12 other evidence of disability.

13 (c) The benefit shall terminate when:

14 (1) The employee returns to work or receives a
15 retirement annuity paid wholly or in part under this
16 Article;

17 (2) The disability ceases;

18 (3) The employee attains age 65, but if the employee
19 becomes disabled at age 60 or later, benefits may be
20 extended for a period of no more than 5 years after
21 disablement;

22 (4) The employee (i) refuses to submit to reasonable
23 examinations by licensed health care professionals
24 appointed by the Board, (ii) fails or refuses to consent
25 to and sign an authorization allowing the Board to receive
26 copies of or to examine the employee's medical and

1 hospital records, or (iii) fails or refuses to provide
2 complete information regarding any other employment for
3 compensation he or she has received since becoming
4 disabled; or

5 (5) The employee willfully and continuously refuses to
6 follow medical advice and treatment to enable the employee
7 to return to work. However, this provision does not apply
8 to an employee who relies in good faith on treatment by
9 prayer through spiritual means alone in accordance with
10 the tenets and practice of a recognized church or
11 religious denomination, by a duly accredited practitioner
12 thereof.

13 In the case of a duty disability recipient who returns to
14 work, the employee must make application to the Retirement
15 Board within 2 years from the date the employee last received
16 duty disability benefits in order to become again entitled to
17 duty disability benefits based on the injury for which a duty
18 disability benefit was theretofore paid.

19 (Source: P.A. 103-523, eff. 1-1-24; revised 7-17-24.)

20 (40 ILCS 5/13-310) (from Ch. 108 1/2, par. 13-310)

21 Sec. 13-310. Ordinary disability benefit.

22 (a) Any employee who becomes disabled as the result of any
23 cause other than injury or illness incurred in the performance
24 of duty for the employer or any other employer, or while
25 engaged in self-employment activities, shall be entitled to an

1 ordinary disability benefit. The eligible period for this
2 benefit shall be 25% of the employee's total actual service
3 prior to the date of disability with a cumulative maximum
4 period of 5 years.

5 (b) The benefit shall be allowed only if the employee
6 files an application in writing with the Board, and a medical
7 report is submitted by at least one licensed health care
8 professional as part of the employee's application.

9 The benefit is not payable for any disability which begins
10 during any period of unpaid leave of absence. No benefit shall
11 be allowed for any period of disability prior to 30 days before
12 application is made, unless the Board finds good cause for the
13 delay in filing the application. The benefit shall not be paid
14 during any period for which the employee receives or is
15 entitled to receive any part of salary.

16 The benefit is not payable for any disability which begins
17 during any period of absence from duty other than allowable
18 vacation time in any calendar year. An employee whose
19 disability begins during any such ineligible period of absence
20 from service may not receive benefits until the employee
21 recovers from the disability and is in service for at least 15
22 consecutive working days after such recovery.

23 In the case of an employee who first enters service on or
24 after June 13, 1997, an ordinary disability benefit is not
25 payable for the first 3 days of disability that would
26 otherwise be payable under this Section if the disability does

1 not continue for at least 11 additional days.

2 Beginning on August 18, 2005 (the effective date of Public
3 Act 94-621) ~~this amendatory Act of the 94th General Assembly,~~
4 an employee who first entered service on or after June 13, 1997
5 is also eligible for ordinary disability benefits on the 31st
6 day after the last day worked, provided all sick leave is
7 exhausted.

8 (c) The benefit shall be 50% of the employee's salary at
9 the date of disability, and shall terminate when the earliest
10 of the following occurs:

11 (1) The employee returns to work or receives a
12 retirement annuity paid wholly or in part under this
13 Article;

14 (2) The disability ceases;

15 (3) The employee willfully and continuously refuses to
16 follow medical advice and treatment to enable the employee
17 to return to work. However, this provision does not apply
18 to an employee who relies in good faith on treatment by
19 prayer through spiritual means alone in accordance with
20 the tenets and practice of a recognized church or
21 religious denomination, by a duly accredited practitioner
22 thereof;

23 (4) The employee (i) refuses to submit to a reasonable
24 physical examination within 30 days of application by a
25 licensed health care professional appointed by the Board,
26 (ii) in the case of chronic alcoholism, the employee

1 refuses to join a rehabilitation program licensed by the
2 Department of Public Health of the State of Illinois and
3 certified by the Joint Commission on the Accreditation of
4 Hospitals, (iii) fails or refuses to consent to and sign
5 an authorization allowing the Board to receive copies of
6 or to examine the employee's medical and hospital records,
7 or (iv) fails or refuses to provide complete information
8 regarding any other employment for compensation he or she
9 has received since becoming disabled; or

10 (5) The eligibility ~~eligible~~ period for this benefit
11 has been exhausted.

12 The first payment of the benefit shall be made not later
13 than one month after the same has been granted, and subsequent
14 payments shall be made at least monthly.

15 (Source: P.A. 102-210, eff. 7-30-21; 103-523, eff. 1-1-24;
16 revised 7-17-24.)

17 (40 ILCS 5/15-112) (from Ch. 108 1/2, par. 15-112)

18 Sec. 15-112. Final rate of earnings. "Final rate of
19 earnings":

20 (a) This subsection (a) applies only to a Tier 1 member.

21 For an employee who is paid on an hourly basis or who
22 receives an annual salary in installments during 12 months of
23 each academic year, the average annual earnings during the 48
24 consecutive calendar month period ending with the last day of
25 final termination of employment or the 4 consecutive academic

1 years of service in which the employee's earnings were the
2 highest, whichever is greater. For any other employee, the
3 average annual earnings during the 4 consecutive academic
4 years of service in which his or her earnings were the highest.
5 For an employee with less than 48 months or 4 consecutive
6 academic years of service, the average earnings during his or
7 her entire period of service. The earnings of an employee with
8 more than 36 months of service under item (a) of Section
9 15-113.1 prior to the date of becoming a participant are, for
10 such period, considered equal to the average earnings during
11 the last 36 months of such service.

12 (b) This subsection (b) applies to a Tier 2 member.

13 For an employee who is paid on an hourly basis or who
14 receives an annual salary in installments during 12 months of
15 each academic year, the average annual earnings obtained by
16 dividing by 8 the total earnings of the employee during the 96
17 consecutive months in which the total earnings were the
18 highest within the last 120 months prior to termination.

19 For any other employee, the average annual earnings during
20 the 8 consecutive academic years within the 10 years prior to
21 termination in which the employee's earnings were the highest.
22 For an employee with less than 96 consecutive months or 8
23 consecutive academic years of service, whichever is necessary,
24 the average earnings during his or her entire period of
25 service.

26 (c) For an employee on leave of absence with pay, or on

1 leave of absence without pay who makes contributions during
2 such leave, earnings are assumed to be equal to the basic
3 compensation on the date the leave began.

4 (d) For an employee on disability leave, earnings are
5 assumed to be equal to the basic compensation on the date
6 disability occurs or the average earnings during the 24 months
7 immediately preceding the month in which disability occurs,
8 whichever is greater.

9 (e) For a Tier 1 member who retires on or after August 22,
10 1997 (the effective date of Public Act 90-511) ~~this amendatory~~
11 ~~Act of 1997~~ with at least 20 years of service as a firefighter
12 or police officer under this Article, the final rate of
13 earnings shall be the annual rate of earnings received by the
14 participant on his or her last day as a firefighter or police
15 officer under this Article, if that is greater than the final
16 rate of earnings as calculated under the other provisions of
17 this Section.

18 (f) If a Tier 1 member is an employee for at least 6 months
19 during the academic year in which his or her employment is
20 terminated, the annual final rate of earnings shall be 25% of
21 the sum of (1) the annual basic compensation for that year, and
22 (2) the amount earned during the 36 months immediately
23 preceding that year, if this is greater than the final rate of
24 earnings as calculated under the other provisions of this
25 Section.

26 (g) In the determination of the final rate of earnings for

1 an employee, that part of an employee's earnings for any
2 academic year beginning after June 30, 1997, which exceeds the
3 employee's earnings with that employer for the preceding year
4 by more than 20% ~~20 percent~~ shall be excluded; in the event
5 that an employee has more than one employer this limitation
6 shall be calculated separately for the earnings with each
7 employer. In making such calculation, only the basic
8 compensation of employees shall be considered, without regard
9 to vacation or overtime or to contracts for summer employment.
10 Beginning September 1, 2024, this subsection (g) also applies
11 to an employee who has been employed at 1/2 time or less for 3
12 or more years.

13 (h) The following are not considered as earnings in
14 determining the final rate of earnings: (1) severance or
15 separation pay, (2) retirement pay, (3) payment for unused
16 sick leave, and (4) payments from an employer for the period
17 used in determining the final rate of earnings for any purpose
18 other than (i) services rendered, (ii) leave of absence or
19 vacation granted during that period, and (iii) vacation of up
20 to 56 work days allowed upon termination of employment; except
21 that, if the benefit has been collectively bargained between
22 the employer and the recognized collective bargaining agent
23 pursuant to the Illinois Educational Labor Relations Act,
24 payment received during a period of up to 2 academic years for
25 unused sick leave may be considered as earnings in accordance
26 with the applicable collective bargaining agreement, subject

1 to the 20% increase limitation of this Section. Any unused
2 sick leave considered as earnings under this Section shall not
3 be taken into account in calculating service credit under
4 Section 15-113.4.

5 (i) Intermittent periods of service shall be considered as
6 consecutive in determining the final rate of earnings.

7 (Source: P.A. 103-548, eff. 8-11-23; revised 7-18-24.)

8 Section 340. The Revenue Anticipation Act is amended by
9 changing Section 3 as follows:

10 (50 ILCS 425/3) (from Ch. 85, par. 831-3)

11 Sec. 3. Notes issued under this Act shall be due not more
12 than 12 months from the date of issue and shall be payable in
13 accordance with the resolution adopted by the governing body
14 providing for the issuance of the notes or warrants. Notes
15 issued under this Act shall bear interest at not more than the
16 maximum interest rate allowed by the Bond Authorization Act
17 ~~"An Act to authorize public corporations to issue bonds, other~~
18 ~~evidences of indebtedness and tax anticipation warrants~~
19 ~~subject to interest rate limitations set forth therein",~~
20 ~~approved May 26, 1970, as amended,~~ payable annually or
21 semi-annually or at the time of payment of principal. The
22 interest to the due date of the note may be represented by
23 appropriate coupons and be executed by the facsimile signature
24 of the appropriate treasurer. No notes shall be issued under

1 this Act after the revenue to be anticipated is delinquent. No
2 notes shall be issued or sold, unless such issuance and sale is
3 authorized by a vote of at least two-thirds ~~2/3~~ of the members
4 elected to the governing body. The notes shall be sold to the
5 highest responsible bidder after due advertisement and public
6 opening of bids. The governing body may authorize notes to be
7 issued and sold from time to time and in such amounts as the
8 appropriate treasurer deems necessary to provide funds to pay
9 obligations due or to accrue within the then fiscal year.

10 Notes issued under this Act shall be received by any
11 collector of revenues against which they are issued at par
12 plus accrued interest, and, when so received, shall be
13 cancelled with the same effect as though paid pursuant to this
14 Act.

15 Such notes shall be signed by the presiding officer of the
16 governing body and countersigned by the treasurer. Such notes
17 shall be payable to bearer provided that the notes may be
18 registered as to principal in the name of the holder on the
19 books of the treasurer and evidence of such registration shall
20 be endorsed upon the back of notes so registered. After such
21 registration, no transfer shall be made except upon such books
22 and similarly noted on the note unless the last registration
23 was to bearer. Such notes may be re-registered from time to
24 time in the name of the designated holder but such
25 registration shall not affect the negotiability of the coupons
26 attached.

(Source: P.A. 83-1521; revised 7-24-24.)

Section 345. The Warrants and Jurors Certificates Act is amended by changing Section 3 as follows:

(50 ILCS 430/3) (from Ch. 146 1/2, par. 3)

Sec. 3. Each warrant issued under this Act may be made payable at the time fixed in the warrant and shall bear interest, payable only out of the taxes against which it is drawn, at a rate of interest specified in the warrant but not exceeding 7% if issued prior to January 1, 1972, and at the rate of not more than 8% if issued after January 1, 1972 and before November 12, 1981, and at a rate not to exceed the rate permitted in the Bond Authorization Act ~~"An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as now or hereafter amended~~ if issued on or after November 12, 1981, annually from the date of issuance until paid, or until notice is given by publication in a newspaper or otherwise, that the money for its payment is available, and that it will be paid on presentation. All jurors' certificates shall be issued in conformity with this Act. This Act does not apply to school districts, cities, villages, or incorporated towns. For the purposes of this Section, "prime commercial rate" means such prime rate as from time to time is publicly announced by

1 the largest commercial banking institution located in this
2 State, as measured by total assets.

3 (Source: P.A. 82-902; revised 7-24-24.)

4 Section 350. The Medical Service Facility Act is amended
5 by changing Section 5 as follows:

6 (50 ILCS 450/5) (from Ch. 85, par. 925)

7 Sec. 5. The resolution authorizing the issuance of such
8 bonds shall specify the total amount of bonds to be issued, the
9 form and denomination of the bonds, the date they are to bear,
10 the place where they are payable, the date or dates of
11 maturity, which shall not be more than 20 years after the date
12 the bonds bear, the rate of interest, which shall not exceed
13 the rate permitted in the Bond Authorization Act, ~~"An Act to~~
14 ~~authorize public corporations to issue bonds, other evidences~~
15 ~~of indebtedness and tax anticipation warrants subject to~~
16 ~~interest rate limitations set forth therein", approved May 26,~~
17 ~~1970, as now or hereafter amended~~ and the dates on which
18 interest is payable.

19 The tax authorized to be levied and collected under this
20 Act shall be extended annually against all the taxable
21 property within the county or municipality, as the case may
22 be, at such a rate that the proceeds of the tax, when combined
23 with the rental income derived from the medical service
24 facility, will be sufficient to pay the principal of the bonds

1 at maturity and to pay the interest thereon as it falls due.

2 (Source: P.A. 82-902; revised 7-29-24.)

3 Section 355. The Illinois Police Training Act is amended
4 by changing Section 8.2 and by setting forth, renumbering, and
5 changing multiple versions of Section 10.25 as follows:

6 (50 ILCS 705/8.2)

7 Sec. 8.2. Part-time law enforcement officers.

8 (a) A person hired to serve as a part-time law enforcement
9 officer must obtain from the Board a certificate (i) attesting
10 to the officer's successful completion of the part-time police
11 training course; (ii) attesting to the officer's satisfactory
12 completion of a training program of similar content and number
13 of hours that has been found acceptable by the Board under the
14 provisions of this Act; or (iii) a training waiver attesting
15 to the Board's determination that the part-time police
16 training course is unnecessary because of the person's prior
17 law enforcement experience obtained in Illinois, in any other
18 state, or with an agency of the federal government. A person
19 hired on or after March 14, 2002 (the effective date of Public
20 Act 92-533) ~~this amendatory Act of the 92nd General Assembly~~
21 must obtain this certificate within 18 months after the
22 initial date of hire as a probationary part-time law
23 enforcement officer in the State of Illinois. The probationary
24 part-time law enforcement officer must be enrolled and

1 accepted into a Board-approved course within 6 months after
2 active employment by any department in the State. A person
3 hired on or after January 1, 1996 and before March 14, 2002
4 (the effective date of Public Act 92-533) ~~this amendatory Act~~
5 ~~of the 92nd General Assembly~~ must obtain this certificate
6 within 18 months after the date of hire. A person hired before
7 January 1, 1996 must obtain this certificate within 24 months
8 after January 1, 1996 (the effective date of Public Act
9 89-170) ~~this amendatory Act of 1995~~. Agencies seeking a
10 reciprocity waiver for training completed outside of Illinois
11 must conduct a thorough background check and provide
12 verification of the officer's prior training. After review and
13 satisfaction of all requested conditions, the officer shall be
14 awarded an equivalency certificate satisfying the requirements
15 of this Section. Within 60 days after January 1, 2024 (the
16 effective date of Public Act 103-389) ~~this amendatory Act of~~
17 ~~the 103rd General Assembly~~, the Board shall adopt uniform
18 rules providing for a waiver process for a person previously
19 employed and qualified as a law enforcement or county
20 corrections officer under federal law or the laws of any other
21 state, or who has completed a basic law enforcement officer or
22 correctional officer academy who would be qualified to be
23 employed as a law enforcement officer or correctional officer
24 by the federal government or any other state. These rules
25 shall address the process for evaluating prior training
26 credit, a description and list of the courses typically

1 required for reciprocity candidates to complete prior to
2 taking the exam, and a procedure for employers seeking a
3 pre-activation determination for a reciprocity training
4 waiver. The rules shall provide that any eligible person
5 previously trained as a law enforcement or county corrections
6 officer under federal law or the laws of any other state shall
7 successfully complete the following prior to the approval of a
8 waiver:

9 (1) a training program or set of coursework approved
10 by the Board on the laws of this State relevant to the
11 duties and training requirements of law enforcement and
12 county correctional officers;

13 (2) firearms training; and

14 (3) successful passage of the equivalency
15 certification examination.

16 The employing agency may seek an extension waiver from the
17 Board extending the period for compliance. An extension waiver
18 shall be issued only for good and justifiable reasons, and the
19 probationary part-time law enforcement officer may not
20 practice as a part-time law enforcement officer during the
21 extension waiver period. If training is required and not
22 completed within the applicable time period, as extended by
23 any waiver that may be granted, then the officer must forfeit
24 the officer's position.

25 An individual who is not certified by the Board or whose
26 certified status is inactive shall not function as a law

1 enforcement officer, be assigned the duties of a law
2 enforcement officer by an agency, or be authorized to carry
3 firearms under the authority of the employer, except that
4 sheriffs who are elected are exempt from the requirement of
5 certified status. Failure to be in accordance with this Act
6 shall cause the officer to forfeit the officer's position.

7 (a-5) A part-time probationary law enforcement officer
8 shall be allowed to complete 6 ~~six~~ months of a part-time police
9 training course and function as a law enforcement officer as
10 permitted by this subsection with a waiver from the Board,
11 provided the part-time law enforcement officer is still
12 enrolled in the training course. If the part-time probationary
13 law enforcement officer withdraws from the course for any
14 reason or does not complete the course within the applicable
15 time period, as extended by any waiver that may be granted,
16 then the officer must forfeit the officer's position. A
17 probationary law enforcement officer must function under the
18 following rules:

19 (1) A law enforcement agency may not grant a person
20 status as a law enforcement officer unless the person has
21 been granted an active law enforcement officer
22 certification by the Board.

23 (2) A part-time probationary law enforcement officer
24 shall not be used as a permanent replacement for a
25 full-time law enforcement officer.

26 (3) A part-time probationary law enforcement officer

1 shall be directly supervised at all times by a
2 Board-certified ~~Board-certified~~ law enforcement officer.

3 Direct supervision requires oversight and control with the
4 supervisor having final decision-making authority as to
5 the actions of the recruit during duty hours.

6 (b) Inactive status. A person who has an inactive law
7 enforcement officer certification has no law enforcement
8 authority.

9 (1) A law enforcement officer's certification becomes
10 inactive upon termination, resignation, retirement, or
11 separation from the employing agency for any reason. The
12 Board shall reactivate ~~re-activate~~ a certification upon
13 written application from the law enforcement officer's
14 employing agency that shows the law enforcement officer:
15 (i) has accepted a part-time law enforcement position with
16 that a law enforcement agency, (ii) is not the subject of a
17 decertification proceeding, and (iii) meets all other
18 criteria for reactivation ~~re-activation~~ required by the
19 Board.

20 The Board may refuse to reactivate ~~re-activate~~ the
21 certification of a law enforcement officer who was
22 involuntarily terminated for good cause by the officer's
23 employing agency for conduct subject to decertification
24 under this Act or resigned or retired after receiving
25 notice of a law enforcement agency's investigation.

26 (2) A law enforcement agency may place an officer who

1 is currently certified on inactive status by sending a
2 written request to the Board. A law enforcement officer
3 whose certificate has been placed on inactive status shall
4 not function as a law enforcement officer until the
5 officer has completed any requirements for reactivating
6 the certificate as required by the Board. A request for
7 inactive status in this subsection shall be in writing,
8 accompanied by verifying documentation, and shall be
9 submitted to the Board by the law enforcement officer's
10 employing agency.

11 (3) Certification that has become inactive under
12 paragraph (2) of this subsection (b) ~~7~~ shall be reactivated
13 by written notice from the law enforcement officer's law
14 enforcement agency upon a showing that the law enforcement
15 officer is: (i) employed in a part-time law enforcement
16 position with the same law enforcement agency, (ii) not
17 the subject of a decertification proceeding, and (iii)
18 meets all other criteria for reactivation ~~re-activation~~
19 required by the Board. The Board may also establish
20 special training requirements to be completed as a
21 condition for reactivation ~~re-activation~~.

22 The Board shall review a notice for reactivation from
23 a law enforcement agency and provide a response within 30
24 days. The Board may extend this review. A law enforcement
25 officer shall be allowed to be employed as a part-time law
26 enforcement officer while the law enforcement officer

1 reactivation waiver is under review.

2 A law enforcement officer who is refused reactivation
3 or an employing agency of a law enforcement officer who is
4 refused reactivation under this Section may request a
5 hearing in accordance with the hearing procedures as
6 outlined in subsection (h) of Section 6.3 of this Act.

7 (4) Notwithstanding paragraph (3) of this Section, a
8 law enforcement officer whose certification has become
9 inactive under paragraph (2) may have the officer's
10 employing agency submit a request for a waiver of training
11 requirements to the Board in writing and accompanied by
12 any verifying documentation. A grant of a waiver is within
13 the discretion of the Board. Within 7 days of receiving a
14 request for a waiver under this section, the Board shall
15 notify the law enforcement officer and the chief
16 administrator of the law enforcement officer's employing
17 agency, whether the request has been granted, denied, or
18 if the Board will take additional time for information. A
19 law enforcement agency or law enforcement officer, whose
20 request for a waiver under this subsection is denied, is
21 entitled to request a review of the denial by the Board.
22 The law enforcement agency must request a review within 20
23 days after the waiver being denied. The burden of proof
24 shall be on the law enforcement agency to show why the law
25 enforcement officer is entitled to a waiver of the
26 legislatively required training and eligibility

1 requirements.

2 (c) The part-time police training course referred to in
3 this Section shall be of similar content and the same number of
4 hours as the courses for full-time officers and shall be
5 provided by Mobile Team In-Service Training Units under the
6 Intergovernmental Law Enforcement Officer's In-Service
7 Training Act or by another approved program or facility in a
8 manner prescribed by the Board.

9 (d) Within 14 days, a law enforcement officer shall report
10 to the Board: (1) any name change; (2) any change in
11 employment; or (3) the filing of any criminal indictment or
12 charges against the officer alleging that the officer
13 committed any offense as enumerated in Section 6.1 of this
14 Act.

15 (e) All law enforcement officers must report the
16 completion of the training requirements required in this Act
17 in compliance with Section 8.4 of this Act.

18 (e-1) Each employing agency shall allow and provide an
19 opportunity for a law enforcement officer to complete the
20 requirements in this Act. All mandated training shall be
21 provided for at no cost to the employees. Employees shall be
22 paid for all time spent attending mandated training.

23 (e-2) Each agency, academy, or training provider shall
24 maintain proof of a law enforcement officer's completion of
25 legislatively required training in a format designated by the
26 Board. The report of training shall be submitted to the Board

1 within 30 days following completion of the training. A copy of
2 the report shall be submitted to the law enforcement officer.
3 Upon receipt of a properly completed report of training, the
4 Board will make the appropriate entry into the training
5 records of the law enforcement officer.

6 (f) For the purposes of this Section, the Board shall
7 adopt rules defining what constitutes employment on a
8 part-time basis.

9 (g) Notwithstanding any provision of law to the contrary,
10 the changes made to this Section by Public Act 102-694 ~~this~~
11 ~~amendatory Act of the 102nd General Assembly~~ and Public Act
12 101-652 take effect July 1, 2022.

13 (Source: P.A. 102-694, eff. 1-7-22; 103-389, eff. 1-1-24;
14 revised 7-29-24.)

15 (50 ILCS 705/10.25)

16 Sec. 10.25. Training; cell phone medical information. The
17 Board shall develop and require each law enforcement officer
18 to participate in training on accessing and utilizing medical
19 information stored in cell phones. The Board may use the
20 program approved under Section 2310-711 of the Department of
21 Public Health Powers and Duties Law of the Civil
22 Administrative Code of Illinois to develop the Board's
23 program.

24 (Source: P.A. 103-939, eff. 1-1-25.)

1 (50 ILCS 705/10.26)

2 Sec. 10.26 ~~10.25~~. Training; autism-informed response
3 training course.

4 (a) The Board shall develop or approve a course to assist
5 law enforcement officers in identifying and appropriately
6 responding to individuals with autism spectrum disorders.

7 (b) The Board shall conduct or approve the autism-informed
8 response training course no later than January 1, 2027 (2
9 years after the effective date of Public Act 103-949) ~~this~~
10 ~~amendatory Act of the 103rd General Assembly~~. The Board may
11 consult with the Department of Public Health or Department of
12 Human Services to develop and update the curriculum as needed.
13 The course must include instruction in autism-informed
14 responses, procedures, and techniques, which may include, but
15 are not limited to:

16 (1) recognizing the signs and symptoms of an autism
17 spectrum disorder;

18 (2) responding to the needs of a victim with an autism
19 spectrum disorder;

20 (3) interview and interrogation techniques for an
21 individual with an autism spectrum disorder; and

22 (4) techniques for differentiating an individual with
23 an autism spectrum disorder from a person who is being
24 belligerent and uncooperative.

25 The Board must, within a reasonable amount of time, update
26 this course, from time to time, to conform with national

1 trends and best practices.

2 (c) The Board is encouraged to adopt model policies to
3 assist law enforcement agencies in appropriately responding to
4 individuals with autism spectrum disorders.

5 (Source: P.A. 103-949, eff. 1-1-25; revised 12-3-24.)

6 Section 360. The Emergency Telephone System Act is amended
7 by changing Section 7.1 as follows:

8 (50 ILCS 750/7.1)

9 (Section scheduled to be repealed on December 31, 2025)

10 Sec. 7.1. Training.

11 (a) Each 9-1-1 Authority, as well as its answering points,
12 shall ensure its public safety telecommunicators and public
13 safety telecommunicator Supervisors comply with the training,
14 testing, and certification requirements established pursuant
15 to Section 2605-53 of the Illinois ~~Department of~~ State Police
16 Law.

17 (b) Each 9-1-1 Authority, as well as its answering points,
18 shall maintain a record regarding its public safety
19 telecommunicators and public safety telecommunicator
20 Supervisors compliance with this Section for at least 7 years
21 and shall make the training records available for inspection
22 by the Administrator upon request.

23 (c) Costs incurred for the development of standards,
24 training, testing, and certification shall be expenses paid by

1 the Department from the funds available to the Administrator
2 and the Statewide 9-1-1 Advisory Board under Section 30 of
3 this Act. Nothing in this subsection shall prohibit the use of
4 grants or other nonsurcharge funding sources available for
5 this purpose.

6 (Source: P.A. 102-9, eff. 6-3-21; revised 10-16-24.)

7 Section 365. The Community Emergency Services and Support
8 Act is amended by changing Section 55 as follows:

9 (50 ILCS 754/55)

10 Sec. 55. Immunity. The exemptions from civil liability in
11 Section 15.1 of the Emergency Telephone System ~~Systems~~ Act
12 apply to any act or omission in the development, design,
13 installation, operation, maintenance, performance, or
14 provision of service directed by this Act.

15 (Source: P.A. 102-580, eff. 1-1-22; revised 7-29-24.)

16 Section 370. The Small Wireless Facilities Deployment Act
17 is amended by changing Section 15 as follows:

18 (50 ILCS 840/15) (was 50 ILCS 835/15)

19 (Section scheduled to be repealed on January 1, 2030)

20 Sec. 15. Regulation of small wireless facilities.

21 (a) This Section applies to activities of a wireless
22 provider within or outside rights-of-way.

1 (b) Except as provided in this Section, an authority may
2 not prohibit, regulate, or charge for the collocation of small
3 wireless facilities.

4 (c) Small wireless facilities shall be classified as
5 permitted uses and subject to administrative review in
6 conformance with this Act, except as provided in paragraph (5)
7 of subsection (d) of this Section regarding height exceptions
8 or variances, but not subject to zoning review or approval if
9 they are collocated (i) in rights-of-way in any zone, or (ii)
10 outside rights-of-way in property zoned exclusively for
11 commercial or industrial use.

12 (d) An authority may require an applicant to obtain one or
13 more permits to collocate a small wireless facility. An
14 authority shall receive applications for, process, and issue
15 permits subject to the following requirements:

16 (1) An authority may not directly or indirectly
17 require an applicant to perform services unrelated to the
18 collocation for which approval is sought, such as in-kind
19 contributions to the authority, including reserving fiber,
20 conduit, or utility pole space for the authority on the
21 wireless provider's utility pole. An authority may reserve
22 space on authority utility poles for future public safety
23 uses or for the authority's electric utility uses, but a
24 reservation of space may not preclude the collocation of a
25 small wireless facility unless the authority reasonably
26 determines that the authority utility pole cannot

1 accommodate both uses.

2 (2) An applicant shall not be required to provide more
3 information to obtain a permit than the authority requires
4 of a communications service provider that is not a
5 wireless provider that requests to attach facilities to a
6 structure; however, a wireless provider may be required to
7 provide the following information when seeking a permit to
8 collocate small wireless facilities on a utility pole or
9 wireless support structure:

10 (A) site specific structural integrity and, for an
11 authority utility pole, make-ready analysis prepared
12 by a structural engineer, as that term is defined in
13 Section 4 of the Structural Engineering Practice Act
14 of 1989;

15 (B) the location where each proposed small
16 wireless facility or utility pole would be installed
17 and photographs of the location and its immediate
18 surroundings depicting the utility poles or structures
19 on which each proposed small wireless facility would
20 be mounted or location where utility poles or
21 structures would be installed;

22 (C) specifications and drawings prepared by a
23 structural engineer, as that term is defined in
24 Section 4 of the Structural Engineering Practice Act
25 of 1989, for each proposed small wireless facility
26 covered by the application as it is proposed to be

1 installed;

2 (D) the equipment type and model numbers for the
3 antennas and all other wireless equipment associated
4 with the small wireless facility;

5 (E) a proposed schedule for the installation and
6 completion of each small wireless facility covered by
7 the application, if approved;

8 (F) certification that the collocation complies
9 with paragraph (6) to the best of the applicant's
10 knowledge; and

11 (G) the wireless provider's certification from a
12 radio engineer that it operates the small wireless
13 facility within all applicable FCC standards.

14 (3) Subject to paragraph (6), an authority may not
15 require the placement of small wireless facilities on any
16 specific utility pole, or category of utility poles, or
17 require multiple antenna systems on a single utility pole;
18 however, with respect to an application for the
19 collocation of a small wireless facility associated with a
20 new utility pole, an authority may propose that the small
21 wireless facility be collocated on an existing utility
22 pole or existing wireless support structure within 200
23 feet of the proposed collocation, which the applicant
24 shall accept if it has the right to use the alternate
25 structure on reasonable terms and conditions and the
26 alternate location and structure does not impose technical

1 limits or additional material costs as determined by the
2 applicant. The authority may require the applicant to
3 provide a written certification describing the property
4 rights, technical limits, or material cost reasons the
5 alternate location does not satisfy the criteria in this
6 paragraph (3).

7 (4) Subject to paragraph (6), an authority may not
8 limit the placement of small wireless facilities mounted
9 on a utility pole or a wireless support structure by
10 minimum horizontal separation distances.

11 (5) An authority may limit the maximum height of a
12 small wireless facility to 10 feet above the utility pole
13 or wireless support structure on which the small wireless
14 facility is collocated. Subject to any applicable waiver,
15 zoning, or other process that addresses wireless provider
16 requests for an exception or variance and does not
17 prohibit granting of such exceptions or variances, the
18 authority may limit the height of new or replacement
19 utility poles or wireless support structures on which
20 small wireless facilities are collocated to the higher of:
21 (i) 10 feet in height above the tallest existing utility
22 pole, other than a utility pole supporting only wireless
23 facilities, that is in place on the date the application
24 is submitted to the authority, that is located within 300
25 feet of the new or replacement utility pole or wireless
26 support structure and that is in the same right-of-way

1 within the jurisdictional boundary of the authority,
2 provided the authority may designate which intersecting
3 right-of-way within 300 feet of the proposed utility pole
4 or wireless support structures shall control the height
5 limitation for such facility; or (ii) 45 feet above ground
6 level.

7 (6) An authority may require that:

8 (A) the wireless provider's operation of the small
9 wireless facilities does not interfere with the
10 frequencies used by a public safety agency for public
11 safety communications; a wireless provider shall
12 install small wireless facilities of the type and
13 frequency that will not cause unacceptable
14 interference with a public safety agency's
15 communications equipment; unacceptable interference
16 will be determined by and measured in accordance with
17 industry standards and the FCC's regulations
18 addressing unacceptable interference to public safety
19 spectrum or any other spectrum licensed by a public
20 safety agency; if a small wireless facility causes
21 such interference, and the wireless provider has been
22 given written notice of the interference by the public
23 safety agency, the wireless provider, at its own
24 expense, shall take all reasonable steps necessary to
25 correct and eliminate the interference, including, but
26 not limited to, powering down the small wireless

1 facility and later powering up the small wireless
2 facility for intermittent testing, if necessary; the
3 authority may terminate a permit for a small wireless
4 facility based on such interference if the wireless
5 provider is not making a good faith effort to remedy
6 the problem in a manner consistent with the abatement
7 and resolution procedures for interference with public
8 safety spectrum established by the FCC including 47
9 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672
10 through 47 CFR 90.675;

11 (B) the wireless provider comply with requirements
12 that are imposed by a contract between an authority
13 and a private property owner that concern design or
14 construction standards applicable to utility poles and
15 ground-mounted equipment located in the right-of-way;

16 (C) the wireless provider comply with applicable
17 spacing requirements in applicable codes and
18 ordinances concerning the location of ground-mounted
19 equipment located in the right-of-way if the
20 requirements include a waiver, zoning, or other
21 process that addresses wireless provider requests for
22 exception or variance and do not prohibit granting of
23 such exceptions or variances;

24 (D) the wireless provider comply with local code
25 provisions or regulations concerning undergrounding
26 requirements that prohibit the installation of new or

1 the modification of existing utility poles in a
2 right-of-way without prior approval if the
3 requirements include a waiver, zoning, or other
4 process that addresses requests to install such new
5 utility poles or modify such existing utility poles
6 and do not prohibit the replacement of utility poles;

7 (E) the wireless provider comply with generally
8 applicable standards that are consistent with this Act
9 and adopted by an authority for construction and
10 public safety in the rights-of-way, including, but not
11 limited to, reasonable and nondiscriminatory wiring
12 and cabling requirements, grounding requirements,
13 utility pole extension requirements, acoustic
14 regulations, and signage limitations; and shall comply
15 with reasonable and nondiscriminatory requirements
16 that are consistent with this Act and adopted by an
17 authority regulating the location, size, surface area
18 and height of small wireless facilities, or the
19 abandonment and removal of small wireless facilities;

20 (F) the wireless provider not collocate small
21 wireless facilities on authority utility poles that
22 are part of an electric distribution or transmission
23 system within the communication worker safety zone of
24 the pole or the electric supply zone of the pole;
25 however, the antenna and support equipment of the
26 small wireless facility may be located in the

1 communications space on the authority utility pole and
2 on the top of the pole, if not otherwise unavailable,
3 if the wireless provider complies with applicable
4 codes for work involving the top of the pole; for
5 purposes of this subparagraph (F), the terms
6 "communications space", "communication worker safety
7 zone", and "electric supply zone" have the meanings
8 given to those terms in the National Electric Safety
9 Code as published by the Institute of Electrical and
10 Electronics Engineers;

11 (G) the wireless provider comply with the
12 applicable codes and local code provisions or
13 regulations that concern public safety;

14 (H) the wireless provider comply with written
15 design standards that are generally applicable for
16 decorative utility poles, or reasonable stealth,
17 concealment, and aesthetic requirements that are
18 identified by the authority in an ordinance, written
19 policy adopted by the governing board of the
20 authority, a comprehensive plan, or other written
21 design plan that applies to other occupiers of the
22 rights-of-way, including on a historic landmark or in
23 a historic district;

24 (I) subject to subsection (c) of this Section, and
25 except for facilities excluded from evaluation for
26 effects on historic properties under 47 CFR

1.1307(a)(4), reasonable, technically feasible, and non-discriminatory design or concealment measures in a historic district or historic landmark; any such design or concealment measures, including restrictions on a specific category of poles, may not have the effect of prohibiting any provider's technology; such design and concealment measures shall not be considered a part of the small wireless facility for purposes of the size restrictions of a small wireless facility; this paragraph may not be construed to limit an authority's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act or the National Historic Preservation Act of 1966, 54 U.S.C. Section 300101 et seq., and the regulations adopted to implement those laws; and

(J) When a wireless provider replaces or adds a new radio transceiver or antennas to an existing small wireless facility, certification by the wireless provider from a radio engineer that the continuing operation of the small wireless facility complies with all applicable FCC standards.

(7) Within 30 days after receiving an application, an authority must determine whether the application is complete and notify the applicant. If an application is incomplete, an authority must specifically identify the

1 missing information. An application shall be deemed
2 complete if the authority fails to provide notification to
3 the applicant within 30 days after when all documents,
4 information, and fees specifically enumerated in the
5 authority's permit application form are submitted by the
6 applicant to the authority. Processing deadlines are
7 tolled from the time the authority sends the notice of
8 incompleteness to the time the applicant provides the
9 missing information.

10 (8) An authority shall process applications as
11 follows:

12 (A) an application to collocate a small wireless
13 facility on an existing utility pole or wireless
14 support structure shall be processed on a
15 nondiscriminatory basis and deemed approved if the
16 authority fails to approve or deny the application
17 within 90 days; however, if an applicant intends to
18 proceed with the permitted activity on a deemed
19 approved basis, the applicant must notify the
20 authority in writing of its intention to invoke the
21 deemed approved remedy no sooner than 75 days after
22 the submission of a completed application; the permit
23 shall be deemed approved on the latter of the 90th day
24 after submission of the complete application or the
25 10th day after the receipt of the deemed approved
26 notice by the authority; the receipt of the deemed

1 approved notice shall not preclude the authority's
2 denial of the permit request within the time limits as
3 provided under this Act; and

4 (B) an application to collocate a small wireless
5 facility that includes the installation of a new
6 utility pole shall be processed on a nondiscriminatory
7 basis and deemed approved if the authority fails to
8 approve or deny the application within 120 days;
9 however, if an applicant intends to proceed with the
10 permitted activity on a deemed approved basis, the
11 applicant must notify the authority in writing of its
12 intention to invoke the deemed approved remedy no
13 sooner than 105 days after the submission of a
14 completed application; the permit shall be deemed
15 approved on the latter of the 120th day after
16 submission of the complete application or the 10th day
17 after the receipt of the deemed approved notice by the
18 authority; the receipt of the deemed approved notice
19 shall not preclude the authority's denial of the
20 permit request within the time limits as provided
21 under this Act.

22 (9) An authority shall approve an application unless
23 the application does not meet the requirements of this
24 Act. If an authority determines that applicable codes,
25 local code provisions or regulations that concern public
26 safety, or the requirements of paragraph (6) require that

1 the utility pole or wireless support structure be replaced
2 before the requested collocation, approval may be
3 conditioned on the replacement of the utility pole or
4 wireless support structure at the cost of the provider.
5 The authority must document the basis for a denial,
6 including the specific code provisions or application
7 conditions on which the denial was based, and send the
8 documentation to the applicant on or before the day the
9 authority denies an application. The applicant may cure
10 the deficiencies identified by the authority and resubmit
11 the revised application once within 30 days after notice
12 of denial is sent to the applicant without paying an
13 additional application fee. The authority shall approve or
14 deny the revised application within 30 days after the
15 applicant resubmits the application or it is deemed
16 approved; however, the applicant must notify the authority
17 in writing of its intention to proceed with the permitted
18 activity on a deemed approved basis, which may be
19 submitted with the resubmitted application. Any subsequent
20 review shall be limited to the deficiencies cited in the
21 denial. However, this revised application cure does not
22 apply if the cure requires the review of a new location,
23 new or different structure to be collocated upon, new
24 antennas, or other wireless equipment associated with the
25 small wireless facility.

26 (10) The time period for applications may be further

1 tolled by:

2 (A) the express agreement in writing by both the
3 applicant and the authority; or

4 (B) a local, State, or federal disaster
5 declaration or similar emergency that causes the
6 delay.

7 (11) An applicant seeking to collocate small wireless
8 facilities within the jurisdiction of a single authority
9 shall be allowed, at the applicant's discretion, to file a
10 consolidated application and receive a single permit for
11 the collocation of up to 25 small wireless facilities if
12 the collocations each involve substantially the same type
13 of small wireless facility and substantially the same type
14 of structure. If an application includes multiple small
15 wireless facilities, the authority may remove small
16 wireless facility collocations from the application and
17 treat separately small wireless facility collocations for
18 which incomplete information has been provided or that do
19 not qualify for consolidated treatment or that are denied.
20 The authority may issue separate permits for each
21 collocation that is approved in a consolidated
22 application.

23 (12) Collocation for which a permit is granted shall
24 be completed within 180 days after issuance of the permit,
25 unless the authority and the wireless provider agree to
26 extend this period or a delay is caused by make-ready work

1 for an authority utility pole or by the lack of commercial
2 power or backhaul availability at the site, provided the
3 wireless provider has made a timely request within 60 days
4 after the issuance of the permit for commercial power or
5 backhaul services, and the additional time to complete
6 installation does not exceed 360 days after issuance of
7 the permit. Otherwise, the permit shall be void unless the
8 authority grants an extension in writing to the applicant.

9 (13) The duration of a permit shall be for a period of
10 not less than 5 years, and the permit shall be renewed for
11 equivalent durations unless the authority makes a finding
12 that the small wireless facilities or the new or modified
13 utility pole do not comply with the applicable codes or
14 local code provisions or regulations in paragraphs (6) and
15 (9). If this Act is repealed as provided in Section 90,
16 renewals of permits shall be subject to the applicable
17 authority code provisions or regulations in effect at the
18 time of renewal.

19 (14) An authority may not prohibit, either expressly
20 or de facto, the (i) filing, receiving, or processing
21 applications, or (ii) issuing of permits or other
22 approvals, if any, for the collocation of small wireless
23 facilities unless there has been a local, State, or
24 federal disaster declaration or similar emergency that
25 causes the delay.

26 (15) Applicants shall submit applications, supporting

1 information, and notices by personal delivery or as
2 otherwise required by the authority. An authority may
3 require that permits, supporting information, and notices
4 be submitted by personal delivery at the authority's
5 designated place of business, by regular mail postmarked
6 on the date due, or by any other commonly used means,
7 including electronic mail, as required by the authority.

8 (e) Application fees are subject to the following
9 requirements:

10 (1) An authority may charge an application fee of up
11 to \$650 for an application to collocate a single small
12 wireless facility on an existing utility pole or wireless
13 support structure and up to \$350 for each small wireless
14 facility addressed in an application to collocate more
15 than one small wireless facility on existing utility poles
16 or wireless support structures.

17 (2) An authority may charge an application fee of
18 \$1,000 for each small wireless facility addressed in an
19 application that includes the installation of a new
20 utility pole for such collocation.

21 (3) Notwithstanding any contrary provision of State
22 law or local ordinance, applications pursuant to this
23 Section must be accompanied by the required application
24 fee.

25 (4) Within 2 months after the effective date of this
26 Act, an authority shall make available application fees

1 consistent with this subsection, through ordinance, or in
2 a written schedule of permit fees adopted by the
3 authority.

4 (5) Notwithstanding any provision of this Act to the
5 contrary, an authority may charge recurring rates and
6 application fees up to the amount permitted by the Federal
7 Communications ~~Communication~~ Commission in its Declaratory
8 Ruling and Third Report and Order adopted on September 26,
9 2018 in WT Docket Nos. 17-70, 17-84 and cited as 33 FCC Rcd
10 9088, 9129, or any subsequent ruling, order, or guidance
11 issued by the Federal Communication Commission regarding
12 fees and recurring rates.

13 (f) An authority shall not require an application,
14 approval, or permit, or require any fees or other charges,
15 from a communications service provider authorized to occupy
16 the rights-of-way, for: (i) routine maintenance; (ii) the
17 replacement of wireless facilities with wireless facilities
18 that are substantially similar, the same size, or smaller if
19 the wireless provider notifies the authority at least 10 days
20 prior to the planned replacement and includes equipment
21 specifications for the replacement of equipment consistent
22 with the requirements of subparagraph (D) of paragraph (2) of
23 subsection (d) of this Section; or (iii) the installation,
24 placement, maintenance, operation, or replacement of micro
25 wireless facilities that are suspended on cables that are
26 strung between existing utility poles in compliance with

1 applicable safety codes. However, an authority may require a
2 permit to work within rights-of-way for activities that affect
3 traffic patterns or require lane closures.

4 (g) Nothing in this Act authorizes a person to collocate
5 small wireless facilities on: (1) property owned by a private
6 party or property owned or controlled by a unit of local
7 government that is not located within rights-of-way, subject
8 to subsection (j) of this Section, or a privately owned
9 utility pole or wireless support structure without the consent
10 of the property owner; (2) property owned, leased, or
11 controlled by a park district, forest preserve district, or
12 conservation district for public park, recreation, or
13 conservation purposes without the consent of the affected
14 district, excluding the placement of facilities on
15 rights-of-way located in an affected district that are under
16 the jurisdiction and control of a different unit of local
17 government as provided by the Illinois Highway Code; or (3)
18 property owned by a rail carrier registered under Section
19 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or
20 any other public commuter rail service, or an electric utility
21 as defined in Section 16-102 of the Public Utilities Act,
22 without the consent of the rail carrier, public commuter rail
23 service, or electric utility. The provisions of this Act do
24 not apply to an electric or gas public utility or such
25 utility's wireless facilities if the facilities are being
26 used, developed, and maintained consistent with the provisions

1 of subsection (i) of Section 16-108.5 of the Public Utilities
2 Act.

3 For the purposes of this subsection, "public utility" has
4 the meaning given to that term in Section 3-105 of the Public
5 Utilities Act. Nothing in this Act shall be construed to
6 relieve any person from any requirement (1) to obtain a
7 franchise or a State-issued authorization to offer cable
8 service or video service or (2) to obtain any required
9 permission to install, place, maintain, or operate
10 communications facilities, other than small wireless
11 facilities subject to this Act.

12 (h) Agreements between authorities and wireless providers
13 that relate to the collocation of small wireless facilities in
14 the right-of-way, including the collocation of small wireless
15 facilities on authority utility poles, that are in effect on
16 the effective date of this Act remain in effect for all small
17 wireless facilities collocated on the authority's utility
18 poles pursuant to applications submitted to the authority
19 before the effective date of this Act, subject to applicable
20 termination provisions. Such agreements entered into after the
21 effective date of the Act shall comply with the Act.

22 (i) An authority shall allow the collocation of small
23 wireless facilities on authority utility poles subject to the
24 following:

25 (1) An authority may not enter into an exclusive
26 arrangement with any person for the right to attach small

1 wireless facilities to authority utility poles.

2 (2) The rates and fees for collocations on authority
3 utility poles shall be nondiscriminatory regardless of the
4 services provided by the collocating person.

5 (3) An authority may charge an annual recurring rate
6 to collocate a small wireless facility on an authority
7 utility pole located in a right-of-way that equals (i)
8 \$270 per year or (ii) the actual, direct, and reasonable
9 costs related to the wireless provider's use of space on
10 the authority utility pole. Rates for collocation on
11 authority utility poles located outside of a right-of-way
12 are not subject to these limitations. In any controversy
13 concerning the appropriateness of a cost-based rate for an
14 authority utility pole located within a right-of-way, the
15 authority shall have the burden of proving that the rate
16 does not exceed the actual, direct, and reasonable costs
17 for the applicant's proposed use of the authority utility
18 pole. Nothing in this paragraph (3) prohibits a wireless
19 provider and an authority from mutually agreeing to an
20 annual recurring rate of less than \$270 to collocate a
21 small wireless facility on an authority utility pole.

22 (4) Authorities or other persons owning or controlling
23 authority utility poles within the right-of-way shall
24 offer rates, fees, and other terms that comply with
25 subparagraphs (A) through (E) of this paragraph (4).
26 Within 2 months after the effective date of this Act, an

1 authority or a person owning or controlling authority
2 utility poles shall make available, through ordinance or
3 an authority utility pole attachment agreement, license or
4 other agreement that makes available to wireless
5 providers, the rates, fees, and terms for the collocation
6 of small wireless facilities on authority utility poles
7 that comply with this Act and with subparagraphs (A)
8 through (E) of this paragraph (4). In the absence of such
9 an ordinance or agreement that complies with this Act, and
10 until such a compliant ordinance or agreement is adopted,
11 wireless providers may collocate small wireless facilities
12 and install utility poles under the requirements of this
13 Act.

14 (A) The rates, fees, and terms must be
15 nondiscriminatory, competitively neutral, and
16 commercially reasonable, and may address, among other
17 requirements, the requirements in subparagraphs (A)
18 through (I) of paragraph (6) of subsection (d) of this
19 Section; subsections (e), (i), and (k) of this
20 Section; Section 30; and Section 35, and must comply
21 with this Act.

22 (B) For authority utility poles that support
23 aerial facilities used to provide communications
24 services or electric service, wireless providers shall
25 comply with the process for make-ready work under 47
26 U.S.C. 224 and its implementing regulations, and the

1 authority shall follow a substantially similar process
2 for make-ready work except to the extent that the
3 timing requirements are otherwise addressed in this
4 Act. The good-faith estimate of the person owning or
5 controlling the authority utility pole for any
6 make-ready work necessary to enable the pole to
7 support the requested collocation shall include
8 authority utility pole replacement, if necessary.

9 (C) For authority utility poles that do not
10 support aerial facilities used to provide
11 communications services or electric service, the
12 authority shall provide a good-faith estimate for any
13 make-ready work necessary to enable the authority
14 utility pole to support the requested collocation,
15 including pole replacement, if necessary, within 90
16 days after receipt of a complete application.
17 Make-ready work, including any authority utility pole
18 replacement, shall be completed within 60 days of
19 written acceptance of the good-faith estimate by the
20 applicant at the wireless provider's sole cost and
21 expense. Alternatively, if the authority determines
22 that applicable codes or public safety regulations
23 require the authority utility pole to be replaced to
24 support the requested collocation, the authority may
25 require the wireless provider to replace the authority
26 utility pole at the wireless provider's sole cost and

1 expense.

2 (D) The authority shall not require more
3 make-ready work than required to meet applicable codes
4 or industry standards. Make-ready work may include
5 work needed to accommodate additional public safety
6 communications needs that are identified in a
7 documented and approved plan for the deployment of
8 public safety equipment as specified in paragraph (1)
9 of subsection (d) of this Section and included in an
10 existing or preliminary authority or public service
11 agency budget for attachment within one year of the
12 application. Fees for make-ready work, including any
13 authority utility pole replacement, shall not exceed
14 actual costs or the amount charged to communications
15 service providers for similar work and shall not
16 include any consultants' fees or expenses for
17 authority utility poles that do not support aerial
18 facilities used to provide communications services or
19 electric service. Make-ready work, including any pole
20 replacement, shall be completed within 60 days of
21 written acceptance of the good-faith estimate by the
22 wireless provider, at its sole cost and expense.

23 (E) A wireless provider that has an existing
24 agreement with the authority on the effective date of
25 the Act may accept the rates, fees, and terms that an
26 authority makes available under this Act for the

1 collocation of small wireless facilities or the
2 installation of new utility poles for the collocation
3 of small wireless facilities that are the subject of
4 an application submitted 2 or more years after the
5 effective date of the Act as provided in this
6 paragraph (4) by notifying the authority that it opts
7 to accept such rates, fees, and terms. The existing
8 agreement remains in effect, subject to applicable
9 termination provisions, for the small wireless
10 facilities the wireless provider has collocated on the
11 authority's utility poles pursuant to applications
12 submitted to the authority before the wireless
13 provider provides such notice and exercises its option
14 under this subparagraph.

15 (5) Notwithstanding any provision of this Act to the
16 contrary, an authority may charge recurring rates and
17 application fees up to the amount permitted by the Federal
18 Communications ~~Communication~~ Commission in its Declaratory
19 Ruling and Third Report and Order adopted on September 26,
20 2018 in WT Docket Nos. 17-70, 17-84 and cited as 33 FCC Rcd
21 9088, 9129, or any subsequent ruling, order, or guidance
22 issued by the Federal Communication Commission regarding
23 fees and recurring rates.

24 (j) An authority shall authorize the collocation of small
25 wireless facilities on utility poles owned or controlled by
26 the authority that are not located within rights-of-way to the

1 same extent the authority currently permits access to utility
2 poles for other commercial projects or uses. The collocations
3 shall be subject to reasonable and nondiscriminatory rates,
4 fees, and terms as provided in an agreement between the
5 authority and the wireless provider.

6 (k) Nothing in this Section precludes an authority from
7 adopting reasonable rules with respect to the removal of
8 abandoned small wireless facilities. A small wireless facility
9 that is not operated for a continuous period of 12 months shall
10 be considered abandoned and the owner of the facility must
11 remove the small wireless facility within 90 days after
12 receipt of written notice from the authority notifying the
13 owner of the abandonment. The notice shall be sent by
14 certified or registered mail, return receipt requested, by the
15 authority to the owner at the last known address of the owner.
16 If the small wireless facility is not removed within 90 days of
17 such notice, the authority may remove or cause the removal of
18 the facility pursuant to the terms of its pole attachment
19 agreement for authority utility poles or through whatever
20 actions are provided for abatement of nuisances or by other
21 law for removal and cost recovery. An authority may require a
22 wireless provider to provide written notice to the authority
23 if it sells or transfers small wireless facilities subject to
24 this Act within the jurisdictional boundary of the authority.
25 Such notice shall include the name and contact information of
26 the new wireless provider.

1 (1) Nothing in this Section requires an authority to
2 install or maintain any specific utility pole or to continue
3 to install or maintain utility poles in any location if the
4 authority makes a non-discriminatory decision to eliminate
5 above-ground utility poles of a particular type generally,
6 such as electric utility poles, in all or a significant
7 portion of its geographic jurisdiction. For authority utility
8 poles with collocated small wireless facilities in place when
9 an authority makes a decision to eliminate above-ground
10 utility poles of a particular type generally, the authority
11 shall either (i) continue to maintain the authority utility
12 pole or install and maintain a reasonable alternative utility
13 pole or wireless support structure for the collocation of the
14 small wireless facility, or (ii) offer to sell the utility
15 pole to the wireless provider at a reasonable cost or allow the
16 wireless provider to install its own utility pole so it can
17 maintain service from that location.

18 (Source: P.A. 102-9, eff. 6-3-21; 102-21, eff. 6-25-21;
19 103-601, eff. 7-1-24; revised 10-21-24.)

20 Section 375. The Counties Code is amended by changing
21 Sections 3-15003.6, 4-11001.5, 5-1009, 5-1069, 5-1069.3,
22 5-12020, 5-15017, 5-31012, 5-31016, 6-4002, and 6-27004 and by
23 setting forth, renumbering, and changing multiple versions of
24 Sections 5-1189 and 5-12022 as follows:

1 (55 ILCS 5/3-15003.6)

2 Sec. 3-15003.6. Pregnant committed persons.

3 (a) Definitions. For the purpose of this Section and the
4 Sections preceding Section 3-15004:

5 (1) "Restraints" means any physical restraint or
6 mechanical device used to control the movement of a body
7 or limbs, or both, including, but not limited to, flex
8 cuffs, soft restraints, hard metal handcuffs, a black box,
9 Chubb cuffs, leg irons, belly chains, a security (tether)
10 chain, or a convex shield, or shackles of any kind.

11 (2) "Labor" means the period of time before a birth
12 and shall include any medical condition in which an
13 individual is sent or brought to the hospital for the
14 purpose of delivering a baby. These situations include:
15 induction of labor, prodromal labor, pre-term labor,
16 prelabor rupture of membranes, the 3 stages of active
17 labor, uterine hemorrhage during the third trimester of
18 pregnancy, and caesarian delivery including pre-operative
19 preparation.

20 (3) "Postpartum" means the 6-week period following
21 birth unless determined to be a longer period by a
22 physician, advanced practice registered nurse, physician
23 assistant, or other qualified medical professional.

24 (4) "Correctional institution" means any entity under
25 the authority of a county law enforcement division that
26 has the power to detain or restrain, or both, a person

1 under the laws of the State.

2 (5) "Corrections official" means the official that is
3 responsible for oversight of a correctional institution,
4 or his or her designee.

5 (6) "Committed person" means any person incarcerated
6 or detained in any facility who is accused of, convicted
7 of, sentenced for, or adjudicated delinquent for,
8 violations of criminal law or the terms and conditions of
9 parole, probation, pretrial release, or diversionary
10 program, and any person detained under the immigration
11 laws of the United States at any correctional facility.

12 (7) "Extraordinary circumstance" means an
13 extraordinary medical or security circumstance, including
14 a substantial flight risk, that dictates restraints be
15 used to ensure the safety and security of the committed
16 person, the staff of the correctional institution or
17 medical facility, other committed persons, or the public.

18 (8) "Participant"± means an individual placed into an
19 electronic monitoring program, as defined by Section
20 5-8A-2 of the Unified Code of Corrections.

21 (b) A county department of corrections shall not apply
22 security restraints to a committed person that has been
23 determined by a qualified medical professional to be pregnant
24 or otherwise is known by the county department of corrections
25 to be pregnant or in postpartum recovery unless the
26 corrections official makes an individualized determination

1 that the committed person presents a substantial flight risk
2 or some other extraordinary circumstance that dictates
3 security restraints be used to ensure the safety and security
4 of the committed person, committed person's child or unborn
5 child, the staff of the county department of corrections or
6 medical facility, other committed persons, or the public. The
7 protections set out in clauses (b)(3) and (b)(4) of this
8 Section shall apply to security restraints used pursuant to
9 this subsection. The corrections official shall immediately
10 remove all restraints upon the written or oral request of
11 medical personnel. The corrections official shall immediately
12 remove all approved electronic monitoring devices, as that
13 term is defined in Section 5-8A-2 of the Unified Code of
14 Corrections, of a pregnant participant during labor and
15 delivery or earlier upon the written or oral request of
16 medical personnel. Oral requests made by medical personnel
17 shall be verified in writing as promptly as reasonably
18 possible.

19 (1) Qualified authorized health staff shall have the
20 authority to order therapeutic restraints for a pregnant
21 or postpartum committed person who is a danger to the
22 committed person, the committed person's child, unborn
23 child, or other persons due to a psychiatric or medical
24 disorder. Therapeutic restraints may only be initiated,
25 monitored, and discontinued by qualified and authorized
26 health staff and used to safely limit a committed person's

1 mobility for psychiatric or medical reasons. No order for
2 therapeutic restraints shall be written unless medical or
3 mental health personnel, after personally observing and
4 examining the committed person, are clinically satisfied
5 that the use of therapeutic restraints is justified and
6 permitted in accordance with hospital policies and
7 applicable State law. Metal handcuffs or shackles are not
8 considered therapeutic restraints.

9 (2) Whenever therapeutic restraints are used by
10 medical personnel, Section 2-108 of the Mental Health and
11 Developmental Disabilities Code shall apply.

12 (3) Leg irons, shackles, or waist shackles shall not
13 be used on any pregnant or postpartum committed person
14 regardless of security classification. Except for
15 therapeutic restraints under clause (b)(2), no restraints
16 of any kind may be applied to committed persons during
17 labor.

18 (4) When a pregnant or postpartum committed person
19 must be restrained, restraints used shall be the least
20 restrictive restraints possible to ensure the safety and
21 security of the committed person, the committed person's
22 child, unborn child, the staff of the county department of
23 corrections or medical facility, other committed persons,
24 or the public, and in no case shall include leg irons,
25 shackles, or waist shackles.

26 (5) Upon the pregnant committed person's entry into a

1 hospital room, and completion of initial room inspection,
2 a corrections official shall be posted immediately outside
3 the hospital room, unless requested to be in the room by
4 medical personnel attending to the committed person's
5 medical needs.

6 (6) The county department of corrections shall provide
7 adequate corrections personnel to monitor the pregnant
8 committed person during the committed person's transport
9 to and from the hospital and during the committed person's
10 stay at the hospital.

11 (7) Where the county department of corrections
12 requires committed person safety assessments, a
13 corrections official may enter the hospital room to
14 conduct periodic committed person safety assessments,
15 except during a medical examination or the delivery
16 process.

17 (8) (Blank).

18 (c) Enforcement. No later than 30 days before the end of
19 each fiscal year, the county sheriff or corrections official
20 of the correctional institution where a pregnant or postpartum
21 committed person has been restrained pursuant to this Section
22 during that previous fiscal year, shall submit a written
23 report to the Jail and Detention Standards Unit of the
24 Department of Corrections, in a form and manner prescribed by
25 the Department, that includes an account of every instance of
26 restraint pursuant to this Section. The written report shall

1 state the date, time, location, and rationale for each
2 instance in which restraints are used. The written report
3 shall not contain any individually identifying information of
4 any committed person. Such reports shall be made available for
5 public inspection.

6 (d) Data reporting. No later than 30 days before the end of
7 each fiscal year, each county sheriff shall submit a written
8 report to the Jail and Detention Standards Unit of the
9 Department of Corrections, in a form and manner prescribed by
10 the Department, that includes the number of pregnant committed
11 persons in custody each year and the number of people who
12 deliver or miscarry while in custody. The written reports
13 shall not contain any individually identifying information of
14 a committed person. The written reports shall be made
15 available for public inspection.

16 (Source: P.A. 103-745, eff. 1-1-25; revised 11-22-24.)

17 (55 ILCS 5/4-11001.5)

18 (Section scheduled to be repealed on January 1, 2026)

19 Sec. 4-11001.5. Lake County Children's Advocacy Center
20 Pilot Program.

21 (a) The Lake County Children's Advocacy Center Pilot
22 Program is established. Under the Pilot Program, any grand
23 juror or petit juror in Lake County may elect to have his or
24 her juror fees earned under Section 4-11001 of this Code to be
25 donated to the Lake County Children's Advocacy Center, a

1 division of the Lake County State's Attorney's office.

2 (b) On or before January 1, 2017, the Lake County board
3 shall adopt, by ordinance or resolution, rules and policies
4 governing and effectuating the ability of jurors to donate
5 their juror fees to the Lake County Children's Advocacy Center
6 beginning January 1, 2017 and ending December 31, 2018. At a
7 minimum, the rules and policies must provide:

8 (1) for a form that a juror may fill out to elect to
9 donate his or her juror fees. The form must contain a
10 statement, in at least 14-point bold type, that donation
11 of juror fees is optional;

12 (2) that all monies donated by jurors shall be
13 transferred by the county to the Lake County Children's
14 Advocacy Center at the same time a juror is paid under
15 Section 4-11001 of this Code who did not elect to donate
16 his or her juror fees; and

17 (3) that all juror fees donated under this Section
18 shall be used exclusively for the operation of Lake County
19 Children's Advocacy Center.

20 The Lake County board shall adopt an ordinance or
21 resolution reestablishing the rules and policies previously
22 adopted under this subsection allowing a juror to donate his
23 or her juror fees to the Lake County Children's Advocacy
24 Center through December 31, 2021.

25 (c) The following information shall be reported to the
26 General Assembly and the Governor by the Lake County board

1 after each calendar year of the Pilot Program on or before
2 March 31, 2018, March 31, 2019, July 1, 2020, and July 1, 2021:

3 (1) the number of grand and petit jurors who earned
4 fees under Section 4-11001 of this Code during the
5 previous calendar year;

6 (2) the number of grand and petit jurors who donated
7 fees under this Section during the previous calendar year;

8 (3) the amount of donated fees under this Section
9 during the previous calendar year;

10 (4) how the monies donated in the previous calendar
11 year were used by the Lake County Children's Advocacy
12 Center; and

13 (5) how much cost ~~there~~ was incurred by Lake County
14 and the Lake County State's Attorney's office in the
15 previous calendar year in implementing the Pilot Program.

16 (d) This Section is repealed on January 1, 2026.

17 (Source: P.A. 102-671, eff. 11-30-21; 103-563, eff. 11-17-23;
18 revised 7-29-24.)

19 (55 ILCS 5/5-1009) (from Ch. 34, par. 5-1009)

20 Sec. 5-1009. Limitation on home rule powers. Except as
21 provided in Sections 5-1006, 5-1006.5, 5-1006.8, 5-1006.9,
22 5-1007, and 5-1008, on and after September 1, 1990, no home
23 rule county has the authority to impose, pursuant to its home
24 rule authority, a retailers' occupation tax, service
25 occupation tax, use tax, sales tax, or other tax on the use,

1 sale, or purchase of tangible personal property based on the
2 gross receipts from such sales or the selling or purchase
3 price of said tangible personal property. Notwithstanding the
4 foregoing, this Section does not preempt any home rule imposed
5 tax such as the following: (1) a tax on alcoholic beverages,
6 whether based on gross receipts, volume sold, or any other
7 measurement; (2) a tax based on the number of units of
8 cigarettes or tobacco products; (3) a tax, however measured,
9 based on the use of a hotel or motel room or similar facility;
10 (4) a tax, however measured, on the sale or transfer of real
11 property; (5) a tax, however measured, on lease receipts; (6)
12 a tax on food prepared for immediate consumption and on
13 alcoholic beverages sold by a business which provides for on
14 premise consumption of said food or alcoholic beverages; or
15 (7) other taxes not based on the selling or purchase price or
16 gross receipts from the use, sale, or purchase of tangible
17 personal property. This Section does not preempt a home rule
18 county from imposing a tax, however measured, on the use, for
19 consideration, of a parking lot, garage, or other parking
20 facility.

21 On and after December 1, 2019, no home rule county has the
22 authority to impose, pursuant to its home rule authority, a
23 tax, however measured, on sales of aviation fuel, as defined
24 in Section 3 of the Retailers' Occupation Tax Act, unless the
25 tax revenue is expended for airport-related purposes. For
26 purposes of this Section, "airport-related purposes" has the

1 meaning ascribed in Section 6z-20.2 of the State Finance Act.
2 Aviation fuel shall be excluded from tax only for so long as
3 the revenue use requirements of 49 U.S.C. 47017(b) and 49
4 U.S.C. 47133 are binding on the county.

5 This Section is a limitation, pursuant to subsection (g)
6 of Section 6 of Article VII of the Illinois Constitution, on
7 the power of home rule units to tax. The changes made to this
8 Section by Public Act 101-10 are a denial and limitation of
9 home rule powers and functions under subsection (g) of Section
10 6 of Article VII of the Illinois Constitution.

11 (Source: P.A. 102-558, eff. 8-20-21; 103-781, eff. 8-5-24;
12 revised 10-21-24.)

13 (55 ILCS 5/5-1069)

14 (Text of Section before amendment by P.A. 103-808)

15 Sec. 5-1069. Group life, health, accident, hospital, and
16 medical insurance.

17 (a) The county board of any county may arrange to provide,
18 for the benefit of employees of the county, group life,
19 health, accident, hospital, and medical insurance, or any one
20 or any combination of those types of insurance, or the county
21 board may self-insure, for the benefit of its employees, all
22 or a portion of the employees' group life, health, accident,
23 hospital, and medical insurance, or any one or any combination
24 of those types of insurance, including a combination of
25 self-insurance and other types of insurance authorized by this

1 Section, provided that the county board complies with all
2 other requirements of this Section. The insurance may include
3 provision for employees who rely on treatment by prayer or
4 spiritual means alone for healing in accordance with the
5 tenets and practice of a well recognized religious
6 denomination. The county board may provide for payment by the
7 county of a portion or all of the premium or charge for the
8 insurance with the employee paying the balance of the premium
9 or charge, if any. If the county board undertakes a plan under
10 which the county pays only a portion of the premium or charge,
11 the county board shall provide for withholding and deducting
12 from the compensation of those employees who consent to join
13 the plan the balance of the premium or charge for the
14 insurance.

15 (b) If the county board does not provide for
16 self-insurance or for a plan under which the county pays a
17 portion or all of the premium or charge for a group insurance
18 plan, the county board may provide for withholding and
19 deducting from the compensation of those employees who consent
20 thereto the total premium or charge for any group life,
21 health, accident, hospital, and medical insurance.

22 (c) The county board may exercise the powers granted in
23 this Section only if it provides for self-insurance or, where
24 it makes arrangements to provide group insurance through an
25 insurance carrier, if the kinds of group insurance are
26 obtained from an insurance company authorized to do business

1 in the State of Illinois. The county board may enact an
2 ordinance prescribing the method of operation of the insurance
3 program.

4 (d) If a county, including a home rule county, is a
5 self-insurer for purposes of providing health insurance
6 coverage for its employees, the insurance coverage shall
7 include screening by low-dose mammography for all women 35
8 years of age or older for the presence of occult breast cancer
9 unless the county elects to provide mammograms itself under
10 Section 5-1069.1. The coverage shall be as follows:

11 (1) A baseline mammogram for women 35 to 39 years of
12 age.

13 (2) An annual mammogram for women 40 years of age or
14 older.

15 (3) A mammogram at the age and intervals considered
16 medically necessary by the woman's health care provider
17 for women under 40 years of age and having a family history
18 of breast cancer, prior personal history of breast cancer,
19 positive genetic testing, or other risk factors.

20 (4) For a group policy of accident and health
21 insurance that is amended, delivered, issued, or renewed
22 on or after January 1, 2020 (the effective date of Public
23 Act 101-580) ~~this amendatory Act of the 101st General~~
24 ~~Assembly~~, a comprehensive ultrasound screening of an
25 entire breast or breasts if a mammogram demonstrates
26 heterogeneous or dense breast tissue or when medically

1 necessary as determined by a physician licensed to
2 practice medicine in all of its branches, advanced
3 practice registered nurse, or physician assistant.

4 (5) For a group policy of accident and health
5 insurance that is amended, delivered, issued, or renewed
6 on or after January 1, 2020 (the effective date of Public
7 Act 101-580) ~~this amendatory Act of the 101st General~~
8 ~~Assembly~~, a diagnostic mammogram when medically necessary,
9 as determined by a physician licensed to practice medicine
10 in all its branches, advanced practice registered nurse,
11 or physician assistant.

12 A policy subject to this subsection shall not impose a
13 deductible, coinsurance, copayment, or any other cost-sharing
14 requirement on the coverage provided; except that this
15 sentence does not apply to coverage of diagnostic mammograms
16 to the extent such coverage would disqualify a high-deductible
17 health plan from eligibility for a health savings account
18 pursuant to Section 223 of the Internal Revenue Code (26
19 U.S.C. 223).

20 For purposes of this subsection:

21 "Diagnostic mammogram" means a mammogram obtained using
22 diagnostic mammography.

23 "Diagnostic mammography" means a method of screening that
24 is designed to evaluate an abnormality in a breast, including
25 an abnormality seen or suspected on a screening mammogram or a
26 subjective or objective abnormality otherwise detected in the

1 breast.

2 "Low-dose mammography" means the x-ray examination of the
3 breast using equipment dedicated specifically for mammography,
4 including the x-ray tube, filter, compression device, and
5 image receptor, with an average radiation exposure delivery of
6 less than one rad per breast for 2 views of an average size
7 breast. The term also includes digital mammography.

8 (d-5) Coverage as described by subsection (d) shall be
9 provided at no cost to the insured and shall not be applied to
10 an annual or lifetime maximum benefit.

11 (d-10) When health care services are available through
12 contracted providers and a person does not comply with plan
13 provisions specific to the use of contracted providers, the
14 requirements of subsection (d-5) are not applicable. When a
15 person does not comply with plan provisions specific to the
16 use of contracted providers, plan provisions specific to the
17 use of non-contracted providers must be applied without
18 distinction for coverage required by this Section and shall be
19 at least as favorable as for other radiological examinations
20 covered by the policy or contract.

21 (d-15) If a county, including a home rule county, is a
22 self-insurer for purposes of providing health insurance
23 coverage for its employees, the insurance coverage shall
24 include mastectomy coverage, which includes coverage for
25 prosthetic devices or reconstructive surgery incident to the
26 mastectomy. Coverage for breast reconstruction in connection

1 with a mastectomy shall include:

2 (1) reconstruction of the breast upon which the
3 mastectomy has been performed;

4 (2) surgery and reconstruction of the other breast to
5 produce a symmetrical appearance; and

6 (3) prostheses and treatment for physical
7 complications at all stages of mastectomy, including
8 lymphedemas.

9 Care shall be determined in consultation with the attending
10 physician and the patient. The offered coverage for prosthetic
11 devices and reconstructive surgery shall be subject to the
12 deductible and coinsurance conditions applied to the
13 mastectomy, and all other terms and conditions applicable to
14 other benefits. When a mastectomy is performed and there is no
15 evidence of malignancy then the offered coverage may be
16 limited to the provision of prosthetic devices and
17 reconstructive surgery to within 2 years after the date of the
18 mastectomy. As used in this Section, "mastectomy" means the
19 removal of all or part of the breast for medically necessary
20 reasons, as determined by a licensed physician.

21 A county, including a home rule county, that is a
22 self-insurer for purposes of providing health insurance
23 coverage for its employees, may not penalize or reduce or
24 limit the reimbursement of an attending provider or provide
25 incentives (monetary or otherwise) to an attending provider to
26 induce the provider to provide care to an insured in a manner

1 inconsistent with this Section.

2 (d-20) The requirement that mammograms be included in
3 health insurance coverage as provided in subsections (d)
4 through (d-15) is an exclusive power and function of the State
5 and is a denial and limitation under Article VII, Section 6,
6 subsection (h) of the Illinois Constitution of home rule
7 county powers. A home rule county to which subsections (d)
8 through (d-15) apply must comply with every provision of those
9 subsections.

10 (d-25) If a county, including a home rule county, is a
11 self-insurer for purposes of providing health insurance
12 coverage, the insurance coverage shall include joint mental
13 health therapy services for any member of the sheriff's
14 office, including the sheriff, and any spouse or partner of
15 the member who resides with the member.

16 The joint mental health therapy services provided under
17 this subsection shall be performed by a physician licensed to
18 practice medicine in all of its branches, a licensed clinical
19 psychologist, a licensed clinical social worker, a licensed
20 clinical professional counselor, a licensed marriage and
21 family therapist, a licensed social worker, or a licensed
22 professional counselor.

23 This subsection is a limitation under subsection (i) of
24 Section 6 of Article VII of the Illinois Constitution on the
25 concurrent exercise by home rule units of powers and functions
26 exercised by the State.

1 (e) The term "employees" as used in this Section includes
2 elected or appointed officials but does not include temporary
3 employees.

4 (f) The county board may, by ordinance, arrange to provide
5 group life, health, accident, hospital, and medical insurance,
6 or any one or a combination of those types of insurance, under
7 this Section to retired former employees and retired former
8 elected or appointed officials of the county.

9 (g) Rulemaking authority to implement this amendatory Act
10 of the 95th General Assembly, if any, is conditioned on the
11 rules being adopted in accordance with all provisions of the
12 Illinois Administrative Procedure Act and all rules and
13 procedures of the Joint Committee on Administrative Rules; any
14 purported rule not so adopted, for whatever reason, is
15 unauthorized.

16 (h) If a county, including a home rule county, is a
17 self-insurer for purposes of providing health insurance
18 coverage for its employees, the insurance coverage shall
19 include, on and after June 1, 2025, mental health counseling
20 for any county employee who is a first responder without
21 imposing a deductible, coinsurance, copayment, or any other
22 cost-sharing requirement on the coverage provided, except that
23 this subsection does not apply to the extent such coverage
24 would disqualify a high-deductible health plan from
25 eligibility for a health savings account pursuant to Section
26 223 of the Internal Revenue Code.

1 The requirement that mental health counseling be included
2 in health insurance coverage as provided in this subsection is
3 an exclusive power and function of the State and is a denial
4 and limitation under Article VII, Section 6, subsection (h) of
5 the Illinois Constitution of home rule county powers.

6 As used in this subsection:

7 "First responders" means police and corrections officers,
8 deputy sheriffs, firefighters, emergency medical services
9 personnel, as that term is defined in Section 3.5 of the
10 Emergency Medical Services (EMS) Systems Act, dispatched
11 pursuant to a 9-1-1 call, emergency medical dispatchers, as
12 that term is defined in Section 3.70 of the Emergency Medical
13 Services (EMS) Systems Act, public safety telecommunicators,
14 as that term is defined in Section 2 of the Emergency Telephone
15 System Act, and mental health professionals employed and
16 dispatched by any unit of local government in response to
17 emergency crisis calls received on public emergency service
18 lines instead of or in conjunction with law enforcement.

19 "Mental health counseling" means counseling therapy
20 sessions provided by a clinical social worker, professional
21 counselor, or licensed psychologist.

22 (Source: P.A. 103-818, eff. 1-1-25; 103-1011, eff. 1-1-25;
23 revised 11-26-24.)

24 (Text of Section after amendment by P.A. 103-808)

25 Sec. 5-1069. Group life, health, accident, hospital, and

1 medical insurance.

2 (a) The county board of any county may arrange to provide,
3 for the benefit of employees of the county, group life,
4 health, accident, hospital, and medical insurance, or any one
5 or any combination of those types of insurance, or the county
6 board may self-insure, for the benefit of its employees, all
7 or a portion of the employees' group life, health, accident,
8 hospital, and medical insurance, or any one or any combination
9 of those types of insurance, including a combination of
10 self-insurance and other types of insurance authorized by this
11 Section, provided that the county board complies with all
12 other requirements of this Section. The insurance may include
13 provision for employees who rely on treatment by prayer or
14 spiritual means alone for healing in accordance with the
15 tenets and practice of a well recognized religious
16 denomination. The county board may provide for payment by the
17 county of a portion or all of the premium or charge for the
18 insurance with the employee paying the balance of the premium
19 or charge, if any. If the county board undertakes a plan under
20 which the county pays only a portion of the premium or charge,
21 the county board shall provide for withholding and deducting
22 from the compensation of those employees who consent to join
23 the plan the balance of the premium or charge for the
24 insurance.

25 (b) If the county board does not provide for
26 self-insurance or for a plan under which the county pays a

1 portion or all of the premium or charge for a group insurance
2 plan, the county board may provide for withholding and
3 deducting from the compensation of those employees who consent
4 thereto the total premium or charge for any group life,
5 health, accident, hospital, and medical insurance.

6 (c) The county board may exercise the powers granted in
7 this Section only if it provides for self-insurance or, where
8 it makes arrangements to provide group insurance through an
9 insurance carrier, if the kinds of group insurance are
10 obtained from an insurance company authorized to do business
11 in the State of Illinois. The county board may enact an
12 ordinance prescribing the method of operation of the insurance
13 program.

14 (d) If a county, including a home rule county, is a
15 self-insurer for purposes of providing health insurance
16 coverage for its employees, the insurance coverage shall
17 include screening by low-dose mammography for all patients 35
18 years of age or older for the presence of occult breast cancer
19 unless the county elects to provide mammograms itself under
20 Section 5-1069.1. The coverage shall be as follows:

21 (1) A baseline mammogram for patients 35 to 39 years
22 of age.

23 (2) An annual mammogram for patients 40 years of age
24 or older.

25 (3) A mammogram at the age and intervals considered
26 medically necessary by the patient's health care provider

1 for patients under 40 years of age and having a family
2 history of breast cancer, prior personal history of breast
3 cancer, positive genetic testing, or other risk factors.

4 (4) For a group policy of accident and health
5 insurance that is amended, delivered, issued, or renewed
6 on or after January 1, 2020 (the effective date of Public
7 Act 101-580), a comprehensive ultrasound screening of an
8 entire breast or breasts if a mammogram demonstrates
9 heterogeneous or dense breast tissue or when medically
10 necessary as determined by a physician licensed to
11 practice medicine in all of its branches, advanced
12 practice registered nurse, or physician assistant.

13 (4.5) For a group policy of accident and health
14 insurance that is amended, delivered, issued, or renewed
15 on or after January 1, 2026 (the effective date of Public
16 Act 103-808) ~~this amendatory Act of the 103rd General~~
17 ~~Assembly~~, molecular breast imaging (MBI) and magnetic
18 resonance imaging of an entire breast or breasts if a
19 mammogram demonstrates heterogeneous or dense breast
20 tissue or when medically necessary as determined by a
21 physician licensed to practice medicine in all of its
22 branches, advanced practice registered nurse, or physician
23 assistant.

24 (5) For a group policy of accident and health
25 insurance that is amended, delivered, issued, or renewed
26 on or after January 1, 2020 (the effective date of Public

1 Act 101-580), a diagnostic mammogram when medically
2 necessary, as determined by a physician licensed to
3 practice medicine in all its branches, advanced practice
4 registered nurse, or physician assistant.

5 A policy subject to this subsection shall not impose a
6 deductible, coinsurance, copayment, or any other cost-sharing
7 requirement on the coverage provided; except that this
8 sentence does not apply to coverage of diagnostic mammograms
9 to the extent such coverage would disqualify a high-deductible
10 health plan from eligibility for a health savings account
11 pursuant to Section 223 of the Internal Revenue Code (26
12 U.S.C. 223).

13 For purposes of this subsection:

14 "Diagnostic mammogram" means a mammogram obtained using
15 diagnostic mammography.

16 "Diagnostic mammography" means a method of screening that
17 is designed to evaluate an abnormality in a breast, including
18 an abnormality seen or suspected on a screening mammogram or a
19 subjective or objective abnormality otherwise detected in the
20 breast.

21 "Low-dose mammography" means the x-ray examination of the
22 breast using equipment dedicated specifically for mammography,
23 including the x-ray tube, filter, compression device, and
24 image receptor, with an average radiation exposure delivery of
25 less than one rad per breast for 2 views of an average size
26 breast. The term also includes digital mammography.

1 (d-5) Coverage as described by subsection (d) shall be
2 provided at no cost to the insured and shall not be applied to
3 an annual or lifetime maximum benefit.

4 (d-10) When health care services are available through
5 contracted providers and a person does not comply with plan
6 provisions specific to the use of contracted providers, the
7 requirements of subsection (d-5) are not applicable. When a
8 person does not comply with plan provisions specific to the
9 use of contracted providers, plan provisions specific to the
10 use of non-contracted providers must be applied without
11 distinction for coverage required by this Section and shall be
12 at least as favorable as for other radiological examinations
13 covered by the policy or contract.

14 (d-15) If a county, including a home rule county, is a
15 self-insurer for purposes of providing health insurance
16 coverage for its employees, the insurance coverage shall
17 include mastectomy coverage, which includes coverage for
18 prosthetic devices or reconstructive surgery incident to the
19 mastectomy. Coverage for breast reconstruction in connection
20 with a mastectomy shall include:

21 (1) reconstruction of the breast upon which the
22 mastectomy has been performed;

23 (2) surgery and reconstruction of the other breast to
24 produce a symmetrical appearance; and

25 (3) prostheses and treatment for physical
26 complications at all stages of mastectomy, including

1 lymphedemas.

2 Care shall be determined in consultation with the attending
3 physician and the patient. The offered coverage for prosthetic
4 devices and reconstructive surgery shall be subject to the
5 deductible and coinsurance conditions applied to the
6 mastectomy, and all other terms and conditions applicable to
7 other benefits. When a mastectomy is performed and there is no
8 evidence of malignancy then the offered coverage may be
9 limited to the provision of prosthetic devices and
10 reconstructive surgery to within 2 years after the date of the
11 mastectomy. As used in this Section, "mastectomy" means the
12 removal of all or part of the breast for medically necessary
13 reasons, as determined by a licensed physician.

14 A county, including a home rule county, that is a
15 self-insurer for purposes of providing health insurance
16 coverage for its employees, may not penalize or reduce or
17 limit the reimbursement of an attending provider or provide
18 incentives (monetary or otherwise) to an attending provider to
19 induce the provider to provide care to an insured in a manner
20 inconsistent with this Section.

21 (d-20) The requirement that mammograms be included in
22 health insurance coverage as provided in subsections (d)
23 through (d-15) is an exclusive power and function of the State
24 and is a denial and limitation under Article VII, Section 6,
25 subsection (h) of the Illinois Constitution of home rule
26 county powers. A home rule county to which subsections (d)

1 through (d-15) apply must comply with every provision of those
2 subsections.

3 (d-25) If a county, including a home rule county, is a
4 self-insurer for purposes of providing health insurance
5 coverage, the insurance coverage shall include joint mental
6 health therapy services for any member of the sheriff's
7 office, including the sheriff, and any spouse or partner of
8 the member who resides with the member.

9 The joint mental health therapy services provided under
10 this subsection shall be performed by a physician licensed to
11 practice medicine in all of its branches, a licensed clinical
12 psychologist, a licensed clinical social worker, a licensed
13 clinical professional counselor, a licensed marriage and
14 family therapist, a licensed social worker, or a licensed
15 professional counselor.

16 This subsection is a limitation under subsection (i) of
17 Section 6 of Article VII of the Illinois Constitution on the
18 concurrent exercise by home rule units of powers and functions
19 exercised by the State.

20 (e) The term "employees" as used in this Section includes
21 elected or appointed officials but does not include temporary
22 employees.

23 (f) The county board may, by ordinance, arrange to provide
24 group life, health, accident, hospital, and medical insurance,
25 or any one or a combination of those types of insurance, under
26 this Section to retired former employees and retired former

1 elected or appointed officials of the county.

2 (g) Rulemaking authority to implement this amendatory Act
3 of the 95th General Assembly, if any, is conditioned on the
4 rules being adopted in accordance with all provisions of the
5 Illinois Administrative Procedure Act and all rules and
6 procedures of the Joint Committee on Administrative Rules; any
7 purported rule not so adopted, for whatever reason, is
8 unauthorized.

9 (h) If a county, including a home rule county, is a
10 self-insurer for purposes of providing health insurance
11 coverage for its employees, the insurance coverage shall
12 include, on and after June 1, 2025, mental health counseling
13 for any county employee who is a first responder without
14 imposing a deductible, coinsurance, copayment, or any other
15 cost-sharing requirement on the coverage provided, except that
16 this subsection does not apply to the extent such coverage
17 would disqualify a high-deductible health plan from
18 eligibility for a health savings account pursuant to Section
19 223 of the Internal Revenue Code.

20 The requirement that mental health counseling be included
21 in health insurance coverage as provided in this subsection is
22 an exclusive power and function of the State and is a denial
23 and limitation under Article VII, Section 6, subsection (h) of
24 the Illinois Constitution of home rule county powers.

25 As used in this subsection:

26 "First responders" means police and corrections officers,

1 deputy sheriffs, firefighters, emergency medical services
2 personnel, as that term is defined in Section 3.5 of the
3 Emergency Medical Services (EMS) Systems Act, dispatched
4 pursuant to a 9-1-1 call, emergency medical dispatchers, as
5 that term is defined in Section 3.70 of the Emergency Medical
6 Services (EMS) Systems Act, public safety telecommunicators,
7 as that term is defined in Section 2 of the Emergency Telephone
8 System Act, and mental health professionals employed and
9 dispatched by any unit of local government in response to
10 emergency crisis calls received on public emergency service
11 lines instead of or in conjunction with law enforcement.

12 "Mental health counseling" means counseling therapy
13 sessions provided by a clinical social worker, professional
14 counselor, or licensed psychologist.

15 (Source: P.A. 103-808, eff. 1-1-26; 103-818, eff. 1-1-25;
16 103-1011, eff. 1-1-25; revised 11-26-24.)

17 (55 ILCS 5/5-1069.3)

18 Sec. 5-1069.3. Required health benefits. If a county,
19 including a home rule county, is a self-insurer for purposes
20 of providing health insurance coverage for its employees, the
21 coverage shall include coverage for the post-mastectomy care
22 benefits required to be covered by a policy of accident and
23 health insurance under Section 356t and the coverage required
24 under Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u,
25 356u.10, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9,

1 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,
2 356z.25, 356z.26, 356z.29, 356z.30, 356z.32, 356z.33, 356z.36,
3 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51,
4 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, 356z.61,
5 356z.62, 356z.64, 356z.67, 356z.68, ~~and~~ 356z.70, ~~and~~ 356z.71, and
6 356z.74, and 356z.77 of the Illinois Insurance Code. The
7 coverage shall comply with Sections 155.22a, 355b, 356z.19,
8 and 370c of the Illinois Insurance Code. The Department of
9 Insurance shall enforce the requirements of this Section. The
10 requirement that health benefits be covered as provided in
11 this Section is an exclusive power and function of the State
12 and is a denial and limitation under Article VII, Section 6,
13 subsection (h) of the Illinois Constitution. A home rule
14 county to which this Section applies must comply with every
15 provision of this Section.

16 Rulemaking authority to implement Public Act 95-1045, if
17 any, is conditioned on the rules being adopted in accordance
18 with all provisions of the Illinois Administrative Procedure
19 Act and all rules and procedures of the Joint Committee on
20 Administrative Rules; any purported rule not so adopted, for
21 whatever reason, is unauthorized.

22 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;
23 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.
24 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731,
25 eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;
26 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.

1 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,
2 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;
3 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; 103-605, eff.
4 7-1-24; 103-718, eff. 7-19-24; 103-751, eff. 8-2-24; 103-914,
5 eff. 1-1-25; 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25;
6 revised 11-26-24.)

7 (55 ILCS 5/5-1189)

8 Sec. 5-1189. Shelby County rescue squad. The Shelby County
9 Board may form, manage, fund, and operate a volunteer rescue
10 squad to provide assistance within Shelby County to any public
11 entity providing law enforcement, firefighting, emergency
12 disaster response, or first responder services. The volunteer
13 rescue squad may (i) locate missing persons, including
14 drowning victims, (ii) perform a supporting, and not direct,
15 role in fighting fires, and (iii) extricate persons from
16 unsafe conditions. The Shelby County Board may provide
17 benefits for rescue squad volunteers who suffer disease,
18 injury, or death in the line of duty.

19 (Source: P.A. 103-895, eff. 1-1-25.)

20 (55 ILCS 5/5-1190)

21 Sec. 5-1190 ~~5-1189~~. Access to and use of county
22 infrastructure for broadband. A county may lease, license, or
23 otherwise grant access to and use of infrastructure, including
24 fiber optic cables, that the county owns or controls to public

1 or private entities to facilitate the delivery of broadband
2 services on the condition that the lease, license, access, or
3 use: (1) be granted on a nondiscriminatory, nonexclusive, and
4 competitively neutral basis; and (2) comply with all other
5 State and federal laws, rules, and regulations, including, but
6 not limited to, all applicable safety codes and requirements.
7 However, nothing in this Section shall be construed to
8 authorize a county to lease, license, or otherwise grant
9 access to or use of infrastructure that the county does not own
10 or control to public or private entities to facilitate the
11 delivery of broadband services. This Section applies to
12 leases, licenses, or other agreements entered into, amended,
13 or renewed on or after January 1, 2025 (the effective date of
14 Public Act 103-947) ~~this amendatory Act of the 103rd General~~
15 ~~Assembly.~~

16 (Source: P.A. 103-947, eff. 1-1-25; revised 12-3-24.)

17 (55 ILCS 5/5-1191)

18 Sec. 5-1191 ~~5-1189~~. Transportation to problem-solving
19 courts.

20 (a) As used in this Section, "problem-solving court" means
21 a court program regulated under the Drug Court Treatment Act,
22 the Juvenile Drug Court Treatment Act, the Mental Health Court
23 Treatment Act, or the Veterans and Servicemembers Court
24 Treatment Act.

25 (b) Notwithstanding any other provision of law, a county

1 may use funds designated by law or ordinance for
2 transportation purposes to fund rides for persons to attend
3 problem-solving courts. The county may enter into an
4 intergovernmental agreement with another unit of local
5 government for the purposes of this Section.

6 (Source: P.A. 103-988, eff. 1-1-25; revised 12-3-24.)

7 (55 ILCS 5/5-12020)

8 Sec. 5-12020. Commercial wind energy facilities and
9 commercial solar energy facilities.

10 (a) As used in this Section:

11 "Commercial solar energy facility" means a "commercial
12 solar energy system" as defined in Section 10-720 of the
13 Property Tax Code. "Commercial solar energy facility" does not
14 mean a utility-scale solar energy facility being constructed
15 at a site that was eligible to participate in a procurement
16 event conducted by the Illinois Power Agency pursuant to
17 subsection (c-5) of Section 1-75 of the Illinois Power Agency
18 Act.

19 "Commercial wind energy facility" means a wind energy
20 conversion facility of equal or greater than 500 kilowatts in
21 total nameplate generating capacity. "Commercial wind energy
22 facility" includes a wind energy conversion facility seeking
23 an extension of a permit to construct granted by a county or
24 municipality before January 27, 2023 (the effective date of
25 Public Act 102-1123).

1 "Facility owner" means (i) a person with a direct
2 ownership interest in a commercial wind energy facility or a
3 commercial solar energy facility, or both, regardless of
4 whether the person is involved in acquiring the necessary
5 rights, permits, and approvals or otherwise planning for the
6 construction and operation of the facility, and (ii) at the
7 time the facility is being developed, a person who is acting as
8 a developer of the facility by acquiring the necessary rights,
9 permits, and approvals or by planning for the construction and
10 operation of the facility, regardless of whether the person
11 will own or operate the facility.

12 "Nonparticipating property" means real property that is
13 not a participating property.

14 "Nonparticipating residence" means a residence that is
15 located on nonparticipating property and that is existing and
16 occupied on the date that an application for a permit to
17 develop the commercial wind energy facility or the commercial
18 solar energy facility is filed with the county.

19 "Occupied community building" means any one or more of the
20 following buildings that is existing and occupied on the date
21 that the application for a permit to develop the commercial
22 wind energy facility or the commercial solar energy facility
23 is filed with the county: a school, place of worship, day care
24 facility, public library, or community center.

25 "Participating property" means real property that is the
26 subject of a written agreement between a facility owner and

1 the owner of the real property that provides the facility
2 owner an easement, option, lease, or license to use the real
3 property for the purpose of constructing a commercial wind
4 energy facility, a commercial solar energy facility, or
5 supporting facilities. "Participating property" also includes
6 real property that is owned by a facility owner for the purpose
7 of constructing a commercial wind energy facility, a
8 commercial solar energy facility, or supporting facilities.

9 "Participating residence" means a residence that is
10 located on participating property and that is existing and
11 occupied on the date that an application for a permit to
12 develop the commercial wind energy facility or the commercial
13 solar energy facility is filed with the county.

14 "Protected lands" means real property that is:

15 (1) subject to a permanent conservation right
16 consistent with the Real Property Conservation Rights Act;
17 or

18 (2) registered or designated as a nature preserve,
19 buffer, or land and water reserve under the Illinois
20 Natural Areas Preservation Act.

21 "Supporting facilities" means the transmission lines,
22 substations, access roads, meteorological towers, storage
23 containers, and equipment associated with the generation and
24 storage of electricity by the commercial wind energy facility
25 or commercial solar energy facility.

26 "Wind tower" includes the wind turbine tower, nacelle, and

1 blades.

2 (b) Notwithstanding any other provision of law or whether
3 the county has formed a zoning commission and adopted formal
4 zoning under Section 5-12007, a county may establish standards
5 for commercial wind energy facilities, commercial solar energy
6 facilities, or both. The standards may include all of the
7 requirements specified in this Section but may not include
8 requirements for commercial wind energy facilities or
9 commercial solar energy facilities that are more restrictive
10 than specified in this Section. A county may also regulate the
11 siting of commercial wind energy facilities with standards
12 that are not more restrictive than the requirements specified
13 in this Section in unincorporated areas of the county that are
14 outside the zoning jurisdiction of a municipality and that are
15 outside the 1.5-mile radius surrounding the zoning
16 jurisdiction of a municipality.

17 (c) If a county has elected to establish standards under
18 subsection (b), before the county grants siting approval or a
19 special use permit for a commercial wind energy facility or a
20 commercial solar energy facility, or modification of an
21 approved siting or special use permit, the county board of the
22 county in which the facility is to be sited or the zoning board
23 of appeals for the county shall hold at least one public
24 hearing. The public hearing shall be conducted in accordance
25 with the Open Meetings Act and shall be held not more than 60
26 days after the filing of the application for the facility. The

1 county shall allow interested parties to a special use permit
2 an opportunity to present evidence and to cross-examine
3 witnesses at the hearing, but the county may impose reasonable
4 restrictions on the public hearing, including reasonable time
5 limitations on the presentation of evidence and the
6 cross-examination of witnesses. The county shall also allow
7 public comment at the public hearing in accordance with the
8 Open Meetings Act. The county shall make its siting and
9 permitting decisions not more than 30 days after the
10 conclusion of the public hearing. Notice of the hearing shall
11 be published in a newspaper of general circulation in the
12 county. A facility owner must enter into an agricultural
13 impact mitigation agreement with the Department of Agriculture
14 prior to the date of the required public hearing. A commercial
15 wind energy facility owner seeking an extension of a permit
16 granted by a county prior to July 24, 2015 (the effective date
17 of Public Act 99-132) must enter into an agricultural impact
18 mitigation agreement with the Department of Agriculture prior
19 to a decision by the county to grant the permit extension.
20 Counties may allow test wind towers or test solar energy
21 systems to be sited without formal approval by the county
22 board.

23 (d) A county with an existing zoning ordinance in conflict
24 with this Section shall amend that zoning ordinance to be in
25 compliance with this Section within 120 days after January 27,
26 2023 (the effective date of Public Act 102-1123).

(e) A county may require:

(1) a wind tower of a commercial wind energy facility to be sited as follows, with setback distances measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied Community Buildings	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Participating Residences	1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Nonparticipating Residences	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Boundary Lines of	1.1 times the maximum blade tip

1	Nonparticipating Property	height of the wind tower to the
2		nearest point on the property
3		line of the nonparticipating
4		property
5	Public Road Rights-of-Way	1.1 times the maximum blade tip
6		height of the wind tower
7		to the center point of the
8		public road right-of-way
9	Overhead Communication and	1.1 times the maximum blade tip
10	Electric Transmission	height of the wind tower to the
11	and Distribution Facilities	nearest edge of the property
12	(Not Including Overhead	line, easement, or
13	Utility Service Lines to	right-of-way
14	Individual Houses or	containing the overhead line
15	Outbuildings)	
16	Overhead Utility Service	None
17	Lines to Individual	
18	Houses or Outbuildings	
19	Fish and Wildlife Areas	2.1 times the maximum blade
20	and Illinois Nature	tip height of the wind tower
21	Preserve Commission	to the nearest point on the
22	Protected Lands	property line of the fish and

wildlife area or protected

land

This Section does not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the ~~The~~ National Electrical Safety Code, the Illinois Commerce Commission, and the Federal Energy Regulatory Commission~~7~~ and their designees or successors~~;~~.

(2) a wind tower of a commercial wind energy facility to be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions;

(3) a commercial solar energy facility to be sited as follows, with setback distances measured from the nearest edge of any component of the facility:

Setback Description	Setback Distance
Occupied Community Buildings and Dwellings on Nonparticipating Properties	150 feet from the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None

1 Public Road Rights-of-Way 50 feet from the nearest
2 edge

3 Boundary Lines of 50 feet to the nearest
4 Nonparticipating Property point on the property
5 line of the nonparticipating
6 property

7 (4) a commercial solar energy facility to be sited so
8 that the facility's perimeter is enclosed by fencing
9 having a height of at least 6 feet and no more than 25
10 feet; and

11 (5) a commercial solar energy facility to be sited so
12 that no component of a solar panel has a height of more
13 than 20 feet above ground when the solar energy facility's
14 arrays are at full tilt.

15 The requirements set forth in this subsection (e) may be
16 waived subject to the written consent of the owner of each
17 affected nonparticipating property.

18 (f) A county may not set a sound limitation for wind towers
19 in commercial wind energy facilities or any components in
20 commercial solar energy facilities that is more restrictive
21 than the sound limitations established by the Illinois
22 Pollution Control Board under 35 Ill. Adm. Code Parts 900,
23 901, and 910.

1 (g) A county may not place any restriction on the
2 installation or use of a commercial wind energy facility or a
3 commercial solar energy facility unless it adopts an ordinance
4 that complies with this Section. A county may not establish
5 siting standards for supporting facilities that preclude
6 development of commercial wind energy facilities or commercial
7 solar energy facilities.

8 A request for siting approval or a special use permit for a
9 commercial wind energy facility or a commercial solar energy
10 facility, or modification of an approved siting or special use
11 permit, shall be approved if the request is in compliance with
12 the standards and conditions imposed in this Act, the zoning
13 ordinance adopted consistent with this Code, and the
14 conditions imposed under State and federal statutes and
15 regulations.

16 (h) A county may not adopt zoning regulations that
17 disallow, permanently or temporarily, commercial wind energy
18 facilities or commercial solar energy facilities from being
19 developed or operated in any district zoned to allow
20 agricultural or industrial uses.

21 (i) A county may not require permit application fees for a
22 commercial wind energy facility or commercial solar energy
23 facility that are unreasonable. All application fees imposed
24 by the county shall be consistent with fees for projects in the
25 county with similar capital value and cost.

26 (j) Except as otherwise provided in this Section, a county

1 shall not require standards for construction, decommissioning,
2 or deconstruction of a commercial wind energy facility or
3 commercial solar energy facility or related financial
4 assurances that are more restrictive than those included in
5 the Department of Agriculture's standard wind farm
6 agricultural impact mitigation agreement, template 81818, or
7 standard solar agricultural impact mitigation agreement,
8 version 8.19.19, as applicable and in effect on December 31,
9 2022. The amount of any decommissioning payment shall be in
10 accordance with the financial assurance required by those
11 agricultural impact mitigation agreements.

12 (j-5) A commercial wind energy facility or a commercial
13 solar energy facility shall file a farmland drainage plan with
14 the county and impacted drainage districts outlining how
15 surface and subsurface drainage of farmland will be restored
16 during and following construction or deconstruction of the
17 facility. The plan is to be created independently by the
18 facility developer and shall include the location of any
19 potentially impacted drainage district facilities to the
20 extent this information is publicly available from the county
21 or the drainage district, plans to repair any subsurface
22 drainage affected during construction or deconstruction using
23 procedures outlined in the agricultural impact mitigation
24 agreement entered into by the commercial wind energy facility
25 owner or commercial solar energy facility owner, and
26 procedures for the repair and restoration of surface drainage

1 affected during construction or deconstruction. All surface
2 and subsurface damage shall be repaired as soon as reasonably
3 practicable.

4 (k) A county may not condition approval of a commercial
5 wind energy facility or commercial solar energy facility on a
6 property value guarantee and may not require a facility owner
7 to pay into a neighboring property devaluation escrow account.

8 (l) A county may require certain vegetative screening
9 surrounding a commercial wind energy facility or commercial
10 solar energy facility but may not require earthen berms or
11 similar structures.

12 (m) A county may set blade tip height limitations for wind
13 towers in commercial wind energy facilities but may not set a
14 blade tip height limitation that is more restrictive than the
15 height allowed under a Determination of No Hazard to Air
16 Navigation by the Federal Aviation Administration under 14 CFR
17 Part 77.

18 (n) A county may require that a commercial wind energy
19 facility owner or commercial solar energy facility owner
20 provide:

21 (1) the results and recommendations from consultation
22 with the Illinois Department of Natural Resources that are
23 obtained through the Ecological Compliance Assessment Tool
24 (EcoCAT) or a comparable successor tool; and

25 (2) the results of the United States Fish and Wildlife
26 Service's Information for Planning and Consulting

1 environmental review or a comparable successor tool that
2 is consistent with (i) the "U.S. Fish and Wildlife
3 Service's Land-Based Wind Energy Guidelines" and (ii) any
4 applicable United States Fish and Wildlife Service solar
5 wildlife guidelines that have been subject to public
6 review.

7 (o) A county may require a commercial wind energy facility
8 or commercial solar energy facility to adhere to the
9 recommendations provided by the Illinois Department of Natural
10 Resources in an EcoCAT natural resource review report under 17
11 Ill. Adm. Code Part 1075.

12 (p) A county may require a facility owner to:

13 (1) demonstrate avoidance of protected lands as
14 identified by the Illinois Department of Natural Resources
15 and the Illinois Nature Preserve Commission; or

16 (2) consider the recommendations of the Illinois
17 Department of Natural Resources for setbacks from
18 protected lands, including areas identified by the
19 Illinois Nature Preserve Commission.

20 (q) A county may require that a facility owner provide
21 evidence of consultation with the Illinois State Historic
22 Preservation Office to assess potential impacts on
23 State-registered historic sites under the Illinois State
24 Agency Historic Resources Preservation Act.

25 (r) To maximize community benefits, including, but not
26 limited to, reduced stormwater runoff, flooding, and erosion

1 at the ground mounted solar energy system, improved soil
2 health, and increased foraging habitat for game birds,
3 songbirds, and pollinators, a county may (1) require a
4 commercial solar energy facility owner to plant, establish,
5 and maintain for the life of the facility vegetative ground
6 cover, consistent with the goals of the Pollinator-Friendly
7 Solar Site Act and (2) require the submittal of a vegetation
8 management plan that is in compliance with the agricultural
9 impact mitigation agreement in the application to construct
10 and operate a commercial solar energy facility in the county
11 if the vegetative ground cover and vegetation management plan
12 comply with the requirements of the underlying agreement with
13 the landowner or landowners where the facility will be
14 constructed.

15 No later than 90 days after January 27, 2023 (the
16 effective date of Public Act 102-1123), the Illinois
17 Department of Natural Resources shall develop guidelines for
18 vegetation management plans that may be required under this
19 subsection for commercial solar energy facilities. The
20 guidelines must include guidance for short-term and long-term
21 property management practices that provide and maintain native
22 and non-invasive naturalized perennial vegetation to protect
23 the health and well-being of pollinators.

24 (s) If a facility owner enters into a road use agreement
25 with the Illinois Department of Transportation, a road
26 district, or other unit of local government relating to a

1 commercial wind energy facility or a commercial solar energy
2 facility, the road use agreement shall require the facility
3 owner to be responsible for (i) the reasonable cost of
4 improving roads used by the facility owner to construct the
5 commercial wind energy facility or the commercial solar energy
6 facility and (ii) the reasonable cost of repairing roads used
7 by the facility owner during construction of the commercial
8 wind energy facility or the commercial solar energy facility
9 so that those roads are in a condition that is safe for the
10 driving public after the completion of the facility's
11 construction. Roadways improved in preparation for and during
12 the construction of the commercial wind energy facility or
13 commercial solar energy facility shall be repaired and
14 restored to the improved condition at the reasonable cost of
15 the developer if the roadways have degraded or were damaged as
16 a result of construction-related activities.

17 The road use agreement shall not require the facility
18 owner to pay costs, fees, or charges for road work that is not
19 specifically and uniquely attributable to the construction of
20 the commercial wind energy facility or the commercial solar
21 energy facility. Road-related fees, permit fees, or other
22 charges imposed by the Illinois Department of Transportation,
23 a road district, or other unit of local government under a road
24 use agreement with the facility owner shall be reasonably
25 related to the cost of administration of the road use
26 agreement.

1 (s-5) The facility owner shall also compensate landowners
2 for crop losses or other agricultural damages resulting from
3 damage to the drainage system caused by the construction of
4 the commercial wind energy facility or the commercial solar
5 energy facility. The commercial wind energy facility owner or
6 commercial solar energy facility owner shall repair or pay for
7 the repair of all damage to the subsurface drainage system
8 caused by the construction of the commercial wind energy
9 facility or the commercial solar energy facility in accordance
10 with the agriculture impact mitigation agreement requirements
11 for repair of drainage. The commercial wind energy facility
12 owner or commercial solar energy facility owner shall repair
13 or pay for the repair and restoration of surface drainage
14 caused by the construction or deconstruction of the commercial
15 wind energy facility or the commercial solar energy facility
16 as soon as reasonably practicable.

17 (t) Notwithstanding any other provision of law, a facility
18 owner with siting approval from a county to construct a
19 commercial wind energy facility or a commercial solar energy
20 facility is authorized to cross or impact a drainage system,
21 including, but not limited to, drainage tiles, open drainage
22 ditches, culverts, and water gathering vaults, owned or under
23 the control of a drainage district under the Illinois Drainage
24 Code without obtaining prior agreement or approval from the
25 drainage district in accordance with the farmland drainage
26 plan required by subsection (j-5).

1 (u) The amendments to this Section adopted in Public Act
2 102-1123 do not apply to: (1) an application for siting
3 approval or for a special use permit for a commercial wind
4 energy facility or commercial solar energy facility if the
5 application was submitted to a unit of local government before
6 January 27, 2023 (the effective date of Public Act 102-1123);
7 (2) a commercial wind energy facility or a commercial solar
8 energy facility if the facility owner has submitted an
9 agricultural impact mitigation agreement to the Department of
10 Agriculture before January 27, 2023 (the effective date of
11 Public Act 102-1123); or (3) a commercial wind energy or
12 commercial solar energy development on property that is
13 located within an enterprise zone certified under the Illinois
14 Enterprise Zone Act, that was classified as industrial by the
15 appropriate zoning authority on or before January 27, 2023,
16 and that is located within 4 miles of the intersection of
17 Interstate 88 and Interstate 39.

18 (Source: P.A. 102-1123, eff. 1-27-23; 103-81, eff. 6-9-23;
19 103-580, eff. 12-8-23; revised 7-29-24.)

20 (55 ILCS 5/5-12022)

21 Sec. 5-12022. Building permit fee for veterans with a
22 disability.

23 (a) A veteran with a disability or the veteran's caregiver
24 shall not be charged any building permit fee for improvements
25 to the residence of the veteran with a disability if the

1 improvements are required to accommodate a disability of the
2 veteran. Nothing in this subsection changes the obligation of
3 any person to submit to the county applications, forms, or
4 other paperwork to obtain a building permit. A veteran or
5 caregiver must provide proof of veteran status and attest to
6 the fact that the improvements to the residence are required
7 to accommodate the veteran's disability. Proof of veteran
8 status is to be construed liberally, and veteran status shall
9 include service in the Armed Forces of the United States,
10 National Guard, or the reserves of the Armed Forces of the
11 United States.

12 (b) What constitutes proof of veteran status shall be
13 determined by the county. The Illinois Department of Veterans'
14 Affairs may not adjudicate any dispute arising under
15 subsection paragraph (a).

16 (c) A home rule county may not regulate building permit
17 fees in a manner inconsistent with this Section. This Section
18 is a limitation under subsection (i) of Section 6 of Article
19 VII of the Illinois Constitution on the concurrent exercise by
20 home rule units of powers and functions exercised by the
21 State.

22 (Source: P.A. 103-621, eff. 1-1-25; revised 11-26-24.)

23 (55 ILCS 5/5-12023)

24 Sec. 5-12023 ~~5-12022~~. Battery-charged fences.

25 (a) As used in this Section, "battery-charged fence" means

1 a fence energized by a battery that is not more than 12 volts
2 of direct current that interfaces with an alarm system in a
3 manner that enables the fence to cause the connected alarm
4 system to transmit a signal intended to notify law enforcement
5 of a potential intrusion.

6 (b) Notwithstanding any other law, a county may not
7 require a permit or other approval for the installation,
8 maintenance, placement, replacement, or servicing of a
9 battery-charged fence if (i) the battery-charged fence is
10 located on nonresidential property completely surrounded by a
11 nonelectric perimeter fence or wall that is not less than 5
12 feet in height and does not exceed 10 feet in height or 2 feet
13 higher than the nonelectric perimeter fence or wall, whichever
14 is higher, and (ii) any electrical charge produced on contact
15 does not exceed energizer characteristics set for electric
16 fences by the International Electrotechnical Commission.

17 (c) Any battery-charged fence installed under this Section
18 must have conspicuous signs located on the fence placed not
19 less than 30 feet apart that read: "WARNING: ELECTRIC FENCE".

20 (d) A home rule county may not regulate battery-charged
21 fencing in a manner inconsistent with this Section. This
22 Section is a limitation under subsection (i) of Section 6 of
23 Article VII of the Illinois Constitution on the concurrent
24 exercise by home rule units of powers and functions exercised
25 by the State.

26 (Source: P.A. 103-796, eff. 1-1-25; revised 12-3-24.)

1 (55 ILCS 5/5-15017) (from Ch. 34, par. 5-15017)

2 Sec. 5-15017. Revenue bonds. In order to pay the cost of
3 the construction, acquisition by condemnation, purchase, or
4 otherwise of any waterworks properties, or sewage facilities,
5 or a combination thereof, or waste management facilities, as
6 the case may be, and the improvement or extension from time to
7 time thereof, including engineering, inspection, legal and
8 financial fees and costs, working capital, interest on such
9 bonds during construction and for a reasonable period
10 thereafter, establishment of reserves to secure such bonds and
11 all other expenditures of such county incidental and necessary
12 or convenient thereto, the county board may issue and sell
13 revenue bonds payable solely from the income and revenue
14 derived from the operation of the waterworks properties, or
15 sewage facilities, or a combination thereof, or waste
16 management facilities, as the case may be, and may also from
17 time to time issue revenue bonds for the purpose of paying,
18 refunding, or redeeming revenue bonds before, after, or at
19 their maturity, including paying redemption premiums or
20 interest accruing or to accrue on the bonds being paid or
21 redeemed or for paying any other costs in connection with any
22 such payment or redemption. All such bonds shall be authorized
23 by ordinance to be adopted by the board, which shall be
24 separate and distinct as applies to waterworks properties and
25 as applied to sewage facilities except where the system is

1 combined. Such bonds shall bear such date or dates, mature at
2 such time or serially at such times not exceeding 40 years from
3 their respective dates, may bear interest at such rate or
4 rates not exceeding the maximum rate established in the Bond
5 Authorization Act ~~"An Act to authorize public corporations to~~
6 ~~issue bonds, other evidences of indebtedness and tax~~
7 ~~anticipation warrants subject to interest rate limitations set~~
8 ~~forth therein", approved May 26, 1970,~~ as from time to time in
9 effect, may be in such form, may carry such registration
10 privileges, may be executed in such manner, may be payable at
11 such place or places, may be subject to redemption in such
12 manner, and upon such terms with or without premium as is
13 stated on the face thereof, and may be executed in such manner
14 by such officers, and may contain such terms and covenants,
15 all as provided by the ordinance authorizing the issue.

16 Such bonds shall be sold in such manner as the board shall
17 determine, and if issued to bear interest at the maximum rate
18 specified in this Section shall be sold for not less than par
19 and accrued interest; however, the selling price of any bonds
20 bearing less than such maximum rate, shall be such that the
21 interest cost of the money received from the sale of the bonds
22 shall not exceed such maximum rate, computed to absolute
23 maturity, according to standard tables of bond values.

24 Notwithstanding the form or tenor thereof, and in the
25 absence of expressed recitals on the face thereof that the
26 bonds are non-negotiable, all such bonds shall be negotiable

1 instruments.

2 To secure payment of any and all such bonds such ordinance
3 shall set forth the covenants and undertakings of the county
4 in connection with the issuance thereof, and the issuance of
5 additional bonds payable from the revenues or income to be
6 derived from the operation of the waterworks properties or
7 sewage facilities, or waste management facilities, as the case
8 may be, as well as the use and operation thereof, and for the
9 use and disposition for waterworks, and sewerage, and waste
10 management purposes of investment earnings on funds and
11 accounts created with respect to the revenue bonds.

12 In case any officer whose signature appears on the bond or
13 coupons attached thereto shall cease to be such officer before
14 the delivery of the bonds to the purchaser, such signature
15 shall nevertheless be valid and sufficient for all purposes to
16 the same effect as if he had remained in office until the
17 delivery of the bonds.

18 Under no circumstances shall any bonds issued or any other
19 obligation, except as set forth in Section 5-15003, incurred
20 pursuant to the provisions of this Division be or become an
21 indebtedness or an obligation of the county payable from taxes
22 and shall not in any event constitute an indebtedness of such
23 county within the meaning of the constitutional provisions or
24 limitations, and such fact shall be plainly stated on the face
25 of each bond.

26 (Source: P.A. 86-962; revised 7-30-24.)

1 (55 ILCS 5/5-31012) (from Ch. 34, par. 5-31012)

2 Sec. 5-31012. Powers of district. To the extent necessary
3 to carry out the purpose of this Division and in addition to
4 any other powers, duties, and functions vested in museum
5 districts by law, but subject to limitations and restrictions
6 imposed elsewhere by this Division or other law, a museum
7 district is authorized and empowered:

8 (a) To adopt bylaws, adopt and use a common seal,
9 enter into contracts, acquire and hold real and personal
10 property, and take such other actions as may be necessary
11 for the proper conduct of its affairs.

12 (b) To make and publish all ordinances, rules, and
13 regulations necessary for the management and protection of
14 its property and the conduct of its affairs.

15 (c) To study and ascertain the museum district
16 artifacts and other materials, the need for preserving
17 such resources and providing such facilities and the
18 extent to which such needs are currently being met, and to
19 prepare and adopt coordinated plans to meet such needs.

20 (d) To acquire by gift, devise, purchase, lease,
21 agreement, or otherwise the fee or any lessor right or
22 interest in real and personal property, and to hold the
23 same with public access for those who wish to examine or
24 study it. The museum district may accept the transfer of
25 any real or personal property owned or controlled by the

1 State of Illinois, the county board, or the governing body
2 of any municipality, district, or public corporation and
3 not devoted or dedicated to any other inconsistent public
4 use. In acquiring or accepting land or rights thereto, the
5 museum district shall give due consideration to its
6 historical value or county significance, and no real
7 property shall be acquired or accepted which in the
8 opinion of the museum district and the Illinois State
9 Museum is of low value as to its proposed use.

10 (e) To acquire any or all interest in real or personal
11 property by a contract for purchase providing for payment
12 in installments over a period not to exceed 10 years with
13 interest on the unpaid balance owing not to exceed an
14 amount calculated pursuant to the provisions of the Bond
15 Authorization Act ~~"An Act to authorize public corporations~~
16 ~~to issue bonds, other evidences of indebtedness and tax~~
17 ~~anticipation warrants subject to interest rate limitations~~
18 ~~set forth therein", approved May 26, 1970, as amended.~~ The
19 indebtedness incurred under this subsection when
20 aggregated with existing indebtedness may not exceed the
21 debt limits provided in Section 5-31016.

22 (f) To classify, designate, plan, develop, preserve,
23 administer, and maintain all areas and facilities in which
24 it has an interest and to construct, reconstruct, alter,
25 renew, equip, and maintain buildings and other structures.
26 Any work performed on any building, appurtenance,

1 structure, or area listed on the National Register of
2 Historic Places or deemed eligible for such listing shall
3 be performed within such guidelines as are established by
4 the Department of Natural Resources.

5 (g) To accept gifts, grants, bequests, contributions,
6 and appropriations of money and personal property for
7 museum district purposes.

8 (h) To employ and fix the compensation of an executive
9 officer who shall be responsible to the board for the
10 implementation of its policies. The executive officer
11 shall have the power, subject to the approval of the
12 board, to employ and fix the compensation of such
13 assistants and employees as the board may consider
14 necessary for the implementation of this Division.

15 (i) To charge and collect reasonable fees for the use
16 of such facilities, privileges, and conveniences as may be
17 provided.

18 (j) To police its property and to exercise police
19 powers in respect thereto or in respect to the enforcement
20 of any rule or regulation provided by its ordinances.

21 (k) To lease land for a period not longer than 50 years
22 to a responsible person, firm, or corporation for
23 construction, reconstruction, alteration, development,
24 operation, and maintenance of buildings, roads, and
25 parking areas. Any work performed on any leased building,
26 structure, appurtenances, or area which is listed on the

1 National Register of Historic Places or deemed eligible
2 for such listing shall be performed within such guidelines
3 as are established by the Department of Natural Resources.
4 Upon expiration of any lease of land under this
5 subsection, title to all structures on the leased land
6 shall be vested in the museum district.

7 (l) To lease any building or facility constructed,
8 reconstructed, altered, renewed, equipped, furnished,
9 extended, developed, and maintained by the museum district
10 to a responsible person, firm, or corporation for
11 operation or development or both, and maintenance for a
12 period not longer than 20 years. Development, maintenance, or
13 or both of any building, structures, appurtenances, or
14 area which is listed on the National Register of Historic
15 Places or deemed eligible for such listing shall be
16 performed within such guidelines as are established by the
17 Department of Natural Resources.

18 (m) To make grants to not-for-profit historical clubs,
19 organizations, or groups within the county.

20 (Source: P.A. 100-695, eff. 8-3-18; revised 7-30-24.)

21 (55 ILCS 5/5-31016) (from Ch. 34, par. 5-31016)

22 Sec. 5-31016. Indebtedness. Whenever a museum district
23 does not have sufficient money in its treasury to meet all
24 necessary expenses and liabilities, it may issue tax
25 anticipation warrants. Such issue of tax anticipation warrants

1 shall be subject to the provisions of Section 2 of the Warrants
2 and Jurors Certificates Act ~~"An Act to provide for the manner~~
3 ~~of issuing warrants upon any county, township, or other~~
4 ~~municipal corporation or quasi municipal corporation, or of~~
5 ~~any farm drainage district, river district, drainage and levee~~
6 ~~district, fire protection district and jurors' certificates",~~
7 ~~approved June 27, 1913, as now or hereafter amended.~~

8 No museum district shall become indebted in any manner or
9 for any purpose in an amount, including existing indebtedness,
10 in the aggregate exceeding .25% of the value, as equalized or
11 assessed by the Department of Revenue, of the taxable property
12 within the museum district.

13 (Source: P.A. 86-962; revised 7-30-24.)

14 (55 ILCS 5/6-4002) (from Ch. 34, par. 6-4002)

15 Sec. 6-4002. Resolution. The resolution of the county
16 board authorizing the issuance of the general obligation bonds
17 shall prescribe all the details of the bonds and specify the
18 total amount of the bonds to be issued, the form and
19 denomination of the bonds, the date they are to bear, the place
20 they are payable, the date or dates of maturity, which shall
21 not be more than 30 years after the date of the bonds, the rate
22 of interest, which shall not exceed that authorized by the
23 Bond Authorization Act ~~"An Act to authorize public~~
24 ~~corporations to issue bonds, other evidences of indebtedness~~
25 ~~and tax anticipation warrants subject to interest rate~~

1 ~~limitations set forth therein", approved May 26, 1970, as~~
2 ~~amended~~, and the dates on which the interest is payable.

3 (Source: P.A. 86-962; revised 7-30-24.)

4 (55 ILCS 5/6-27004) (from Ch. 34, par. 6-27004)

5 Sec. 6-27004. Purposes for which fund may be used;
6 reimbursement. All moneys received from the issuance of bonds
7 as herein authorized, or from any tax levied pursuant to the
8 authority granted by this Division, shall be set apart in said
9 working cash fund by the county treasurer and shall be used
10 only for the purposes and in the manner hereinafter provided.
11 Such fund, and the moneys therein, shall not be regarded as
12 current assets available for appropriation and shall not be
13 appropriated by the county board in the resolution termed the
14 annual appropriations bill. The county board may appropriate
15 moneys to the working cash fund up to the maximum amount
16 allowable in the fund, and the working cash fund may receive
17 such appropriations and any other contributions. In order to
18 provide moneys with which to meet ordinary and necessary
19 disbursements for salaries and other corporate purposes, such
20 fund and the moneys therein may be transferred, in whole or in
21 part, to the general corporate fund of the county and so
22 disbursed therefrom (a) in anticipation of the collection of
23 any taxes lawfully levied for general corporate purposes, (b)
24 in anticipation of the receipt of moneys to be derived from
25 fees and commissions to be earned by the county clerk and the

1 county collector for extending and collecting taxes levied, or
2 (c) in the anticipation of such taxes, as by law now or
3 hereafter enacted or amended, imposed by the General Assembly
4 of the State of Illinois to replace revenue lost by units of
5 local government and school districts as a result of the
6 abolition of ad valorem personal property taxes, pursuant to
7 Article IX, Section 5(c) of the Constitution of the State of
8 Illinois. Moneys transferred to the general corporate fund in
9 anticipation of the collection of taxes shall be deemed to
10 have been transferred in anticipation of the collection of
11 that part of the taxes so levied which is in excess of the
12 amount or amounts thereof required to pay (a) any tax
13 anticipation warrants and the interest thereon, theretofore or
14 thereafter issued under the provisions of Sections 2 and 3 of
15 the Warrants and Jurors Certificates Act ~~Section two (2) and~~
16 ~~three (3) of "An Act to provide for the manner of issuing~~
17 ~~warrants upon the treasurer of the State or of any county,~~
18 ~~township, city, village or other municipal corporation and~~
19 ~~jurors' certificates", approved June 27, 1913, as amended,~~ (b)
20 the aggregate amount of receipts from taxes imposed to replace
21 revenue lost by units of local government and school districts
22 as a result of the abolition of ad valorem personal property
23 taxes, pursuant to Article IX, Section 5(c) of the
24 Constitution of the State of Illinois, which the corporate
25 authorities estimate will be set aside for the payment of the
26 proportionate amount of debt service and pension or retirement

1 obligations, as required by Section 12 of the State Revenue
2 Sharing Act ~~"An Act in relation to State Revenue Sharing with~~
3 ~~local government entities", approved July 31, 1969, as~~
4 ~~amended,~~ and (c) any notes and the interest thereon,
5 theretofore or thereafter issued under the provisions of
6 Division 6-2, and such taxes levied for general corporate
7 purposes when collected shall be applied, first, to the
8 payment of any such warrant and the interest thereon, the
9 amount estimated to be required to satisfy debt service and
10 pension or retirement obligations as set forth in Section 12
11 of the State Revenue Sharing Act ~~"An Act in relation to State~~
12 ~~revenue sharing with local government entities", approved July~~
13 ~~31, 1969, as amended,~~ and to the payment of any such notes and
14 the interest thereon, and then to the reimbursement of said
15 working cash fund as hereinafter provided. Upon the receipt by
16 said county treasurer of any taxes, or other moneys, in
17 anticipation of the collection or receipt whereof moneys of
18 such working cash fund have been so transferred for
19 disbursement, such fund shall immediately be reimbursed
20 therefrom until the full amount so transferred has been
21 re-transferred to such fund. Unless the taxes and other moneys
22 so received and applied to the reimbursement of the working
23 cash fund, prior to the close of the fiscal year following the
24 fiscal year in which the last tax penalty date fall due shall
25 be sufficient to effect a complete reimbursement of such fund
26 for any moneys transferred therefrom in anticipation of the

1 collection or receipt of such taxes, or other moneys, such
2 working cash fund shall be reimbursed for the amount of the
3 deficiency therein from any other revenues accruing to said
4 general corporate fund, and it shall be the duty of the county
5 board to make provision for the immediate reimbursement of the
6 amount of any such deficiency in its next resolution termed
7 the annual appropriations bill.

8 (Source: P.A. 86-962; revised 7-30-24.)

9 Section 380. The Illinois Municipal Code is amended by
10 changing Sections 8-4.1-8, 10-4-2, 10-4-2.3, 11-19-1,
11 11-48.3-11, 11-61-3, 11-135-1, and 11-135-4 and by setting
12 forth, renumbering, and changing multiple versions of Section
13 11-13-28 as follows:

14 (65 ILCS 5/8-4.1-8) (from Ch. 24, par. 8-4.1-8)

15 Sec. 8-4.1-8. Bonds authorized by Applicable Law may be
16 issued in one or more series, bear such date or dates, become
17 due at such time or times within the period of years provided
18 by Applicable Law, bear interest payable at such intervals and
19 at such rate or rates as authorized under Section 2 of the Bond
20 Authorization Act ~~"An Act to authorize public corporations to~~
21 ~~issue bonds, other evidences of indebtedness and tax~~
22 ~~anticipation warrants subject to interest rate limitations set~~
23 ~~forth therein," approved May 26, 1970, as now or hereafter~~
24 ~~amended~~, which rates may be fixed or variable, be in such

1 denominations, be in such form, either coupon or registered or
2 book-entry, carry such conversion, registration, and exchange
3 privileges, be subject to defeasance upon such terms, have
4 such rank or priority, be executed in such manner, be payable
5 in such medium of payment at such place or places within or
6 without the State of Illinois, be subject to such terms of
7 redemption with or without premium, and be sold in such manner
8 at private or public sale and at such price as the corporate
9 authorities shall determine. Whenever such bonds are sold at a
10 price less than par, they shall be sold at such price and bear
11 interest at such rate or rates such that the net interest rate
12 received upon the sale of such Bonds does not exceed the
13 maximum rate determined under Section 2 of the Bond
14 Authorization Act ~~"An Act to authorize public corporations to~~
15 ~~issue bonds, other evidences of indebtedness and tax~~
16 ~~anticipation warrants subject to interest rate limitations set~~
17 ~~forth therein", approved May 26, 1970, as now or hereafter~~
18 ~~amended.~~

19 (Source: P.A. 85-158; revised 7-30-24.)

20 (65 ILCS 5/10-4-2)

21 (Text of Section before amendment by P.A. 103-808)

22 Sec. 10-4-2. Group insurance.

23 (a) The corporate authorities of any municipality may
24 arrange to provide, for the benefit of employees of the
25 municipality, group life, health, accident, hospital, and

1 medical insurance, or any one or any combination of those
2 types of insurance, and may arrange to provide that insurance
3 for the benefit of the spouses or dependents of those
4 employees. The insurance may include provision for employees
5 or other insured persons who rely on treatment by prayer or
6 spiritual means alone for healing in accordance with the
7 tenets and practice of a well recognized religious
8 denomination. The corporate authorities may provide for
9 payment by the municipality of a portion of the premium or
10 charge for the insurance with the employee paying the balance
11 of the premium or charge. If the corporate authorities
12 undertake a plan under which the municipality pays a portion
13 of the premium or charge, the corporate authorities shall
14 provide for withholding and deducting from the compensation of
15 those municipal employees who consent to join the plan the
16 balance of the premium or charge for the insurance.

17 (b) If the corporate authorities do not provide for a plan
18 under which the municipality pays a portion of the premium or
19 charge for a group insurance plan, the corporate authorities
20 may provide for withholding and deducting from the
21 compensation of those employees who consent thereto the
22 premium or charge for any group life, health, accident,
23 hospital, and medical insurance.

24 (c) The corporate authorities may exercise the powers
25 granted in this Section only if the kinds of group insurance
26 are obtained from an insurance company authorized to do

1 business in the State of Illinois, or are obtained through an
2 intergovernmental joint self-insurance pool as authorized
3 under the Intergovernmental Cooperation Act. The corporate
4 authorities may enact an ordinance prescribing the method of
5 operation of the insurance program.

6 (d) If a municipality, including a home rule municipality,
7 is a self-insurer for purposes of providing health insurance
8 coverage for its employees, the insurance coverage shall
9 include screening by low-dose mammography for all women 35
10 years of age or older for the presence of occult breast cancer
11 unless the municipality elects to provide mammograms itself
12 under Section 10-4-2.1. The coverage shall be as follows:

13 (1) A baseline mammogram for women 35 to 39 years of
14 age.

15 (2) An annual mammogram for women 40 years of age or
16 older.

17 (3) A mammogram at the age and intervals considered
18 medically necessary by the woman's health care provider
19 for women under 40 years of age and having a family history
20 of breast cancer, prior personal history of breast cancer,
21 positive genetic testing, or other risk factors.

22 (4) For a group policy of accident and health
23 insurance that is amended, delivered, issued, or renewed
24 on or after January 1, 2020 (the effective date of Public
25 Act 101-580) ~~this amendatory Act of the 101st General~~
26 ~~Assembly~~, a comprehensive ultrasound screening of an

1 entire breast or breasts if a mammogram demonstrates
2 heterogeneous or dense breast tissue or when medically
3 necessary as determined by a physician licensed to
4 practice medicine in all of its branches.

5 (5) For a group policy of accident and health
6 insurance that is amended, delivered, issued, or renewed
7 on or after January 1, 2020 (the effective date of Public
8 Act 101-580) ~~this amendatory Act of the 101st General~~
9 ~~Assembly~~, a diagnostic mammogram when medically necessary,
10 as determined by a physician licensed to practice medicine
11 in all its branches, advanced practice registered nurse,
12 or physician assistant.

13 A policy subject to this subsection shall not impose a
14 deductible, coinsurance, copayment, or any other cost-sharing
15 requirement on the coverage provided; except that this
16 sentence does not apply to coverage of diagnostic mammograms
17 to the extent such coverage would disqualify a high-deductible
18 health plan from eligibility for a health savings account
19 pursuant to Section 223 of the Internal Revenue Code (26
20 U.S.C. 223).

21 For purposes of this subsection:

22 "Diagnostic mammogram" means a mammogram obtained using
23 diagnostic mammography.

24 "Diagnostic mammography" means a method of screening that
25 is designed to evaluate an abnormality in a breast, including
26 an abnormality seen or suspected on a screening mammogram or a

1 subjective or objective abnormality otherwise detected in the
2 breast.

3 "Low-dose mammography" means the x-ray examination of the
4 breast using equipment dedicated specifically for mammography,
5 including the x-ray tube, filter, compression device, and
6 image receptor, with an average radiation exposure delivery of
7 less than one rad per breast for 2 views of an average size
8 breast. The term also includes digital mammography.

9 (d-5) Coverage as described by subsection (d) shall be
10 provided at no cost to the insured and shall not be applied to
11 an annual or lifetime maximum benefit.

12 (d-10) When health care services are available through
13 contracted providers and a person does not comply with plan
14 provisions specific to the use of contracted providers, the
15 requirements of subsection (d-5) are not applicable. When a
16 person does not comply with plan provisions specific to the
17 use of contracted providers, plan provisions specific to the
18 use of non-contracted providers must be applied without
19 distinction for coverage required by this Section and shall be
20 at least as favorable as for other radiological examinations
21 covered by the policy or contract.

22 (d-15) If a municipality, including a home rule
23 municipality, is a self-insurer for purposes of providing
24 health insurance coverage for its employees, the insurance
25 coverage shall include mastectomy coverage, which includes
26 coverage for prosthetic devices or reconstructive surgery

1 incident to the mastectomy. Coverage for breast reconstruction
2 in connection with a mastectomy shall include:

3 (1) reconstruction of the breast upon which the
4 mastectomy has been performed;

5 (2) surgery and reconstruction of the other breast to
6 produce a symmetrical appearance; and

7 (3) prostheses and treatment for physical
8 complications at all stages of mastectomy, including
9 lymphedemas.

10 Care shall be determined in consultation with the attending
11 physician and the patient. The offered coverage for prosthetic
12 devices and reconstructive surgery shall be subject to the
13 deductible and coinsurance conditions applied to the
14 mastectomy, and all other terms and conditions applicable to
15 other benefits. When a mastectomy is performed and there is no
16 evidence of malignancy then the offered coverage may be
17 limited to the provision of prosthetic devices and
18 reconstructive surgery to within 2 years after the date of the
19 mastectomy. As used in this Section, "mastectomy" means the
20 removal of all or part of the breast for medically necessary
21 reasons, as determined by a licensed physician.

22 A municipality, including a home rule municipality, that
23 is a self-insurer for purposes of providing health insurance
24 coverage for its employees, may not penalize or reduce or
25 limit the reimbursement of an attending provider or provide
26 incentives (monetary or otherwise) to an attending provider to

1 induce the provider to provide care to an insured in a manner
2 inconsistent with this Section.

3 (d-20) The requirement that mammograms be included in
4 health insurance coverage as provided in subsections (d)
5 through (d-15) is an exclusive power and function of the State
6 and is a denial and limitation under Article VII, Section 6,
7 subsection (h) of the Illinois Constitution of home rule
8 municipality powers. A home rule municipality to which
9 subsections (d) through (d-15) apply must comply with every
10 provision of those subsections.

11 (d-25) If a municipality, including a home rule
12 municipality, is a self-insurer for purposes of providing
13 health insurance coverage for its employees, the insurance
14 coverage shall include joint mental health therapy services
15 for any member of the municipality's police department or fire
16 department and any spouse or partner of the member who resides
17 with the member.

18 The joint mental health therapy services provided under
19 this subsection shall be performed by a physician licensed to
20 practice medicine in all of its branches, a licensed clinical
21 psychologist, a licensed clinical social worker, a licensed
22 clinical professional counselor, a licensed marriage and
23 family therapist, a licensed social worker, or a licensed
24 professional counselor.

25 This subsection is a limitation under subsection (i) of
26 Section 6 of Article VII of the Illinois Constitution on the

1 concurrent exercise by home rule units of powers and functions
2 exercised by the State.

3 (e) Rulemaking authority to implement Public Act 95-1045,
4 if any, is conditioned on the rules being adopted in
5 accordance with all provisions of the Illinois Administrative
6 Procedure Act and all rules and procedures of the Joint
7 Committee on Administrative Rules; any purported rule not so
8 adopted, for whatever reason, is unauthorized.

9 (Source: P.A. 103-818, eff. 1-1-25; revised 11-26-24.)

10 (Text of Section after amendment by P.A. 103-808)

11 Sec. 10-4-2. Group insurance.

12 (a) The corporate authorities of any municipality may
13 arrange to provide, for the benefit of employees of the
14 municipality, group life, health, accident, hospital, and
15 medical insurance, or any one or any combination of those
16 types of insurance, and may arrange to provide that insurance
17 for the benefit of the spouses or dependents of those
18 employees. The insurance may include provision for employees
19 or other insured persons who rely on treatment by prayer or
20 spiritual means alone for healing in accordance with the
21 tenets and practice of a well recognized religious
22 denomination. The corporate authorities may provide for
23 payment by the municipality of a portion of the premium or
24 charge for the insurance with the employee paying the balance
25 of the premium or charge. If the corporate authorities

1 undertake a plan under which the municipality pays a portion
2 of the premium or charge, the corporate authorities shall
3 provide for withholding and deducting from the compensation of
4 those municipal employees who consent to join the plan the
5 balance of the premium or charge for the insurance.

6 (b) If the corporate authorities do not provide for a plan
7 under which the municipality pays a portion of the premium or
8 charge for a group insurance plan, the corporate authorities
9 may provide for withholding and deducting from the
10 compensation of those employees who consent thereto the
11 premium or charge for any group life, health, accident,
12 hospital, and medical insurance.

13 (c) The corporate authorities may exercise the powers
14 granted in this Section only if the kinds of group insurance
15 are obtained from an insurance company authorized to do
16 business in the State of Illinois, or are obtained through an
17 intergovernmental joint self-insurance pool as authorized
18 under the Intergovernmental Cooperation Act. The corporate
19 authorities may enact an ordinance prescribing the method of
20 operation of the insurance program.

21 (d) If a municipality, including a home rule municipality,
22 is a self-insurer for purposes of providing health insurance
23 coverage for its employees, the insurance coverage shall
24 include screening by low-dose mammography for all patients 35
25 years of age or older for the presence of occult breast cancer
26 unless the municipality elects to provide mammograms itself

1 under Section 10-4-2.1. The coverage shall be as follows:

2 (1) A baseline mammogram for patients 35 to 39 years
3 of age.

4 (2) An annual mammogram for patients 40 years of age
5 or older.

6 (3) A mammogram at the age and intervals considered
7 medically necessary by the patient's health care provider
8 for patients under 40 years of age and having a family
9 history of breast cancer, prior personal history of breast
10 cancer, positive genetic testing, or other risk factors.

11 (4) For a group policy of accident and health
12 insurance that is amended, delivered, issued, or renewed
13 on or after January 1, 2020 (the effective date of Public
14 Act 101-580), a comprehensive ultrasound screening of an
15 entire breast or breasts if a mammogram demonstrates
16 heterogeneous or dense breast tissue or when medically
17 necessary as determined by a physician licensed to
18 practice medicine in all of its branches.

19 (4.5) For a group policy of accident and health
20 insurance that is amended, delivered, issued, or renewed
21 on or after January 1, 2026 (the effective date of Public
22 Act 103-808) ~~this amendatory Act of the 103rd General~~
23 ~~Assembly,~~ molecular breast imaging (MBI) and magnetic
24 resonance imaging of an entire breast or breasts if a
25 mammogram demonstrates heterogeneous or dense breast
26 tissue or when medically necessary as determined by a

1 physician licensed to practice medicine in all of its
2 branches, advanced practice registered nurse, or physician
3 assistant.

4 (5) For a group policy of accident and health
5 insurance that is amended, delivered, issued, or renewed
6 on or after January 1, 2020~~7~~ (the effective date of Public
7 Act 101-580), a diagnostic mammogram when medically
8 necessary, as determined by a physician licensed to
9 practice medicine in all its branches, advanced practice
10 registered nurse, or physician assistant.

11 A policy subject to this subsection shall not impose a
12 deductible, coinsurance, copayment, or any other cost-sharing
13 requirement on the coverage provided; except that this
14 sentence does not apply to coverage of diagnostic mammograms
15 to the extent such coverage would disqualify a high-deductible
16 health plan from eligibility for a health savings account
17 pursuant to Section 223 of the Internal Revenue Code (26
18 U.S.C. 223).

19 For purposes of this subsection:

20 "Diagnostic mammogram" means a mammogram obtained using
21 diagnostic mammography.

22 "Diagnostic mammography" means a method of screening that
23 is designed to evaluate an abnormality in a breast, including
24 an abnormality seen or suspected on a screening mammogram or a
25 subjective or objective abnormality otherwise detected in the
26 breast.

1 "Low-dose mammography" means the x-ray examination of the
2 breast using equipment dedicated specifically for mammography,
3 including the x-ray tube, filter, compression device, and
4 image receptor, with an average radiation exposure delivery of
5 less than one rad per breast for 2 views of an average size
6 breast. The term also includes digital mammography.

7 (d-5) Coverage as described by subsection (d) shall be
8 provided at no cost to the insured and shall not be applied to
9 an annual or lifetime maximum benefit.

10 (d-10) When health care services are available through
11 contracted providers and a person does not comply with plan
12 provisions specific to the use of contracted providers, the
13 requirements of subsection (d-5) are not applicable. When a
14 person does not comply with plan provisions specific to the
15 use of contracted providers, plan provisions specific to the
16 use of non-contracted providers must be applied without
17 distinction for coverage required by this Section and shall be
18 at least as favorable as for other radiological examinations
19 covered by the policy or contract.

20 (d-15) If a municipality, including a home rule
21 municipality, is a self-insurer for purposes of providing
22 health insurance coverage for its employees, the insurance
23 coverage shall include mastectomy coverage, which includes
24 coverage for prosthetic devices or reconstructive surgery
25 incident to the mastectomy. Coverage for breast reconstruction
26 in connection with a mastectomy shall include:

1 (1) reconstruction of the breast upon which the
2 mastectomy has been performed;

3 (2) surgery and reconstruction of the other breast to
4 produce a symmetrical appearance; and

5 (3) prostheses and treatment for physical
6 complications at all stages of mastectomy, including
7 lymphedemas.

8 Care shall be determined in consultation with the attending
9 physician and the patient. The offered coverage for prosthetic
10 devices and reconstructive surgery shall be subject to the
11 deductible and coinsurance conditions applied to the
12 mastectomy, and all other terms and conditions applicable to
13 other benefits. When a mastectomy is performed and there is no
14 evidence of malignancy then the offered coverage may be
15 limited to the provision of prosthetic devices and
16 reconstructive surgery to within 2 years after the date of the
17 mastectomy. As used in this Section, "mastectomy" means the
18 removal of all or part of the breast for medically necessary
19 reasons, as determined by a licensed physician.

20 A municipality, including a home rule municipality, that
21 is a self-insurer for purposes of providing health insurance
22 coverage for its employees, may not penalize or reduce or
23 limit the reimbursement of an attending provider or provide
24 incentives (monetary or otherwise) to an attending provider to
25 induce the provider to provide care to an insured in a manner
26 inconsistent with this Section.

1 (d-20) The requirement that mammograms be included in
2 health insurance coverage as provided in subsections (d)
3 through (d-15) is an exclusive power and function of the State
4 and is a denial and limitation under Article VII, Section 6,
5 subsection (h) of the Illinois Constitution of home rule
6 municipality powers. A home rule municipality to which
7 subsections (d) through (d-15) apply must comply with every
8 provision of those subsections.

9 (d-25) If a municipality, including a home rule
10 municipality, is a self-insurer for purposes of providing
11 health insurance coverage for its employees, the insurance
12 coverage shall include joint mental health therapy services
13 for any member of the municipality's police department or fire
14 department and any spouse or partner of the member who resides
15 with the member.

16 The joint mental health therapy services provided under
17 this subsection shall be performed by a physician licensed to
18 practice medicine in all of its branches, a licensed clinical
19 psychologist, a licensed clinical social worker, a licensed
20 clinical professional counselor, a licensed marriage and
21 family therapist, a licensed social worker, or a licensed
22 professional counselor.

23 This subsection is a limitation under subsection (i) of
24 Section 6 of Article VII of the Illinois Constitution on the
25 concurrent exercise by home rule units of powers and functions
26 exercised by the State.

1 (e) Rulemaking authority to implement Public Act 95-1045,
2 if any, is conditioned on the rules being adopted in
3 accordance with all provisions of the Illinois Administrative
4 Procedure Act and all rules and procedures of the Joint
5 Committee on Administrative Rules; any purported rule not so
6 adopted, for whatever reason, is unauthorized.

7 (Source: P.A. 103-808, eff. 1-1-26; 103-818, eff. 1-1-25;
8 revised 11-26-24.)

9 (65 ILCS 5/10-4-2.3)

10 Sec. 10-4-2.3. Required health benefits. If a
11 municipality, including a home rule municipality, is a
12 self-insurer for purposes of providing health insurance
13 coverage for its employees, the coverage shall include
14 coverage for the post-mastectomy care benefits required to be
15 covered by a policy of accident and health insurance under
16 Section 356t and the coverage required under Sections 356g,
17 356g.5, 356g.5-1, 356m, 356q, 356u, 356u.10, 356w, 356x,
18 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11,
19 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,
20 356z.29, 356z.30, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,
21 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53, 356z.54,
22 356z.56, 356z.57, 356z.59, 356z.60, 356z.61, 356z.62, 356z.64,
23 356z.67, 356z.68, ~~and~~ 356z.70, ~~and~~ 356z.71, 356z.74, and
24 356z.77 of the Illinois Insurance Code. The coverage shall
25 comply with Sections 155.22a, 355b, 356z.19, and 370c of the

1 Illinois Insurance Code. The Department of Insurance shall
2 enforce the requirements of this Section. The requirement that
3 health benefits be covered as provided in this is an exclusive
4 power and function of the State and is a denial and limitation
5 under Article VII, Section 6, subsection (h) of the Illinois
6 Constitution. A home rule municipality to which this Section
7 applies must comply with every provision of this Section.

8 Rulemaking authority to implement Public Act 95-1045, if
9 any, is conditioned on the rules being adopted in accordance
10 with all provisions of the Illinois Administrative Procedure
11 Act and all rules and procedures of the Joint Committee on
12 Administrative Rules; any purported rule not so adopted, for
13 whatever reason, is unauthorized.

14 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;
15 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.
16 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731,
17 eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;
18 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.
19 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,
20 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;
21 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; 103-605, eff.
22 7-1-24; 103-718, eff. 7-19-24; 103-751, eff. 8-2-24; 103-914,
23 eff. 1-1-25; 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25;
24 revised 11-26-24.)

1 Sec. 11-13-28. Building permit fee for veterans with a
2 disability.

3 (a) A veteran with a disability or the veteran's caregiver
4 shall not be charged any building permit fee for improvements
5 to the residence of the veteran with a disability if the
6 improvements are required to accommodate a disability of the
7 veteran. Nothing in this subsection changes the obligation of
8 any person to submit to the municipality applications, forms,
9 or other paperwork to obtain a building permit. A veteran or
10 caregiver must provide proof of veteran status and attest to
11 the fact that the improvements to the residence are required
12 to accommodate the veteran's disability. Proof of veteran
13 status is to be construed liberally, and veteran status shall
14 include service in the Armed Forces of the United States,
15 National Guard, or the reserves of the Armed Forces of the
16 United States.

17 (b) What constitutes proof of veteran status shall be
18 determined by the municipality. The Illinois Department of
19 Veterans' Affairs may not adjudicate any dispute arising under
20 subsection ~~paragraph~~ (a).

21 (c) A home rule municipality may not regulate building
22 permit fees in a manner inconsistent with this Section. This
23 Section is a limitation under subsection (i) of Section 6 of
24 Article VII of the Illinois Constitution on the concurrent
25 exercise by home rule units of powers and functions exercised
26 by the State.

1 (Source: P.A. 103-621, eff. 1-1-25; revised 11-26-24.)

2 (65 ILCS 5/11-13-29)

3 Sec. 11-13-29 ~~11-13-28~~. Battery-charged fences.

4 (a) As used in this Section, "battery-charged fence" means
5 a fence energized by a battery that is not more than 12 volts
6 of direct current that interfaces with an alarm system in a
7 manner that enables the fence to cause the connected alarm
8 system to transmit a signal intended to notify law enforcement
9 of a potential intrusion.

10 (b) Notwithstanding any other law, a municipality may not
11 require a permit or other approval for the installation,
12 maintenance, placement, replacement, or servicing of a
13 battery-charged fence if (i) the battery-charged fence is
14 located on nonresidential property completely surrounded by a
15 nonelectric perimeter fence or wall that is not less than 5
16 feet in height and does not exceed 10 feet in height or 2 feet
17 higher than the nonelectric perimeter fence or wall, whichever
18 is higher, and (ii) any electrical charge produced on contact
19 does not exceed energizer characteristics set for electric
20 fences by the International Electrotechnical Commission.

21 (c) Any battery-charged fence installed under this Section
22 must have conspicuous signs located on the fence placed not
23 less than 30 feet apart that read: "WARNING: ELECTRIC FENCE".

24 (d) A home rule municipality may not regulate
25 battery-charged fencing in a manner inconsistent with this

1 Section. This Section is a limitation under subsection (i) of
2 Section 6 of Article VII of the Illinois Constitution on the
3 concurrent exercise by home rule units of powers and functions
4 exercised by the State.

5 (Source: P.A. 103-796, eff. 1-1-25; revised 12-3-24.)

6 (65 ILCS 5/11-19-1) (from Ch. 24, par. 11-19-1)

7 Sec. 11-19-1. Contracts.

8 (a) Any city, village, or incorporated town may make
9 contracts with any other city, village, or incorporated town
10 or with any person, corporation, or county, or any agency
11 created by intergovernmental agreement, for more than one year
12 and not exceeding 30 years relating to the collection and
13 final disposition, or relating solely to either the collection
14 or final disposition of garbage, refuse and ashes. A
15 municipality may contract with private industry to operate a
16 designated facility for the disposal, treatment, or recycling
17 of solid waste, and may enter into contracts with private
18 firms or local governments for the delivery of waste to such
19 facility. In regard to a contract involving a garbage, refuse,
20 or garbage and refuse incineration facility, the 30-year ~~30~~
21 ~~year~~ contract limitation imposed by this Section shall be
22 computed so that the 30 years shall not begin to run until the
23 date on which the facility actually begins accepting garbage
24 or refuse. The payments required in regard to any contract
25 entered into under this Division 19 shall not be regarded as

1 indebtedness of the city, village, or incorporated town, as
2 the case may be, for the purpose of any debt limitation imposed
3 by any law. On and after January 1, 2018 (the effective date of
4 Public Act 100-316) ~~this amendatory Act of the 100th General~~
5 ~~Assembly~~, a municipality with a population of less than
6 1,000,000 shall not enter into any new contracts with any
7 other unit of local government, by intergovernmental agreement
8 or otherwise, or with any corporation or person relating to
9 the collecting and final disposition of general construction
10 or demolition debris; except that this sentence does not apply
11 to a municipality with a population of less than 1,000,000
12 that is a party to: (1) a contract relating to the collecting
13 and final disposition of general construction or demolition
14 debris on January 1, 2018 (the effective date of Public Act
15 100-316) ~~this amendatory Act of the 100th General Assembly~~; or
16 (2) the renewal or extension of a contract relating to the
17 collecting and final disposition of general construction or
18 demolition debris irrespective of whether the contract
19 automatically renews, is amended, or is subject to a new
20 request for proposal after January 1, 2018 (the effective date
21 of Public Act 100-316) ~~this amendatory Act of the 100th~~
22 ~~General Assembly~~.

23 (a-5) If a municipality with a population of less than
24 1,000,000 located in a county as defined in the Solid Waste and
25 Recycling Program Act has never awarded a franchise to a
26 private entity for the collection of waste from

1 non-residential locations, then the municipality may not award
2 a franchise unless:

3 (1) the municipality provides prior written notice to
4 all haulers licensed to provide waste hauling service in
5 that municipality of the municipality's intent to issue a
6 request for proposal under this Section;

7 (2) the municipality adopts an ordinance requiring
8 each licensed hauler, for a period of no less than 36
9 continuous months commencing on the first day of the month
10 following the effective date of such ordinance, to report
11 every 6 months to the municipality the number of
12 non-residential locations served by the hauler in the
13 municipality and the number of non-residential locations
14 contracting with the hauler for the recyclable materials
15 collection service pursuant to Section 10 of the Solid
16 Waste Hauling and Recycling Program Act; and

17 (3) the report to the municipality required under
18 paragraph (2) of this subsection (a-5) for the final 6
19 months of that 36-month period establishes that less than
20 50% of the non-residential locations in the municipality
21 contract for recyclable material collection services
22 pursuant to Section 10 of the Solid Waste Hauling and
23 Recycling Program Act.

24 All such reports shall be filed with the municipality by
25 the hauler on or before the last day of the month following the
26 end of the 6-month reporting period. Within 15 days after the

1 last day for licensed haulers to file such reports, the
2 municipality shall post on its website: (i) the information
3 provided by each hauler pursuant to paragraph (2) of this
4 subsection (a-5), without identifying the hauler; and (ii) the
5 aggregate number of non-residential locations served by all
6 licensed haulers in the municipality and the aggregate number
7 of non-residential locations contracting with all licensed
8 haulers in the municipality for the recyclable materials
9 collection service under Section 10 of the Solid Waste Hauling
10 and Recycling Program Act.

11 (a-10) Beginning at the conclusion of the 36-month
12 reporting period and thereafter, and upon written request of
13 the municipality, each licensed hauler shall, for every
14 6-month period, report to the municipality (i) the number of
15 non-residential locations served by the hauler in the
16 municipality and the number of non-residential locations
17 contracting with the hauler for the recyclable materials
18 collection service pursuant to Section 10 of the Solid Waste
19 Hauling and Recycling Program Act, (ii) an estimate of the
20 quantity of recyclable materials, in tons, collected by the
21 hauler in the municipality from non-residential locations
22 contracting with the hauler for recyclable materials
23 collection service pursuant to Section 10 of the Solid Waste
24 Hauling and Recycling Program Act, and (iii) an estimate of
25 the quantity of municipal waste, in tons, collected by the
26 hauler in the municipality from those non-residential

1 locations. All reports for that 6-month period shall be filed
2 with the municipality by the hauler on or before the last day
3 of the month following the end of the 6-month reporting
4 period. Within 15 days after the last day for licensed haulers
5 to file such reports, the municipality shall post on its
6 website: (i) the information provided by each hauler pursuant
7 to this subsection (a-10), without identifying the hauler; and
8 (ii) the aggregate number of non-residential locations served
9 by all licensed haulers in the municipality and the aggregate
10 number of non-residential locations contracting with all
11 licensed haulers in the municipality for the recyclable
12 materials collection service under Section 10 of the Solid
13 Waste Hauling and Recycling Program Act.

14 A municipality subject to subsection (a-5) of this Section
15 may not award a franchise unless 2 consecutive 6-month reports
16 determine that less than 50% of the non-residential locations
17 within the municipality contract for recyclable material
18 collection service pursuant to Section 10 of the Solid Waste
19 Hauling and Recycling Program Act.

20 (b) If a municipality with a population of less than
21 1,000,000 has never awarded a franchise to a private entity
22 for the collection of waste from non-residential locations,
23 then that municipality may not award such a franchise without
24 issuing a request for proposal. The municipality may not issue
25 a request for proposal without first: (i) holding at least one
26 public hearing seeking comment on the advisability of issuing

1 a request for proposal and awarding a franchise; (ii)
2 providing at least 30 days' written notice of the hearing,
3 delivered by first class mail to all private entities that
4 provide non-residential waste collection services within the
5 municipality that the municipality is able to identify through
6 its records; and (iii) providing at least 30 days' public
7 notice of the hearing.

8 After issuing a request for proposal, the municipality may
9 not award a franchise without first: (i) allowing at least 30
10 days for proposals to be submitted to the municipality; (ii)
11 holding at least one public hearing after the receipt of
12 proposals on whether to award a franchise to a proposed
13 franchisee; and (iii) providing at least 30 days' public
14 notice of the hearing. At the public hearing, the municipality
15 must disclose and discuss the proposed franchise fee or
16 calculation formula of such franchise fee that it will receive
17 under the proposed franchise.

18 (b-5) If no request for proposal is issued within 120 days
19 after the initial public hearing required in subsection (b),
20 then the municipality must hold another hearing as outlined in
21 subsection (b).

22 (b-10) If a municipality has not awarded a franchise
23 within 210 days after the date that a request for proposal is
24 issued pursuant to subsection (b), then the municipality must
25 adhere to all of the requirements set forth in subsections (b)
26 and (b-5).

1 (b-15) The franchise fee and any other fees, taxes, or
2 charges imposed by the municipality in connection with a
3 franchise for the collection of waste from non-residential
4 locations must be used exclusively for costs associated with
5 administering the franchise program.

6 (c) If a municipality with a population of less than
7 1,000,000 has never awarded a franchise to a private entity
8 for the collection of waste from non-residential locations,
9 then a private entity may not begin providing waste collection
10 services to non-residential locations under a franchise
11 agreement with that municipality at any time before the date
12 that is 15 months after the date the ordinance or resolution
13 approving the award of the franchise is adopted.

14 (d) For purposes of this Section, "waste" means garbage,
15 refuse, or ashes as defined in Section 11-19-2.

16 (e) A home rule unit may not award a franchise to a private
17 entity for the collection of waste in a manner contrary to the
18 provisions of this Section. This Section is a limitation under
19 subsection (i) of Section 6 of Article VII of the Illinois
20 Constitution on the concurrent exercise by home rule units of
21 powers and functions exercised by the State.

22 (f) A municipality with a population of less than
23 1,000,000 shall not award a franchise or contract to any
24 private entity for the collection of general construction or
25 demolition debris from residential or non-residential
26 locations. This subsection does not apply to a municipality

1 with a population of less than 1,000,000 that is a party to:
2 (1) a franchise or contract with a private entity for the
3 collection of general construction or demolition debris from
4 residential or non-residential locations on January 1, 2018
5 (the effective date of Public Act 100-316) ~~this amendatory Act~~
6 ~~of the 100th General Assembly;~~ or (2) the renewal or extension
7 of a franchise or contract with a private entity for the
8 collection of general construction or demolition debris from
9 residential or non-residential locations irrespective of
10 whether the franchise or contract automatically renews, is
11 amended, or is subject to a new request for proposal after
12 January 1, 2018 (the effective date of Public Act 100-316)
13 ~~this amendatory Act of the 100th General Assembly.~~
14 (Source: P.A. 100-316, eff. 1-1-18; revised 10-22-24.)

15 (65 ILCS 5/11-48.3-11) (from Ch. 24, par. 11-48.3-11)

16 Sec. 11-48.3-11. The Authority shall have continuing power
17 to borrow money for the purpose of carrying out and performing
18 its duties and exercising its powers under this Division.

19 For the purpose of evidencing the obligation of the
20 Authority to repay any money borrowed as aforesaid, the
21 Authority may, pursuant to ordinance adopted by the Board,
22 from time to time issue and dispose of its interest bearing
23 revenue bonds, and may also from time to time issue and dispose
24 of its interest bearing revenue bonds to refund any bonds at
25 maturity or pursuant to redemption provisions or at any time

1 before maturity with the consent of the holders thereof. All
2 such bonds shall be payable solely from the revenues or income
3 to be derived from the exhibitions, rentals, and leases and
4 other authorized activities operated by it, and from funds, if
5 any, received and to be received by the Authority from any
6 other source. Such bonds may bear such date or dates, may
7 mature at such time or times not exceeding 40 years from their
8 respective dates, may bear interest at such rate or rates, not
9 exceeding the maximum rate permitted by the Bond Authorization
10 Act ~~"An Act to authorize public corporations to issue bonds,~~
11 ~~other evidences of indebtedness and tax anticipation warrants~~
12 ~~subject to interest rate limitations set forth therein",~~
13 ~~approved May 26, 1970, as now or hereafter amended,~~ may be in
14 such form, may carry such registration privileges, may be
15 executed in such manner, may be payable at such place or
16 places, may be made subject to redemption in such manner and
17 upon such terms, with or without premium as is stated on the
18 face thereof, may be executed in such manner and may contain
19 such terms and covenants, all as may be provided in the
20 ordinance. In case any officer whose signature appears on any
21 bond ceases (after attaching his or her signature) to hold
22 office, his or her signature shall nevertheless be valid and
23 effective for all purposes. The holder or holders of any bonds
24 or interest coupons appertaining thereto issued by the
25 Authority may bring mandamus, injunction, civil actions, and
26 proceedings to compel the performance and observance by the

1 Authority or any of its officers, agents, or employees of any
2 contract or covenant made by the Authority with the holders of
3 such bonds or interest coupons and to compel the Authority and
4 any of its officers, agents, or employees to perform any
5 duties required to be performed for the benefit of the holders
6 of any such bonds or interest coupons by the provisions of the
7 ordinance authorizing their issuance, or to enjoin the
8 Authority and any of its officers, agents, or employees from
9 taking any action in conflict with any such contract or
10 covenant.

11 Notwithstanding the form and tenor of any such bonds and
12 in the absence of any express recital on the face thereof that
13 it is non-negotiable, all such bonds shall be negotiable
14 instruments under the Uniform Commercial Code.

15 From and after the issuance of any bonds as herein
16 provided, it shall be the duty of the corporate authorities of
17 the Authority to fix and establish rates, charges, rents, and
18 fees for the use of facilities acquired, constructed,
19 reconstructed, extended, or improved with the proceeds of the
20 sale of said bonds sufficient at all times, with other
21 revenues of the Authority, to pay:

22 (a) The cost of maintaining, repairing, regulating,
23 and operating the said facilities; and

24 (b) The bonds and interest thereon as they shall
25 become due, and all sinking fund requirements and other
26 requirements provided by the ordinance authorizing the

1 issuance of the bonds or as provided by any trust
2 agreement executed to secure payment thereof.

3 To secure the payment of any or all of such bonds and for
4 the purpose of setting forth the covenants and undertakings of
5 the Authority in connection with the issuance thereof and the
6 issuance of any additional bonds payable from such revenue
7 income to be derived from the exhibitions, office rentals, air
8 space leases and rentals, and other revenue, if any, the
9 Authority may execute and deliver a trust agreement or
10 agreements; provided that no lien upon any physical property
11 of the Authority shall be created thereby.

12 A remedy for any breach or default of the terms of any such
13 trust agreement by the Authority may be by mandamus,
14 injunction, civil action, and proceedings in any court of
15 competent jurisdiction to compel performance and compliance
16 therewith, but the trust agreement may prescribe by whom or on
17 whose behalf such action may be instituted.

18 Before any such bonds (excepting refunding bonds) are
19 sold, the entire authorized issue, or any part thereof, shall
20 be offered for sale as a unit after advertising for bids at
21 least 3 times in a daily newspaper of general circulation
22 published in the metropolitan area, the last publication to be
23 at least 10 days before bids are required to be filed. Copies
24 of such advertisement may be published in any newspaper or
25 financial publication in the United States. All bids shall be
26 sealed, filed, and opened as provided by ordinance and the

1 bonds shall be awarded to the highest and best bidder or
2 bidders therefor. The Authority shall have the right to reject
3 all bids and readvertise for bids in the manner provided for in
4 the initial advertisement. If no bids are received, however,
5 such bonds may be sold at not less than par value, without
6 further advertising, within 60 days after the bids are
7 required to be filed pursuant to any advertisement.

8 (Source: P.A. 86-279; revised 7-31-24.)

9 (65 ILCS 5/11-61-3) (from Ch. 24, par. 11-61-3)

10 Sec. 11-61-3. The corporate authorities of each
11 municipality having a population of less than 1,000,000
12 inhabitants shall have the express power to purchase or lease
13 either real estate or personal property for public purposes
14 through contracts which provide for the consideration for such
15 purchase or lease to be paid through installments to be made at
16 stated intervals during a certain period of time, but, in no
17 case, shall such contracts provide for the consideration to be
18 paid during a period of time in excess of 20 years nor shall
19 such contracts provide for the payment of interest at a rate of
20 more than that permitted in the Bond Authorization Act ~~"An Act~~
21 ~~to authorize public corporations to issue bonds, other~~
22 ~~evidences of indebtedness and tax anticipation warrants~~
23 ~~subject to interest rate limitations set forth therein",~~
24 ~~approved May 26, 1970, as amended.~~ The indebtedness incurred
25 under this Section when aggregated with existing indebtedness

1 may not exceed the debt limits provided in Division 5 of
2 Article 8 of this Code.

3 The amendatory Acts of 1972 and 1973 are not a limit upon
4 any municipality which is a home rule unit.

5 (Source: P.A. 91-493, eff. 8-13-99; revised 7-31-24.)

6 (65 ILCS 5/11-135-1) (from Ch. 24, par. 11-135-1)

7 Sec. 11-135-1. Any 2 or more municipalities, except cities
8 of 500,000 or more inhabitants, may acquire either by purchase
9 or construction a waterworks system or a common source of
10 supply of water, or both, and may operate jointly a waterworks
11 system or a common source of supply of water, or both, and
12 improve and extend the same, as provided in this Division 135.
13 The corporate authorities of the specified municipalities
14 desiring to avail themselves of the provisions of this
15 Division 135 shall adopt a resolution or ordinance determining
16 and electing to acquire and operate jointly a waterworks
17 system or a common source of supply of water, or both, as the
18 case may be. Such resolution or ordinance may be rescinded at
19 any time prior to the issuance and sale of revenue bonds and
20 after the rescinding municipality has no outstanding
21 obligation to pay a proportionate share of the costs of
22 development, construction, or operation.

23 Any municipality adopting a resolution or ordinance to
24 acquire and operate jointly a waterworks system or a common
25 source of supply of water, or both, as the case may be, under

1 the provisions of this Division 135, is authorized from time
2 to time to pay, to advance, or to obligate itself to the
3 Commission, to bear a proportionate share of the development
4 costs of any project proposed by the Commission, including
5 plans, feasibility reports, and engineering, even though the
6 project is never constructed or water is never supplied by the
7 Commission to such municipality.

8 Whenever any municipality determines to pay, to advance,
9 or to obligate itself for its proportionate share of
10 development costs as above provided, it shall adopt an
11 ordinance declaring its intention to do so, fix the maximum
12 amount of its share of the cost it proposes to pay, to advance,
13 or to obligate itself for, and the period over which it
14 proposes to pay its obligation (not exceeding 5 years) and the
15 maximum amount to be paid annually, if such obligation is to be
16 paid in installments. The time of payment of any such
17 installment obligation may be extended for a period of not
18 exceeding five years from the final maturity date of the
19 original obligation.

20 From and after such ordinance becomes effective, it shall
21 be the duty of the municipality to include an amount
22 sufficient to pay the annual installments of its obligation
23 each year in the next succeeding appropriation ordinances. No
24 prior appropriation shall be required for a municipality to
25 authorize the payments, advances, or obligations herein
26 provided for.

1 Whenever any municipality has obligated itself for
2 development costs as herein provided and after the effective
3 date of the ordinance under which it obligated itself for a
4 specific amount for development costs of a project and after
5 approval of such obligation by the Commission, the Commission
6 is authorized to borrow funds temporarily for payment of such
7 development costs in advance of permanent financing. The
8 Commission may from time to time and pursuant to an
9 appropriate resolution borrow money and issue its interim
10 notes to evidence borrowings for such purpose, including all
11 necessary and incidental expenses in connection therewith.

12 Any resolution authorizing the issuance of such notes
13 shall describe the project and the development costs to be
14 undertaken, specify the principal amount, rate of interest as
15 authorized under Section 2 of the Bond Authorization Act "~~An~~
16 ~~Act to authorize public corporations to issue bonds, other~~
17 ~~evidences of indebtedness and tax anticipation warrants~~
18 ~~subject to interest rate limitations set forth therein~~",
19 ~~approved May 26, 1970, as now or hereafter amended~~, and the
20 maturity date which shall coincide with the due date of the
21 obligations or the installments thereof incurred by the
22 respective municipalities pursuant to this Section not,
23 however, to exceed 5 years from date.

24 Contemporaneously with the issuance as provided by this
25 Division of revenue bonds, all outstanding interim notes
26 issued for development costs of a project though they have not

1 then matured shall be paid, both principal and interest to
2 date of payment, from funds derived from the sale of revenue
3 bonds for the permanent financing of any such project for
4 which interim notes may have been issued and such interim
5 notes shall be surrendered and cancelled.

6 Any municipality adopting a resolution or ordinance to
7 acquire and operate jointly a waterworks system or a common
8 source of supply of water, or both, as the case may be, under
9 the provisions of this Division 135 is further authorized from
10 time to time, to pay, to advance, or to obligate itself to the
11 Commission to bear, ~~7~~ a proportionate share of the construction
12 and operating costs of any project proposed by the Commission.

13 Whenever a municipality determines to pay, to advance, or
14 to obligate itself for its proportionate share of construction
15 or operating costs as above provided, it shall adopt an
16 ordinance declaring its intention to do so, fix the maximum
17 amount of its share of the cost it proposes to pay, to advance,
18 or to obligate itself for, and the period over which it
19 proposes to pay its obligation and the maximum amount to be
20 paid annually, if such obligation is to be paid in
21 installments. From and after such ordinance becomes effective,
22 it shall be the duty of the municipality to include an amount
23 sufficient to pay the annual installments of its obligation
24 each year in the next succeeding appropriation ordinances. No
25 prior appropriation shall be required for a municipality to
26 authorize the payments, advances, or obligations herein

1 provided for.

2 Whenever any municipality has paid, advanced, or obligated
3 itself for development, construction, or operating costs as
4 herein provided, the Commission is authorized to contract with
5 such municipality, on such terms as may be agreed, for the
6 repayment to such municipality by the Commission of any
7 payment or advance made by such municipality to the Commission
8 to charge, in addition to all other charges and rates
9 authorized under the provisions of this Division, such rates
10 and charges for water sold by the Commission as shall be
11 necessary to provide for such repayment. In addition, any
12 payment or advance of such costs made by a municipality
13 pursuant to this Section may be repaid by the Commission to the
14 municipality from the proceeds of revenue bonds authorized to
15 be issued by the Commission pursuant to this Division 135.

16 (Source: P.A. 82-783; revised 7-31-24.)

17 (65 ILCS 5/11-135-4) (from Ch. 24, par. 11-135-4)

18 Sec. 11-135-4. A commission may from time to time issue
19 its revenue bonds in such principal amounts as the commission
20 shall deem necessary to provide sufficient funds to carry out
21 any of its corporate purposes and powers, including, without
22 limitation, developing, acquiring, constructing, extending, or
23 improving a waterworks system or common source of supply of
24 water, or any combination thereof, the funding or refunding of
25 the principal of, redemption premium, if any, and interest on,

1 any bonds issued by it whether or not such bonds or interest to
2 be funded or refunded have or have not become due, the payment
3 of engineering, legal, and other expenses, together with
4 interest to a date one year subsequent to the estimated date of
5 completion of the project, the establishment or increase of
6 reserves to secure or to pay such bonds and interest thereon,
7 the providing of working capital, and the payment of all other
8 costs or expenses of the commission incident to and necessary
9 or convenient to carry out its corporate purposes and powers.
10 These bonds shall have all the qualities of negotiable
11 instruments under the laws of this State and shall not
12 constitute indebtedness of any of the municipalities
13 constituting the commission.

14 Every issue of bonds of such commission shall be payable
15 out of the revenues to be derived pursuant to contracts with
16 the specified municipalities and participating water
17 commissions or by virtue of the operation of any properties
18 acquired or to be acquired or constructed. A commission may
19 issue such types of bonds as it may determine, including bonds
20 as to which the principal and interest are payable exclusively
21 from the revenues from one or more projects, or from an
22 interest therein or a right to the products and services
23 thereof, or from one or more revenue producing contracts made
24 by the commission, or its revenues generally. Any such bonds
25 may be additionally secured by a pledge of any grant, subsidy,
26 or contribution from the United States, the State of Illinois,

1 or any unit of local government, or any combination thereof.

2 Before the treasurer of the commission is entitled to
3 receive the proceeds of the sale of such a bond issue, he shall
4 supply a corporate surety bond in an amount equivalent to the
5 amount of funds to be derived from the sale of the bonds, and,
6 in addition thereto, he shall supply a separate corporate
7 surety bond for the faithful accounting of any funds that may
8 come into his possession in an amount equal to the amount of
9 funds likely to come into his hands in any one year from the
10 revenue to be derived from the operation of any of the
11 properties of the commission. The cost of these surety bonds
12 shall be paid by the commission.

13 The revenue bonds shall be issued pursuant to an ordinance
14 or resolution, ~~and~~ may be issued in one or more series, and
15 shall bear such date or dates, mature at such time or times
16 within the estimated period of usefulness of the project
17 involved and in any event not more than 50 years from the date
18 thereof, bear interest at such rate or rates as authorized
19 under Section 2 of the Bond Authorization Act ~~"An Act to~~
20 ~~authorize public corporations to issue bonds, other evidences~~
21 ~~of indebtedness and tax anticipation warrants subject to~~
22 ~~interest rate limitations set forth therein", approved May 26,~~
23 ~~1970, as now or hereafter amended,~~ which rates may be fixed or
24 variable, be in such denominations, be in such form, either
25 coupon or registered, carry such conversion, registration, and
26 exchange privileges, have such rank or priority, be executed

1 in such manner, be payable in such medium of payment at such
2 place or places within or without the State of Illinois, be
3 subject to such terms of redemption with or without premium,
4 and contain or be subject to such other terms as the ordinance
5 or resolution may provide, and shall not be restricted by the
6 provisions of any other law limiting the amounts, maturities,
7 interest rates, or other terms of obligations of public
8 agencies or private persons. The bonds shall be sold in such
9 manner as the commission shall determine, at private or public
10 sale. It shall not be necessary that the ordinance or
11 resolution refer to plans and specifications nor that there be
12 on file for public inspection prior to the adoption of such
13 ordinance detailed plans and specifications of the project.
14 This ordinance or resolution may contain such covenants and
15 restrictions in relation to the operation of the properties
16 under the control of the commission and the issuance of
17 additional revenue bonds thereafter as may be deemed necessary
18 or advisable for the assurance of payment of the bonds thereby
19 authorized and as may be thereafter issued. It shall be
20 plainly stated on the face of each bond that it does not
21 constitute an indebtedness of any municipality represented by
22 the commission within the meaning of any statutory or
23 constitutional limitation. Upon the issuance of revenue bonds,
24 the revenue of the commission derived pursuant to contracts
25 entered into for the sale of water to the specified
26 municipalities and from the operation of its properties, shall

1 be accounted for as provided in the ordinance or resolution
2 authorizing the issuance of the bonds. Any commission created
3 under the provisions of this Division 135 may also issue new
4 bonds for the purpose of providing funds for the payment of
5 unpaid bonds in accordance with the procedure prescribed by
6 this Division 135.

7 The amendatory Acts of 1971, 1972, 1973, 1975 and 1981 are
8 not a limit upon any municipality which is a home rule unit.

9 (Source: P.A. 91-659, eff. 12-22-99; revised 7-31-24.)

10 Section 385. The Economic Development Project Area Tax
11 Increment Allocation Act of 1995 is amended by changing
12 Section 10 as follows:

13 (65 ILCS 110/10)

14 Sec. 10. Definitions. In this Act, words or terms have the
15 following meanings:

16 (a) "Closed military installation" means a former base,
17 camp, post, station, yard, center, homeport facility for any
18 ship, or other activity under the jurisdiction of the United
19 States Department of ~~the~~ Defense which is not less in the
20 aggregate than 500 acres and which is closed or in the process
21 of being closed by the Secretary of Defense under and pursuant
22 to Title II of the Defense Base Closure and Realignment Act
23 (Public Law 100-526; 10 U.S.C. 2687 note), The Defense Base
24 Closure and Realignment Act of 1990 (part A of title XXIX of

1 Public Law 101-510; 10 U.S.C. 2687 note), Section 2687 of
2 Title 10 of the United States Code (10 U.S.C. 2687), or an
3 installation, described in subsection (b) of Section 15 of the
4 Joliet Arsenal Development Authority Act, that has been
5 transferred or is in the process of being transferred by the
6 Secretary of the Army pursuant to the Illinois Land
7 Conservation Act (Title XXIX of Public Law 104-106; 16 U.S.C.
8 1609), as each may be further supplemented or amended.

9 (b) "Economic development plan" means the written plan of
10 a municipality that sets forth an economic development program
11 for an economic development project area. Each economic
12 development plan shall include, but not be limited to, (i)
13 estimated economic development project costs, (ii) the sources
14 of funds to pay those costs, (iii) the nature and term of any
15 obligations to be issued by the municipality to pay those
16 costs, (iv) the most recent equalized assessed valuation of
17 the economic development project area, (v) an estimate of the
18 equalized assessed valuation of the economic development
19 project area after completion of an economic development
20 project, (vi) the estimated date of completion of any economic
21 development project proposed to be undertaken, (vii) a general
22 description of the types of any proposed developers, users, or
23 tenants of any property to be located or improved within the
24 economic development project area, (viii) a description of the
25 type, structure, and general character of the facilities to be
26 developed or improved, (ix) a description of the general land

1 uses to apply in the economic development project area, (x) a
2 general description or an estimate of the type, class, and
3 number of employees to be employed in the operation of the
4 facilities to be developed or improved, and (xi) a commitment
5 by the municipality to fair employment practices and an
6 affirmative action plan regarding any economic development
7 program to be undertaken by the municipality.

8 (c) "Economic development project" means any development
9 project furthering the objectives of this Act.

10 (d) "Economic development project area" means any improved
11 or vacant area that (i) is within or partially within and
12 contiguous to the boundaries of a closed military installation
13 as defined in subsection (a) of this Section (except the
14 installation described in Section 15 of the Joliet Arsenal
15 Development Authority Act) or, only in the case of the
16 installation described in Section 15 of the Joliet Arsenal
17 Development Authority Act, is within or contiguous to the
18 closed military installation, (ii) is located entirely within
19 the territorial limits of a municipality, (iii) is contiguous,
20 (iv) is not less in the aggregate than 1 1/2 acres, (v) is
21 suitable for siting by a commercial, manufacturing,
22 industrial, research, transportation, or residential housing
23 enterprise or facilities to include, but not be limited to,
24 commercial businesses, offices, factories, mills, processing
25 plants, industrial or commercial distribution centers,
26 warehouses, repair overhaul or service facilities, freight

1 terminals, research facilities, test facilities,
2 transportation facilities, or single-family ~~single~~ or
3 multi-family residential housing units, regardless of whether
4 the area has been used at any time for those facilities and
5 regardless of whether the area has been used or is suitable for
6 other uses and (vi) has been approved and certified by the
7 corporate authorities of the municipality pursuant to this
8 Act.

9 (e) "Economic development project costs" means and
10 includes the total of all reasonable or necessary costs
11 incurred or to be incurred under an economic development
12 project, including, without limitation, the following:

13 (1) Costs of studies, surveys, development of plans
14 and specifications, and implementation and administration
15 of an economic development plan and personnel and
16 professional service costs for architectural, engineering,
17 legal, marketing, financial planning, police, fire, public
18 works, public utility, or other services. No charges for
19 professional services, however, may be based on a
20 percentage of incremental tax revenues.

21 (2) Property assembly costs within an economic
22 development project area, including, but not limited to,
23 acquisition of land and other real or personal property or
24 rights or interests in property.

25 (3) Site preparation costs, including, but not limited
26 to, clearance of any area within an economic development

1 project area by demolition or removal of any existing
2 buildings, structures, fixtures, utilities, and
3 improvements and clearing and grading; and including
4 installation, repair, construction, reconstruction,
5 extension, or relocation of public streets, public
6 utilities, and other public site improvements located
7 outside the boundaries of an economic development project
8 area that are essential to the preparation of the economic
9 development project area for use with an economic
10 development plan.

11 (4) Costs of renovation, rehabilitation,
12 reconstruction, relocation, repair, or remodeling of any
13 existing buildings, improvements, equipment, and fixtures
14 within an economic development project area.

15 (5) Costs of installation or construction within an
16 economic development project area of any buildings,
17 structures, works, streets, improvements, equipment,
18 utilities, or fixtures, whether publicly or privately
19 owned or operated.

20 (6) Financing costs, including, but not limited to,
21 all necessary and incidental expenses related to the
22 issuance of obligations, payment of any interest on any
23 obligations issued under this Act that accrues during the
24 estimated period of construction of any economic
25 development project for which the obligations are issued
26 and for not more than 36 months after that period, and any

1 reasonable reserves related to the issuance of the
2 obligations.

3 (7) All or a portion of a taxing district's capital or
4 operating costs resulting from an economic development
5 project necessarily incurred or estimated to be incurred
6 by a taxing district in the furtherance of the objectives
7 of an economic development project, to the extent that the
8 municipality, by written agreement, accepts and approves
9 those costs.

10 (8) Relocation costs to the extent that a municipality
11 determines that relocation costs shall be paid or is
12 required to pay relocation costs by federal or State law.

13 (9) The estimated tax revenues from real property in
14 an economic development project area acquired by a
15 municipality in furtherance of an economic development
16 project under this Act that, according to the economic
17 development plan, is to be used for a private use (i) that
18 any taxing district would have received had the
19 municipality not adopted tax increment allocation
20 financing for an economic development project area and
21 (ii) that would result from the taxing district's levies
22 made after the time of the adoption by the municipality of
23 tax increment allocation financing to the time the current
24 equalized assessed value of real property in the economic
25 development project area exceeds the total initial
26 equalized value of real property.

1 (10) Costs of rebating ad valorem taxes paid by any
2 developer or other nongovernmental person in whose name
3 the general taxes were paid for the last preceding year on
4 any lot, block, tract, or parcel of land in the economic
5 development project area, provided that:

6 (A) the economic development project area is
7 located in an enterprise zone created under the
8 Illinois Enterprise Zone Act;

9 (B) the ad valorem taxes shall be rebated only in
10 amounts and for a tax year or years as the municipality
11 and any one or more affected taxing districts have
12 agreed by prior written agreement;

13 (C) any amount of rebate of taxes shall not exceed
14 the portion, if any, of taxes levied by the
15 municipality or taxing district or districts that is
16 attributable to the increase in the current equalized
17 assessed valuation of each taxable lot, block, tract,
18 or parcel of real property in the economic development
19 project area over and above the initial equalized
20 assessed value of each property existing at the time
21 property tax allocation financing was adopted for the
22 economic development project area; and

23 (D) costs of rebating ad valorem taxes shall be
24 paid by a municipality solely from the special tax
25 allocation fund established under this Act and shall
26 not be paid from the proceeds of any obligations

1 issued by a municipality.

2 (11) Costs of job training or advanced vocational or
3 career education, including, but not limited to, courses
4 in occupational, semi-technical, or technical fields
5 leading directly to employment, incurred by one or more
6 taxing districts, but only if the costs are related to the
7 establishment and maintenance of additional job training,
8 advanced vocational education, or career education
9 programs for persons employed or to be employed by
10 employers located in the economic development project area
11 and only if, when the costs are incurred by a taxing
12 district or taxing districts other than the municipality,
13 they shall be set forth in a written agreement by or among
14 the municipality and the taxing district or taxing
15 districts that describes the program to be undertaken,
16 including, without limitation, the number of employees to
17 be trained, a description of the training and services to
18 be provided, the number and type of positions available or
19 to be available, itemized costs of the program and sources
20 of funds to pay the costs, and the term of the agreement.
21 These costs include, specifically, the payment by
22 community college districts of costs pursuant to Sections
23 3-37, 3-38, 3-40 and 3-40.1 of the Public Community
24 College Act and by school districts of costs pursuant to
25 Sections 10-22.20 and 10-23.3a of the School Code.

26 (12) Private financing costs incurred by a developer

1 or other nongovernmental person in connection with an
2 economic development project, provided that:

3 (A) private financing costs shall be paid or
4 reimbursed by a municipality only pursuant to the
5 prior official action of the municipality evidencing
6 an intent to pay or reimburse such private financing
7 costs;

8 (B) except as provided in subparagraph (D), the
9 aggregate amount of the costs paid or reimbursed by a
10 municipality in any one year shall not exceed 30% of
11 the costs paid or incurred by the developer or other
12 nongovernmental person in that year;

13 (C) private financing costs shall be paid or
14 reimbursed by a municipality solely from the special
15 tax allocation fund established under this Act and
16 shall not be paid from the proceeds of any obligations
17 issued by a municipality; and

18 (D) if there are not sufficient funds available in
19 the special tax allocation fund in any year to make the
20 payment or reimbursement in full, any amount of the
21 interest costs remaining to be paid or reimbursed by a
22 municipality shall accrue and be payable when funds
23 are available in the special tax allocation fund to
24 make the payment.

25 If a special service area has been established under the
26 Special Service Area Tax Act, then any tax increment revenues

1 derived from the tax imposed pursuant to the Special Service
2 Area Tax Act may be used within the economic development
3 project area for the purposes permitted by that Act as well as
4 the purposes permitted by this Act.

5 (f) "Municipality" means a city, village, or incorporated
6 town.

7 (g) "Obligations" means any instrument evidencing the
8 obligation of a municipality to pay money, including, without
9 limitation, bonds, notes, installment or financing contracts,
10 certificates, tax anticipation warrants or notes, vouchers,
11 and any other evidences of indebtedness.

12 (h) "Taxing districts" means counties, townships, and
13 school, road, park, sanitary, mosquito abatement, forest
14 preserve, public health, fire protection, river conservancy,
15 tuberculosis sanitarium, and any other districts or other
16 municipal corporations with the power to levy taxes.

17 (Source: P.A. 91-642, eff. 8-20-99; revised 10-16-24.)

18 Section 390. The Airport Authorities Act is amended by
19 changing Section 15.2 as follows:

20 (70 ILCS 5/15.2) (from Ch. 15 1/2, par. 68.15b)

21 Sec. 15.2. An Airport Authority may construct office,
22 aircraft hangar and service buildings and appurtenant
23 facilities upon a public airport owned and operated by the
24 authority for the use and occupancy of the State Department of

1 Transportation under a lease to the State of Illinois for such
2 purpose. The rents and charges payable thereunder shall be not
3 greater than the total costs to the authority of constructing
4 and maintaining said airport improvements and of funding such
5 costs under the provisions of Sections 8.03, 8.04, 8.08, 15,
6 and 15.1, ~~as amended,~~ of this Act as hereinafter provided. The
7 rentals payable to the authority under such lease, together
8 with such non-tax revenues as are available to the authority,
9 shall also be adequate in amount for the authority to
10 establish and maintain a bond reserve account. Such lease
11 shall not be effective for a longer term than is reasonably
12 required to enable such funding to occur, and in no event shall
13 the term thereof exceed 30 ~~thirty~~ years. Such airport
14 improvements shall be constructed upon plans and
15 specifications approved by the Department of Transportation.
16 The lease of said improvements and the site thereof to the
17 State of Illinois shall be executed by the Department of
18 Central Management Services for the use of the Department of
19 Transportation. In the event the General Assembly does not
20 appropriate the necessary funds for paying the rentals on the
21 lease entered into by the authority under this Section, the
22 authority may lease such facilities to another lessee.

23 The authority may secure the funds required for the
24 construction of said improvements through the issuance and
25 sale of revenue bonds as authorized by and subject to the
26 conditions stated in said Sections 15 and 15.1 of this Act,

1 which bonds shall bear interest at a rate not to exceed that
2 permitted in the Bond Authorization Act ~~"An Act to authorize~~
3 ~~public corporations to issue bonds, other evidences of~~
4 ~~indebtedness and tax anticipation warrants subject to interest~~
5 ~~rate limitations set forth therein", approved May 26, 1970, as~~
6 ~~now or hereafter amended.~~ Such revenue bonds shall be
7 primarily secured by the income receivable by the authority
8 under said lease. Other available and unpledged airport
9 operating income may be pledged by the authority to meet any
10 deficiency in the income from the lease in meeting the
11 principal and interest maturities of said revenue bonds and
12 the maintenance and depreciation requirements of said Section
13 15.1. The principal amount of such revenue bonds shall be
14 based upon the actual total costs of said improvements,
15 including costs of engineering and architects services, the
16 costs incidental to the issuance of the bonds, including legal
17 costs, the costs of selling and printing the bonds, and the
18 interest on the bonds during the time of construction.
19 Construction contracts for said improvements shall be awarded
20 upon competitive bids and such bids and the making of awards
21 shall be subject to approval by the Authority and the
22 Department of Transportation.

23 (Source: P.A. 82-1057; revised 7-31-24.)

24 Section 395. The Metropolitan Pier and Exposition
25 Authority Act is amended by changing Section 23.1 as follows:

1 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

2 Sec. 23.1. Affirmative action.

3 (a) The Authority shall, within 90 days after the
4 effective date of this amendatory Act of 1984, establish and
5 maintain an affirmative action program designed to promote
6 equal employment opportunity and eliminate the effects of past
7 discrimination. Such program shall include a plan, including
8 timetables where appropriate, which shall specify goals and
9 methods for increasing participation by women and minorities
10 in employment, ~~including employment related to the planning,~~
11 ~~organization, and staging of the games,~~ by the Authority and
12 by parties which contract with the Authority. The Authority
13 shall submit a detailed plan with the General Assembly prior
14 to September 1 of each year. Such program shall also establish
15 procedures and sanctions, which the Authority shall enforce to
16 ensure compliance with the plan established pursuant to this
17 Section and with State and federal laws and regulations
18 relating to the employment of women and minorities. A
19 determination by the Authority as to whether a party to a
20 contract with the Authority has achieved the goals or employed
21 the methods for increasing participation by women and
22 minorities shall be determined in accordance with the terms of
23 such contracts or the applicable provisions of rules and
24 regulations of the Authority existing at the time such
25 contract was executed, including any provisions for

1 consideration of good faith efforts at compliance which the
2 Authority may reasonably adopt.

3 (b) The Authority shall adopt and maintain minority-owned
4 and women-owned business enterprise procurement programs under
5 the affirmative action program described in subsection (a) for
6 any and all work, ~~including all contracting related to the~~
7 ~~planning, organization, and staging of the games,~~ undertaken
8 by the Authority. That work shall include, but is not limited
9 to, the purchase of professional services, construction
10 services, supplies, materials, and equipment. The programs
11 shall establish goals of awarding not less than 25% of the
12 annual dollar value of all contracts, purchase orders, or
13 other agreements (collectively referred to as "contracts") to
14 minority-owned businesses and 5% of the annual dollar value of
15 all contracts to women-owned businesses. Without limiting the
16 generality of the foregoing, the programs shall require in
17 connection with the prequalification or consideration of
18 vendors for professional service contracts, construction
19 contracts, and contracts for supplies, materials, equipment,
20 and services that each proposer or bidder submit as part of his
21 or her proposal or bid a commitment detailing how he or she
22 will expend 25% or more of the dollar value of his or her
23 contracts with one or more minority-owned businesses and 5% or
24 more of the dollar value with one or more women-owned
25 businesses. Bids or proposals that do not include such
26 detailed commitments are not responsive and shall be rejected

1 unless the Authority deems it appropriate to grant a waiver of
2 these requirements. In addition the Authority may, in
3 connection with the selection of providers of professional
4 services, reserve the right to select a minority-owned or
5 women-owned business or businesses to fulfill the commitment
6 to minority and woman business participation. The commitment
7 to minority and woman business participation may be met by the
8 contractor or professional service provider's status as a
9 minority-owned or women-owned business, by joint venture or by
10 subcontracting a portion of the work with or purchasing
11 materials for the work from one or more such businesses, or by
12 any combination thereof. Each contract shall require the
13 contractor or provider to submit a certified monthly report
14 detailing the status of that contractor or provider's
15 compliance with the Authority's minority-owned and women-owned
16 business enterprise procurement program. The Authority, after
17 reviewing the monthly reports of the contractors and
18 providers, shall compile a comprehensive report regarding
19 compliance with this procurement program and file it quarterly
20 with the General Assembly. If, in connection with a particular
21 contract, the Authority determines that it is impracticable or
22 excessively costly to obtain minority-owned or women-owned
23 businesses to perform sufficient work to fulfill the
24 commitment required by this subsection, the Authority shall
25 reduce or waive the commitment in the contract, as may be
26 appropriate. The Authority shall establish rules and

1 regulations setting forth the standards to be used in
2 determining whether or not a reduction or waiver is
3 appropriate. The terms "minority-owned business" and
4 "women-owned business" have the meanings given to those terms
5 in the Business Enterprise for Minorities, Women, and Persons
6 with Disabilities Act.

7 (c) The Authority shall adopt and maintain an affirmative
8 action program in connection with the hiring of minorities and
9 women on the Expansion Project and on any and all construction
10 projects, ~~including all contracting related to the planning,~~
11 ~~organization, and staging of the games,~~ undertaken by the
12 Authority. The program shall be designed to promote equal
13 employment opportunity and shall specify the goals and methods
14 for increasing the participation of minorities and women in a
15 representative mix of job classifications required to perform
16 the respective contracts awarded by the Authority.

17 (d) In connection with the Expansion Project, the
18 Authority shall incorporate the following elements into its
19 minority-owned and women-owned business procurement programs
20 to the extent feasible: (1) a major contractors program that
21 permits minority-owned businesses and women-owned businesses
22 to bear significant responsibility and risk for a portion of
23 the project; (2) a mentor/protege program that provides
24 financial, technical, managerial, equipment, and personnel
25 support to minority-owned businesses and women-owned
26 businesses; (3) an emerging firms program that includes

1 minority-owned businesses and women-owned businesses that
2 would not otherwise qualify for the project due to
3 inexperience or limited resources; (4) a small projects
4 program that includes participation by smaller minority-owned
5 businesses and women-owned businesses on jobs where the total
6 dollar value is \$5,000,000 or less; and (5) a set-aside
7 program that will identify contracts requiring the expenditure
8 of funds less than \$50,000 for bids to be submitted solely by
9 minority-owned businesses and women-owned businesses.

10 (e) The Authority is authorized to enter into agreements
11 with contractors' associations, labor unions, and the
12 contractors working on the Expansion Project to establish an
13 Apprenticeship Preparedness Training Program to provide for an
14 increase in the number of minority and women journeymen and
15 apprentices in the building trades and to enter into
16 agreements with Community College District 508 to provide
17 readiness training. The Authority is further authorized to
18 enter into contracts with public and private educational
19 institutions and persons in the hospitality industry to
20 provide training for employment in the hospitality industry.

21 (f) McCormick Place Advisory Board. There is created a
22 McCormick Place Advisory Board composed as follows: 2 members
23 shall be appointed by the Mayor of Chicago; 2 members shall be
24 appointed by the Governor; 2 members shall be State Senators
25 appointed by the President of the Senate; 2 members shall be
26 State Senators appointed by the Minority Leader of the Senate;

1 2 members shall be State Representatives appointed by the
2 Speaker of the House of Representatives; and 2 members shall
3 be State Representatives appointed by the Minority Leader of
4 the House of Representatives. The terms of all previously
5 appointed members of the Advisory Board expire on the
6 effective date of this amendatory Act of the 92nd General
7 Assembly. A State Senator or State Representative member may
8 appoint a designee to serve on the McCormick Place Advisory
9 Board in his or her absence.

10 A "member of a minority group" shall mean a person who is a
11 citizen or lawful permanent resident of the United States and
12 who is any of the following:

13 (1) American Indian or Alaska Native (a person having
14 origins in any of the original peoples of North and South
15 America, including Central America, and who maintains
16 tribal affiliation or community attachment).

17 (2) Asian (a person having origins in any of the
18 original peoples of the Far East, Southeast Asia, or the
19 Indian subcontinent, including, but not limited to,
20 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
21 the Philippine Islands, Thailand, and Vietnam).

22 (3) Black or African American (a person having origins
23 in any of the black racial groups of Africa).

24 (4) Hispanic or Latino (a person of Cuban, Mexican,
25 Puerto Rican, South or Central American, or other Spanish
26 culture or origin, regardless of race).

1 (5) Native Hawaiian or Other Pacific Islander (a
2 person having origins in any of the original peoples of
3 Hawaii, Guam, Samoa, or other Pacific Islands).

4 Members of the McCormick Place Advisory Board shall serve
5 2-year terms and until their successors are appointed, except
6 members who serve as a result of their elected position whose
7 terms shall continue as long as they hold their designated
8 elected positions. Vacancies shall be filled by appointment
9 for the unexpired term in the same manner as original
10 appointments are made. The McCormick Place Advisory Board
11 shall elect its own chairperson.

12 Members of the McCormick Place Advisory Board shall serve
13 without compensation but, at the Authority's discretion, shall
14 be reimbursed for necessary expenses in connection with the
15 performance of their duties.

16 The McCormick Place Advisory Board shall meet quarterly,
17 or as needed, shall produce any reports it deems necessary,
18 and shall:

19 (1) Work with the Authority on ways to improve the
20 area physically and economically;

21 (2) Work with the Authority regarding potential means
22 for providing increased economic opportunities to
23 minorities and women produced indirectly or directly from
24 the construction and operation of the Expansion Project;

25 (3) Work with the Authority to minimize any potential
26 impact on the area surrounding the McCormick Place

1 Expansion Project, including any impact on minority-owned
2 or women-owned businesses, resulting from the construction
3 and operation of the Expansion Project;

4 (4) Work with the Authority to find candidates for
5 building trades apprenticeships, for employment in the
6 hospitality industry, and to identify job training
7 programs;

8 (5) Work with the Authority to implement the
9 provisions of subsections (a) through (e) of this Section
10 in the construction of the Expansion Project, including
11 the Authority's goal of awarding not less than 25% and 5%
12 of the annual dollar value of contracts to minority-owned
13 and women-owned businesses, the outreach program for
14 minorities and women, and the mentor/protege program for
15 providing assistance to minority-owned and women-owned
16 businesses.

17 (g) (Blank). ~~The Authority shall comply with subsection~~
18 ~~(e) of Section 5-42 of the Olympic Games and Paralympic Games~~
19 ~~(2016) Law. For purposes of this Section, the term "games" has~~
20 ~~the meaning set forth in the Olympic Games and Paralympic~~
21 ~~Games (2016) Law.~~

22 (Source: P.A. 102-465, eff. 1-1-22; revised 10-24-24.)

23 Section 400. The Conservation District Act is amended by
24 changing Section 15 as follows:

1 (70 ILCS 410/15) (from Ch. 96 1/2, par. 7116)

2 Sec. 15. (a) Whenever a district does not have sufficient
3 money in its treasury to meet all necessary expenses and
4 liabilities thereof, it may issue tax anticipation warrants.
5 Such issue of tax anticipation warrants shall be subject to
6 the provisions of Section 2 of the Warrants and Jurors
7 Certificates Act ~~"An Act to provide for the manner of issuing~~
8 ~~warrants upon the treasurer of the State or of any county,~~
9 ~~township, or other municipal corporation or quasi municipal~~
10 ~~corporation, or of any farm drainage district, river district,~~
11 ~~drainage and levee district, fire protection district and~~
12 ~~jurors' certificates", approved June 27, 1913, as now and~~
13 ~~hereafter amended.~~

14 (b) For the purpose of acquisition of real property, or
15 rights thereto, a district may incur indebtedness and, as
16 evidence of the indebtedness thus created, may issue and sell
17 bonds without first obtaining the consent of the legal voters
18 of the district.

19 (b-5) For the purpose of development of real property, all
20 or a portion of which has been acquired with
21 referendum-approved bonds, a district located entirely within
22 McHenry County may incur indebtedness and, as evidence of the
23 indebtedness thus created, may issue and sell bonds without
24 first obtaining the consent of the legal voters of the
25 district. Development, for the purposes of this subsection
26 (b-5), shall mean the improvement or maintenance of existing

1 trails, parking lots, bridges, roads, picnic shelters, and
2 other improvements, adding or improving access to conservation
3 areas or district facilities to comply with the Americans with
4 Disabilities Act, demolition of unnecessary or unsafe
5 structures, and the stabilization, revitalization, or
6 rehabilitation of historic structures.

7 (c) For the purpose of development of real property, a
8 district may incur indebtedness and, as evidence of the
9 indebtedness thus created, may issue and sell bonds only after
10 the proposition to issue bonds has been submitted to the legal
11 voters of the district at an election and has been approved by
12 a majority of those voting on the proposition. Such election
13 is subject to Section 15.1 of this Act.

14 (d) No district shall become indebted in any manner or for
15 any purpose, to any amount including existing indebtedness in
16 the aggregate exceeding 0.575% of the value, as equalized or
17 assessed by the Department of Revenue, of the taxable property
18 therein; except that a district entirely within a county of
19 under 750,000 inhabitants and contiguous to a county of more
20 than 2,000,000 inhabitants may incur indebtedness, including
21 existing indebtedness, in the aggregate not exceeding 1.725%
22 of that value if the aggregate indebtedness over 0.575% is
23 submitted to the legal voters of the district at an election
24 and is approved by a majority of those voting on the
25 proposition as provided in Section 15.1.

26 The following do not in any way limit the right of a

1 district to issue non-referendum bonds under this Section:
2 bonds heretofore or hereafter issued and outstanding that are
3 approved by referendum, as described in this subsection (d);
4 refunding bonds issued to refund or continue to refund bonds
5 approved by referendum; and bonds issued under this Section
6 that have been paid in full or for which provisions for payment
7 have been made by an irrevocable deposit of funds in an amount
8 sufficient to pay the principal and interest on those bonds to
9 their respective maturity date.

10 (e) Before or at the time of issuing bonds as described in
11 this Section, the district shall provide by ordinance for the
12 collection of an annual tax, in addition to all other taxes
13 authorized by this Act ~~act~~, sufficient to pay such bonds and
14 the interest thereon as the same respectively become due. Such
15 bonds shall be divided into series, the first of which shall
16 mature not later than 5 years after the date of issue and the
17 last of which shall mature not later than 25 years after the
18 date of issue; shall bear interest at a rate or rates not
19 exceeding the maximum rate permitted in the Bond Authorization
20 Act ~~"An Act to authorize public corporations to issue bonds,~~
21 ~~other evidences of indebtedness and tax anticipation warrants~~
22 ~~subject to interest rate limitations set forth therein",~~
23 ~~approved May 26, 1970, as now or hereafter amended;~~ shall be in
24 such form as the district shall by resolution provide; and
25 shall be payable as to both principal and interest from the
26 proceeds of the annual levy of taxes authorized to be levied by

1 this Section, or so much thereof as will be sufficient to pay
2 the principal thereof and the interest thereon. Prior to the
3 authorization and issuance of such bonds the district may,
4 with or without notice, negotiate and enter into an agreement
5 or agreements with any bank, investment banker, trust company,
6 or insurance company, or group thereof, whereunder the
7 marketing of such bonds may be assured and consummated. The
8 proceeds of such bonds shall be deposited in a special fund, to
9 be kept separate and apart from all other funds of the
10 conservation district.

11 (Source: P.A. 98-1168, eff. 6-1-15; revised 7-31-24.)

12 Section 405. The Central Illinois Economic Development
13 Authority Act is amended by changing Section 21 as follows:

14 (70 ILCS 504/21)

15 Sec. 21. Requests for assistance; disclosure of economic
16 interests.

17 (a) The Authority may not hear a request for assistance
18 from a restricted person. This prohibition extends to business
19 relationships between a person who is an Authority leader
20 within one year prior to the request for assistance and to any
21 entity in which a restricted person holds or, within the past 2
22 years, held an ownership interest of 10% or more.

23 (b) An Authority leader shall disclose and recuse himself
24 or herself from matters relating to requests for assistance

1 from an entity that is relocating full-time employees from
2 another Authority's counties if (i) both Authorities contract
3 with or employ the same Authority leader or (ii) there is or,
4 within the past 2 years of the request, there was a business
5 relationship between the Authority leaders at the 2
6 Authorities.

7 (c) The Board of the Authority shall vote to renew the
8 appointment of the Executive Director and other Authority
9 leaders on an annual basis. All contracts shall be approved on
10 an annual basis and use a public process to solicit
11 applications. This requirement does not apply to full-time
12 employees of the Authority unless otherwise required by
13 applicable State law or local ordinance.

14 (g) Each Authority leader shall submit a statement of
15 economic interests ~~interest~~ in accordance with Article 4A of
16 the Illinois Governmental Ethics Act. Additionally, each
17 Authority leader shall disclose to the Board outside sources
18 of income and any business relationships in economic
19 development consulting or lobbying. Reporting shall include
20 the source of income, services provided, and timeline of when
21 services were provided. If the source of income is a firm or
22 organization with multiple clients, the report shall list all
23 of the entities for which the individual provided services.

24 (Source: P.A. 103-517, eff. 8-11-23; revised 7-31-24.)

25 Section 410. The Eastern Illinois Economic Development

1 Authority Act is amended by changing Section 21 as follows:

2 (70 ILCS 506/21)

3 Sec. 21. Requests for assistance; disclosure of economic
4 interests.

5 (a) The Authority may not hear a request for assistance
6 from a restricted person. This prohibition extends to business
7 relationships between a person who is an Authority leader
8 within one year prior to the request for assistance and to any
9 entity in which a restricted person holds or, within the past 2
10 years, held an ownership interest of 10% or more.

11 (b) An Authority leader shall disclose and recuse himself
12 or herself from matters relating to requests for assistance
13 from an entity that is relocating full-time employees from
14 another Authority's counties if (i) both Authorities contract
15 with or employ the same Authority leader or (ii) there is or,
16 within the past 2 years of the request, there was a business
17 relationship between the Authority leaders at the 2
18 Authorities.

19 (c) The Board of the Authority shall vote to renew the
20 appointment of the Executive Director and other Authority
21 leaders on an annual basis. All contracts shall be approved on
22 an annual basis and use a public process to solicit
23 applications. This requirement does not apply to full-time
24 employees of the Authority unless otherwise required by
25 applicable State law or local ordinance.

1 (d) Each Authority leader shall submit a statement of
2 economic interests ~~interest~~ in accordance with Article 4A of
3 the Illinois Governmental Ethics Act. Additionally, each
4 Authority leader shall disclose to the Board outside sources
5 of income and any business relationships in economic
6 development consulting or lobbying. Reporting shall include
7 the source of income, services provided, and timeline of when
8 services were provided. If the source of income is a firm or
9 organization with multiple clients, the report shall list all
10 of the entities for which the individual provided services.

11 (Source: P.A. 103-517, eff. 8-11-23; revised 7-31-24.)

12 Section 415. The Joliet Arsenal Development Authority Act
13 is amended by changing Section 21 as follows:

14 (70 ILCS 508/21)

15 Sec. 21. Requests for assistance; disclosure of economic
16 interests.

17 (a) The Authority may not hear a request for assistance
18 from a restricted person. This prohibition extends to business
19 relationships between a person who is an Authority leader
20 within one year prior to the request for assistance and to any
21 entity in which a restricted person holds or, within the past 2
22 years, held an ownership interest of 10% or more.

23 (b) An Authority leader shall disclose and recuse himself
24 or herself from matters relating to requests for assistance

1 from an entity that is relocating full-time employees from
2 another Authority's counties if (i) both Authorities contract
3 with or employ the same Authority leader or (ii) there is or,
4 within the past 2 years of the request, there was a business
5 relationship between the Authority leaders at the 2
6 Authorities.

7 (c) The Board of the Authority shall vote to renew the
8 appointment of the Executive Director and other Authority
9 leaders on an annual basis. All contracts shall be approved on
10 an annual basis and use a public process to solicit
11 applications. This requirement does not apply to full-time
12 employees of the Authority unless otherwise required by
13 applicable State law or local ordinance.

14 (d) Each Authority leader shall submit a statement of
15 economic interests ~~interest~~ in accordance with Article 4A of
16 the Illinois Governmental Ethics Act. Additionally, each
17 Authority leader shall disclose to the Board outside sources
18 of income and any business relationships in economic
19 development consulting or lobbying. Reporting shall include
20 the source of income, services provided, and timeline of when
21 services were provided. If the source of income is a firm or
22 organization with multiple clients, the report shall list all
23 of the entities for which the individual provided services.

24 (Source: P.A. 103-517, eff. 8-11-23; revised 7-29-24.)

25 Section 420. The Quad Cities Regional Economic Development

1 Authority Act, approved September 22, 1987 is amended by
2 changing Section 5 as follows:

3 (70 ILCS 510/5) (from Ch. 85, par. 6205)

4 Sec. 5. Conflicts of interest; requests for assistance;
5 disclosure of economic interests.

6 (a) No member of the Authority or officer, agent, or
7 employee thereof other than the representatives of a
8 professional sports team shall, in his or her own name or in
9 the name of a nominee, be an officer, director, or hold an
10 ownership interest of more than 7-1/2% in any person,
11 association, trust, corporation, partnership, or other entity
12 which is, in its own name or in the name of a nominee, a party
13 to a contract or agreement upon which the member or officer,
14 agent, or employee may be called upon to act or vote.

15 (b) With respect to any direct or any indirect interest,
16 other than an interest prohibited in subsection (a), in a
17 contract or agreement upon which the member or officer, agent,
18 or employee may be called upon to act or vote, a member of the
19 Authority or officer, agent, or employee thereof shall
20 disclose the same to the secretary of the Authority prior to
21 the taking of final action by the Authority concerning such
22 contract or agreement and shall so disclose the nature and
23 extent of such interest and his or her acquisition thereof,
24 which disclosures shall be publicly acknowledged by the
25 Authority and entered upon the minutes of the Authority. If a

1 member of the Authority or officer, agent, or employee thereof
2 holds such an interest, then he or she shall refrain from any
3 further official involvement in regard to such contract or
4 agreement, from voting on any matter pertaining to such
5 contract or agreement, and from communicating with other
6 members of the Authority or its officers, agents, and
7 employees concerning said contract or agreement.
8 Notwithstanding any other provision of law, any contract or
9 agreement entered into in conformity with this subsection (b)
10 shall not be void or invalid by reason of the interest
11 described in this subsection, nor shall any person so
12 disclosing the interest and refraining from further official
13 involvement as provided in this subsection be guilty of an
14 offense, be removed from office, or be subject to any other
15 penalty on account of such interest.

16 (c) Any contract or agreement made in violation of
17 subsection (a) or (b) of this Section shall be null and void
18 and give rise to no action against the Authority. No real
19 estate to which a member or employee of the Authority holds
20 legal title or in which such person has any beneficial
21 interest, including any interest in a land trust, shall be
22 purchased by the Authority or by a nonprofit corporation or
23 limited-profit entity for a development to be financed under
24 this Act. All members and employees of the Authority shall
25 file annually with the Authority a record of all real estate in
26 this State of which such person holds legal title or in which

1 such person has any beneficial interest, including any
2 interest in a land trust. In the event it is later disclosed
3 that the Authority has purchased real estate in which a member
4 or employee had an interest, such purchase shall be voidable
5 by the Authority and the member or employee involved shall be
6 disqualified from membership in or employment by the
7 Authority.

8 (d) The Authority may not hear a request for assistance
9 from a restricted person. This prohibition extends to business
10 relationships between a person who is an Authority leader
11 within one year prior to the request for assistance and to any
12 entity in which a restricted person holds or, within the past 2
13 years, held an ownership interest of 10% or more.

14 (e) An Authority leader shall disclose and recuse himself
15 or herself from matters relating to requests for assistance
16 from an entity that is relocating full-time employees from
17 another Authority's counties if (i) both Authorities contract
18 with or employ the same Authority leader or (ii) there is or,
19 within the past 2 years of the request, there was a business
20 relationship between the Authority leaders at the 2
21 Authorities.

22 (f) The Board of the Authority shall vote to renew the
23 appointment of the Executive Director and other Authority
24 leaders on an annual basis. All contracts shall be approved on
25 an annual basis and use a public process to solicit
26 applications. This requirement does not apply to full-time

1 employees of the Authority unless otherwise required by
2 applicable State law or local ordinance.

3 (g) Each Authority leader shall submit a statement of
4 economic interests ~~interest~~ in accordance with Article 4A of
5 the Illinois Governmental Ethics Act. Additionally, each
6 Authority leader shall disclose to the Board outside sources
7 of income and any business relationships in economic
8 development consulting or lobbying. Reporting shall include
9 the source of income, services provided, and timeline of when
10 services were provided. If the source of income is a firm or
11 organization with multiple clients, the report shall list all
12 of the entities for which the individual provided services.

13 (Source: P.A. 103-517, eff. 8-11-23; revised 7-29-24.)

14 Section 425. The Riverdale Development Authority Act is
15 amended by changing Section 21 as follows:

16 (70 ILCS 516/21)

17 Sec. 21. Requests for assistance; disclosure of economic
18 interests.

19 (a) The Authority may not hear a request for assistance
20 from a restricted person. This prohibition extends to business
21 relationships between a person who is an Authority leader
22 within one year prior to the request for assistance and to any
23 entity in which a restricted person holds or, within the past 2
24 years, held an ownership interest of 10% or more.

1 (b) An Authority leader shall disclose and recuse himself
2 or herself from matters relating to requests for assistance
3 from an entity that is relocating full-time employees from
4 another Authority's counties if (i) both Authorities contract
5 with or employ the same Authority leader or (ii) there is or,
6 within the past 2 years of the request, there was a business
7 relationship between the Authority leaders at the 2
8 Authorities.

9 (c) The Board of the Authority shall vote to renew the
10 appointment of the Executive Director and other Authority
11 leaders on an annual basis. All contracts shall be approved on
12 an annual basis and use a public process to solicit
13 applications. This requirement does not apply to full-time
14 employees of the Authority unless otherwise required by
15 applicable State law or local ordinance.

16 (d) Each Authority leader shall submit a statement of
17 economic interests ~~interest~~ in accordance with Article 4A of
18 the Illinois Governmental Ethics Act. Additionally, each
19 Authority leader shall disclose to the Board outside sources
20 of income and any business relationships in economic
21 development consulting or lobbying. Reporting shall include
22 the source of income, services provided, and timeline of when
23 services were provided. If the source of income is a firm or
24 organization with multiple clients, the report shall list all
25 of the entities for which the individual provided services.

26 (Source: P.A. 103-517, eff. 8-11-23; revised 7-29-24.)

1 Section 430. The Southeastern Illinois Economic
2 Development Authority Act is amended by changing Section 26 as
3 follows:

4 (70 ILCS 518/26)

5 Sec. 26. Requests for assistance; disclosure of economic
6 interests.

7 (a) The Authority may not hear a request for assistance
8 from a restricted person. This prohibition extends to business
9 relationships between a person who is an Authority leader
10 within one year prior to the request for assistance and to any
11 entity in which a restricted person holds or, within the past 2
12 years, held an ownership interest of 10% or more.

13 (b) An Authority leader shall disclose and recuse himself
14 or herself from matters relating to requests for assistance
15 from an entity that is relocating full-time employees from
16 another Authority's counties if (i) both Authorities contract
17 with or employ the same Authority leader or (ii) there is or,
18 within the past 2 years of the request, there was a business
19 relationship between the Authority leaders at the 2
20 Authorities.

21 (c) The Board of the Authority shall vote to renew the
22 appointment of the Executive Director and other Authority
23 leaders on an annual basis. All contracts shall be approved on
24 an annual basis and use a public process to solicit

1 applications. This requirement does not apply to full-time
2 employees of the Authority unless otherwise required by
3 applicable State law or local ordinance.

4 (d) Each Authority leader shall submit a statement of
5 economic interests ~~interest~~ in accordance with Article 4A of
6 the Illinois Governmental Ethics Act. Additionally, each
7 Authority leader shall disclose to the Board outside sources
8 of income and any business relationships in economic
9 development consulting or lobbying. Reporting shall include
10 the source of income, services provided, and timeline of when
11 services were provided. If the source of income is a firm or
12 organization with multiple clients, the report shall list all
13 of the entities for which the individual provided services.

14 (Source: P.A. 103-517, eff. 8-11-23; revised 7-29-24.)

15 Section 435. The Southern Illinois Economic Development
16 Authority Act is amended by changing Section 5-26 as follows:

17 (70 ILCS 519/5-26)

18 Sec. 5-26. Requests for assistance; disclosure of economic
19 interests.

20 (a) The Authority may not hear a request for assistance
21 from a restricted person. This prohibition extends to business
22 relationships between a person who is an Authority leader
23 within one year prior to the request for assistance and to any
24 entity in which a restricted person holds or, within the past 2

1 years, held an ownership interest of 10% or more.

2 (b) An Authority leader shall disclose and recuse himself
3 or herself from matters relating to requests for assistance
4 from an entity that is relocating full-time employees from
5 another Authority's counties if (i) both Authorities contract
6 with or employ the same Authority leader or (ii) there is or,
7 within the past 2 years of the request, there was a business
8 relationship between the Authority leaders at the 2
9 Authorities.

10 (c) The Board of the Authority shall vote to renew the
11 appointment of the Executive Director and other Authority
12 leaders on an annual basis. All contracts shall be approved on
13 an annual basis and use a public process to solicit
14 applications. This requirement does not apply to full-time
15 employees of the Authority unless otherwise required by
16 applicable State law or local ordinance.

17 (d) Each Authority leader shall submit a statement of
18 economic interests ~~interest~~ in accordance with Article 4A of
19 the Illinois Governmental Ethics Act. Additionally, each
20 Authority leader shall disclose to the Board outside sources
21 of income and any business relationships in economic
22 development consulting or lobbying. Reporting shall include
23 the source of income, services provided, and timeline of when
24 services were provided. If the source of income is a firm or
25 organization with multiple clients, the report shall list all
26 of the entities for which the individual provided services.

1 (Source: P.A. 103-517, eff. 8-11-23; revised 7-30-24.)

2 Section 440. The Southwestern Illinois Development
3 Authority Act is amended by changing Section 11.1 as follows:

4 (70 ILCS 520/11.1) (from Ch. 85, par. 6161.1)

5 Sec. 11.1. (a) No member of the Authority or officer,
6 agent, or employee of the Authority shall, in his or her own
7 name or in the name of a nominee, be an officer or director of
8 or hold an ownership of more than 7.5% in any person,
9 association, trust, corporation, partnership, or other entity
10 that is, in its own name or in the name of a nominee, a party
11 to a contract or agreement upon which the member, officer,
12 agent, or employee may be called upon to act or vote.

13 (b) With respect to any direct or any indirect interest,
14 other than an interest prohibited in subsection (a), in a
15 contract or agreement upon which the member, officer, agent,
16 or employee may be called upon to act or vote, the member,
17 officer, agent, or employee shall disclose that interest to
18 the secretary of the Authority before the taking of final
19 action by the Authority concerning that contract or agreement
20 and shall also disclose the nature and extent of that interest
21 and his or her acquisition of that interest, which disclosures
22 shall be publicly acknowledged by the Authority and entered
23 upon the minutes of the Authority. If a member of the Authority
24 or an officer, agent, or employee of the Authority holds such

1 an interest, then he or she shall refrain from any further
2 official involvement in regard to the contract or agreement,
3 from voting on any matter pertaining to the contract or
4 agreement, and from communicating with other members of the
5 Authority or its officers, agents, and employees concerning
6 the contract or agreement. Notwithstanding any other provision
7 of law, any contract or agreement entered into in conformity
8 with this subsection (b) shall not be void or invalid by reason
9 of an interest described in this subsection, nor shall any
10 person so disclosing the interest and refraining from further
11 official involvement as provided in this subsection be guilty
12 of an offense, be removed from office, or be subject to any
13 other penalty on account of that interest.

14 (c) Any contract or agreement made in violation of
15 subsection (a) or (b) is void and gives rise to no action
16 against the Authority.

17 (d) The Authority may not hear a request for assistance
18 from a restricted person. This prohibition extends to business
19 relationships between a person who is an Authority leader
20 within one year prior to the request for assistance and to any
21 entity in which a restricted person holds or, within the past 2
22 years, held an ownership interest of 10% or more.

23 (e) An Authority leader shall disclose and recuse himself
24 or herself from matters relating to requests for assistance
25 from an entity that is relocating full-time employees from
26 another Authority's counties if (i) both Authorities contract

1 with or employ the same Authority leader or (ii) there is or,
2 within the past 2 years of the request, there was a business
3 relationship between the Authority leaders at the 2
4 Authorities.

5 (f) The Board of the Authority shall vote to renew the
6 appointment of the Executive Director and other Authority
7 leaders on an annual basis. All contracts shall be approved on
8 an annual basis and use a public process to solicit
9 applications. This requirement does not apply to full-time
10 employees of the Authority unless otherwise required by
11 applicable State law or local ordinance.

12 (g) Each Authority leader shall submit a statement of
13 economic interests ~~interest~~ in accordance with Article 4A of
14 the Illinois Governmental Ethics Act. Additionally, each
15 Authority leader shall disclose to the Board outside sources
16 of income and any business relationships in economic
17 development consulting or lobbying. Reporting shall include
18 the source of income, services provided, and timeline of when
19 services were provided. If the source of income is a firm or
20 organization with multiple clients, the report shall list all
21 of the entities for which the individual provided services.

22 (Source: P.A. 103-517, eff. 8-11-23; revised 7-30-24.)

23 Section 445. The Tri-County River Valley Development
24 Authority Law is amended by changing Section 2005.1 as
25 follows:

1 (70 ILCS 525/2005.1)

2 Sec. 2005.1. Requests for assistance; disclosure of
3 economic interests.

4 (a) The Authority may not hear a request for assistance
5 from a restricted person. This prohibition extends to business
6 relationships between a person who is an Authority leader
7 within one year prior to the request for assistance and to any
8 entity in which a restricted person holds or, within the past 2
9 years, held an ownership interest of 10% or more.

10 (b) An Authority leader shall disclose and recuse himself
11 or herself from matters relating to requests for assistance
12 from an entity that is relocating full-time employees from
13 another Authority's counties if (i) both Authorities contract
14 with or employ the same Authority leader or (ii) there is or,
15 within the past 2 years of the request, there was a business
16 relationship between the Authority leaders at the 2
17 Authorities.

18 (c) The Board of the Authority shall vote to renew the
19 appointment of the Executive Director and other Authority
20 leaders on an annual basis. All contracts shall be approved on
21 an annual basis and use a public process to solicit
22 applications. This requirement does not apply to full-time
23 employees of the Authority unless otherwise required by
24 applicable State law or local ordinance.

25 (d) Each Authority leader shall submit a statement of

1 economic interests ~~interest~~ in accordance with Article 4A of
2 the Illinois Governmental Ethics Act. Additionally, each
3 Authority leader shall disclose to the Board outside sources
4 of income and any business relationships in economic
5 development consulting or lobbying. Reporting shall include
6 the source of income, services provided, and timeline of when
7 services were provided. If the source of income is a firm or
8 organization with multiple clients, the report shall list all
9 of the entities for which the individual provided services.

10 (Source: P.A. 103-517, eff. 8-11-23; revised 7-30-24.)

11 Section 450. The Upper Illinois River Valley Development
12 Authority Act is amended by changing Sections 5.1 and 7 as
13 follows:

14 (70 ILCS 530/5.1)

15 Sec. 5.1. Requests for assistance; disclosure of economic
16 interests.

17 (a) The Authority may not hear a request for assistance
18 from a restricted person. This prohibition extends to business
19 relationships between a person who is an Authority leader
20 within one year prior to the request for assistance and to any
21 entity in which a restricted person holds or, within the past 2
22 years, held an ownership interest of 10% or more.

23 (b) An Authority leader shall disclose and recuse himself
24 or herself from matters relating to requests for assistance

1 from an entity that is relocating full-time employees from
2 another Authority's counties if (i) both Authorities contract
3 with or employ the same Authority leader or (ii) there is or,
4 within the past 2 years of the request, there was a business
5 relationship between the Authority leaders at the 2
6 Authorities.

7 (c) The Board of the Authority shall vote to renew the
8 appointment of the Executive Director and other Authority
9 leaders on an annual basis. All contracts shall be approved on
10 an annual basis and use a public process to solicit
11 applications. This requirement does not apply to full-time
12 employees of the Authority unless otherwise required by
13 applicable State law or local ordinance.

14 (d) Each Authority leader shall submit a statement of
15 economic interests ~~interest~~ in accordance with Article 4A of
16 the Illinois Governmental Ethics Act. Additionally, each
17 Authority leader shall disclose to the Board outside sources
18 of income and any business relationships in economic
19 development consulting or lobbying. Reporting shall include
20 the source of income, services provided, and timeline of when
21 services were provided. If the source of income is a firm or
22 organization with multiple clients, the report shall list all
23 of the entities for which the individual provided services.

24 (Source: P.A. 103-517, eff. 8-11-23; revised 7-30-24.)

1 Sec. 7. Bonds.

2 (a) The Authority, with the written approval of the
3 Governor, shall have the continuing power to issue bonds,
4 notes, or other evidences of indebtedness in an aggregate
5 amount outstanding not to exceed \$500,000,000 for the purpose
6 of developing, constructing, acquiring, or improving projects,
7 including those established by business entities locating or
8 expanding property within the territorial jurisdiction of the
9 Authority, for entering into venture capital agreements with
10 businesses locating or expanding within the territorial
11 jurisdiction of the Authority, for acquiring and improving any
12 property necessary and useful in connection therewith and for
13 the purposes of the Employee Ownership Assistance Act. For the
14 purpose of evidencing the obligations of the Authority to
15 repay any money borrowed, the Authority may, pursuant to
16 resolution, from time to time issue and dispose of its
17 interest bearing revenue bonds, notes, or other evidences of
18 indebtedness and may also from time to time issue and dispose
19 of such bonds, notes, or other evidences of indebtedness to
20 refund, at maturity, at a redemption date or in advance of
21 either, any bonds, notes, or other evidences of indebtedness
22 pursuant to redemption provisions or at any time before
23 maturity. All such bonds, notes, or other evidences of
24 indebtedness shall be payable solely and only from the
25 revenues or income to be derived from loans made with respect
26 to projects, from the leasing or sale of the projects or from

1 any other funds available to the Authority for such purposes.
2 The bonds, notes, or other evidences of indebtedness may bear
3 such date or dates, may mature at such time or times not
4 exceeding 40 years from their respective dates, may bear
5 interest at such rate or rates not exceeding the maximum rate
6 permitted by the Bond Authorization Act ~~"An Act to authorize~~
7 ~~public corporations to issue bonds, other evidences of~~
8 ~~indebtedness and tax anticipation warrants subject to interest~~
9 ~~rate limitations set forth therein", approved May 26, 1970, as~~
10 ~~amended~~, may be in such form, may carry such registration
11 privileges, may be executed in such manner, may be payable at
12 such place or places, may be made subject to redemption in such
13 manner and upon such terms, with or without premium as is
14 stated on the face thereof, may be authenticated in such
15 manner, and may contain such terms and covenants as may be
16 provided by an applicable resolution.

17 (b-1) The holder or holders of any bonds, notes, or other
18 evidences of indebtedness issued by the Authority may bring
19 suits at law or proceedings in equity to compel the
20 performance and observance by any corporation or person or by
21 the Authority or any of its agents or employees of any contract
22 or covenant made with the holders of such bonds, notes, or
23 other evidences of indebtedness, to compel such corporation,
24 person, the Authority and any of its agents or employees to
25 perform any duties required to be performed for the benefit of
26 the holders of any such bonds, notes, or other evidences of

1 indebtedness by the provision of the resolution authorizing
2 their issuance and to enjoin such corporation, person, the
3 Authority and any of its agents or employees from taking any
4 action in conflict with any such contract or covenant.

5 (b-2) If the Authority fails to pay the principal of or
6 interest on any of the bonds or premium, if any, as the same
7 become due, a civil action to compel payment may be instituted
8 in the appropriate circuit court by the holder or holders of
9 the bonds on which such default of payment exists or by an
10 indenture trustee acting on behalf of such holders. Delivery
11 of a summons and a copy of the complaint to the Chairman of the
12 Board shall constitute sufficient service to give the circuit
13 court jurisdiction of the subject matter of such a suit and
14 jurisdiction over the Authority and its officers named as
15 defendants for the purpose of compelling such payment. Any
16 case, controversy, or cause of action concerning the validity
17 of this Act relates to the revenue of the State of Illinois.

18 (c) Notwithstanding the form and tenor of any such bonds,
19 notes, or other evidences of indebtedness and in the absence
20 of any express recital on the face thereof that it is
21 non-negotiable, all such bonds, notes, and other evidences of
22 indebtedness shall be negotiable instruments. Pending the
23 preparation and execution of any such bonds, notes, or other
24 evidences of indebtedness, temporary bonds, notes, or
25 evidences of indebtedness may be issued as provided by
26 ordinance.

1 (d) To secure the payment of any or all of such bonds,
2 notes, or other evidences of indebtedness, the revenues to be
3 received by the Authority from a lease agreement or loan
4 agreement shall be pledged, and, for the purpose of setting
5 forth the covenants and undertakings of the Authority in
6 connection with the issuance thereof and the issuance of any
7 additional bonds, notes, or other evidences of indebtedness
8 payable from such revenues, income, or other funds to be
9 derived from projects, the Authority may execute and deliver a
10 mortgage or trust agreement. A remedy for any breach or
11 default of the terms of any such mortgage or trust agreement by
12 the Authority may be by mandamus proceedings in the
13 appropriate circuit court to compel the performance and
14 compliance therewith, but the trust agreement may prescribe by
15 whom or on whose behalf such action may be instituted.

16 (e) Such bonds or notes shall be secured as provided in the
17 authorizing ordinance which may, notwithstanding any other
18 provision of this Act, include in addition to any other
19 security a specific pledge or assignment of and lien on or
20 security interest in any or all revenues or money of the
21 Authority from whatever source which may by law be used for
22 debt service purposes and a specific pledge or assignment of
23 and lien on or security interest in any funds or accounts
24 established or provided for by ordinance of the Authority
25 authorizing the issuance of such bonds or notes.

26 (f) (Blank).

1 (g) The State of Illinois pledges to and agrees with the
2 holders of the bonds and notes of the Authority issued
3 pursuant to this Section that the State will not limit or alter
4 the rights and powers vested in the Authority by this Act so as
5 to impair the terms of any contract made by the Authority with
6 such holders or in any way impair the rights and remedies of
7 such holders until such bonds and notes, together with
8 interest thereon, with interest on any unpaid installments of
9 interest, and all costs and expenses in connection with any
10 action or proceedings by or on behalf of such holders, are
11 fully met and discharged. In addition, the State pledges to
12 and agrees with the holders of the bonds and notes of the
13 Authority issued pursuant to this Section that the State will
14 not limit or alter the basis on which State funds are to be
15 paid to the Authority as provided in this Act, or the use of
16 such funds, so as to impair the terms of any such contract. The
17 Authority is authorized to include these pledges and
18 agreements of the State in any contract with the holders of
19 bonds or notes issued pursuant to this Section.

20 (h) (Blank).

21 (Source: P.A. 98-750, eff. 1-1-15; 99-499, eff. 1-29-16;
22 revised 7-30-24.)

23 Section 455. The Illinois Urban Development Authority Act
24 is amended by changing Section 5 as follows:

1 (70 ILCS 531/5)

2 Sec. 5. Conflicts of interest; requests for assistance;
3 disclosure of economic interests.

4 (a) No member of the Authority or officer, agent, or
5 employee thereof shall, in the member's own name or in the name
6 of a nominee, be an officer, director, or hold an ownership
7 interest in any person, association, trust, corporation,
8 partnership, or other entity which is, in its own name or in
9 the name of a nominee, a party to a contract or agreement upon
10 which the member or officer, agent, or employee may be called
11 upon to act or vote.

12 (b) With respect to any direct or any indirect interest,
13 other than an interest prohibited in subsection (a), in a
14 contract or agreement upon which the member or officer, agent,
15 or employee may be called upon to act or vote, a member of the
16 Authority or officer, agent, or employee thereof must disclose
17 the interest to the secretary of the Authority prior to the
18 taking of final action by the Authority concerning the
19 contract or agreement and shall disclose the nature and extent
20 of the interest and his or her acquisition thereof, which
21 shall be publicly acknowledged by the Authority and entered
22 upon the minutes of the Authority. If a member of the Authority
23 or officer, agent, or employee thereof holds such an interest
24 then the member shall refrain from any further official
25 involvement in regard to the contract or agreement, from
26 voting on any matter pertaining to the contract or agreement,

1 and from communicating with other members of the Authority or
2 its officers, agents, and employees concerning the contract or
3 agreement. Notwithstanding any other provision of law, any
4 contract or agreement entered into in conformity with this
5 subsection shall not be void or invalid by reason of the
6 interest described in this subsection, nor shall any person
7 disclosing an interest and refraining from further official
8 involvement as provided in this subsection be guilty of an
9 offense, be removed from office, or be subject to any other
10 penalty on account of the interest.

11 (c) Any contract or agreement made in violation of
12 subsection ~~subsections~~ (a) or (b) shall be null and void,
13 whether or not the contract performance has been authorized,
14 and shall give rise to no action against the Authority. No real
15 estate to which a member or employee of the Authority holds
16 legal title or in which a member or employee of the Authority
17 has any beneficial interest, including any interest in a land
18 trust, shall be purchased by the Authority or by a nonprofit
19 corporation or limited-profit entity for a development to be
20 financed under this Act.

21 All members and employees of the Authority shall file
22 annually with the Authority a record of all real estate in this
23 State to which the member or employee holds legal title or in
24 which the member or employee has any beneficial interest,
25 including any interest in a land trust. In the event it is
26 later disclosed that the Authority has purchased real estate

1 in which a member or employee had an interest, that purchase
2 shall be voidable by the Authority and the member or employee
3 involved shall be disqualified from membership in or
4 employment by the Authority.

5 (d) The Authority may not hear a request for assistance
6 from a restricted person. This prohibition extends to business
7 relationships between a person who is an Authority leader
8 within one year prior to the request for assistance and to any
9 entity in which a restricted person holds or, within the past 2
10 years, held an ownership interest of 10% or more.

11 (e) An Authority leader shall disclose and recuse himself
12 or herself from matters relating to requests for assistance
13 from an entity that is relocating full-time employees from
14 another Authority's counties if (i) both Authorities contract
15 with or employ the same Authority leader or (ii) there is or,
16 within the past 2 years of the request, there was a business
17 relationship between the Authority leaders at the 2
18 Authorities.

19 (f) The Board of the Authority shall vote to renew the
20 appointment of the Executive Director and other Authority
21 leaders on an annual basis. All contracts shall be approved on
22 an annual basis and use a public process to solicit
23 applications. This requirement does not apply to full-time
24 employees of the Authority unless otherwise required by
25 applicable State law or local ordinance.

26 (g) Each Authority leader shall submit a statement of

1 economic interests ~~interest~~ in accordance with Article 4A of
2 the Illinois Governmental Ethics Act. Additionally, each
3 Authority leader shall disclose to the Board outside sources
4 of income and any business relationships in economic
5 development consulting or lobbying. Reporting shall include
6 the source of income, services provided, and timeline of when
7 services were provided. If the source of income is a firm or
8 organization with multiple clients, the report shall list all
9 of the entities for which the individual provided services.

10 (Source: P.A. 103-517, eff. 8-11-23; revised 7-31-24.)

11 Section 460. The Western Illinois Economic Development
12 Authority Act is amended by changing Section 26 as follows:

13 (70 ILCS 532/26)

14 Sec. 26. Requests for assistance; disclosure of economic
15 interests.

16 (a) The Authority may not hear a request for assistance
17 from a restricted person. This prohibition extends to business
18 relationships between a person who is an Authority leader
19 within one year prior to the request for assistance and to any
20 entity in which a restricted person holds or, within the past 2
21 years, held an ownership interest of 10% or more.

22 (b) An Authority leader shall disclose and recuse himself
23 or herself from matters relating to requests for assistance
24 from an entity that is relocating full-time employees from

1 another Authority's counties if (i) both Authorities contract
2 with or employ the same Authority leader or (ii) there is or,
3 within the past 2 years of the request, there was a business
4 relationship between the Authority leaders at the 2
5 Authorities.

6 (c) The Board of the Authority shall vote to renew the
7 appointment of the Executive Director and other Authority
8 leaders on an annual basis. All contracts shall be approved on
9 an annual basis and use a public process to solicit
10 applications. This requirement does not apply to full-time
11 employees of the Authority unless otherwise required by
12 applicable State law or local ordinance.

13 (d) Each Authority leader shall submit a statement of
14 economic interests ~~interest~~ in accordance with Article 4A of
15 the Illinois Governmental Ethics Act. Additionally, each
16 Authority leader shall disclose to the Board outside sources
17 of income and any business relationships in economic
18 development consulting or lobbying. Reporting shall include
19 the source of income, services provided, and timeline of when
20 services were provided. If the source of income is a firm or
21 organization with multiple clients, the report shall list all
22 of the entities for which the individual provided services.

23 (Source: P.A. 103-517, eff. 8-11-23; revised 7-22-24.)

24 Section 465. The Will-Kankakee Regional Development
25 Authority Law is amended by changing Section 5.1 as follows:

1 (70 ILCS 535/5.1)

2 Sec. 5.1. Requests for assistance; disclosure of economic
3 interests.

4 (a) The Authority may not hear a request for assistance
5 from a restricted person. This prohibition extends to business
6 relationships between a person who is an Authority leader
7 within one year prior to the request for assistance and to any
8 entity in which a restricted person holds or, within the past 2
9 years, held an ownership interest of 10% or more.

10 (b) An Authority leader shall disclose and recuse himself
11 or herself from matters relating to requests for assistance
12 from an entity that is relocating full-time employees from
13 another Authority's counties if (i) both Authorities contract
14 with or employ the same Authority leader or (ii) there is or,
15 within the past 2 years of the request, there was a business
16 relationship between the Authority leaders at the 2
17 Authorities.

18 (c) The Board of the Authority shall vote to renew the
19 appointment of the Executive Director and other Authority
20 leaders on an annual basis. All contracts shall be approved on
21 an annual basis and use a public process to solicit
22 applications. This requirement does not apply to full-time
23 employees of the Authority unless otherwise required by
24 applicable State law or local ordinance.

25 (d) Each Authority leader shall submit a statement of

1 economic interests ~~interest~~ in accordance with Article 4A of
2 the Illinois Governmental Ethics Act. Additionally, each
3 Authority leader shall disclose to the Board outside sources
4 of income and any business relationships in economic
5 development consulting or lobbying. Reporting shall include
6 the source of income, services provided, and timeline of when
7 services were provided. If the source of income is a firm or
8 organization with multiple clients, the report shall list all
9 of the entities for which the individual provided services.

10 (Source: P.A. 103-517, eff. 8-11-23; revised 7-22-24.)

11 Section 470. The Illinois Drainage Code is amended by
12 changing Section 6-12 as follows:

13 (70 ILCS 605/6-12) (from Ch. 42, par. 6-12)

14 Sec. 6-12. Extending payment of assessments; hearing;
15 order ~~assessments~~ ~~Hearing~~ ~~Order~~. The court shall hear such
16 petition and make such order as it deems proper. The court may
17 order the time of payment of any such assessments or one or
18 more installments of assessments, or any part or parts
19 thereof, extended, may change the number of installments into
20 which such assessments are divided, may fix the rate of
21 interest which said extended assessments shall bear, which
22 shall not exceed that permitted in the Bond Authorization Act
23 ~~"An Act to authorize public corporations to issue bonds, other~~
24 ~~evidences of indebtedness and tax anticipation warrants~~

1 ~~subject to interest rate limitations set forth therein",~~
2 ~~approved May 26, 1970, as amended,~~ and shall give the owners an
3 opportunity to pay the assessments or installments proposed to
4 be refunded in cash within a reasonable time to be fixed by the
5 court without further notice, and after the expiration of the
6 time fixed and the commissioners have reported such cash
7 payments to the court, the court shall also fix the amount of
8 the refunding bonds and authorize their issuance by the
9 commissioners at a rate of interest not to exceed the rate of
10 interest on the extended assessments, and such refunding notes
11 or bonds shall be a lien upon such extended assessments or
12 installments. Extended assessments or installments shall
13 continue to be a lien upon the lands assessed until paid.

14 (Source: P.A. 84-886; revised 7-23-24.)

15 Section 475. The Fire Protection District Act is amended
16 by setting forth and renumbering multiple versions of Section
17 6.3 as follows:

18 (70 ILCS 705/6.3)

19 Sec. 6.3. Health insurance; joint mental health therapy
20 services. If a fire protection district is a self-insurer for
21 purposes of providing health insurance coverage for officers
22 and members of the fire department, the insurance coverage
23 shall include joint mental health therapy services for any
24 officer or member of the fire department and any spouse or

1 partner of the officer or member who resides with the officer
2 or member. The joint mental health therapy services provided
3 under this Section shall be performed by a physician licensed
4 to practice medicine in all of its branches, a licensed
5 clinical psychologist, a licensed clinical social worker, a
6 licensed clinical professional counselor, a licensed marriage
7 and family therapist, a licensed social worker, or a licensed
8 professional counselor.

9 (Source: P.A. 103-818, eff. 1-1-25.)

10 (70 ILCS 705/6.4)

11 Sec. 6.4 ~~6.3~~. Mental health counseling.

12 (a) As used in this Section:

13 "First responders" means firefighters, emergency medical
14 services personnel, as that term is defined in Section 3.5 of
15 the Emergency Medical Services (EMS) Systems Act, dispatched
16 pursuant to a 9-1-1 call, emergency medical dispatchers, as
17 that term is defined in Section 3.70 of the Emergency Medical
18 Services (EMS) Systems Act, and public safety
19 telecommunicators, as that term is defined in Section 2 of the
20 Emergency Telephone System Act.

21 "Mental health counseling" means counseling therapy
22 sessions provided by a clinical social worker, professional
23 counselor, or licensed psychologist.

24 (b) If a fire protection district is a self-insurer for
25 purposes of providing health insurance coverage for its

1 employees, the insurance coverage shall include, on and after
2 June 1, 2025, mental health counseling for any employee who is
3 a first responder without imposing a deductible, coinsurance,
4 copayment, or any other cost-sharing requirement on the
5 coverage provided, except that this Section does not apply to
6 the extent such coverage would disqualify a high-deductible
7 health plan from eligibility for a health savings account
8 pursuant to Section 223 of the Internal Revenue Code.

9 (Source: P.A. 103-1011, eff. 1-1-25; revised 12-3-24.)

10 Section 480. The Museum District Act is amended by
11 changing Section 17 as follows:

12 (70 ILCS 1105/17) (from Ch. 85, par. 6817)

13 Sec. 17. Debt and bonds. The board of a museum district
14 may, for any of its authorized purposes, borrow money upon the
15 faith and credit of the district and may issue bonds. A
16 district may not, however, become indebted in any manner or
17 for any purpose to an amount including existing indebtedness
18 in the aggregate exceeding 1.5% of the assessed value, as
19 equalized by the Department of Revenue, of the taxable
20 property in the district. A district may not incur (i)
21 indebtedness in excess of .3% of the assessed value, as
22 equalized by the Department of Revenue, of taxable property in
23 the district for the development of historical sites, together
24 with related lands and facilities, held by the district or

1 (ii) indebtedness for any other purpose except the acquisition
2 of historical sites, together with related lands and
3 facilities, unless the proposition to issue bonds or otherwise
4 incur indebtedness is certified by the board to the proper
5 election officials, who shall submit the proposition at an
6 election in accordance with the general election law, and the
7 proposition is approved by a majority of those voting upon the
8 proposition. Before or at the time of issuing bonds, the board
9 shall provide by ordinance for the collection of an annual tax
10 sufficient to pay the interest on the bonds as it falls due and
11 to pay the principal of the bonds as they mature. The bonds
12 shall mature not later than 20 years after the date thereof.
13 Such bonds shall bear interest at such rate or rates as do not
14 exceed those set forth in the Bond Authorization Act ~~"An Act to~~
15 ~~authorize public corporations to issue bonds, other evidences~~
16 ~~of indebtedness and tax anticipation warrants subject to~~
17 ~~interest rate limitations set forth therein", approved May 26,~~
18 ~~1970, as amended from time to time,~~ and shall be issuable upon
19 any terms and may have provisions as make use of any authority
20 as may be provided in the Local Government Debt Reform Act, ~~as~~
21 ~~amended from time to time.~~

22 (Source: P.A. 86-477; revised 7-23-24.)

23 Section 485. The Chicago Park District Act is amended by
24 changing Sections 20 and 20a as follows:

1 (70 ILCS 1505/20) (from Ch. 105, par. 333.20)

2 Sec. 20. The Chicago Park District is authorized to issue
3 the bonds of such district for the payment of land condemned or
4 purchased for park or boulevards, for the building,
5 maintaining, improving, and protecting of such for the purpose
6 of establishing, acquiring, completing, enlarging,
7 ornamenting, building, rebuilding, and improving public parks,
8 boulevards, bridges, subways, viaducts, and approaches
9 thereto, wharfs, piers, jetties, air landing fields and
10 basins, shore protection works, pleasure grounds and ways,
11 walks, pathways, driveways, roadways, highways, and all public
12 works, grounds, or improvements under the control of and
13 within the jurisdiction of such park commissioners and
14 including the filling in of submerged lands for park purposes
15 and constructing all buildings, field houses, stadiums,
16 shelters, conservatories, museums, service shops, power
17 plants, structures, playground devices, boulevard and building
18 lighting systems and building all other types of permanent
19 improvement and construction necessary to render the property
20 under the control of such park commissioners usable for the
21 enjoyment thereof as public parks, parkways, boulevards, and
22 pleasure ways and for the payment of the expenses incident
23 thereto, and may pledge its property and credit therefor.

24 Such district shall not incur any bonded indebtedness,
25 exclusive of outstanding indebtedness to an amount in the
26 aggregate exceeding 2.3% of the assessed valuation of all

1 taxable property therein as last equalized and determined for
2 state and local taxes preceding the incurring of such
3 indebtedness. Bonds may be issued from time to time to an
4 amount which together with the outstanding bonded indebtedness
5 of such district, exclusive of bonds issued to create a
6 working cash fund, will not exceed 1% of the assessed
7 valuation of all taxable property therein as last equalized
8 and determined for state and local taxes preceding the
9 issuance of such bonds without submitting the question to the
10 legal voters for approval.

11 Except as otherwise provided in this Section and except
12 for working cash fund bonds issued and to be issued under
13 Section 2 of the Chicago Park District Working Cash Fund Act
14 ~~"An Act authorizing the Chicago Park District to provide for~~
15 ~~the creation, maintenance and administration of a working cash~~
16 ~~fund", approved July 11, 1935, as amended,~~ bonds shall not be
17 issued until the proposition to issue such has been submitted
18 to and approved by a majority of the legal voters of such park
19 district voting upon the proposition, at an election, after
20 notice of such submission has been given in the manner
21 provided by the general election law.

22 Submission of any proposition of issuing bonds shall be
23 authorized by resolution to be adopted by the Chicago Park
24 District commissioners, which shall designate the election at
25 which the question is to be submitted the amount of bonds and
26 purpose for which such bonds are to be issued.

1 Any proposition to issue bonds shall be certified by the
2 Chicago Park District commissioners to the proper election
3 officials, who shall submit that proposition in accordance
4 with the general election law. The proposition shall be in
5 substantially the following form:

6 -----
7 Shall bonds of the Chicago
8 Park District to the amount of YES
9 Dollars (\$.....) be -----
10 issued for the purpose of..... NO
11?
12 -----

13 Bonds shall be issued in the name of the Chicago Park
14 District in such form and denomination and shall be payable at
15 such place and time, not exceeding 20 years from date thereof
16 or, for bonds issued after July 24, 2003 (the effective date of
17 Public Act 93-338) ~~this amendatory Act of the 93rd General~~
18 ~~Assembly~~, not exceeding 30 years from the date thereof, and
19 may be redeemable prior to maturity with or without premium at
20 the option of the commissioners, as such commissioners may
21 determine by ordinance duly adopted and the bonds shall be
22 signed by the president and attested by the secretary under
23 the corporate seal. After such advertising as the
24 commissioners shall deem necessary, the bonds shall be sold at
25 such price and upon such terms as determined by the
26 commissioners and which will not cause the net effective

1 interest rate to be paid by the Chicago Park District to exceed
2 that permitted in the Bond Authorization Act ~~"An Act to~~
3 ~~authorize public corporations to issue bonds, other evidences~~
4 ~~of indebtedness and tax anticipation warrants subject to~~
5 ~~interest rate limitations set forth therein", approved May 26,~~
6 ~~1970, as now or hereafter amended.~~ The validity of any bond so
7 executed shall remain unimpaired, although one or more of the
8 officers executing such shall have ceased to be such officer
9 or officers before delivery thereof to the purchaser.

10 For the purpose of paying the principal of and interest
11 upon such bonds, the Chicago Park District is authorized to
12 levy and have collected a direct annual tax upon all taxable
13 property within its jurisdiction, in addition to all other
14 taxes authorized by law to be levied and collected for park
15 purposes, sufficient to pay the interest on such bonds as it
16 falls due and to pay the principal thereof as it matures, and
17 the county clerk of the county in which such park district is
18 located upon receiving a certificate from the commissioners
19 that the amount set out in such certificate is necessary to pay
20 the interest on and principal of such bonds, shall assess and
21 extend such amount upon the taxable property embraced in such
22 park district, the same as other park taxes are by law assessed
23 and extended, and such taxes shall be collected and paid over
24 in like manner as other park taxes are required by law to be
25 collected and paid.

26 (Source: P.A. 93-338, eff. 7-24-03; revised 7-24-24.)

1 (70 ILCS 1505/20a) (from Ch. 105, par. 333.20a)

2 Sec. 20a. Bonds; issuance; interest. Notwithstanding
3 anything to the contrary in Section 20 of this Act, the Chicago
4 Park District is authorized to issue from time to time bonds of
5 such district in the principal amount of \$84,000,000 for the
6 purpose of paying the cost of erecting, enlarging,
7 ornamenting, building, rebuilding, rehabilitating, and
8 improving any aquarium or any museum or museums of art,
9 industry, science, or natural or other history located within
10 any public park or parks under the control of the Chicago Park
11 District, without submitting the question of issuing such
12 bonds to the voters of the District.

13 Notwithstanding anything to the contrary in Section 20 of
14 this Act, and in addition to any other amount of bonds
15 authorized to be issued under this Act, the Chicago Park
16 District is authorized to issue from time to time, before
17 January 1, 2004, bonds of the district in the principal amount
18 of \$128,000,000 for the purpose of paying the cost of
19 erecting, enlarging, ornamenting, building, rebuilding,
20 rehabilitating, and improving any aquarium or any museum or
21 museums of art, industry, science, or natural or other history
22 located within any public park or parks under the control of
23 the Chicago Park District, without submitting the question of
24 issuing the bonds to the voters of the District.

25 Notwithstanding anything to the contrary in Section 20 of

1 this Act, and in addition to any other amount of bonds
2 authorized to be issued under this Act, the Chicago Park
3 District is authorized to issue from time to time bonds of the
4 district in the principal amount of \$250,000,000 for the
5 purpose of making contributions to the pension fund
6 established under Article 12 of the Illinois Pension Code
7 without submitting the question of issuing the bonds to the
8 voters of the District; except that in any one year, the
9 Chicago Park District may not issue bonds in excess of
10 \$75,000,000. Any bond issuances under this subsection are
11 intended to decrease the unfunded liability of the pension
12 fund and shall not decrease the amount of the employer
13 contributions required in any given year under Section 12-149
14 of the Illinois Pension Code.

15 The bonds authorized under this Section shall be of such
16 denomination or denominations, may be registerable as to
17 principal only, and shall mature serially within a period of
18 not to exceed 20 years or, for bonds issued after July 24, 2003
19 (the effective date of Public Act 93-338) ~~this amendatory Act~~
20 ~~of the 93rd General Assembly,~~ within a period of not to exceed
21 30 years, may be redeemable prior to maturity with or without
22 premium at the option of the commissioners on such terms and
23 conditions as the commissioners of the Chicago Park District
24 shall fix by the ordinance authorizing the issuance of such
25 bonds. The bonds shall bear interest at the rate of not to
26 exceed that permitted in the Bond Authorization Act ~~"An Act to~~

1 ~~authorize public corporations to issue bonds, other evidences~~
2 ~~of indebtedness and tax anticipation warrants subject to~~
3 ~~interest rate limitations set forth therein", approved May 26,~~
4 ~~1970, as now or hereafter amended.~~

5 Such bonds shall be executed for and on behalf of the Park
6 District by such officers as shall be specified in the bond
7 ordinance, and one of such officers may be authorized to
8 execute the bonds by his facsimile signature, which officer
9 shall adopt as and for his official manual signature the
10 facsimile signature as it appears upon the bonds.

11 The ordinance authorizing the issuance of the bonds shall
12 provide for the levy and collection, in each of the years any
13 of such bonds shall be outstanding, a tax without limitation
14 as to rate or amount and in addition to all other taxes upon
15 all the taxable property within the corporate boundaries of
16 the Chicago Park District, sufficient to pay the principal of
17 and the interest upon such bonds as the same matures and
18 becomes due.

19 A certified copy of the ordinance providing for the
20 issuance of the bonds and the levying and collecting of the tax
21 to pay the same shall be filed with the County Clerk of the
22 county in which the Chicago Park District is located or with
23 the respective County Clerks of each county in which the
24 Chicago Park District is located. Such ordinance shall be
25 irrevocable and upon receipt of the certified copy thereof the
26 County Clerk or County Clerks, as the case may be, shall

1 provide for, assess and extend the tax as therein provided
2 upon all the taxable property located within the corporate
3 boundaries of the Chicago Park District, in the same manner as
4 other park taxes by law shall be provided for, assessed and
5 extended, and such taxes shall be collected and paid out in the
6 same manner as other park taxes by law shall be collected and
7 paid.

8 The interest on any unexpended proceeds of bonds issued
9 under this Section shall be credited to the Chicago Park
10 District and shall be paid into the District's general
11 corporate fund. The Chicago Park District may transfer such
12 amount of interest from the general corporate fund to the
13 aquarium and museum bond fund.

14 The amount of the outstanding bonded indebtedness of the
15 Chicago Park District issued under this Section shall not be
16 included in the bonded indebtedness of the District in
17 determining whether or not the District has exceeded its
18 limitation of 1/2 of 1% of the assessed valuation of all
19 taxable property in the District as last equalized and
20 determined by the Department of Revenue for the issuance of
21 any bonds authorized under the provisions of Section 20 of
22 this Act without submitting the question to the legal voters
23 for approval.

24 (Source: P.A. 102-263, eff. 8-6-21; revised 7-24-24.)

25 Section 490. The Chicago Park District Working Cash Fund

1 Act is amended by changing Sections 2 and 4 as follows:

2 (70 ILCS 1510/2) (from Ch. 105, par. 333.25)

3 Sec. 2. For the purpose of creating such working cash fund
4 the commissioners of the Chicago Park District, without the
5 submission thereof to the voters for approval, may incur an
6 indebtedness and issue bonds therefor in an amount not to
7 exceed \$40,000,000 in addition to bonds in the amount of
8 \$25,000,000 heretofore authorized, and in addition to bonds in
9 the amounts of \$5,000,000 and \$7,000,000 heretofore
10 authorized, and issued for that purpose. Bonds in the amount
11 of not to exceed \$40,000,000 may be sold in any one year and if
12 such maximum amount shall not be so sold in the first year the
13 balance thereof may be sold in any year thereafter at the
14 discretion of the commissioners.

15 Such bonds shall be authorized by ordinance and shall be
16 of the form and denomination, payable at the place and bear
17 such date as may be determined by the commissioners and shall
18 mature within not to exceed 20 years from their date or, for
19 bonds issued after July 24, 2003 (the effective date of Public
20 Act 93-338) ~~this amendatory Act of the 93rd General Assembly,~~
21 within not to exceed 30 years from their date, but may be made
22 callable on any interest payment date at the price of par and
23 accrued interest after notice shall be given by publication or
24 otherwise and at the time or times and in the manner as may be
25 provided in the bond ordinance.

1 Such bonds may be registered as to principal and shall
2 bear interest at the rate of not more than that permitted in
3 the Bond Authorization Act ~~"An Act to authorize public~~
4 ~~corporations to issue bonds, other evidences of indebtedness~~
5 ~~and tax anticipation warrants subject to interest rate~~
6 ~~limitations set forth therein", approved May 26, 1970, as now~~
7 ~~or hereafter amended~~, such interest to be payable at such time
8 and place and in such manner as may be provided in the bond
9 ordinance.

10 The bonds may be signed by the facsimile signature of the
11 President with like effect as if signed with his genuine
12 signature and shall be signed by such other officers of the
13 Chicago Park District as may be designated in the bond
14 ordinance.

15 The validity of any bond shall remain unimpaired although
16 one or more of the officers executing same shall have ceased to
17 be such officer or officers before delivery thereof.

18 Such bonds may be sold for such price and after such
19 advertising as shall be approved and directed by the
20 commissioners.

21 Money received from the proceeds of taxes levied for
22 payment of principal of and interest upon such bonds shall be
23 deposited in a special fund of such municipality and
24 designated as "Bond and Interest Sinking Fund Account of the
25 Chicago Park District." Said fund shall be faithfully applied
26 to the payment of the bonds and interest thereon for which such

1 taxes were levied.

2 If such money is not immediately necessary for the payment
3 of said bonds or if the bonds cannot be purchased before
4 maturity then said money may be invested under the direction
5 of the commissioners in bonds or other interest bearing
6 obligations of the United States or bonds of the State of
7 Illinois.

8 The maturity date of the invested securities shall be
9 prior to the due date of the bonds for the payment of which
10 said money was collected. Such securities may be sold when
11 ordered by the commissioners if necessary to obtain money to
12 meet bond and interest payments.

13 Prior to the maturity of the bonds, after setting aside a
14 sum of money equal to the amount of interest that will accrue
15 thereon within the next 6 months period from the time it is
16 proposed to purchase and/or redeem any such bonds, or the
17 commissioners may require that said sum of money be equal to
18 the amount of interest that will so accrue within the next 12
19 months period, the treasurer of the park district shall use
20 the money available from the proceeds of taxes levied for the
21 payment of the bonds first, in the purchase of such bonds at
22 the lowest price obtainable, but not to exceed their par value
23 and accrued interest, after sealed tenders for such purchase
24 shall have been advertised for as may be directed by the
25 commissioners and thereafter such money shall be used by said
26 official in calling said bonds for payment according to their

1 terms of redemption.

2 Bonds called for payment and paid or purchased shall be
3 marked paid and cancelled.

4 Whenever any bonds are so purchased and/or redeemed and
5 cancelled, the taxes thereafter to be extended for payment of
6 interest shall be reduced in the amount of interest that would
7 have thereafter accrued upon such bonds so cancelled, and a
8 resolution shall be adopted by the commissioners finding such
9 facts and a certified copy thereof shall be filed in the office
10 of the county clerk whereupon it shall be the duty of such
11 official to reduce and extend such taxes in accordance
12 therewith.

13 The ordinance authorizing said bonds shall prescribe all
14 details thereof and shall provide for the levy and collection
15 of a direct annual tax upon all the taxable property within
16 said Chicago Park District sufficient to pay the interest upon
17 and the principal of said bonds as the same become due, which
18 tax shall be in addition to and exclusive of the maximum of all
19 other taxes authorized to be levied by said park district.

20 A copy of the bond ordinance duly certified shall be filed
21 in the office of the County Clerk of Cook County and shall
22 constitute authority for the extension and collection of such
23 bond and interest taxes as required by the constitution.

24 (Source: P.A. 93-338, eff. 7-24-03; revised 7-25-24.)

25 (70 ILCS 1510/4) (from Ch. 105, par. 333.27)

1 Sec. 4. Money shall be transferred from said working cash
2 fund to the general corporate fund only upon the authority of
3 the commissioners who shall from time to time by separate
4 resolution direct the treasurer to make transfers of such sums
5 as may be required for the purposes herein authorized. Every
6 resolution shall set forth:

7 (a) The taxes in anticipation of the collection of which
8 such transfer is to be made and from which such working cash
9 fund is to be reimbursed;

10 (b) The entire amount of taxes extended or which such
11 commissioners estimate will be extended or received for any
12 year, in anticipation of the collection of all or part of
13 which, such transfer is to be made;

14 (c) The aggregate amount of warrants theretofore issued in
15 anticipation of the collection of such taxes under the
16 provisions of the Warrants and Jurors Certificates Act ~~"An Act~~
17 ~~to provide for the manner of issuing warrants upon the~~
18 ~~treasurer of the state or of any county, township, city,~~
19 ~~village or other municipal corporation and jurors'~~
20 ~~certificates," approved June 27, 1913, as amended,~~ together
21 with the amount of interest accrued and/or which such
22 commissioners estimate will accrue thereon.

23 (d) The aggregate amount of moneys theretofore transferred
24 from the working cash fund to the general corporate fund in
25 anticipation of the collection of such taxes.

26 (e) The aggregate amount of receipts from taxes imposed to

1 replace revenue lost by units of local government and school
2 districts as a result of the abolition of ad valorem personal
3 property taxes, pursuant to Article IX, Section 5(c) of the
4 Constitution of the State of Illinois, which the corporate
5 authorities estimate will be set aside for the payment of the
6 proportionate amount of debt service and pension or retirement
7 obligations, as required by Section 12 of the State Revenue
8 Sharing Act ~~"An Act in relation to State Revenue Sharing with~~
9 ~~local government entities", approved July 31, 1969, as~~
10 ~~amended.~~

11 The amount which any such resolution shall direct the
12 treasurer so to transfer, in anticipation of the collection of
13 taxes levied or to be received for any year, together with the
14 aggregate amount of such tax anticipation warrants theretofore
15 issued against such taxes and the amount of the interest
16 accrued and/or estimated to accrue on such warrants, the
17 amount estimated to be required to satisfy debt service and
18 pension or retirement obligations, as set forth in Section 12
19 of the State Revenue Sharing Act ~~"An Act in relation to State~~
20 ~~revenue sharing with local government entities", approved July~~
21 ~~31, 1969, as amended,~~ and the aggregate amount of such
22 transfers theretofore made in anticipation of the collection
23 of such taxes, shall not exceed ninety per cent of the actual
24 estimated amount of said taxes extended and to be extended or
25 to be received as set forth in said resolution.

26 To the extent that at any time moneys are available in the

1 working cash fund they shall be transferred to the general
2 corporate fund and disbursed for the payment of salaries and
3 other corporate expenses so as to avoid whenever possible, the
4 issuance of tax anticipation warrants.

5 (Source: P.A. 81-1506; revised 7-18-24.)

6 Section 495. The Havana Regional Port District Act is
7 amended by changing Section 17 as follows:

8 (70 ILCS 1805/17) (from Ch. 19, par. 617)

9 Sec. 17. The bonds or certificates shall be sold by the
10 corporate authorities of the Port District in such manner as
11 the Board determines, except that if issued to bear interest
12 at the maximum rate permitted in the Bond Authorization Act
13 ~~"An Act to authorize public corporations to issue bonds, other~~
14 ~~evidences of indebtedness and tax anticipation warrants~~
15 ~~subject to interest rate limitations set forth therein",~~
16 ~~approved May 26, 1970, as now or hereafter amended,~~ the bonds
17 shall be sold for not less than par and accrued interest, and
18 except that the selling price of bonds bearing interest at a
19 rate less than the maximum rate permitted in that Act shall be
20 such that the interest cost to the district of the money
21 received from the bond sale shall not exceed such maximum rate
22 annually computed to absolute maturity of such bonds or
23 certificates according to standard tables of bond values.

24 (Source: P.A. 82-902; revised 7-18-24.)

1 Section 500. The Illinois Valley Regional Port District
2 Act is amended by changing Section 23 as follows:

3 (70 ILCS 1815/23) (from Ch. 19, par. 823)

4 Sec. 23. The bonds or certificates shall be sold by the
5 corporate authorities of the Port District in such manner as
6 the Board determines except that if issued to bear interest at
7 the maximum rate permitted in the Bond Authorization Act ~~"An~~
8 ~~Act to authorize public corporations to issue bonds, other~~
9 ~~evidences of indebtedness and tax anticipation warrants~~
10 ~~subject to interest rate limitations set forth therein",~~
11 ~~approved May 26, 1970, as now or hereafter amended,~~ the bonds
12 shall be sold for not less than par and accrued interest, and
13 except that the selling price of bonds bearing interest at a
14 rate less than the maximum rate permitted in that Act shall be
15 such that the interest cost to the District of the money
16 received from the bond sale shall not exceed such maximum rate
17 annually computed to absolute maturity of such bonds or
18 certificates according to standard tables of bond values.

19 (Source: P.A. 82-902; revised 7-18-24.)

20 Section 505. The Jackson-Union Counties Regional Port
21 District Act is amended by changing Section 9 as follows:

22 (70 ILCS 1820/9) (from Ch. 19, par. 859)

1 Sec. 9. All revenue bonds shall be payable solely from the
2 revenues or income to be derived from the terminals, terminal
3 facilities, airfields, airports, or port facilities or any
4 part thereof. The bonds may bear such date or dates and may
5 mature at such time or times not exceeding 40 years from their
6 respective dates, all as may be provided in the ordinance
7 authorizing their issuance. All bonds, whether revenue or
8 general obligation, may bear interest at such rate or rates
9 not to exceed that permitted in the Bond Authorization Act ~~"An~~
10 ~~Act to authorize public corporations to issue bonds, other~~
11 ~~evidences of indebtedness and tax anticipation warrants~~
12 ~~subject to interest rate limitations set forth therein",~~
13 ~~approved May 26, 1970, as now or hereafter amended.~~ Such
14 interest may be paid semiannually. All such bonds may be in
15 such form, may carry such registration privileges, may be
16 executed in such manner, may be payable at such place or
17 places, may be made subject to redemption in such manner and
18 upon such terms, with or without premium as is stated on the
19 face thereof, may be authenticated in such manner and may
20 contain such terms and covenants, all as may be provided in the
21 ordinance authorizing issuance.

22 The holder or holders of any bonds or interest coupons
23 appertaining thereto issued by the District may bring civil
24 actions to compel the performance and observance by the
25 District or any of its officers, agents, or employees of any
26 contract or covenant made by the District with the holders of

1 such bonds or interest coupons and to compel the District and
2 any of its officers, agents, or employees to perform any
3 duties required to be performed for the benefit of the holders
4 of any such bonds or interest coupons by the provision in the
5 ordinance authorizing their issuance, and to enjoin the
6 District and any of its officers, agents, or employees from
7 taking any action in conflict with any such contract or
8 covenant, including the establishment of charges, fees, and
9 rates for the use of facilities as hereinafter provided.

10 Notwithstanding the form and tenor of any bond, whether
11 revenue or general obligation, and in the absence of any
12 express recital on the face thereof that it is nonnegotiable,
13 all such bonds shall be negotiable instruments. Pending the
14 preparation and execution of any such bonds, temporary bonds
15 may be issued with or without interest coupons as may be
16 provided by ordinance.

17 (Source: P.A. 82-902; revised 7-18-24.)

18 Section 510. The Joliet Regional Port District Act is
19 amended by changing Sections 9 and 10 as follows:

20 (70 ILCS 1825/9) (from Ch. 19, par. 259)

21 Sec. 9. All revenue bonds shall be payable solely from the
22 revenues or income to be derived from the terminals, terminal
23 facilities, airfields, airports, or port facilities or any
24 part thereof. The bonds may bear such date or dates and may

1 mature at such time or times not exceeding 40 years from their
2 respective dates, all as may be provided in the ordinance
3 authorizing their issuance. All bonds, whether revenue or
4 general obligation, may bear interest at such rate or rates as
5 permitted in the Bond Authorization Act ~~"An Act to authorize~~
6 ~~public corporations to issue bonds, other evidences of~~
7 ~~indebtedness and tax anticipation warrants subject to interest~~
8 ~~rate limitations set forth therein", approved May 26, 1970, as~~
9 ~~now or hereafter amended.~~ Such interest may be paid
10 semiannually. All such bonds may be in such form, may carry
11 such registration privileges, may be executed in such manner,
12 may be payable at such place or places, may be made subject to
13 redemption in such manner and upon such terms, with or without
14 premium as is stated on the face thereof, may be authenticated
15 in such manner and may contain such terms and covenants, all as
16 may be provided in the ordinance authorizing issuance.

17 The holder or holders of any bonds or interest coupons
18 appertaining thereto issued by the District may bring civil
19 actions to compel the performance and observance by the
20 District or any of its officers, agents, or employees of any
21 contract or covenant made by the District with the holders of
22 such bonds or interest coupons and to compel the District and
23 any of its officers, agents, or employees to perform any
24 duties required to be performed for the benefit of the holders
25 of any such bonds or interest coupons by the provision in the
26 ordinance authorizing their issuance, and to enjoin the

1 District and any of its officers, agents, or employees from
2 taking any action in conflict with any such contract or
3 covenant including the establishment of charges, fees, and
4 rates for the use of facilities as hereinafter provided.

5 Notwithstanding the form and tenor of any bond, whether
6 revenue or general obligation, and in the absence of any
7 express recital on the face thereof that it is nonnegotiable,
8 all such bonds shall be negotiable instruments. Pending the
9 preparation and execution of any such bonds, temporary bonds
10 may be issued with or without interest coupons as may be
11 provided by ordinance.

12 (Source: P.A. 82-902; revised 7-18-24.)

13 (70 ILCS 1825/10) (from Ch. 19, par. 260)

14 Sec. 10. All bonds, whether general obligation or revenue,
15 shall be sold by the Board in such manner as the Board shall
16 determine, except that if issued to bear interest at the
17 maximum rate permitted in the Bond Authorization Act ~~"An Act~~
18 ~~to authorize public corporations to issue bonds, other~~
19 ~~evidences of indebtedness and tax anticipation warrants~~
20 ~~subject to interest rate limitations set forth therein",~~
21 ~~approved May 26, 1970, as now or hereafter amended,~~ the bonds
22 shall be sold for not less than par and accrued interest and
23 except that the selling price of bonds bearing interest at a
24 rate less than the maximum rate permitted in that Act shall be
25 such that the interest cost to the District of the money

1 received from the bond sale shall not exceed such maximum rate
2 annually computed to absolute maturity of the bonds according
3 to standard tables of bond values.

4 (Source: P.A. 82-902; revised 7-18-24.)

5 Section 515. The Kaskaskia Regional Port District Act is
6 amended by changing Sections 22.1 and 23.1 as follows:

7 (70 ILCS 1830/22.1) (from Ch. 19, par. 522.1)

8 Sec. 22.1. If the Board desires to issue general
9 obligation bonds it shall adopt an ordinance specifying the
10 amount of bonds to be issued, the purpose for which they will
11 be issued, the maximum rate of interest they will bear which
12 shall not be more than that permitted in the Bond
13 Authorization Act ~~"An Act to authorize public corporations to~~
14 ~~issue bonds, other evidences of indebtedness and tax~~
15 ~~anticipation warrants subject to interest rate limitations set~~
16 ~~forth therein", approved May 26, 1970, as now or hereafter~~
17 ~~amended~~. Such interest may be paid semiannually. The ordinance
18 shall also specify the date of maturity which shall not be more
19 than 20 years after the date of issuance. This ordinance shall
20 not be effective until it has been submitted to referendum of,
21 and approved by, a majority of the legal voters of the
22 District. The Board shall certify its ordinance and the
23 proposition to the proper election officials, who shall submit
24 the proposition to the voters at an election in accordance

1 with the general election law. If a majority of the votes cast
2 upon the proposition is in favor of the issuance of such
3 general obligation bonds the District is thereafter authorized
4 to issue and, in accordance with the provisions of Section
5 25.1 of this Act, to sell the bonds specified in such ordinance
6 and to adopt an ordinance levying an annual tax against all of
7 the taxable property within the District sufficient to pay the
8 maturing principal and interest of such bonds and to file a
9 certified copy of both such ordinances in the office of the
10 county clerks of St. Clair, Monroe, and Randolph Counties.
11 Thereafter such county clerks shall annually extend taxes
12 against all the taxable property within the District at the
13 rate specified in such ordinance levying such taxes. The
14 aggregate amount of principal of general obligation bonds
15 issued under the provisions of this Section shall not exceed
16 2.5% of the assessed valuation of all taxable property in the
17 District.

18 The proposition shall be in substantially the following
19 form:

20 -----

21 Shall general obligation
22 bonds in the amount of \$....

23 be issued by the Kaskaskia YES
24 Regional Port District for
25 the purpose of, maturing
26 in not more than years, -----

1 bearing not more than%

2 interest, and a tax levied NO

3 to pay the principal and

4 interest thereof?

5 -----

6 (Source: P.A. 82-902; revised 7-18-24.)

7 (70 ILCS 1830/23.1) (from Ch. 19, par. 523.1)

8 Sec. 23.1. All revenue bonds shall be payable solely from
9 the revenues or income to be derived from the terminals,
10 terminal facilities, port facilities, aquariums, museums,
11 planetariums, climatrons, and any other building or facility
12 which the District has the power to acquire, construct,
13 reconstruct, extend, or improve, or any part thereof, may bear
14 such date or dates and may mature at such time or times not
15 exceeding 40 years from their respective dates, all as may be
16 provided in the ordinance authorizing their issuance. All
17 general obligation bonds and revenue bonds may bear interest
18 at such rate or rates not to exceed that permitted in the Bond
19 Authorization Act ~~"An Act to authorize public corporations to~~
20 ~~issue bonds, other evidences of indebtedness and tax~~
21 ~~anticipation warrants subject to interest rate limitations set~~
22 ~~forth therein", approved May 26, 1970, as now or hereafter~~
23 ~~amended~~. Such interest may be paid semiannually. All bonds,
24 whether revenue or general obligations, may be in such form,
25 may carry such registration privileges, may be executed in

1 such manner, may be payable at such place or places, may be
2 made subject to redemption in such manner and upon such terms,
3 with or without premium as is stated on the face thereof, may
4 be authenticated in such manner and may contain such terms and
5 covenants, all as may be provided in the ordinance authorizing
6 issuance.

7 The holder or holders of any bonds or interest coupons
8 appertaining thereto issued by the District may bring a civil
9 suit to compel the performance and observance by the District
10 or any of its officers, agents, or employees of any contract or
11 covenant made by the District with the holders of such bonds or
12 interest coupons and to compel the District and any of its
13 officers, agents, or employees to perform any duties required
14 to be performed for the benefit of the holders of any such
15 bonds or interest coupons by the provision in the ordinance
16 authorizing their issuance, and to enjoin the District and any
17 of its officers, agents, or employees from taking any action
18 in conflict with any such contract or covenant, including the
19 establishment of charges, fees, and rates for the use of
20 facilities as provided in this Act.

21 Notwithstanding the form and tenor of any bond, whether
22 revenue or general obligation, and in the absence of any
23 express recital on the face thereof that it is nonnegotiable,
24 all such bonds are negotiable instruments. Pending the
25 preparation and execution of any such bonds, temporary bonds
26 may be issued with or without interest coupons as may be

1 provided by ordinance.

2 (Source: P.A. 82-902; revised 7-19-24.)

3 Section 520. The Mt. Carmel Regional Port District Act is
4 amended by changing Section 12 as follows:

5 (70 ILCS 1835/12) (from Ch. 19, par. 712)

6 Sec. 12. All revenue bonds shall be payable solely from
7 the revenues or income to be derived from the terminals,
8 terminal facilities, airfields, airports, port facilities,
9 aquariums, museums, planetariums, climatrons, and any other
10 building or facilities which the District has the power to
11 acquire, construct, reconstruct, extend, or improve, or any
12 part thereof. The revenue bonds may bear such date or dates and
13 may mature at such time or times not exceeding 40 years from
14 their respective dates, as may be provided in the ordinance
15 authorizing their issuance. Both revenue and general
16 obligation bonds may bear interest at such rate or rates as
17 permitted in the Bond Authorization Act ~~"An Act to authorize~~
18 ~~public corporations to issue bonds, other evidences of~~
19 ~~indebtedness and tax anticipation warrants subject to interest~~
20 ~~rate limitations set forth therein", approved May 26, 1970, as~~
21 ~~now or hereafter amended~~, payable semi-annually, as provided
22 in the ordinance authorizing issuance. All bonds, whether
23 revenue or general obligations, may be in such form, may carry
24 such registration privileges, may be executed in such manner,

1 may be payable at such place or places, may be made subject to
2 redemption in such manner and upon such terms, with or without
3 premium as is stated on the face thereof, may be authenticated
4 in such manner and may contain such terms and covenants as
5 provided in the ordinance authorizing issuance.

6 The holder or holders of any bonds or interest coupons
7 attached thereto issued by the District may bring suit to
8 compel the performance and observance by the District or any
9 of its officers, agents, or employees of any contract or
10 covenant made by the District with the holders of such bonds or
11 interest coupons and to compel the District and any of its
12 officers, agents, or employees to perform any duties required
13 to be performed for the benefit of the holders of any such
14 bonds or interest coupons by the provision in the ordinance
15 authorizing their issuance, and to enjoin the District and any
16 of its officers, agents, or employees from taking any action
17 in conflict with any such contract or covenant, including the
18 establishment of charges, fees, and rates for the use of
19 facilities.

20 Notwithstanding the form and tenor of any bond, whether
21 revenue or general obligation, and in the absence of any
22 express recital on the face thereof that it is nonnegotiable,
23 all such bonds shall be negotiable instruments. Pending the
24 preparation and execution of any such bonds, temporary bonds
25 may be issued with or without interest coupons as provided by
26 ordinance.

(Source: P.A. 82-902; revised 7-19-24.)

Section 525. The Shawneetown Regional Port District Act is amended by changing Section 9 as follows:

(70 ILCS 1850/9) (from Ch. 19, par. 409)

Sec. 9. All revenue bonds shall be payable solely from the revenues or income to be derived from the terminals, terminal facilities, airfields, airports, or port facilities or any part thereof. The bonds may bear such date or dates and may mature at such time or times not exceeding 40 years from their respective dates, all as may be provided in the ordinance authorizing their issuance. All bonds, whether revenue or general obligation, may bear interest at such rate or rates as permitted in the Bond Authorization Act ~~"An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as now or hereafter amended.~~ Such interest may be paid semiannually. All such bonds may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants, all as may be provided in the ordinance authorizing issuance.

1 The holder or holders of any bonds or interest coupons
2 appertaining thereto issued by the District may bring civil
3 actions to compel the performance and observance by the
4 District or any of its officers, agents, or employees of any
5 contract or covenant made by the District with the holders of
6 such bonds or interest coupons and to compel the District and
7 any of its officers, agents, or employees to perform any
8 duties required to be performed for the benefit of the holders
9 of any such bonds or interest coupons by the provision in the
10 ordinance authorizing their issuance, and to enjoin the
11 District and any of its officers, agents, or employees from
12 taking any action in conflict with any such contract or
13 covenant, including the establishment of charges, fees, and
14 rates for the use of facilities as hereinafter provided.

15 Notwithstanding the form and tenor of any bond, whether
16 revenue or general obligation, and in the absence of any
17 express recital on the face thereof that it is nonnegotiable,
18 all such bonds shall be negotiable instruments. Pending the
19 preparation and execution of any such bonds, temporary bonds
20 may be issued with or without interest coupons as may be
21 provided by ordinance.

22 (Source: P.A. 82-902; revised 7-19-24.)

23 Section 530. The Southwest Regional Port District Act is
24 amended by changing Sections 10 and 11 as follows:

1 (70 ILCS 1855/10) (from Ch. 19, par. 460)

2 Sec. 10. If the Board desires to issue general obligation
3 bonds it shall adopt an ordinance specifying the amount of
4 bonds to be issued, the purpose for which they will be issued,
5 the maximum rate of interest they will bear which shall not be
6 more than that permitted in the Bond Authorization Act ~~"An Act~~
7 ~~to authorize public corporations to issue bonds, other~~
8 ~~evidences of indebtedness and tax anticipation warrants~~
9 ~~subject to interest rate limitations set forth therein",~~
10 ~~approved May 26, 1970, as now or hereafter amended.~~ Such
11 interest may be paid semiannually. The ordinance shall also
12 specify the date of maturity which shall not be more than 20
13 years after the date of issuance. This ordinance shall not be
14 effective until it has been submitted to referendum of, and
15 approved by, a majority of the legal voters of the District.
16 The Board shall certify its ordinance and the proposition to
17 the proper election officials, who shall submit the
18 proposition to the voters at an election in accordance with
19 the general election law. If a majority of the votes cast upon
20 the proposition is in favor of the issuance of such general
21 obligation bonds the District shall thereafter be authorized
22 to issue and, in accordance with the provisions of Section 13
23 of this Act, to sell the bonds specified in such ordinance and
24 to adopt an ordinance levying an annual tax against all of the
25 taxable property within the District sufficient to pay the
26 maturing principal and interest of such bonds and to file a

1 certified copy of both such ordinances in the office of the
2 county clerk of St. Clair County. Thereafter, the county clerk
3 shall annually extend taxes against all the taxable property
4 within the District at the rate specified in such ordinance
5 levying such taxes. The aggregate amount of principal of
6 general obligation bonds issued under the provisions of this
7 Section ~~section of this Act~~ shall not exceed 2.5% of the
8 assessed valuation of all taxable property in the District.

9 The proposition shall be in substantially the following
10 form:

11 -----

12 Shall general obligation bonds

13 in the amount of \$.... be issued YES

14 by the Southwest Regional Port

15 District for the purpose of,

16 maturing in not more than years, -----

17 bearing not more than% interest,

18 and a tax levied to pay the principal NO

19 and interest thereof?

20 -----

21 (Source: P.A. 82-902; revised 7-24-24.)

22 (70 ILCS 1855/11) (from Ch. 19, par. 461)

23 Sec. 11. All revenue bonds shall be payable solely from
24 the revenues or income to be derived from the terminals,
25 terminal facilities, airfields, airports, port facilities,

1 aquariums, museums, planetariums, climatrons, and any other
2 building or facility which the District has the power to
3 acquire, construct, reconstruct, extend, or improve, or any
4 part thereof. The bonds may bear such date or dates and may
5 mature at such time or times not exceeding 40 years from their
6 respective dates, all as may be provided in the ordinance
7 authorizing their issuance. All general obligation bonds and
8 revenue bonds may bear interest at such rate or rates as
9 permitted in the Bond Authorization Act ~~"An Act to authorize~~
10 ~~public corporations to issue bonds, other evidences of~~
11 ~~indebtedness and tax anticipation warrants subject to interest~~
12 ~~rate limitations set forth therein", approved May 26, 1970, as~~
13 ~~now or hereafter amended.~~ Such interest may be paid
14 semiannually. All bonds, whether revenue or general
15 obligations, may be in such form, may carry such registration
16 privileges, may be executed in such manner, may be payable at
17 such place or places, may be made subject to redemption in such
18 manner and upon such terms, with or without premium as is
19 stated on the face thereof, may be authenticated in such
20 manner, and may contain such terms and covenants, all as may be
21 provided in the ordinance authorizing issuance.

22 The holder or holders of any bonds or interest coupons
23 appertaining thereto issued by the District may bring civil
24 actions to compel the performance and observance by the
25 District or any of its officers, agents, or employees of any
26 contract or covenant made by the District with the holders of

1 such bonds or interest coupons and to compel the District and
2 any of its officers, agents, or employees to perform any
3 duties required to be performed for the benefit of the holders
4 of any such bonds or interest coupons by the provision in the
5 ordinance authorizing their issuance, and to enjoin the
6 District and any of its officers, agents, or employees from
7 taking any action in conflict with any such contract or
8 covenant, including the establishment of charges, fees, and
9 rates for the use of facilities as hereinafter provided.

10 Notwithstanding the form and tenor of any bond, whether
11 revenue or general obligation, and in the absence of any
12 express recital on the face thereof that it is nonnegotiable,
13 all such bonds shall be negotiable instruments. Pending the
14 preparation and execution of any such bonds, temporary bonds
15 may be issued with or without interest coupons as may be
16 provided by ordinance.

17 (Source: P.A. 82-902; revised 7-24-24.)

18 Section 535. The America's Central Port District Act is
19 amended by changing Section 8 as follows:

20 (70 ILCS 1860/8) (from Ch. 19, par. 291)

21 Sec. 8. The District has the continuing power to borrow
22 money and issue either general obligation bonds, after
23 approval by referendum as hereinafter provided, or revenue
24 bonds without referendum approval for the purpose of

1 acquiring, constructing, reconstructing, extending, or
2 improving terminals, terminal facilities, airfields, airports,
3 and port facilities, and for acquiring any property and
4 equipment useful for the construction, reconstruction,
5 extension, improvement, or operation of its terminals,
6 terminal facilities, airfields, airports, and port facilities,
7 and for acquiring necessary working cash funds.

8 The District may, pursuant to ordinance adopted by the
9 Board and without submitting the question to referendum, from
10 time to time issue and dispose of its interest bearing revenue
11 bonds and may also in the same manner from time to time issue
12 and dispose of its interest bearing revenue bonds to refund
13 any revenue bonds at maturity or pursuant to redemption
14 provisions or at any time before maturity with the consent of
15 the holders thereof.

16 If the Board desires to issue general obligation bonds it
17 shall adopt an ordinance specifying the amount of bonds to be
18 issued, the purpose for which they will be issued, the maximum
19 rate of interest they will bear which shall not be greater than
20 that permitted in the Bond Authorization Act ~~"An Act to~~
21 ~~authorize public corporations to issue bonds, other evidences~~
22 ~~of indebtedness and tax anticipation warrants subject to~~
23 ~~interest rate limitations set forth therein", approved May 26,~~
24 ~~1970, as now or hereafter amended.~~ Such interest may be paid
25 semiannually. The ordinance shall also specify the date of
26 maturity which shall not be more than 20 years after the date

1 of issuance, and levying a tax that will be required to
2 amortize such bonds. This ordinance is not effective until it
3 has been submitted to referendum of, and approved by, the
4 legal voters of the District. The Board shall certify the
5 ordinance and the question to the proper election officials,
6 who shall submit the question to the voters at an election in
7 accordance with the general election law. If a majority of the
8 vote is in favor of the issuance of the general obligation
9 bonds the county clerk shall annually extend taxes against all
10 taxable property within the District at a rate sufficient to
11 pay the maturing principal and interest of these bonds.

12 The question shall be in substantially the following form:

13 -----

14 Shall general obligation bonds

15 in the amount of \$.... be issued YES

16 by America's Central Port

17 District for the purpose of

18 maturing in not more than

19 years, bearing not more than% NO

20 interest, and a tax levied to pay

21 the principal and interest thereof?

22 -----

23 (Source: P.A. 98-854, eff. 1-1-15; revised 7-24-24.)

24 Section 540. The Waukegan Port District Act is amended by
25 changing Section 9 as follows:

1 (70 ILCS 1865/9) (from Ch. 19, par. 187)

2 Sec. 9. All revenue bonds shall be payable solely from the
3 revenues or income to be derived from the terminals, terminal
4 facilities, airfields, airports, or port facilities or any
5 part thereof. The Bonds may bear such date or dates and may
6 mature at such time or times not exceeding 40 years from their
7 respective dates, all as may be provided in the ordinance
8 authorizing their issuance. All bonds, whether revenue or
9 general obligation, may bear interest at such rate or rates
10 not to exceed that permitted in the Bond Authorization Act ~~"An~~
11 ~~Act to authorize public corporations to issue bonds, other~~
12 ~~evidences of indebtedness and tax anticipation warrants~~
13 ~~subject to interest rate limitations set forth therein",~~
14 ~~approved May 26, 1970, as now or hereafter amended.~~ Such
15 interest may be paid semiannually. All such bonds may be in
16 such form, may carry such registration privileges, may be
17 executed in such manner, may be payable at such place or
18 places, may be made subject to redemption in such manner and
19 upon such terms, with or without premium as is stated on the
20 face thereof, may be authenticated in such manner, and may
21 contain such terms and covenants, all as may be provided in the
22 ordinance authorizing issuance.

23 The holder or holders of any bonds or interest coupons
24 appertaining thereto issued by the District may bring civil
25 actions to compel the performance and observance by the

1 District or any of its officers, agents, or employees of any
2 contract or covenant made by the District with the holders of
3 such bonds or interest coupons and to compel the District and
4 any of its officers, agents, or employees to perform any
5 duties required to be performed for the benefit of the holders
6 of any such bonds or interest coupons by the provision in the
7 ordinance authorizing their issuance, and to enjoin the
8 District and any of its officers, agents, or employees from
9 taking any action in conflict with any such contract or
10 covenant, including the establishment of charges, fees, and
11 rates for the use of facilities as hereinafter provided.

12 Notwithstanding the form and tenor of any bond, whether
13 revenue or general obligation, and in the absence of any
14 express recital on the face thereof that it is nonnegotiable,
15 all such bonds shall be negotiable instruments. Pending the
16 preparation and execution of any such bonds, temporary bonds
17 may be issued with or without interest coupons as may be
18 provided by ordinance.

19 (Source: P.A. 82-902; revised 7-24-24.)

20 Section 545. The White County Port District Act is amended
21 by changing Section 17 as follows:

22 (70 ILCS 1870/17) (from Ch. 19, par. 767)

23 Sec. 17. The bonds or certificates shall be sold by the
24 corporate authorities of the Port District in such manner as

1 the Board determines, except that if issued to bear interest
2 at the maximum rate permitted in the Bond Authorization Act
3 ~~"An Act to authorize public corporations to issue bonds, other~~
4 ~~evidences of indebtedness and tax anticipation warrants~~
5 ~~subject to interest rate limitations set forth therein",~~
6 ~~approved May 26, 1970, as now or hereafter amended,~~ the bonds
7 shall be sold for not less than par and accrued interest, and
8 except that the selling price of the bonds bearing interest at
9 a rate less than the maximum rate permitted in that Act shall
10 be such that the interest cost to the district of the money
11 received from the bond sale shall not exceed such maximum rate
12 annually computed to absolute maturity of such bonds or
13 certificates according to standard tables of bond values.

14 (Source: P.A. 82-902; revised 7-26-24.)

15 Section 550. The River Conservancy Districts Act is
16 amended by changing Section 11 as follows:

17 (70 ILCS 2105/11) (from Ch. 42, par. 394)

18 Sec. 11. (1) The board of trustees of a conservancy
19 district incorporated under this Act may acquire, by gift,
20 purchase, or lease, land or any of the facilities enumerated
21 below, and may construct, develop, operate, extend, and
22 improve such facilities:

23 (a) Dams and reservoirs for water storage, water
24 wells, water purification works, pumping stations,

1 conduits, pipe lines, regulating works, and all
2 appurtenances required for the production and delivery of
3 adequate and pure water to incorporated cities and
4 villages, corporations, and persons in unincorporated
5 areas within or without the borders of the conservancy
6 district. The board is empowered and legally obligated to
7 build, operate, and maintain such water facilities, to
8 adopt and enforce ordinances for the protection of water
9 sources, and to sell water to the incorporated cities and
10 villages and the corporations and persons in
11 unincorporated areas by meter measurements and at rates
12 that will at least defray all fixed, maintenance and
13 operating expenses.

14 (b) Sewage treatment plants, collector, interceptor,
15 and outlet sewers, force mains, conduits, lateral sewers,
16 and extensions, pumping stations, ejector stations, and
17 all other appurtenances, extensions, or improvements
18 necessary or useful and convenient for the sanitary
19 collection, treatment, and disposal of sewage and
20 industrial wastes. The board may prohibit and disconnect
21 storm water drains and outlets where necessary to relieve
22 existing sanitary sewers of storm water loads in order to
23 assure the efficient and sanitary collection, treatment,
24 and disposal of sewage and industrial wastes. The board is
25 empowered and legally obligated to establish rates and
26 charges for the services of any such sewerage facilities

1 that at least defray all fixed, maintenance, and operating
2 expenses.

3 (c) Lodges, cottages, trailer courts, and camping
4 grounds, marinas and related facilities for the
5 accommodation and servicing of boats, tennis courts,
6 swimming pools, golf courses, skating rinks, skeet ranges,
7 playgrounds, stables, bridle paths, and athletic fields,
8 picnic grounds and parking areas, convention and
9 entertainment centers, and other related buildings and
10 facilities for the accommodation and recreation of persons
11 visiting the reservoirs owned by the district or from
12 which it is drawing a supply of water. Any such
13 facilities, when acquired, may be leased by the board to a
14 responsible person, firm, or corporation for operation
15 over a period not longer than 20 years from the date of the
16 lease, or the board may lease, for a period not longer than
17 50 years from the date of the lease, land to a responsible
18 person, firm, or corporation for development for any of
19 the foregoing recreational purposes and may grant to such
20 person, firm, or corporation the right, at the option of
21 the person, firm, or corporation, to extend the lease for
22 a period not longer than 50 years from the expiration of
23 the original lease. If the board determines to operate any
24 such recreational facilities, it shall establish for the
25 revenue-producing facilities rates and charges which at
26 least defray all fixed, maintenance, and operating

1 expenses.

2 (2) The board of trustees of the Rend Lake Conservancy
3 District may acquire, by gift, purchase, or lease, land or
4 facilities specified below, and may construct, develop,
5 operate, extend, and improve such facilities:

6 Industrial projects consisting of one or more buildings
7 and other structures, improvements, machinery, and equipment
8 suitable for use by any manufacturing, industrial, research,
9 or commercial enterprise and any other improvements necessary
10 or convenient thereto. Any such facilities, when acquired, may
11 be leased for operation for a period not longer than 20 years
12 after the date of the commencement of the lease, or the board
13 may lease, for a period not longer than 50 years after the date
14 of the commencement of the lease, land to a responsible
15 person, firm, or corporation for development of any of the
16 foregoing industrial projects and may grant to such person,
17 firm or corporation the right, at the option of the person,
18 firm or corporation, to extend the lease for a period not
19 longer than 50 years from the date of expiration of the
20 original lease. If the board decides to operate any such
21 industrial projects, it shall establish for the revenue
22 producing facilities rates and charges which will at least
23 defray all fixed, maintenance, and operating expenses.
24 However, nothing in Public Act 83-785 ~~this amendatory Act of~~
25 ~~1983~~ shall permit the Rend Lake Conservancy District to
26 acquire, purchase, lease, construct, develop, operate, or

1 extend a facility for the purpose of mining coal.

2 (3) For the purpose of developing, operating, or financing
3 the cost of any such facilities under subsection (1) or (2),
4 the authorized board may combine into one system any 2 or more
5 such facilities and may use or pledge the revenues derived
6 from one to pay for the other.

7 Further, for such purposes, the authorized board shall
8 have the express power to execute a note or notes and to
9 execute a mortgage or trust deed to secure the payment of such
10 notes; such trust deed or mortgage shall cover real estate, or
11 some part thereof, or personal property owned by the District
12 and the lien of the mortgage shall apply to the real estate or
13 personal property so mortgaged by the District, and the
14 proceeds of the note or notes may be used for the purposes set
15 forth in this Section.

16 For purposes of this Section, the authorized board shall
17 not execute notes bearing a rate of interest that exceeds the
18 rate permitted in the Bond Authorization Act ~~"An Act to~~
19 ~~authorize public corporations to issue bonds, other evidences~~
20 ~~of indebtedness and tax anticipation warrants subject to~~
21 ~~interest rate limitations set forth therein", approved May 26,~~
22 ~~1970, as now or hereafter amended.~~

23 (Source: P.A. 83-785; revised 7-29-24.)

24 Section 555. The Sanitary District Act of 1907 is amended
25 by changing Section 16.2 as follows:

(70 ILCS 2205/16.2) (from Ch. 42, par. 262.2)

Sec. 16.2. All bonds issued pursuant to this Act shall bear interest at a rate or rates not exceeding that permitted by the Bond Authorization Act ~~"An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended.~~

(Source: P.A. 83-591; revised 7-31-24.)

Section 560. The North Shore Water Reclamation District Act is amended by changing Sections 9.1 and 22 as follows:

(70 ILCS 2305/9.1) (from Ch. 42, par. 285.1)

Sec. 9.1. All bonds issued pursuant to this Act shall bear interest at a rate or rates not exceeding that permitted by the Bond Authorization Act ~~"An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended.~~

(Source: P.A. 83-591; revised 7-31-24.)

(70 ILCS 2305/22) (from Ch. 42, par. 296.2)

Sec. 22. When any special assessment is made under this

1 Act, the ordinance authorizing such assessment may provide
2 that the entire assessment and each individual assessment be
3 divided into annual installments, not more than 20 ~~twenty~~ in
4 number. In all cases such division shall be made so that all
5 installments shall be equal in amount, except that all
6 fractional amounts shall be added to the first installment so
7 as to leave the remaining installments of the aggregate equal
8 in amount and each a multiple of \$100. The said several
9 installments shall bear interest at a rate not to exceed that
10 permitted for public corporation bonds under the Bond
11 Authorization Act ~~"An Act to authorize public corporations to~~
12 ~~issue bonds, other evidences of indebtedness and tax~~
13 ~~anticipation warrants subject to interest rate limitations set~~
14 ~~forth therein", approved May 26, 1970, as now or hereafter~~
15 ~~amended~~, except that for the purposes of this Section, "the
16 time the contract is made" shall mean the date of adoption of
17 the original ordinance authorizing the assessment; both
18 principal and interest shall be payable, collected, and
19 enforced as they shall become due in the manner provided for
20 the levy, payment, collection, and enforcement of such
21 assessments and interest, as provided in Divisions 1 and 2 of
22 Article 9 and Division 87 of Article 11 of the ~~"Illinois~~
23 ~~Municipal Code", approved May 29, 1961, as heretofore or~~
24 ~~hereafter amended.~~

25 (Source: P.A. 83-1525; revised 7-31-24.)

1 Section 565. The Sanitary District Act of 1917 is amended
2 by changing Sections 3, 8.2, 16.3, and 20 as follows:

3 (70 ILCS 2405/3) (from Ch. 42, par. 301)

4 Sec. 3. Board of trustees; creation; term. A board of
5 trustees shall be created, consisting of 5 members in any
6 sanitary district which includes one or more municipalities
7 with a population of over 90,000 but less than 500,000
8 according to the most recent Federal census, and consisting of
9 3 members in any other district. However, the board of
10 trustees for the Fox River Water Reclamation District, the
11 Sanitary District of Decatur, and the Northern Moraine
12 Wastewater Reclamation District shall each consist of 5
13 members. Each board of trustees shall be created for the
14 government, control, and management of the affairs and
15 business of each sanitary district organized under this Act
16 and shall be created in the following manner:

17 (1) If the district's corporate boundaries are located
18 wholly within a single county, the presiding officer of
19 the county board, with the advice and consent of the
20 county board, shall appoint the trustees for the district;

21 (2) If the district's corporate boundaries are located
22 in more than one county, the members of the General
23 Assembly whose legislative districts encompass any portion
24 of the district shall appoint the trustees for the
25 district.

1 In any sanitary district which shall have a 3-member ~~3~~
2 ~~member~~ board of trustees, within 60 days after the adoption of
3 such act, the appropriate appointing authority shall appoint
4 three trustees not more than 2 of whom shall be from one
5 incorporated city, town, or village in districts in which are
6 included 2 or more incorporated cities, towns, or villages, or
7 parts of 2 or more incorporated cities, towns, or villages,
8 who shall hold their office respectively for one ~~1~~, 2, and 3
9 years, from the first Monday of May next after their
10 appointment and until their successors are appointed and have
11 qualified, and thereafter on or before the second Monday in
12 April of each year the appropriate appointing authority shall
13 appoint one trustee whose term shall be for 3 years commencing
14 the first Monday in May of the year in which he is appointed.
15 The length of the term of the first trustees shall be
16 determined by lot at their first meeting.

17 In the case of any sanitary district created after January
18 1, 1978 in which a 5-member ~~5-member~~ board of trustees is
19 required, the appropriate appointing authority shall appoint 5
20 trustees, one of whom shall hold office for one year, two of
21 whom shall hold office for 2 years, and 2 of whom shall hold
22 office for 3 years from the first Monday of May next after
23 their respective appointments and until their successors are
24 appointed and have qualified. Thereafter, on or before the
25 second Monday in April of each year the appropriate appointing
26 authority shall appoint one trustee or 2 trustees, as shall be

1 necessary to maintain a 5-member ~~5-member~~ board of trustees,
2 whose terms shall be for 3 years commencing the first Monday in
3 May of the year in which they are respectively appointed. The
4 length of the terms of the first trustees shall be determined
5 by lot at their first meeting.

6 In any sanitary district created prior to January 1, 1978
7 in which a 5-member ~~5-member~~ board of trustees is required as
8 of January 1, 1978, the two trustees already serving terms
9 which do not expire on May 1, 1978 shall continue to hold
10 office for the remainders of their respective terms, and 3
11 trustees shall be appointed by the appropriate appointing
12 authority by April 10, 1978 and shall hold office for terms
13 beginning May 1, 1978. Of the three new trustees, one shall
14 hold office for 2 years and 2 shall hold office for 3 years
15 from May 1, 1978 and until their successors are appointed and
16 have qualified. Thereafter, on or before the second Monday in
17 April of each year the appropriate appointing authority shall
18 appoint one trustee or 2 trustees, as shall be necessary to
19 maintain a 5-member ~~5-member~~ board of trustees, whose terms
20 shall be for 3 years commencing the first Monday in May of the
21 year in which they are respectively appointed. The lengths of
22 the terms of the trustees who are to hold office beginning May
23 1, 1978 shall be determined by lot at their first meeting after
24 May 1, 1978.

25 No more than 3 members of a 5-member ~~5-member~~ board of
26 trustees may be of the same political party; except that in any

1 sanitary district which otherwise meets the requirements of
2 this Section and which lies within 4 counties of the State of
3 Illinois or, prior to April 30, 2008, in the Fox River Water
4 Reclamation District; the appointments of the 5 members of the
5 board of trustees shall be made without regard to political
6 party. Beginning with the appointments made on April 30, 2008,
7 all appointments to the board of trustees of the Fox River
8 Water Reclamation District shall be made so that no more than 3
9 of the 5 members are from the same political party.

10 Beginning with the 2021 municipal election, the board of
11 trustees of the Fox Metro Water Reclamation District shall be
12 elected as provided in this paragraph. The election of
13 trustees shall be in accordance with Section 2A-1.1 of the
14 Election Code. Any board member serving on August 23, 2019
15 (the effective date of Public Act 101-523) ~~this amendatory Act~~
16 ~~of the 101st General Assembly~~ whose term does not expire in
17 2021 shall serve until his or her successor is elected and
18 qualified. The board of trustees of the Fox Metro Water
19 Reclamation District shall: on or before January 1, 2020,
20 divide the Fox Metro Water Reclamation District into 5 trustee
21 districts and assign the trustee districts to reflect the
22 results of the most recent federal decennial census; and
23 thereafter, in the year following each decennial census,
24 redistrict the trustee districts to reflect the results of the
25 most recent census. The board of trustees shall consist of 1
26 elected trustee in each trustee district. A petition for

1 nomination for election of a trustee of the Fox Metro Water
2 Reclamation District shall contain at least 100 signatures of
3 registered voters residing within the Fox Metro Water
4 Reclamation District. The trustees shall be elected for
5 staggered terms at the election as provided by the Election
6 Code. Two trustees shall be elected at the 2021 election, and 3
7 trustees shall be elected at the following consolidated
8 election. Elected trustees shall take office on the first
9 Tuesday after the first Monday in the month following the
10 month of their election and shall hold their offices for 4
11 years and until their successors are elected and qualified. If
12 a vacancy occurs before the 2021 election on the board of
13 trustees of the Fox Metro Water Reclamation District: (i) the
14 District Manager shall, no later than 7 days from the date of
15 the vacancy, notify the State legislators representing any
16 portion of the District, publish notification of the vacancy
17 on the District's website, and send notification of the
18 vacancy to local newspapers, radio stations, and television
19 stations; (ii) each notification published or sent shall
20 contain instructions on how to apply to the District Manager
21 for the vacant trustee position; (iii) applications for the
22 vacancy shall be accepted for at least 30 days after the date
23 the notification of the vacancy was published and sent; (iv)
24 applications for the vacancy shall include a letter of
25 interest and resume; (v) once the application period has
26 closed, the District Manager shall forward all applications

1 received to the State legislators notified of the vacancy in
2 item (i); (vi) the President of the board of trustees and the
3 District Manager shall hold a public meeting with the State
4 legislators notified of the vacancy to review all applications
5 and, by unanimous vote of all State legislators representing
6 any portion of the District, select a candidate to fill the
7 trustee vacancy; and (vii) the board of trustees shall appoint
8 the selected candidate at the next board of trustees meeting.
9 If a vacancy exists after the 2021 election on the board of
10 trustees of the Fox Metro Water Reclamation District, the
11 vacancy shall be filled by appointment by the president of the
12 board of trustees, with the advice and consent of the members
13 of the board of trustees, until the next regular election at
14 which trustees of the district are elected, and shall be made a
15 matter of record in the office of the county clerk in the
16 county where the district is located; for a vacancy filled by
17 appointment, the portion of the unexpired term remaining after
18 the next regular election at which trustees of the district
19 are elected shall be filled by election, as provided for in
20 this paragraph.

21 Within 60 days after the release of Federal census
22 statistics showing that a sanitary district having a 3-member
23 ~~3-member~~ board of trustees contains one or more municipalities
24 with a population over 90,000 but less than 500,000, or, for
25 the Northern Moraine Wastewater Reclamation District, within
26 60 days after September 11, 2007 (the effective date of Public

1 Act 95-608) ~~this amendatory Act of the 95th General Assembly,~~
2 the appropriate appointing authority shall appoint 2
3 additional trustees to the board of trustees, one to hold
4 office for 2 years and one to hold office for 3 years from the
5 first Monday of May next after their appointment and until
6 their successors are appointed and have qualified. The lengths
7 of the terms of these two additional members shall be
8 determined by lot at the first meeting of the board of trustees
9 held after the additional members take office. The three
10 trustees already holding office in the sanitary district shall
11 continue to hold office for the remainders of their respective
12 terms. Thereafter, on or before the second Monday in April of
13 each year the appropriate appointing authority shall appoint
14 one trustee or 2 trustees, as shall be necessary to maintain a
15 5-member ~~5-member~~ board of trustees, whose terms shall be for 3
16 years commencing the first Monday in May of the year in which
17 they are respectively appointed.

18 If any sanitary district having a 5-member ~~5-member~~ board
19 of trustees shall cease to contain one or more municipalities
20 with a population over 90,000 but less than 500,000 according
21 to the most recent Federal census, then, for so long as that
22 sanitary district does not contain one or more such
23 municipalities, on or before the second Monday in April of
24 each year the appropriate appointing authority shall appoint
25 one trustee whose term shall be for 3 years commencing the
26 first Monday in May of the year in which he is appointed. In

1 districts which include 2 or more incorporated cities, towns,
2 or villages, or parts of 2 or more incorporated cities, towns,
3 or villages, all of the trustees shall not be from one
4 incorporated city, town or village.

5 If a vacancy occurs on any board of trustees, the
6 appropriate appointing authority shall within 60 days appoint
7 a trustee who shall hold office for the remainder of the
8 vacated term.

9 The appointing authority shall require each of the
10 trustees to enter into bond, with security to be approved by
11 the appointing authority, in such sum as the appointing
12 authority may determine.

13 A majority of the board of trustees shall constitute a
14 quorum but a smaller number may adjourn from day to day. No
15 trustee or employee of such district shall be directly or
16 indirectly interested in any contract, work or business of the
17 district, or the sale of any article, the expense, price, or
18 consideration of which is paid by such district; nor in the
19 purchase of any real estate or property belonging to the
20 district, or which shall be sold for taxes or assessments, or
21 by virtue of legal process at the suit of the district.
22 Provided, that nothing herein shall be construed as
23 prohibiting the appointment or selection of any person as
24 trustee or employee whose only interest in the district is as
25 owner of real estate in the district or of contributing to the
26 payment of taxes levied by the district. The trustees shall

1 have the power to provide and adopt a corporate seal for the
2 district.

3 Notwithstanding any other provision in this Section, in
4 any sanitary district created prior to November 22, 1985 (the
5 effective date of Public Act 84-1033) ~~this amendatory Act of~~
6 ~~1985~~, in which a 5-member ~~five member~~ board of trustees has
7 been appointed and which currently includes one or more
8 municipalities with a population of over 90,000 but less than
9 500,000, the board of trustees shall consist of five members.

10 Except as otherwise provided for vacancies, in the event
11 that the appropriate appointing authority fails to appoint a
12 trustee under this Section, the appropriate appointing
13 authority shall reconvene and appoint a successor on or before
14 July 1 of that year.

15 (Source: P.A. 101-523, eff. 8-23-19; revised 7-31-24.)

16 (70 ILCS 2405/8.2) (from Ch. 42, par. 307.2)

17 Sec. 8.2. All bonds issued pursuant to this Act shall bear
18 interest at a rate or rates not exceeding that permitted by the
19 Bond Authorization Act ~~"An Act to authorize public~~
20 ~~corporations to issue bonds, other evidences of indebtedness~~
21 ~~and tax anticipation warrants subject to interest rate~~
22 ~~limitations set forth therein", approved May 26, 1970, as~~
23 ~~amended.~~

24 (Source: P.A. 83-591; revised 7-19-24.)

1 (70 ILCS 2405/16.3) (from Ch. 42, par. 315.3)

2 Sec. 16.3. The trustees of any district, having been
3 authorized by an election held pursuant to the preceding
4 Section, being desirous of exercising such authority, shall
5 have an estimate made of the cost of the acquisition of the
6 contemplated waterworks, and by ordinance shall provide for
7 the issuance of revenue bonds. The ordinance shall set forth a
8 brief description of the contemplated waterworks, the
9 estimated cost of acquisition or construction thereof, the
10 amount, rate of interest, time and place of payment, and other
11 details in connection with the issuance of the bonds. The
12 bonds shall bear interest at a rate not exceeding that
13 permitted by the Bond Authorization Act ~~"An Act to authorize~~
14 ~~public corporations to issue bonds, other evidences of~~
15 ~~indebtedness and tax anticipation warrants subject to interest~~
16 ~~rate limitations set forth therein", approved May 26, 1970, as~~
17 ~~amended~~, payable semi-annually, and shall be payable at such
18 times and places not exceeding 20 years from their date as
19 shall be prescribed in the ordinance providing for their
20 issuance.

21 This ordinance may contain such covenants and restrictions
22 upon the issuance of additional revenue bonds thereafter as
23 may be deemed necessary or advisable for the assurance of
24 payment of the bonds thereby authorized and as may be
25 thereafter issued, and shall pledge the revenues derived from
26 the operation of the waterworks for the purpose of paying all

1 maintenance and operation costs, principal, and interest on
2 all bonds issued under the provisions of this Act, and for
3 providing an adequate depreciation fund, which depreciation
4 fund is hereby defined for the purposes of this Act to be for
5 such replacements as may be necessary from time to time for the
6 continued effective and efficient operation of the waterworks
7 properties of such district, and such fund shall not be
8 allowed to accumulate beyond a reasonable amount necessary for
9 that purpose, the terms and provisions of which shall be
10 incorporated in the ordinance authorizing the issuance of the
11 bonds.

12 (Source: P.A. 83-591; revised 7-19-24.)

13 (70 ILCS 2405/20) (from Ch. 42, par. 317b)

14 Sec. 20. When any special assessment is made under this
15 Act, the ordinance authorizing such assessment may provide
16 that the entire assessment and each individual assessment be
17 divided into annual installments, not more than 20 ~~twenty~~ in
18 number. In all cases such division shall be made so that all
19 installments shall be equal in amount, except that all
20 fractional amounts shall be added to the first installment so
21 as to leave the remaining installments of the aggregate equal
22 in amount and each a multiple of \$100 ~~one hundred dollars~~. The
23 said several installments shall bear interest at a rate not to
24 exceed that permitted for public corporation bonds under the
25 Bond Authorization Act ~~"An Act to authorize public~~

1 ~~corporations to issue bonds, other evidences of indebtedness~~
2 ~~and tax anticipation warrants subject to interest rate~~
3 ~~limitations set forth therein", approved May 26, 1970, as now~~
4 ~~or hereafter amended~~, except that for the purposes of this
5 Section, "the time the contract is made" shall mean the date of
6 adoption of the original ordinance authorizing the assessment;
7 both principal and interest shall be payable, collected, and
8 enforced as they shall become due in the manner provided for
9 the levy, payment, collection, and enforcement of such
10 assessments and interest, as provided in Article 9 and
11 Division 87 of Article 11 of the "Illinois Municipal Code," ~~as~~
12 ~~heretofore and hereafter amended.~~

13 (Source: P.A. 83-1525; revised 7-19-24.)

14 Section 570. The Metropolitan Water Reclamation District
15 Act is amended by changing Sections 9b, 9d, 9.6, and 10.1 as
16 follows:

17 (70 ILCS 2605/9b) (from Ch. 42, par. 328b)

18 Sec. 9b. From and after April 1, 1958, the corporate
19 authorities of any such sanitary district may by ordinance,
20 establish a fund to be known as a "corporate working cash fund"
21 which shall be maintained and administered in the manner
22 provided by this Act for the purpose of enabling said
23 corporate authorities to have in the treasury at all times
24 sufficient money to meet demands thereon for ordinary and

1 necessary expenditures for corporate purposes.

2 The corporate authorities may incur an indebtedness and
3 issue bonds therefor in an amount, when added to (a) proceeds
4 from the sale of bonds previously issued to create or increase
5 the working cash fund (b) any amounts collected from the
6 corporate working cash levy and (c) amounts transferred from
7 the construction working cash fund, will not exceed 90% of the
8 amount produced by multiplying the maximum corporate tax rate
9 permitted under this Act by the last known equalized assessed
10 valuation of all property within the territorial boundaries of
11 the sanitary district at the time any bonds are issued plus 90%
12 of the last known entitlement of such district to such taxes as
13 by law now or hereafter enacted or amended, imposed by the
14 General Assembly of the State of Illinois to replace revenue
15 lost by units of local government and school districts as a
16 result of the abolition of ad valorem personal property taxes,
17 pursuant to Article IX, Section 5(c) of the Constitution of
18 the State of Illinois. The bonds shall mature within 20 years
19 from the date of issuance and shall bear interest at a rate or
20 rates not exceeding that permitted by the Bond Authorization
21 Act ~~"An Act to authorize public corporations to issue bonds,~~
22 ~~other evidences of indebtedness and tax anticipation warrants~~
23 ~~subject to interest rate limitations set forth therein",~~
24 ~~approved May 26, 1970, as amended.~~

25 In order to authorize and issue such bonds, the corporate
26 authorities shall adopt an ordinance designating the purpose

1 and fixing the date and the amount of the bonds proposed to be
2 issued, the maturity thereof, the rate of interest thereon,
3 place of payment and denomination, and provide for the levy
4 and collection of a direct annual tax upon all the taxable
5 property of the sanitary district sufficient to pay and
6 discharge the principal thereof at maturity, and to pay the
7 interest thereon as it falls due. Upon the filing in the office
8 of the county clerk of the county where the sanitary district
9 is located of a certified copy of any such ordinance, the
10 county clerk shall extend the tax therein provided for.

11 Said bonds may be issued by the corporate authorities
12 without submitting the question of issuance to the legal
13 voters of such sanitary district for approval.

14 Before or at the time of issuing said corporate working
15 cash fund bonds the corporate authorities shall, by ordinance
16 provide for the collection of a direct annual tax upon all the
17 taxable property of the sanitary district sufficient to pay
18 and discharge the principal thereof at maturity, and to pay
19 the interest thereon as it falls due. Upon the filing in the
20 office of the county clerk of the county where the sanitary
21 district is located of a certified copy of any such ordinance,
22 the county clerk shall extend the tax therein provided for.

23 All moneys derived from the issuance of said corporate
24 working cash fund bonds pursuant to this Amendatory Act of
25 1957, when received by the treasurer of the district, shall be
26 set apart in the corporate working cash fund. The moneys in

1 such fund shall not be regarded as current assets available
2 for appropriation and shall not be appropriated by the
3 corporate authorities in the annual sanitary district budget,
4 but in order to provide moneys with which to meet ordinary and
5 necessary disbursements for salaries and other corporate
6 purposes may be transferred, in whole or in part, to the
7 corporate fund of the sanitary district and so disbursed
8 therefrom in anticipation of the collection of any taxes
9 lawfully levied for corporate purposes or in the anticipation
10 of the receipt of such taxes, as by law now or hereafter
11 enacted or amended, imposed by the General Assembly of the
12 State of Illinois to replace revenue lost by units of local
13 government and school districts as a result of the abolition
14 of ad valorem personal property taxes, pursuant to Article IX,
15 Section 5(c) of the Constitution of the State of Illinois.
16 Moneys transferred to the corporate fund in anticipation of
17 the collection of taxes shall be deemed to have been
18 transferred in anticipation of the collection of that part of
19 the taxes so levied which is in excess of the amount or amounts
20 thereof required to pay any warrants or notes, and the
21 interest thereon theretofore or thereafter issued, and such
22 taxes levied for corporate purposes when collected shall be
23 applied first to the payment of any such warrants or notes and
24 the interest thereon and then to the reimbursement of the
25 corporate working cash fund as hereinafter provided. Upon the
26 receipt by the treasurer of the sanitary district of any taxes

1 in anticipation of the collection or receipt whereof moneys of
2 the corporate working cash fund have been so transferred for
3 disbursement, such fund shall immediately be reimbursed
4 therefrom until the full amount so transferred has been
5 retransferred to said fund. If the taxes in anticipation of
6 the collection of which such transfers are made are not
7 collected in sufficient amounts to effect a complete
8 reimbursement of the working cash fund within the second
9 budget year following the year in which said transfer was
10 made, of the amounts transferred from the corporate working
11 cash fund to the corporate fund, the deficiencies between the
12 amounts thus transferred and the amounts repaid from
13 collection shall be general obligations of the corporate fund
14 until repaid either from taxes in anticipation of which
15 transfers were made or from appropriations which may be made
16 in the annual sanitary district budgets of sums of money to
17 apply on such general obligations or until repaid from both
18 the taxes in anticipation of which such transfers were made
19 and from appropriations which may be made in the annual
20 sanitary district budgets of sums of money to apply on such
21 general obligations.

22 Moneys shall be transferred from the corporate working
23 cash fund to the corporate fund only upon the authority of the
24 corporate authorities, which shall by resolution direct the
25 treasurer of the sanitary district to make such transfers. The
26 resolution shall set forth (a) the taxes or funds in

1 anticipation of the collection or receipt of which the
2 corporate working cash fund is to be reimbursed, (b) for a
3 transfer in anticipation of the extension of real estate
4 taxes, the entire amount of taxes extended, or which the board
5 shall estimate will be extended, for any year by the county
6 clerk upon the books of the collectors of State ~~state~~ and
7 county taxes within the sanitary district in anticipation of
8 all or part of which such transfer is to be made, (c) for a
9 transfer in anticipation of such taxes, hereinabove referred
10 to, to replace revenue lost by units of local government and
11 school districts as a result of the abolition of ad valorem
12 personal property taxes, the amount of such taxes which the
13 board shall estimate will be received, (d) the aggregate
14 amount of warrants or notes theretofore issued in anticipation
15 of the collection of such taxes, (e) the aggregate amount of
16 receipts from taxes imposed to replace revenue lost by units
17 of local government and school districts as a result of the
18 abolition of ad valorem personal property taxes, pursuant to
19 Article IX, Section 5(c) of the Constitution of the State of
20 Illinois, which the corporate authorities estimate will be set
21 aside for the payment of the proportionate amount of debt
22 service and pension or retirement obligations, as required by
23 Section 12 of the State Revenue Sharing Act ~~"An Act in relation~~
24 ~~to State Revenue Sharing with local government entities",~~
25 ~~approved July 31, 1969, as amended,~~ and (f) the aggregate
26 amount of moneys theretofore transferred from the corporate

1 working cash fund to the corporate fund in anticipation of the
2 collection of such taxes. The amount which the resolution
3 shall direct the treasurer of the sanitary district so to
4 transfer in anticipation of the collection of taxes levied or
5 to be received for any year, together with the aggregate
6 amount of such anticipation tax warrants or notes theretofore
7 drawn against such taxes, the amount estimated to be required
8 to satisfy debt service and pension or retirement obligations,
9 as set forth in Section 12 of the State Revenue Sharing Act ~~"An~~
10 ~~Act in relation to State revenue sharing with local government~~
11 ~~entities", approved July 31, 1969, as amended,~~ and the
12 aggregate amount of such transfers theretofore made in
13 anticipation of the collection of such taxes shall not exceed
14 100% of the actual or estimated amount of such taxes extended
15 or to be extended or to be received as set forth in the
16 resolution. When moneys are available in the corporate working
17 cash fund they shall be transferred to the corporate fund and
18 disbursed for the payment of salaries and other corporate
19 expenses so as to avoid, or reduce in amount, whenever
20 possible, the issuance of tax anticipation warrants or notes.

21 Any member of the board of commissioners of said sanitary
22 district or any officer thereof or any other person holding
23 any other position of trust or employment under the said
24 board, who is guilty of the wilful violation of any of the
25 provisions of this Amendatory Act of 1957, shall be guilty of a
26 business offense and shall be fined not exceeding \$10,000 and

1 shall forfeit his right to his office, trust, or employment
2 and shall be removed therefrom. Any such member, officer, or
3 person shall be liable for any sum that may be unlawfully
4 diverted from the corporate working cash fund or otherwise
5 used, to be recovered by the corporate authorities of said
6 sanitary district or by any taxpayer in the name and for the
7 benefit of said board of commissioners in an appropriate civil
8 action. A taxpayer so suing shall file a bond for and shall be
9 liable for, all costs, taxed against the board of
10 commissioners in such a suit. Nothing herein shall bar any
11 other remedies.

12 The authority granted by this Amendatory Act of 1957 shall
13 be cumulative authority for the issuance of bonds and shall
14 not be held to repeal any laws with respect thereto.

15 (Source: P.A. 89-574, eff. 1-1-97; revised 7-19-24.)

16 (70 ILCS 2605/9d) (from Ch. 42, par. 328d)

17 Sec. 9d. All bonds, notes, or other evidences of
18 indebtedness issued pursuant to this Act shall be sold at such
19 price and upon such terms as determined by the Board of
20 Commissioners and which will not cause the net effective
21 interest rate to be paid by the sanitary district to exceed
22 that permitted by the Bond Authorization Act ~~"An Act to~~
23 ~~authorize public corporations to issue bonds, other evidences~~
24 ~~of indebtedness and tax anticipation warrants subject to~~
25 ~~interest rate limitations set forth therein", approved May 26,~~

1 ~~1970, as now or hereafter amended.~~

2 (Source: P.A. 84-208; revised 7-19-24.)

3 (70 ILCS 2605/9.6) (from Ch. 42, par. 328.6)

4 Sec. 9.6. Without submitting the issuance thereof to the
5 legal voters of the Sanitary District for approval the
6 corporate authorities thereof by ordinance may authorize bonds
7 for the purpose of refunding the principal of its bonds
8 whenever proceeds of taxes levied therefor shall not have been
9 received in time to pay such principal at its maturity.

10 The refunding bonds may be exchanged par for par for such
11 bonds or refunding bonds may be sold at not less than their par
12 value and the proceeds received shall be used to pay such bonds
13 and in any event the bonds refunded shall be cancelled upon the
14 delivery of the refunding bonds. The refunding bonds shall
15 mature 10 years from their date and may bear interest at a rate
16 not exceeding that permitted by the Bond Authorization Act "~~An~~
17 ~~Act to authorize public corporations to issue bonds, other~~
18 ~~evidences of indebtedness and tax anticipation warrants~~
19 ~~subject to interest rate limitations set forth therein",~~
20 ~~approved May 26, 1970, as amended.~~ After the cancellation of
21 the bonds refunded the money thereafter received from the
22 proceeds of the delinquent taxes, the non-collection of which
23 made necessary such refunding, shall be paid into a special
24 sinking fund for the payment of the refunding bonds and may be
25 used by the treasurer of such sanitary district in the

1 purchase of such refunding bonds at not to exceed their par
2 value and accrued interest and any refunding bonds so
3 purchased shall be cancelled and the tax next to be extended
4 for payment of the refunding bonds shall be reduced in the
5 amount of the refunding bonds so cancelled. If any such money
6 shall not have been used in the purchase of refunding bonds,
7 such money shall be set aside in a fund to be used for payment
8 of the interest and principal of such refunding bonds as the
9 same shall mature and the tax or taxes next to be extended for
10 such payment shall be reduced by the amount so set aside. An
11 ordinance shall be adopted annually during the term of the
12 refunding bonds, finding the amount of refunding bonds so
13 purchased from the proceeds of such delinquent taxes, and the
14 amount of money on hand received from the collection of such
15 delinquent taxes not used in purchasing refunding bonds, and
16 directing the reduction in that amount of the tax next to be
17 extended for payment of the refunding bonds and a certified
18 copy thereof shall be filed in the office of the county clerk,
19 whereupon it shall be the duty of such official to reduce and
20 extend such tax levy in accordance therewith.

21 (Source: P.A. 83-591; revised 7-19-24.)

22 (70 ILCS 2605/10.1) (from Ch. 42, par. 329a)

23 Sec. 10.1. Every sanitary district shall also have the
24 power to construct a sewerage system or drainage system to
25 serve a particular locality within its corporate limits or to

1 extend or improve an existing sewerage system or drainage
2 system, for the purpose of serving a particular locality
3 within the sanitary district not theretofore served by its
4 existing sewerage system or drainage system, and to pay the
5 cost thereof by the issuance and sale of revenue bonds of the
6 sanitary district, payable solely from the revenue derived
7 from the operation of the sewerage system or drainage system,
8 constructed or acquired for that particular locality, or from
9 the revenue to be derived from the operation of the
10 improvements and extensions of an existing system.

11 These bonds may be issued for maturities not exceeding 40
12 years from the date of the bonds and in such amounts as may be
13 necessary to provide sufficient funds to pay all the costs of
14 the improvement, or extension, or construction, or acquisition
15 for improvement and extension of the sewerage system or
16 drainage system, including engineering, legal, and other
17 expenses, together with interest, to a date 6 months
18 subsequent to the estimated date of completion. These bonds
19 shall bear interest at a rate not exceeding that permitted by
20 the Bond Authorization Act ~~"An Act to authorize public~~
21 ~~corporations to issue bonds, other evidences of indebtedness~~
22 ~~and tax anticipation warrants subject to interest rate~~
23 ~~limitations set forth therein", approved May 26, 1970, as~~
24 ~~amended~~, payable semi-annually. Bonds issued under this Act
25 are negotiable instruments. They shall be executed by the
26 presiding officer and clerk of the sanitary district, or such

1 other officer or officers as the trustees may, by resolution,
2 designate, and shall be sealed with the sanitary district
3 corporate seal. In case any officer whose signature appears on
4 the bonds or coupons ceases to hold that office before the
5 bonds are delivered, his signature nevertheless, shall be
6 valid and sufficient for all purposes, the same as though he
7 had remained in office until the bonds were delivered. The
8 bonds shall be sold in such manner and upon such terms as the
9 board of trustees shall determine.

10 Bonds issued under this Section ~~section~~ are payable from
11 revenue derived from the operation of that sewerage system or
12 drainage system or improvement or extension. These bonds shall
13 not, in any event, constitute an indebtedness of the sanitary
14 district, within the meaning of any constitutional or
15 statutory limitation, and it shall be so stated on the face of
16 each bond. The face of each bond shall also contain a
17 description of the locality for which that system or
18 improvement or extension is constructed and acquired.

19 (Source: P.A. 83-591; revised 7-22-24.)

20 Section 575. The Sanitary District Act of 1936 is amended
21 by changing Sections 11.1, 26c, 29, 32b.1, and 32e as follows:

22 (70 ILCS 2805/11.1) (from Ch. 42, par. 422.1)

23 Sec. 11.1. All bonds issued pursuant to this Act shall
24 bear interest at a rate or rates not exceeding that permitted

1 by the Bond Authorization Act ~~"An Act to authorize public~~
2 ~~corporations to issue bonds, other evidences of indebtedness~~
3 ~~and tax anticipation warrants subject to interest rate~~
4 ~~limitations set forth therein", approved May 26, 1970, as~~
5 ~~amended.~~

6 (Source: P.A. 83-591; revised 7-22-24.)

7 (70 ILCS 2805/26c) (from Ch. 42, par. 437c)

8 Sec. 26c. The trustees of any district, having been
9 authorized by an election held pursuant to the preceding
10 section, being desirous of exercising such authority, shall
11 have an estimate made of the cost of the acquisition of the
12 contemplated drainage system, and by ordinance shall provide
13 for the issuance of revenue bonds. The ordinance shall set
14 forth a brief description of the contemplated drainage system,
15 the estimated cost of acquisition or construction thereof, the
16 amount, rate of interest, time and place of payment, and other
17 details in connection with the issuance of the bonds. The
18 bonds shall bear interest at a rate not exceeding that
19 permitted by the Bond Authorization Act ~~"An Act to authorize~~
20 ~~public corporations to issue bonds, other evidences of~~
21 ~~indebtedness and tax anticipation warrants subject to interest~~
22 ~~rate limitations set forth therein", approved May 26, 1970, as~~
23 ~~amended~~, payable semiannually, and shall be payable at such
24 times and places not exceeding 20 years from their date as
25 shall be prescribed in the ordinance providing for their

1 issuance.

2 This ordinance may contain such covenants and restrictions
3 upon the issuance of additional revenue bonds thereafter as
4 may be deemed necessary or advisable for the assurance of
5 payment of the bonds thereby authorized and as may be
6 thereafter issued, and shall pledge the revenues derived from
7 the operation of the drainage system for the purpose of paying
8 all maintenance and operation costs, principal, and interest
9 on all bonds issued under the provisions of this Act, and for
10 providing an adequate depreciation fund, which depreciation
11 fund is hereby defined for the purposes of this Act to be for
12 such replacements as may be necessary from time to time for the
13 continued effective and efficient operation of the drainage
14 system properties of such district, and such fund shall not be
15 allowed to accumulate beyond a reasonable amount necessary for
16 that purpose, the terms and provisions of which shall be
17 incorporated in the ordinance authorizing the issuance of the
18 bonds.

19 (Source: P.A. 83-591; revised 7-22-24.)

20 (70 ILCS 2805/29) (from Ch. 42, par. 440)

21 Sec. 29. When any special assessment is made under this
22 Act, the ordinance authorizing such assessment may provide
23 that the entire assessment and each individual assessment be
24 divided into annual installments, not more than 20 ~~twenty~~ in
25 number. In all cases such division shall be made so that all

1 installments shall be equal in amount, except that all
2 fractional amounts shall be added to the first installment so
3 as to leave the remaining installments of the aggregate equal
4 in amount and each a multiple of \$100 ~~one hundred dollars~~. The
5 said several installments shall bear interest at a rate not to
6 exceed that permitted for public corporation bonds under the
7 Bond Authorization Act ~~"An Act to authorize public~~
8 ~~corporations to issue bonds, other evidences of indebtedness~~
9 ~~and tax anticipation warrants subject to interest rate~~
10 ~~limitations set forth therein", approved May 26, 1970, as now~~
11 ~~or hereafter amended~~, except that for the purposes of this
12 Section, "the time the contract is made" shall mean the date of
13 adoption of the original ordinance authorizing the assessment;
14 both principal and interest shall be payable, collected and
15 enforced as they shall become due in the manner provided for
16 the levy, payment, collection and enforcement of such
17 assessments and interest, as provided in Division 2 of Article
18 9 of the ~~"Illinois Municipal Code", approved May 29, 1961, as~~
19 ~~heretofore and hereafter amended~~.

20 (Source: P.A. 83-1525; revised 7-22-24.)

21 (70 ILCS 2805/32b.1) (from Ch. 42, par. 443b.1)

22 Sec. 32b.1. The board of trustees of any sanitary district
23 created hereunder, after receiving a petition in writing,
24 signed by not less than 50% of the legal voters and not less
25 than 50% of the record owners of land in any contiguous

1 territory situated within such sanitary district, shall have
2 the power, by the issuance of revenue bonds, or by special
3 assessment, as determined by ordinance of the board of
4 trustees, to purchase or construct waterworks within such
5 contiguous territory and thereafter operate, maintain,
6 improve, and extend such waterworks as defined in this Act.
7 Such petition, when submitted to the board of trustees, shall
8 contain an estimate of the cost of the purchase or
9 construction of such waterworks. The ordinance to provide for
10 the purchase or construction of such waterworks shall be
11 adopted only by a vote of a majority of the members of the
12 board of trustees. Such ordinance shall contain an accurate
13 description of the territory which will be affected by the
14 purchase or construction of the waterworks, and the costs of
15 such purchase, construction, improvement, or extension shall
16 be paid solely by the issuance and sale of revenue bonds of the
17 district secured by and payable solely from the revenue to be
18 derived from the operation of such waterworks, or by special
19 assessment, as the case may be.

20 Revenue bonds provided for in this Section may be issued
21 in such amounts as may be necessary to provide sufficient
22 funds to pay all costs of purchasing or constructing such
23 waterworks, including engineering, legal, and other expenses.
24 Such bonds shall bear interest at a rate not exceeding the rate
25 permitted by the Bond Authorization Act ~~"An Act to authorize~~
26 ~~public corporations to issue bonds, other evidences of~~

1 ~~indebtedness and tax anticipation warrants subject to interest~~
2 ~~rate limitations set forth therein", approved May 26, 1970, as~~
3 ~~amended~~, payable semi-annually, and shall be payable at such
4 times and places not exceeding 30 years from their date as
5 shall be prescribed in the ordinance providing for their
6 issuance. However, if the board of trustees determines by
7 ordinance that the purchase and construction of such
8 waterworks is to be secured and paid by special assessment,
9 then the proceedings for making, levying, collecting, and
10 enforcing any special assessment levied hereunder, the letting
11 of contracts, the issuance of special assessment bonds, the
12 performance of the work, and all other matters required or
13 pertaining to the purchase or construction and making of the
14 improvements or extensions shall be as provided in Division 2
15 of Article 9 of the Illinois Municipal Code, ~~as heretofore and~~
16 ~~hereafter amended~~. Whenever in said Division 2 the words "city
17 council" or the words "board of local improvements" are used,
18 the same shall apply to the board of trustees constituted by
19 this Act, and the word "mayor" or "president of the board of
20 local improvement" shall apply to the president of the board
21 of trustees constituted by this Act, and the words applying to
22 the city or its officers in that Article shall be held to apply
23 to the sanitary district created under this Act and its
24 officers.

25 (Source: P.A. 83-673; revised 7-22-24.)

1 (70 ILCS 2805/32e) (from Ch. 42, par. 443e)

2 Sec. 32e. The trustees of any district, having been
3 authorized by an election held pursuant to Section 32d, and
4 being desirous of exercising such authority, shall have an
5 estimate made of the cost of the acquisition or construction
6 of the contemplated waterworks, and by ordinance shall provide
7 for the method of financing such acquisition or construction.
8 The ordinance shall set forth a brief description of the
9 contemplated waterworks, the estimated cost of acquisition or
10 construction thereof, the method of financing such acquisition
11 or construction, the amount, rate of interest, time and place
12 of payment, and other details in connection with the issuance
13 of any bonds necessary therefor. If all or part of such
14 financing is to be by issuance of revenue bonds, such bonds
15 shall bear interest at not exceeding the rate permitted by the
16 Bond Authorization Act ~~"An Act to authorize public~~
17 ~~corporations to issue bonds, other evidences of indebtedness~~
18 ~~and tax anticipation warrants subject to interest rate~~
19 ~~limitations set forth therein", approved May 26, 1970, as~~
20 ~~amended~~, payable semi-annually, and shall be payable at such
21 times and places not exceeding 30 years from their date as
22 shall be prescribed in the ordinance providing for their
23 issuance.

24 This ordinance may contain such covenants and restrictions
25 upon the issuance of additional revenue bonds thereafter as
26 may be deemed necessary or advisable for the assurance of

1 payment of the bonds thereby authorized and as may be
2 thereafter issued, and shall pledge the revenues derived from
3 the operation of the waterworks for the purpose of paying all
4 maintenance and operation costs, principal and interest on all
5 bonds issued under the provisions of this Act, and for
6 providing an adequate depreciation fund, which depreciation
7 fund is hereby defined for the purposes of this Act to be for
8 such replacements as may be necessary from time to time for the
9 continued effective and efficient operation of the waterworks
10 properties of such district, and such fund shall not be
11 allowed to accumulate beyond a reasonable amount necessary for
12 that purpose, the terms and provisions of which shall be
13 incorporated in the ordinance authorizing the issuance of the
14 revenue bonds.

15 (Source: P.A. 83-591; revised 7-18-24.)

16 Section 580. The Sanitary District Refunding Bond Act is
17 amended by changing Section 1 as follows:

18 (70 ILCS 3005/1) (from Ch. 42, par. 298.1)

19 Sec. 1. The corporate authorities of any sanitary
20 district, without submitting the question to the electors
21 thereof for approval, may authorize by ordinance the issuance
22 of refunding bonds (1) to refund its bonds prior to their
23 maturity; (2) to refund its unpaid matured bonds; (3) to
24 refund matured coupons evidencing interest upon its unpaid

1 bonds; (4) to refund interest at the coupon rate upon its
2 unpaid matured bonds that has accrued since the maturity of
3 those bonds; and (5) to refund its bonds which by their terms
4 are subject to redemption before maturity.

5 The refunding bonds may be made registerable as to
6 principal and may bear interest at a rate of not to exceed that
7 permitted by the Bond Authorization Act ~~"An Act to authorize~~
8 ~~public corporations to issue bonds, other evidences of~~
9 ~~indebtedness and tax anticipation warrants subject to interest~~
10 ~~rate limitations set forth therein", approved May 26, 1970, as~~
11 ~~amended~~, payable at such time and place as may be provided in
12 the bond ordinance. The refunding bonds shall remain valid
13 even though one or more of the officers executing the bonds
14 ceases to hold his or their offices before the bonds are
15 delivered.

16 (Source: P.A. 83-591; revised 7-18-24.)

17 Section 585. The Sanitary District Revenue Bond Act is
18 amended by changing Section 2a as follows:

19 (70 ILCS 3010/2a) (from Ch. 42, par. 319.2a)

20 Sec. 2a. Every sanitary district has the power to
21 construct or acquire, and to improve, extend, and operate a
22 sewerage system. Any sanitary district that owns and operates
23 or that may hereafter own and operate a sewerage system also
24 has the power, when determined by its board of trustees to be

1 in the public interest and necessary for the protection of the
2 public health, to enter into and perform contracts, whether
3 long-term or short-term, with any industrial establishment for
4 the provision and operation by the sanitary district of
5 sewerage facilities to abate or reduce the pollution of water
6 caused by discharges of industrial wastes by the industrial
7 establishment and the payment periodically by the industrial
8 establishment to the sanitary district of amounts at least
9 sufficient, in the determination of such board of trustees, to
10 compensate the sanitary district for the cost of providing
11 (including payment of principal and interest charges, if any),
12 and of operating and maintaining the sewerage facilities
13 serving such industrial establishment.

14 Every sanitary district has the power to borrow money from
15 the Reconstruction Finance Corporation, the Public Works
16 Administration, or from any other source, for the purpose of
17 improving or extending or for the purpose of constructing or
18 acquiring and improving and extending a sewerage system and as
19 evidence thereof, to issue its revenue bonds, payable solely
20 from the revenue derived from the operation of the sewerage
21 system by that sanitary district. These bonds may be issued
22 for maturities not exceeding forty years from the date of the
23 bonds, and in such amounts as may be necessary to provide
24 sufficient funds to pay all the costs of the improvement or
25 extension or construction or acquisition and improvement and
26 extension of the sewerage system, including engineering, legal

1 and other expenses, together with interest, to a date six
2 months subsequent to the estimated date of completion. These
3 bonds shall bear interest at a rate not exceeding that
4 permitted by the Bond Authorization Act ~~"An Act to authorize~~
5 ~~public corporations to issue bonds, other evidences of~~
6 ~~indebtedness and tax anticipation warrants subject to interest~~
7 ~~rate limitations set forth therein", approved May 26, 1970, as~~
8 ~~amended~~, payable semiannually. Bonds issued under this Act are
9 negotiable instruments. They shall be executed by the
10 presiding officer and clerk of the sanitary district and shall
11 be sealed with the sanitary district's corporate seal. In case
12 any officer whose signature appears on the bonds or coupons
13 ceases to hold that office before the bonds are delivered, his
14 signature, nevertheless, shall be valid and sufficient for all
15 purposes, the same as though he had remained in office until
16 the bonds were delivered. The bonds shall be sold in such
17 manner and upon such terms as the board of trustees shall
18 determine.

19 (Source: P.A. 83-591; revised 7-18-24.)

20 Section 590. The Sanitary Districts Corporate Notes Act is
21 amended by changing Section 1 as follows:

22 (70 ILCS 3015/1) (from Ch. 42, par. 319.31)

23 Sec. 1. Any sanitary district, including the district
24 organized under the Metropolitan Water Reclamation District

1 Act ~~"An Act to create sanitary districts and to remove~~
2 ~~obstructions in Illinois and Des Plaines Rivers", approved May~~
3 ~~29, 1889, as amended,~~ is authorized to issue from time to time
4 general obligation corporate notes in an amount not to exceed
5 85% of the corporate taxes levied for the year during which
6 said notes are issued, provided no such notes shall be issued
7 at any time there are tax anticipation warrants outstanding
8 against the corporate tax levied for the year during which
9 such notes are issued. Such notes shall mature within two
10 years from date and shall bear interest at a rate per annum not
11 exceeding the maximum rate authorized by the Bond
12 Authorization Act ~~"An Act to authorize public corporations to~~
13 ~~issue bonds, other evidences of indebtedness and tax~~
14 ~~anticipation warrants subject to interest rate limitations set~~
15 ~~forth therein", approved May 26, 1970, as now or hereafter~~
16 ~~amended.~~

17 In order to authorize and issue such notes, the corporate
18 authorities shall adopt an ordinance fixing the amount of
19 notes, the date thereof, the form thereof, the maturity
20 thereof, terms of redemption prior to maturity, rate of
21 interest thereon, place of payment and denomination, which
22 shall be in multiples of \$1,000, and provide for the levy and
23 collection of a direct annual tax upon all the taxable
24 property in the sanitary district sufficient to pay the
25 principal of and interest on such notes to maturity. Upon the
26 filing in the office of the county clerk ~~County Clerk~~ of the

1 county in which the sanitary district is located of a
2 certified copy of such ordinance, it shall be the duty of the
3 county clerk ~~County Clerk~~ to extend the tax therefor in
4 addition to and in excess of all other taxes heretofore or
5 hereafter authorized to be levied by such sanitary district.

6 The corporate authorities may sell such notes at private
7 or public sale and enter into any contract or agreement
8 necessary, appropriate, or incidental to the exercise of the
9 powers granted by this Act, including, without limitation,
10 contracts or agreements for the sale and purchase of such
11 notes and the payment of costs and expenses incident thereto.
12 The corporate authorities may pay such costs and expenses, in
13 whole or in part, from the corporate fund.

14 From and after such notes have been issued as provided for
15 by this Act, while such notes are outstanding, it shall be the
16 duty of the county clerk ~~County Clerk~~ in computing the tax rate
17 for corporate purposes of any such district to reduce the rate
18 for corporate purposes by the amount levied to pay the
19 principal of and interest on the notes authorized by this Act;
20 provided the tax rate shall not be reduced beyond the amount
21 necessary to reimburse any money borrowed from the working
22 cash fund, and it shall be the duty of the clerk ~~Clerk~~ of the
23 sanitary district annually, not less than thirty days prior to
24 the tax extension date, to certify to the county clerk ~~County~~
25 ~~Clerk~~ the amount of money borrowed from the working cash fund
26 to be reimbursed from the corporate tax levy.

1 No reimbursement shall be made to the working cash fund
2 until there has been accumulated from the tax levy provided
3 for the notes, an amount sufficient to pay the principal of and
4 interest on such notes to maturity.

5 (Source: P.A. 82-976; revised 7-18-24.)

6 Section 595. The Solid Waste Disposal District Act is
7 amended by changing Section 20 as follows:

8 (70 ILCS 3105/20) (from Ch. 85, par. 1670)

9 Sec. 20. Whenever a district does not have sufficient
10 money in its treasury to meet all necessary expenses and
11 liabilities thereof, it may issue tax anticipation warrants.
12 Such issue of tax anticipation warrants shall be subject to
13 the provisions of Section 2 of the Warrants and Jurors
14 Certificates Act ~~"An Act to provide for the manner of issuing~~
15 ~~warrants upon the treasurer of the State or of any county,~~
16 ~~township, or other municipal corporation or quasi municipal~~
17 ~~corporation, or of any farm drainage district, river district,~~
18 ~~drainage and levee district, fire protection district and~~
19 ~~jurors' certificates", approved June 27, 1913, as now and~~
20 ~~hereafter amended.~~

21 (Source: P.A. 76-1204; revised 7-17-24.)

22 Section 600. The Illinois Sports Facilities Authority Act
23 is amended by changing Section 13 as follows:

1 (70 ILCS 3205/13) (from Ch. 85, par. 6013)

2 Sec. 13. Bonds and notes.

3 (A) (1) The Authority may at any time and from time to time
4 issue bonds and notes for any corporate purpose, including the
5 establishment of reserves and the payment of interest and
6 costs of issuance. In this Act, the term "bonds" includes
7 notes of any kind, interim certificates, refunding bonds, or
8 any other evidence of obligation for borrowed money issued
9 under this Section 13. Bonds may be issued in one or more
10 series and may be payable and secured either on a parity with
11 or separately from other bonds.

12 (2) The bonds of any issue shall be payable solely from all
13 or any part of the property or revenues of the Authority,
14 including, without limitation:

15 (i) Rents, rates, fees, charges, or other revenues
16 payable to or any receipts of the Authority, including
17 amounts which are deposited pursuant to the Act with a
18 trustee for bondholders;

19 (ii) Payments by financial institutions, insurance
20 companies, or others pursuant to letters or lines of
21 credit, policies of insurance, or purchase agreements;

22 (iii) Investment earnings from funds or accounts
23 maintained pursuant to a bond resolution or trust
24 agreement; and

25 (iv) Proceeds of refunding bonds.

1 (3) Bonds may be authorized by a resolution of the
2 Authority and may be secured by a trust agreement by and
3 between the Authority and a corporate trustee or trustees,
4 which may be any trust company or bank having the powers of a
5 trust company within or without the State. Bonds may:

6 (i) Mature at a time or times, whether as serial bonds
7 or as term bonds or both, not exceeding 40 years from their
8 respective dates of issue;

9 (ii) Notwithstanding the provisions ~~provision~~ of the
10 Bond Authorization Act ~~"An Act to authorize public~~
11 ~~corporations to issue bonds, other evidences of~~
12 ~~indebtedness and tax anticipation warrants subject to~~
13 ~~interest rate limitations set forth therein", approved May~~
14 ~~26, 1970, as now or hereafter amended,~~ or any other
15 provision of law, bear interest at any fixed or variable
16 rate or rates determined by the method provided in the
17 resolution or trust agreement;

18 (iii) Be payable at a time or times, in the
19 denominations and form, either coupon or registered or
20 both, and carry the registration and privileges as to
21 exchange, transfer, or conversion and for the replacement
22 of mutilated, lost, or destroyed bonds as the resolution
23 or trust agreement may provide;

24 (iv) Be payable in lawful money of the United States
25 at a designated place;

26 (v) Be subject to the terms of purchase, payment,

1 redemption, refunding, or refinancing that the resolution
2 or trust agreement provides;

3 (vi) Be executed by the manual or facsimile signatures
4 of the officers of the Authority designated by the
5 Authority which signatures shall be valid at delivery even
6 for one who has ceased to hold office; and

7 (vii) Be sold in the manner and upon the terms
8 determined by the Authority.

9 (B) Any resolution or trust agreement may contain
10 provisions which shall be a part of the contract with the
11 holders of the bonds as to:

12 (1) Pledging, assigning, or directing the use,
13 investment, or disposition of all or any part of the
14 revenues of the Authority or proceeds or benefits of any
15 contract, including, without limit, any management
16 agreement or assistance agreement and conveying or
17 otherwise securing any property or property rights;

18 (2) The setting aside of loan funding deposits, debt
19 service reserves, capitalized interest accounts,
20 replacement or operating reserves, cost of issuance
21 accounts and sinking funds, and the regulation,
22 investment, and disposition thereof;

23 (3) Limitations on the purposes to which or the
24 investments in which the proceeds of sale of any issue of
25 bonds or the Authority's revenues and receipts may be
26 applied or made;

1 (4) Limitations on the issue of additional bonds, the
2 terms upon which additional bonds may be issued and
3 secured, the terms upon which additional bonds may rank on
4 a parity with, or be subordinate or superior to, other
5 bonds;

6 (5) The refunding, advance refunding, or refinancing
7 of outstanding bonds;

8 (6) The procedure, if any, by which the terms of any
9 contract with bondholders may be altered or amended and
10 the amount of bonds and holders of which must consent
11 thereto, and the manner in which consent shall be given;

12 (7) Defining the acts or omissions which shall
13 constitute a default in the duties of the Authority to
14 holders of bonds and providing the rights or remedies of
15 such holders in the event of a default which may include
16 provisions restricting individual right of action by
17 bondholders;

18 (8) Providing for guarantees, pledges of property,
19 letters of credit, or other security, or insurance for the
20 benefit of bondholders; and

21 (9) Any other matter relating to the bonds which the
22 Authority determines appropriate.

23 (C) No member of the Authority nor any person executing
24 the bonds shall be liable personally on the bonds or subject to
25 any personal liability by reason of the issuance of the bonds.

26 (D) The Authority may enter into agreements with agents,

1 banks, insurers, or others for the purpose of enhancing the
2 marketability of or security for its bonds.

3 (E) (1) A pledge by the Authority of revenues and receipts
4 as security for an issue of bonds or for the performance of its
5 obligations under any management agreement or assistance
6 agreement shall be valid and binding from the time when the
7 pledge is made.

8 (2) The revenues and receipts pledged shall immediately be
9 subject to the lien of the pledge without any physical
10 delivery or further act, and the lien of any pledge shall be
11 valid and binding against any person having any claim of any
12 kind in tort, contract, or otherwise against the Authority,
13 irrespective of whether the person has notice.

14 (3) No resolution, trust agreement, management agreement, or
15 or assistance agreement or any financing statement,
16 continuation statement, or other instrument adopted or entered
17 into by the Authority need be filed or recorded in any public
18 record other than the records of the Authority in order to
19 perfect the lien against third persons, regardless of any
20 contrary provision of law.

21 (F) The Authority may issue bonds to refund, advance
22 refund, or refinance any of its bonds then outstanding,
23 including the payment of any redemption premium and any
24 interest accrued or to accrue to the earliest or any
25 subsequent date of redemption, purchase, or maturity of the
26 bonds. Refunding or advance refunding bonds may be issued for

1 the public purposes of realizing savings in the effective
2 costs of debt service, directly or through a debt
3 restructuring, for alleviating impending or actual default, or
4 for paying principal of, redemption premium, if any, and
5 interest on bonds as they mature or are subject to redemption,
6 and may be issued in one or more series in an amount in excess
7 of that of the bonds to be refunded.

8 (G) At no time shall the total outstanding bonds and notes
9 of the Authority issued under this Section 13 exceed (i)
10 \$150,000,000 in connection with facilities owned by the
11 Authority or in connection with other authorized corporate
12 purposes of the Authority and (ii) \$399,000,000 in connection
13 with facilities owned by a governmental owner other than the
14 Authority; however, the limit on the total outstanding bond
15 and notes set forth in this sentence shall not apply to any
16 refunding or restructuring bonds issued by the Authority on
17 and after June 17, 2021 (the effective date of Public Act
18 102-16) ~~this amendatory Act of the 102nd General Assembly~~ but
19 prior to December 31, 2024. Bonds which are being paid or
20 retired by issuance, sale, or delivery of bonds or notes, and
21 bonds or notes for which sufficient funds have been deposited
22 with the paying agent or trustee to provide for payment of
23 principal and interest thereon, and any redemption premium, as
24 provided in the authorizing resolution, shall not be
25 considered outstanding for the purposes of this paragraph.

26 (H) The bonds and notes of the Authority shall not be

1 indebtedness of the City of Chicago, of the State, or of any
2 political subdivision of the State other than the Authority.
3 The bonds and notes of the Authority are not general
4 obligations of the State of Illinois or the City of Chicago, or
5 of any other political subdivision of the State other than the
6 Authority, and are not secured by a pledge of the full faith
7 and credit of the State of Illinois or the City of Chicago, or
8 of any other political subdivision of the State other than the
9 Authority, and the holders of bonds and notes of the Authority
10 may not require the levy or imposition by the State or the City
11 of Chicago, or any other political subdivision of the State
12 other than the Authority, of any taxes or, except as provided
13 in this Act, the application of revenues or funds of the State
14 of Illinois or the City of Chicago or any other political
15 subdivision of the State other than the Authority to the
16 payment of bonds and notes of the Authority.

17 (I) In order to provide for the payment of debt service
18 requirements (including amounts for reserve funds and to pay
19 the costs of credit enhancements) on bonds issued pursuant to
20 this Act, the Authority may provide in any trust agreement
21 securing such bonds for a pledge and assignment of its right to
22 all amounts to be received from the Illinois Sports Facilities
23 Fund and for a pledge and assignment (subject to the terms of
24 any management agreement or assistance agreement) of all taxes
25 and other amounts to be received under Section 19 of this Act
26 and may further provide by written notice to the State

1 Treasurer and State Comptroller (which notice shall constitute
2 a direction to those officers) for a direct payment of these
3 amounts to the trustee for its bondholders.

4 (J) The State of Illinois pledges to and agrees with the
5 holders of the bonds and notes of the Authority issued
6 pursuant to this Act that the State will not limit or alter the
7 rights and powers vested in the Authority by this Act so as to
8 impair the terms of any contract made by the Authority with
9 such holders or in any way impair the rights and remedies of
10 such holders until such bonds and notes, together with
11 interest thereon, with interest on any unpaid installments of
12 interest, and all costs and expenses in connection with any
13 action or proceedings by or on behalf of such holders, are
14 fully met and discharged. In addition, the State pledges to
15 and agrees with the holders of the bonds and notes of the
16 Authority issued pursuant to this Act that the State will not
17 limit or alter the basis on which State funds are to be
18 allocated, deposited and paid to the Authority as provided in
19 this Act, or the use of such funds, so as to impair the terms
20 of any such contract. The Authority is authorized to include
21 these pledges and agreements of the State in any contract with
22 the holders of bonds or notes issued pursuant to this Section.
23 Nothing in Public Act 102-16 ~~this amendatory Act of the 102nd~~
24 ~~General Assembly~~ is intended to limit or alter the rights and
25 powers of the Authority so as to impair the terms of any
26 contract made by the Authority with the holders of the bonds

1 and notes of the Authority issued pursuant to this Act.

2 (Source: P.A. 102-16, eff. 6-17-21; revised 7-25-24.)

3 Section 605. The Downstate Illinois Sports Facilities
4 Authority Act is amended by changing Section 100 as follows:

5 (70 ILCS 3210/100)

6 Sec. 100. Bonds and notes.

7 (a) (1) The Authority may at any time and from time to time
8 issue bonds and notes for any corporate purpose, including the
9 establishment of reserves and the payment of interest and
10 costs of issuance. In this Act, the term "bonds" includes
11 notes of any kind, interim certificates, refunding bonds, or
12 any other evidence of obligation for borrowed money issued
13 under this Section 100. Bonds may be issued in one or more
14 series and may be payable and secured either on a parity with
15 or separately from other bonds.

16 (2) The bonds of any issue shall be payable solely from all
17 or any part of the property or revenues of the Authority,
18 including, without limitation:

19 (i) Rents, rates, fees, charges, or other revenues
20 payable to or any receipts of the Authority, including
21 amounts which are deposited pursuant to the Act with a
22 trustee for bondholders;

23 (ii) Payments by financial institutions, insurance
24 companies, or others pursuant to letters or lines of

1 credit, policies of insurance, or purchase agreements;

2 (iii) Investment earnings from funds or accounts
3 maintained pursuant to a bond resolution or trust
4 agreement; and

5 (iv) Proceeds of refunding bonds.

6 (3) Bonds may be authorized by a resolution of the
7 Authority and may be secured by a trust agreement by and
8 between the Authority and a corporate trustee or trustees,
9 which may be any trust company or bank having the powers of a
10 trust company within or without the State. Bonds may:

11 (i) Mature at a time or times, whether as serial
12 bonds, as term bonds, or as both, not exceeding 40 years
13 from their respective dates of issue;

14 (ii) Notwithstanding the provisions ~~provision~~ of the
15 Bond Authorization Act ~~"An Act to authorize public~~
16 ~~corporations to issue bonds, other evidences of~~
17 ~~indebtedness and tax anticipation warrants subject to~~
18 ~~interest rate limitations set forth therein", approved May~~
19 ~~26, 1970, as now or hereafter amended,~~ or any other
20 provision of law, bear interest at any fixed or variable
21 rate or rates determined by the method provided in the
22 resolution or trust agreement;

23 (iii) Be payable at a time or times, in the
24 denominations and form, either coupon, or registered, or
25 both, and carry the registration and privileges as to
26 exchange, transfer or conversion and for the replacement

1 of mutilated, lost or destroyed bonds as the resolution or
2 trust agreement may provide;

3 (iv) Be payable in lawful money of the United States
4 at a designated place;

5 (v) Be subject to the terms of purchase, payment,
6 redemption, refunding, or refinancing that the resolution
7 or trust agreement provides;

8 (vi) Be executed by the manual or facsimile signatures
9 of the officers of the Authority designated by the
10 Authority which signatures shall be valid at delivery even
11 for one who has ceased to hold office; and

12 (vii) Be sold in the manner and upon the terms
13 determined by the Authority.

14 (b) Any resolution or trust agreement may contain
15 provisions which shall be part of the contract with the
16 holders of the bonds as to:

17 (1) Pledging, assigning, or directing the use,
18 investment, or disposition of all or any part of the
19 revenues of the Authority or proceeds or benefits of any
20 contract, including, without limit, any management
21 agreement or assistance agreement and conveying or
22 otherwise securing any property or property rights;

23 (2) The setting aside of loan funding deposits, debt
24 service reserves, capitalized interest accounts,
25 replacement or operating reserves, cost of issuance
26 accounts and sinking funds, and the regulation,

1 investment, and disposition thereof;

2 (3) Limitations on the purposes to which or the
3 investments in which the proceeds of sale of any issue of
4 bonds or the Authority's revenues and receipts may be
5 applied or made;

6 (4) Limitations on the issue of additional bonds, the
7 terms upon which additional bonds may be issued and
8 secured, the terms upon which additional bonds may rank on
9 a parity with, or be subordinate or superior to, other
10 bonds;

11 (5) The refinancing, advance refunding, or refinancing
12 of outstanding bonds;

13 (6) The procedure, if any, by which the terms of any
14 contract with bondholders may be altered or amended and
15 the amount of bonds and holders of which must consent
16 thereto, and the manner in which consent shall be given;

17 (7) Defining the acts or omissions which shall
18 constitute a default in the duties of the Authority to
19 holders of bonds and providing the rights or remedies of
20 such holders in the event of a default which may include
21 provisions restricting individual right of action by
22 bondholders;

23 (8) Providing for guarantees, pledges of property,
24 letters of credit, or other security, or insurance for the
25 benefit of bondholders; and

26 (9) Any other matter relating to the bonds which the

1 Authority determines appropriate.

2 (c) No member of the Authority nor any person executing
3 the bonds shall be liable personally on the bonds or subject to
4 any personal liability by reason of the issuance of the bonds.

5 (d) The Authority may enter into agreements with agents,
6 banks, insurers, or others for the purpose of enhancing the
7 marketability of or security for its bonds.

8 (e) (1) A pledge by the Authority of revenues and receipts
9 as security for an issue of bonds or for the performance of its
10 obligations under any management agreement or assistance
11 agreement shall be valid and binding from the time when the
12 pledge is made.

13 (2) The revenues and receipts pledged shall
14 immediately be subject to the lien of the pledge without
15 any physical delivery or further act, and the lien of any
16 pledge shall be valid and binding against any person
17 having any claim of any kind in tort, contract, or
18 otherwise against the Authority, irrespective of whether
19 the person has notice.

20 (3) No resolution, trust agreement, management
21 agreement, or assistance agreement or any financing
22 statement, continuation statement, or other instrument
23 adopted or entered into by the Authority need be filed or
24 recorded in any public record other than the records of
25 the Authority in order to perfect the lien against third
26 persons, regardless of any contrary provision of law.

1 (f) The Authority may issue bonds to refund, advance
2 refund, or refinance any of its bonds then outstanding,
3 including the payment of any redemption premium and any
4 interest accrued or to accrue to the earliest or any
5 subsequent date of redemption, purchase or maturity of the
6 bonds. Refunding or advance refunding bonds may be issued for
7 the public purposes of realizing savings in the effective
8 costs of debt service, directly or through a debt
9 restructuring, for alleviating impending or actual default, or
10 for paying principal of, redemption premium, if any, and
11 interest on bonds as they mature or are subject to redemption,
12 and may be issued in one or more series in an amount in excess
13 of that of the bonds to be refunded.

14 (g) At no time shall the total outstanding bonds and notes
15 of the Authority issued under this Section 100 exceed (i)
16 \$40,000,000 in connection with facilities owned by the
17 Authority; and (ii) \$40,000,000 in connection with facilities
18 owned by a governmental owner other than the Authority. Bonds
19 which are being paid or retired by issuance, sale, or delivery
20 of bonds or notes, and bonds or notes for which sufficient
21 funds have been deposited with the paying agent or trustee to
22 provide for payment of principal and interest thereon, and any
23 redemption premium, as provided in the authorizing resolution,
24 shall not be considered outstanding for the purposes of this
25 paragraph.

26 (h) The bonds and notes of the Authority shall not be

1 indebtedness of the State, or of any political subdivision of
2 the State other than the Authority. The bonds and notes of the
3 Authority are not general obligations of the State of
4 Illinois, or of any other political subdivision of the State
5 other than the Authority, and are not secured by a pledge of
6 the full faith and credit of the State of Illinois, or of any
7 other political subdivision of the State other than the
8 Authority, and the holders of bonds and notes of the Authority
9 may not require the levy or imposition by the State, or any
10 other political subdivision of the State other than the
11 Authority, of any taxes or, except as provided in this Act, the
12 application of revenues or funds of the State of Illinois, or
13 any other political subdivision of the State other than the
14 Authority, to the payment of bonds and notes of the Authority.

15 (i) In order to provide for the payment of debt service
16 requirements (including amounts for reserve funds and to pay
17 the costs of credit enhancements) on bonds issued pursuant to
18 this Act, the Authority may provide in any trust agreement
19 securing such bonds for a pledge and assignment of its right to
20 all amounts to be received from the Illinois Sports Facilities
21 Fund and for a pledge and assignment (subject to the terms of
22 any management agreement or assistance agreement) of all taxes
23 and other amounts to be received under Section 100 of this Act
24 and may further provide written notice to the State Treasurer
25 and State Comptroller (which notice shall constitute a
26 direction to those officers) for a direct payment of these

1 amounts to the trustee for its bondholders.

2 (j) The State of Illinois pledges to and agrees with the
3 holders of the bonds and notes of the Authority issued
4 pursuant to this Act that the State will not limit or alter the
5 rights and powers vested in the Authority by this Act so as to
6 impair the terms of any contract made by the Authority with
7 such holders or in any way impair the rights and remedies of
8 such holders until such bonds and notes, together with
9 interest thereon, with interest on any unpaid installments of
10 interest, and all costs and expenses in connection with any
11 action or proceedings by or on behalf of such holders, are
12 fully met and discharged. In addition, the State pledges to
13 and agrees with the holders of the bonds and notes of the
14 Authority issued pursuant to this Act that the State will not
15 limit or alter the basis on which State funds are to be
16 allocated, deposited, and paid to the Authority as provided in
17 this Act, or the use of such funds, so as to impair the terms
18 of any such contract. The Authority is authorized to include
19 these pledges and agreements of the State in any contract with
20 the holders of bonds or notes issued pursuant to this Section.

21 (Source: P.A. 93-227, eff. 1-1-04; revised 7-22-24.)

22 Section 610. The Regional Transportation Authority Act is
23 amended by changing Section 4.03 as follows:

24 (70 ILCS 3615/4.03)

1 Sec. 4.03. Taxes.

2 (a) In order to carry out any of the powers or purposes of
3 the Authority, the Board may, by ordinance adopted with the
4 concurrence of 12 of the then Directors, impose throughout the
5 metropolitan region any or all of the taxes provided in this
6 Section. Except as otherwise provided in this Act, taxes
7 imposed under this Section and civil penalties imposed
8 incident thereto shall be collected and enforced by the State
9 Department of Revenue. The Department shall have the power to
10 administer and enforce the taxes and to determine all rights
11 for refunds for erroneous payments of the taxes. Nothing in
12 Public Act 95-708 is intended to invalidate any taxes
13 currently imposed by the Authority. The increased vote
14 requirements to impose a tax shall only apply to actions taken
15 after January 1, 2008 (the effective date of Public Act
16 95-708).

17 (b) The Board may impose a public transportation tax upon
18 all persons engaged in the metropolitan region in the business
19 of selling at retail motor fuel for operation of motor
20 vehicles upon public highways. The tax shall be at a rate not
21 to exceed 5% of the gross receipts from the sales of motor fuel
22 in the course of the business. As used in this Act, the term
23 "motor fuel" shall have the same meaning as in the Motor Fuel
24 Tax Law. The Board may provide for details of the tax. The
25 provisions of any tax shall conform, as closely as may be
26 practicable, to the provisions of the Municipal Retailers

1 Occupation Tax Act, including, without limitation, conformity
2 to penalties with respect to the tax imposed and as to the
3 powers of the State Department of Revenue to promulgate and
4 enforce rules and regulations relating to the administration
5 and enforcement of the provisions of the tax imposed, except
6 that reference in the Act to any municipality shall refer to
7 the Authority and the tax shall be imposed only with regard to
8 receipts from sales of motor fuel in the metropolitan region,
9 at rates as limited by this Section.

10 (c) In connection with the tax imposed under paragraph (b)
11 of this Section, the Board may impose a tax upon the privilege
12 of using in the metropolitan region motor fuel for the
13 operation of a motor vehicle upon public highways, the tax to
14 be at a rate not in excess of the rate of tax imposed under
15 paragraph (b) of this Section. The Board may provide for
16 details of the tax.

17 (d) The Board may impose a motor vehicle parking tax upon
18 the privilege of parking motor vehicles at off-street parking
19 facilities in the metropolitan region at which a fee is
20 charged, and may provide for reasonable classifications in and
21 exemptions to the tax, for administration and enforcement
22 thereof and for civil penalties and refunds thereunder and may
23 provide criminal penalties thereunder, the maximum penalties
24 not to exceed the maximum criminal penalties provided in the
25 Retailers' Occupation Tax Act. The Authority may collect and
26 enforce the tax itself or by contract with any unit of local

1 government. The State Department of Revenue shall have no
2 responsibility for the collection and enforcement unless the
3 Department agrees with the Authority to undertake the
4 collection and enforcement. As used in this paragraph, the
5 term "parking facility" means a parking area or structure
6 having parking spaces for more than 2 vehicles at which motor
7 vehicles are permitted to park in return for an hourly, daily,
8 or other periodic fee, whether publicly or privately owned,
9 but does not include parking spaces on a public street, the use
10 of which is regulated by parking meters.

11 (e) The Board may impose a Regional Transportation
12 Authority Retailers' Occupation Tax upon all persons engaged
13 in the business of selling tangible personal property at
14 retail in the metropolitan region. In Cook County, the tax
15 rate shall be 1.25% of the gross receipts from sales of food
16 for human consumption that is to be consumed off the premises
17 where it is sold (other than alcoholic beverages, food
18 consisting of or infused with adult use cannabis, soft drinks,
19 candy, and food that has been prepared for immediate
20 consumption) and tangible personal property taxed at the 1%
21 rate under the Retailers' Occupation Tax Act, and 1% of the
22 gross receipts from other taxable sales made in the course of
23 that business. In DuPage, Kane, Lake, McHenry, and Will
24 counties, the tax rate shall be 0.75% of the gross receipts
25 from all taxable sales made in the course of that business. The
26 rate of tax imposed in DuPage, Kane, Lake, McHenry, and Will

1 counties under this Section on sales of aviation fuel on or
2 after December 1, 2019 shall, however, be 0.25% unless the
3 Regional Transportation Authority in DuPage, Kane, Lake,
4 McHenry, and Will counties has an "airport-related purpose"
5 and the additional 0.50% of the 0.75% tax on aviation fuel is
6 expended for airport-related purposes. If there is no
7 airport-related purpose to which aviation fuel tax revenue is
8 dedicated, then aviation fuel is excluded from the additional
9 0.50% of the 0.75% tax. The tax imposed under this Section and
10 all civil penalties that may be assessed as an incident
11 thereof shall be collected and enforced by the State
12 Department of Revenue. The Department shall have full power to
13 administer and enforce this Section; to collect all taxes and
14 penalties so collected in the manner hereinafter provided; and
15 to determine all rights to credit memoranda arising on account
16 of the erroneous payment of tax or penalty hereunder. In the
17 administration of, and compliance with this Section, the
18 Department and persons who are subject to this Section shall
19 have the same rights, remedies, privileges, immunities,
20 powers, and duties, and be subject to the same conditions,
21 restrictions, limitations, penalties, exclusions, exemptions,
22 and definitions of terms, and employ the same modes of
23 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
24 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
25 therein other than the State rate of tax), 2c, 3 (except as to
26 the disposition of taxes and penalties collected, and except

1 that the retailer's discount is not allowed for taxes paid on
2 aviation fuel that are subject to the revenue use requirements
3 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c,
4 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9,
5 10, 11, 12, and 13 of the Retailers' Occupation Tax Act and
6 Section 3-7 of the Uniform Penalty and Interest Act, as fully
7 as if those provisions were set forth herein.

8 The Board and DuPage, Kane, Lake, McHenry, and Will
9 counties must comply with the certification requirements for
10 airport-related purposes under Section 2-22 of the Retailers'
11 Occupation Tax Act. For purposes of this Section,
12 "airport-related purposes" has the meaning ascribed in Section
13 6z-20.2 of the State Finance Act. This exclusion for aviation
14 fuel only applies for so long as the revenue use requirements
15 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
16 Authority.

17 Persons subject to any tax imposed under the authority
18 granted in this Section may reimburse themselves for their
19 seller's tax liability hereunder by separately stating the tax
20 as an additional charge, which charge may be stated in
21 combination in a single amount with State taxes that sellers
22 are required to collect under the Use Tax Act, under any
23 bracket schedules the Department may prescribe.

24 Whenever the Department determines that a refund should be
25 made under this Section to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the warrant to be drawn for the
2 amount specified, and to the person named, in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of the Regional Transportation Authority tax
5 fund established under paragraph (n) of this Section or the
6 Local Government Aviation Trust Fund, as appropriate.

7 If a tax is imposed under this subsection (e), a tax shall
8 also be imposed under subsections (f) and (g) of this Section.

9 For the purpose of determining whether a tax authorized
10 under this Section is applicable, a retail sale by a producer
11 of coal or other mineral mined in Illinois, is a sale at retail
12 at the place where the coal or other mineral mined in Illinois
13 is extracted from the earth. This paragraph does not apply to
14 coal or other mineral when it is delivered or shipped by the
15 seller to the purchaser at a point outside Illinois so that the
16 sale is exempt under the Federal Constitution as a sale in
17 interstate or foreign commerce.

18 No tax shall be imposed or collected under this subsection
19 on the sale of a motor vehicle in this State to a resident of
20 another state if that motor vehicle will not be titled in this
21 State.

22 Nothing in this Section shall be construed to authorize
23 the Regional Transportation Authority to impose a tax upon the
24 privilege of engaging in any business that under the
25 Constitution of the United States may not be made the subject
26 of taxation by this State.

1 (f) If a tax has been imposed under paragraph (e), a
2 Regional Transportation Authority Service Occupation Tax shall
3 also be imposed upon all persons engaged⁷ in the metropolitan
4 region in the business of making sales of service⁷ who¹ as an
5 incident to making the sales of service, transfer tangible
6 personal property within the metropolitan region, either in
7 the form of tangible personal property or in the form of real
8 estate as an incident to a sale of service. In Cook County, the
9 tax rate shall be: (1) 1.25% of the serviceman's cost price of
10 food prepared for immediate consumption and transferred
11 incident to a sale of service subject to the service
12 occupation tax by an entity that is located in the
13 metropolitan region and that is licensed under the Hospital
14 Licensing Act, the Nursing Home Care Act, the Assisted Living
15 and Shared Housing Act, the Specialized Mental Health
16 Rehabilitation Act of 2013, the ID/DD Community Care Act, the
17 MC/DD Act, or the Child Care Act of 1969, or an entity that
18 holds a permit issued pursuant to the Life Care Facilities
19 Act; (2) 1.25% of the selling price of food for human
20 consumption that is to be consumed off the premises where it is
21 sold (other than alcoholic beverages, food consisting of or
22 infused with adult use cannabis, soft drinks, candy, and food
23 that has been prepared for immediate consumption) and tangible
24 personal property taxed at the 1% rate under the Service
25 Occupation Tax Act; and (3) 1% of the selling price from other
26 taxable sales of tangible personal property transferred. In

1 DuPage, Kane, Lake, McHenry, and Will counties, the rate shall
2 be 0.75% of the selling price of all tangible personal
3 property transferred. The rate of tax imposed in DuPage, Kane,
4 Lake, McHenry, and Will counties under this Section on sales
5 of aviation fuel on or after December 1, 2019 shall, however,
6 be 0.25% unless the Regional Transportation Authority in
7 DuPage, Kane, Lake, McHenry, and Will counties has an
8 "airport-related purpose" and the additional 0.50% of the
9 0.75% tax on aviation fuel is expended for airport-related
10 purposes. If there is no airport-related purpose to which
11 aviation fuel tax revenue is dedicated, then aviation fuel is
12 excluded from the additional 0.5% of the 0.75% tax.

13 The Board and DuPage, Kane, Lake, McHenry, and Will
14 counties must comply with the certification requirements for
15 airport-related purposes under Section 2-22 of the Retailers'
16 Occupation Tax Act. For purposes of this Section,
17 "airport-related purposes" has the meaning ascribed in Section
18 6z-20.2 of the State Finance Act. This exclusion for aviation
19 fuel only applies for so long as the revenue use requirements
20 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
21 Authority.

22 The tax imposed under this paragraph and all civil
23 penalties that may be assessed as an incident thereof shall be
24 collected and enforced by the State Department of Revenue. The
25 Department shall have full power to administer and enforce
26 this paragraph; to collect all taxes and penalties due

1 hereunder; to dispose of taxes and penalties collected in the
2 manner hereinafter provided; and to determine all rights to
3 credit memoranda arising on account of the erroneous payment
4 of tax or penalty hereunder. In the administration of and
5 compliance with this paragraph, the Department and persons who
6 are subject to this paragraph shall have the same rights,
7 remedies, privileges, immunities, powers, and duties, and be
8 subject to the same conditions, restrictions, limitations,
9 penalties, exclusions, exemptions, and definitions of terms,
10 and employ the same modes of procedure, as are prescribed in
11 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
12 provisions therein other than the State rate of tax), 4
13 (except that the reference to the State shall be to the
14 Authority), 5, 7, 8 (except that the jurisdiction to which the
15 tax shall be a debt to the extent indicated in that Section 8
16 shall be the Authority), 9 (except as to the disposition of
17 taxes and penalties collected, and except that the returned
18 merchandise credit for this tax may not be taken against any
19 State tax, and except that the retailer's discount is not
20 allowed for taxes paid on aviation fuel that are subject to the
21 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
22 47133), 10, 11, 12 (except the reference therein to Section 2b
23 of the Retailers' Occupation Tax Act), 13 (except that any
24 reference to the State shall mean the Authority), the first
25 paragraph of Section 15, 16, 17, 18, 19, and 20 of the Service
26 Occupation Tax Act and Section 3-7 of the Uniform Penalty and

1 Interest Act, as fully as if those provisions were set forth
2 herein.

3 Persons subject to any tax imposed under the authority
4 granted in this paragraph may reimburse themselves for their
5 serviceman's tax liability hereunder by separately stating the
6 tax as an additional charge, that charge may be stated in
7 combination in a single amount with State tax that servicemen
8 are authorized to collect under the Service Use Tax Act, under
9 any bracket schedules the Department may prescribe.

10 Whenever the Department determines that a refund should be
11 made under this paragraph to a claimant instead of issuing a
12 credit memorandum, the Department shall notify the State
13 Comptroller, who shall cause the warrant to be drawn for the
14 amount specified, and to the person named in the notification
15 from the Department. The refund shall be paid by the State
16 Treasurer out of the Regional Transportation Authority tax
17 fund established under paragraph (n) of this Section or the
18 Local Government Aviation Trust Fund, as appropriate.

19 Nothing in this paragraph shall be construed to authorize
20 the Authority to impose a tax upon the privilege of engaging in
21 any business that under the Constitution of the United States
22 may not be made the subject of taxation by the State.

23 (g) If a tax has been imposed under paragraph (e), a tax
24 shall also be imposed upon the privilege of using in the
25 metropolitan region, any item of tangible personal property
26 that is purchased outside the metropolitan region at retail

1 from a retailer, and that is titled or registered with an
2 agency of this State's government. In Cook County, the tax
3 rate shall be 1% of the selling price of the tangible personal
4 property, as "selling price" is defined in the Use Tax Act. In
5 DuPage, Kane, Lake, McHenry, and Will counties, the tax rate
6 shall be 0.75% of the selling price of the tangible personal
7 property, as "selling price" is defined in the Use Tax Act. The
8 tax shall be collected from persons whose Illinois address for
9 titling or registration purposes is given as being in the
10 metropolitan region. The tax shall be collected by the
11 Department of Revenue for the Regional Transportation
12 Authority. The tax must be paid to the State, or an exemption
13 determination must be obtained from the Department of Revenue,
14 before the title or certificate of registration for the
15 property may be issued. The tax or proof of exemption may be
16 transmitted to the Department by way of the State agency with
17 which, or the State officer with whom, the tangible personal
18 property must be titled or registered if the Department and
19 the State agency or State officer determine that this
20 procedure will expedite the processing of applications for
21 title or registration.

22 The Department shall have full power to administer and
23 enforce this paragraph; to collect all taxes, penalties, and
24 interest due hereunder; to dispose of taxes, penalties, and
25 interest collected in the manner hereinafter provided; and to
26 determine all rights to credit memoranda or refunds arising on

1 account of the erroneous payment of tax, penalty, or interest
2 hereunder. In the administration of and compliance with this
3 paragraph, the Department and persons who are subject to this
4 paragraph shall have the same rights, remedies, privileges,
5 immunities, powers, and duties, and be subject to the same
6 conditions, restrictions, limitations, penalties, exclusions,
7 exemptions, and definitions of terms and employ the same modes
8 of procedure, as are prescribed in Sections 2 (except the
9 definition of "retailer maintaining a place of business in
10 this State"), 3 through 3-80 (except provisions pertaining to
11 the State rate of tax, and except provisions concerning
12 collection or refunding of the tax by retailers), 4, 11, 12,
13 12a, 14, 15, 19 (except the portions pertaining to claims by
14 retailers and except the last paragraph concerning refunds),
15 20, 21, and 22 of the Use Tax Act, and are not inconsistent
16 with this paragraph, as fully as if those provisions were set
17 forth herein.

18 Whenever the Department determines that a refund should be
19 made under this paragraph to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause the order to be drawn for the
22 amount specified, and to the person named in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of the Regional Transportation Authority tax
25 fund established under paragraph (n) of this Section.

26 (g-5) If, on January 1, 2025, a unit of local government

1 has in effect a tax under subsections (e), (f), and (g), or if,
2 after January 1, 2025, a unit of local government imposes a tax
3 under subsections (e), (f), and (g), then that tax applies to
4 leases of tangible personal property in effect, entered into,
5 or renewed on or after that date in the same manner as the tax
6 under this Section and in accordance with the changes made by
7 Public Act 103-592 ~~this amendatory Act of the 103rd General~~
8 ~~Assembly.~~

9 (h) The Authority may impose a replacement vehicle tax of
10 \$50 on any passenger car as defined in Section 1-157 of the
11 Illinois Vehicle Code purchased within the metropolitan region
12 by or on behalf of an insurance company to replace a passenger
13 car of an insured person in settlement of a total loss claim.
14 The tax imposed may not become effective before the first day
15 of the month following the passage of the ordinance imposing
16 the tax and receipt of a certified copy of the ordinance by the
17 Department of Revenue. The Department of Revenue shall collect
18 the tax for the Authority in accordance with Sections 3-2002
19 and 3-2003 of the Illinois Vehicle Code.

20 The Department shall immediately pay over to the State
21 Treasurer, ex officio, as trustee, all taxes collected
22 hereunder.

23 As soon as possible after the first day of each month,
24 beginning January 1, 2011, upon certification of the
25 Department of Revenue, the Comptroller shall order
26 transferred, and the Treasurer shall transfer, to the STAR

1 Bonds Revenue Fund the local sales tax increment, as defined
2 in the Innovation Development and Economy Act, collected under
3 this Section during the second preceding calendar month for
4 sales within a STAR bond district.

5 After the monthly transfer to the STAR Bonds Revenue Fund,
6 on or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 disbursement of stated sums of money to the Authority. The
9 amount to be paid to the Authority shall be the amount
10 collected hereunder during the second preceding calendar month
11 by the Department, less any amount determined by the
12 Department to be necessary for the payment of refunds, and
13 less any amounts that are transferred to the STAR Bonds
14 Revenue Fund. Within 10 days after receipt by the Comptroller
15 of the disbursement certification to the Authority provided
16 for in this Section to be given to the Comptroller by the
17 Department, the Comptroller shall cause the orders to be drawn
18 for that amount in accordance with the directions contained in
19 the certification.

20 (i) The Board may not impose any other taxes except as it
21 may from time to time be authorized by law to impose.

22 (j) A certificate of registration issued by the State
23 Department of Revenue to a retailer under the Retailers'
24 Occupation Tax Act or under the Service Occupation Tax Act
25 shall permit the registrant to engage in a business that is
26 taxed under the tax imposed under paragraphs (b), (e), (f) or

1 (g) of this Section and no additional registration shall be
2 required under the tax. A certificate issued under the Use Tax
3 Act or the Service Use Tax Act shall be applicable with regard
4 to any tax imposed under paragraph (c) of this Section.

5 (k) The provisions of any tax imposed under paragraph (c)
6 of this Section shall conform as closely as may be practicable
7 to the provisions of the Use Tax Act, including, without
8 limitation, conformity as to penalties with respect to the tax
9 imposed and as to the powers of the State Department of Revenue
10 to promulgate and enforce rules and regulations relating to
11 the administration and enforcement of the provisions of the
12 tax imposed. The taxes shall be imposed only on use within the
13 metropolitan region and at rates as provided in the paragraph.

14 (l) The Board in imposing any tax as provided in
15 paragraphs (b) and (c) of this Section, shall, after seeking
16 the advice of the State Department of Revenue, provide means
17 for retailers, users or purchasers of motor fuel for purposes
18 other than those with regard to which the taxes may be imposed
19 as provided in those paragraphs to receive refunds of taxes
20 improperly paid, which provisions may be at variance with the
21 refund provisions as applicable under the Municipal Retailers
22 Occupation Tax Act. The State Department of Revenue may
23 provide for certificates of registration for users or
24 purchasers of motor fuel for purposes other than those with
25 regard to which taxes may be imposed as provided in paragraphs
26 (b) and (c) of this Section to facilitate the reporting and

1 nontaxability of the exempt sales or uses.

2 (m) Any ordinance imposing or discontinuing any tax under
3 this Section shall be adopted and a certified copy thereof
4 filed with the Department on or before June 1, whereupon the
5 Department of Revenue shall proceed to administer and enforce
6 this Section on behalf of the Regional Transportation
7 Authority as of September 1 next following such adoption and
8 filing. Beginning January 1, 1992, an ordinance or resolution
9 imposing or discontinuing the tax hereunder shall be adopted
10 and a certified copy thereof filed with the Department on or
11 before the first day of July, whereupon the Department shall
12 proceed to administer and enforce this Section as of the first
13 day of October next following such adoption and filing.
14 Beginning January 1, 1993, an ordinance or resolution
15 imposing, increasing, decreasing, or discontinuing the tax
16 hereunder shall be adopted and a certified copy thereof filed
17 with the Department, whereupon the Department shall proceed to
18 administer and enforce this Section as of the first day of the
19 first month to occur not less than 60 days following such
20 adoption and filing. Any ordinance or resolution of the
21 Authority imposing a tax under this Section and in effect on
22 August 1, 2007 shall remain in full force and effect and shall
23 be administered by the Department of Revenue under the terms
24 and conditions and rates of tax established by such ordinance
25 or resolution until the Department begins administering and
26 enforcing an increased tax under this Section as authorized by

1 Public Act 95-708. The tax rates authorized by Public Act
2 95-708 are effective only if imposed by ordinance of the
3 Authority.

4 (n) Except as otherwise provided in this subsection (n),
5 the State Department of Revenue shall, upon collecting any
6 taxes as provided in this Section, pay the taxes over to the
7 State Treasurer as trustee for the Authority. The taxes shall
8 be held in a trust fund outside the State Treasury. If an
9 airport-related purpose has been certified, taxes and
10 penalties collected in DuPage, Kane, Lake, McHenry and Will
11 counties on aviation fuel sold on or after December 1, 2019
12 from the 0.50% of the 0.75% rate shall be immediately paid over
13 by the Department to the State Treasurer, ex officio, as
14 trustee, for deposit into the Local Government Aviation Trust
15 Fund. The Department shall only pay moneys into the Local
16 Government Aviation Trust Fund under this Act for so long as
17 the revenue use requirements of 49 U.S.C. 47107(b) and 49
18 U.S.C. 47133 are binding on the Authority. On or before the
19 25th day of each calendar month, the State Department of
20 Revenue shall prepare and certify to the Comptroller of the
21 State of Illinois and to the Authority (i) the amount of taxes
22 collected in each county other than Cook County in the
23 metropolitan region, (not including, if an airport-related
24 purpose has been certified, the taxes and penalties collected
25 from the 0.50% of the 0.75% rate on aviation fuel sold on or
26 after December 1, 2019 that are deposited into the Local

1 Government Aviation Trust Fund) (ii) the amount of taxes
2 collected within the City of Chicago, and (iii) the amount
3 collected in that portion of Cook County outside of Chicago,
4 each amount less the amount necessary for the payment of
5 refunds to taxpayers located in those areas described in items
6 (i), (ii), and (iii), and less 1.5% of the remainder, which
7 shall be transferred from the trust fund into the Tax
8 Compliance and Administration Fund. The Department, at the
9 time of each monthly disbursement to the Authority, shall
10 prepare and certify to the State Comptroller the amount to be
11 transferred into the Tax Compliance and Administration Fund
12 under this subsection. Within 10 days after receipt by the
13 Comptroller of the certification of the amounts, the
14 Comptroller shall cause an order to be drawn for the transfer
15 of the amount certified into the Tax Compliance and
16 Administration Fund and the payment of two-thirds of the
17 amounts certified in item (i) of this subsection to the
18 Authority and one-third of the amounts certified in item (i)
19 of this subsection to the respective counties other than Cook
20 County and the amount certified in items (ii) and (iii) of this
21 subsection to the Authority.

22 In addition to the disbursement required by the preceding
23 paragraph, an allocation shall be made in July 1991 and each
24 year thereafter to the Regional Transportation Authority. The
25 allocation shall be made in an amount equal to the average
26 monthly distribution during the preceding calendar year

1 (excluding the 2 months of lowest receipts) and the allocation
2 shall include the amount of average monthly distribution from
3 the Regional Transportation Authority Occupation and Use Tax
4 Replacement Fund. The distribution made in July 1992 and each
5 year thereafter under this paragraph and the preceding
6 paragraph shall be reduced by the amount allocated and
7 disbursed under this paragraph in the preceding calendar year.
8 The Department of Revenue shall prepare and certify to the
9 Comptroller for disbursement the allocations made in
10 accordance with this paragraph.

11 (o) Failure to adopt a budget ordinance or otherwise to
12 comply with Section 4.01 of this Act or to adopt a Five-year
13 Capital Program or otherwise to comply with paragraph (b) of
14 Section 2.01 of this Act shall not affect the validity of any
15 tax imposed by the Authority otherwise in conformity with law.

16 (p) At no time shall a public transportation tax or motor
17 vehicle parking tax authorized under paragraphs (b), (c), and
18 (d) of this Section be in effect at the same time as any
19 retailers' occupation, use or service occupation tax
20 authorized under paragraphs (e), (f), and (g) of this Section
21 is in effect.

22 Any taxes imposed under the authority provided in
23 paragraphs (b), (c), and (d) shall remain in effect only until
24 the time as any tax authorized by paragraph (e), (f), or (g) of
25 this Section is ~~are~~ imposed and becomes effective. Once any
26 tax authorized by paragraph (e), (f), or (g) is imposed the

1 Board may not reimpose taxes as authorized in paragraphs (b),
2 (c), and (d) of the Section unless any tax authorized by
3 paragraph (e), (f), or (g) of this Section becomes ineffective
4 by means other than an ordinance of the Board.

5 (q) Any existing rights, remedies and obligations
6 (including enforcement by the Regional Transportation
7 Authority) arising under any tax imposed under paragraph (b),
8 (c), or (d) of this Section shall not be affected by the
9 imposition of a tax under paragraph (e), (f), or (g) of this
10 Section.

11 (Source: P.A. 102-700, eff. 4-19-22; 103-592, eff. 1-1-25;
12 103-781, eff. 8-5-24; revised 11-26-24.)

13 Section 615. The School Code is amended by changing
14 Sections 1D-1, 2-3.25f, 2-3.169, 5-1, 5-2.2, 5-13, 10-16a,
15 10-22.3f, 10-22.6, 10-22.22, 10-22.24b, 10-22.36, 14A-32,
16 18-8.15, 19-1, 21B-50, 22-94, 24-4.1, 24A-2.5, 24A-5, 27A-5,
17 34-18, 34-18.68, 34-22.6, 34-22.10, and 34A-502 and by setting
18 forth and renumbering multiple versions of Sections 2-3.204,
19 27-23.17, and 34-18.85 as follows:

20 (105 ILCS 5/1D-1)

21 (Text of Section from P.A. 100-55 and 103-594)

22 Sec. 1D-1. Block grant funding.

23 (a) For fiscal year 1996 and each fiscal year thereafter,
24 the State Board of Education shall award to a school district

1 having a population exceeding 500,000 inhabitants a general
2 education block grant and an educational services block grant,
3 determined as provided in this Section, in lieu of
4 distributing to the district separate State funding for the
5 programs described in subsections (b) and (c). The provisions
6 of this Section, however, do not apply to any federal funds
7 that the district is entitled to receive. In accordance with
8 Section 2-3.32, all block grants are subject to an audit.
9 Therefore, block grant receipts and block grant expenditures
10 shall be recorded to the appropriate fund code for the
11 designated block grant.

12 (b) The general education block grant shall include the
13 following programs: REI Initiative, Summer Bridges, K-6
14 Comprehensive Arts, School Improvement Support, Urban
15 Education, Scientific Literacy, Substance Abuse Prevention,
16 Second Language Planning, Staff Development, Outcomes and
17 Assessment, K-6 Reading Improvement, 7-12 Continued Reading
18 Improvement, Truants' Optional Education, Hispanic Programs,
19 Agriculture Education, Report Cards, and Criminal Background
20 Investigations. The general education block grant shall also
21 include Preschool Education, Parental Training, and Prevention
22 Initiative through June 30, 2026. Notwithstanding any other
23 provision of law, all amounts paid under the general education
24 block grant from State appropriations to a school district in
25 a city having a population exceeding 500,000 inhabitants shall
26 be appropriated and expended by the board of that district for

1 any of the programs included in the block grant or any of the
2 board's lawful purposes. Beginning in Fiscal Year 2018, at
3 least 25% of any additional Preschool Education, Parental
4 Training, and Prevention Initiative program funding over and
5 above the previous fiscal year's allocation shall be used to
6 fund programs for children ages 0-3. Beginning in Fiscal Year
7 2018, funding for Preschool Education, Parental Training, and
8 Prevention Initiative programs above the allocation for these
9 programs in Fiscal Year 2017 must be used solely as a
10 supplement for these programs and may not supplant funds
11 received from other sources.

12 (b-5) Beginning in Fiscal Year 2027, the Department of
13 Early Childhood shall award a block grant for Preschool
14 Education, Parental Training, and Prevention Initiative to a
15 school district having a population exceeding 500,000
16 inhabitants. The grants are subject to audit. Therefore, block
17 grant receipts and block grant expenditures shall be recorded
18 to the appropriate fund code for the designated block grant.
19 Notwithstanding any other provision of law, all amounts paid
20 under the block grant from State appropriations to a school
21 district in a city having a population exceeding 500,000
22 inhabitants shall be appropriated and expended by the board of
23 that district for any of the programs included in the block
24 grant or any of the board's lawful purposes. The district is
25 not required to file any application or other claim in order to
26 receive the block grant to which it is entitled under this

1 Section. The Department of Early Childhood shall make payments
2 to the district of amounts due under the district's block
3 grant on a schedule determined by the Department. A school
4 district to which this Section applies shall report to the
5 Department of Early Childhood on its use of the block grant in
6 such form and detail as the Department may specify. In
7 addition, the report must include the following description
8 for the district, which must also be reported to the General
9 Assembly: block grant allocation and expenditures by program;
10 population and service levels by program; and administrative
11 expenditures by program. The Department shall ensure that the
12 reporting requirements for the district are the same as for
13 all other school districts in this State. Beginning in Fiscal
14 Year 2018, at least 25% of any additional Preschool Education,
15 Parental Training, and Prevention Initiative program funding
16 over and above the previous fiscal year's allocation shall be
17 used to fund programs for children ages 0-3. Beginning in
18 Fiscal Year 2018, funding for Preschool Education, Parental
19 Training, and Prevention Initiative programs above the
20 allocation for these programs in Fiscal Year 2017 must be used
21 solely as a supplement for these programs and may not supplant
22 funds received from other sources.

23 (c) The educational services block grant shall include the
24 following programs: Regular and Vocational Transportation,
25 State Lunch and Free Breakfast Program, Special Education
26 (Personnel, Transportation, Orphanage, Private Tuition),

1 funding for children requiring special education services,
2 Summer School, Educational Service Centers, and
3 Administrator's Academy. This subsection (c) does not relieve
4 the district of its obligation to provide the services
5 required under a program that is included within the
6 educational services block grant. It is the intention of the
7 General Assembly in enacting the provisions of this subsection
8 (c) to relieve the district of the administrative burdens that
9 impede efficiency and accompany single-program funding. The
10 General Assembly encourages the board to pursue mandate
11 waivers pursuant to Section 2-3.25g.

12 The funding program included in the educational services
13 block grant for funding for children requiring special
14 education services in each fiscal year shall be treated in
15 that fiscal year as a payment to the school district in respect
16 of services provided or costs incurred in the prior fiscal
17 year, calculated in each case as provided in this Section.
18 Nothing in this Section shall change the nature of payments
19 for any program that, apart from this Section, would be or,
20 prior to adoption or amendment of this Section, was on the
21 basis of a payment in a fiscal year in respect of services
22 provided or costs incurred in the prior fiscal year,
23 calculated in each case as provided in this Section.

24 (d) For fiscal year 1996 and each fiscal year thereafter,
25 the amount of the district's block grants shall be determined
26 as follows: (i) with respect to each program that is included

1 within each block grant, the district shall receive an amount
2 equal to the same percentage of the current fiscal year
3 appropriation made for that program as the percentage of the
4 appropriation received by the district from the 1995 fiscal
5 year appropriation made for that program, and (ii) the total
6 amount that is due the district under the block grant shall be
7 the aggregate of the amounts that the district is entitled to
8 receive for the fiscal year with respect to each program that
9 is included within the block grant that the State Board of
10 Education shall award the district under this Section for that
11 fiscal year. In the case of the Summer Bridges program, the
12 amount of the district's block grant shall be equal to 44% of
13 the amount of the current fiscal year appropriation made for
14 that program.

15 (e) The district is not required to file any application
16 or other claim in order to receive the block grants to which it
17 is entitled under this Section. The State Board of Education
18 shall make payments to the district of amounts due under the
19 district's block grants on a schedule determined by the State
20 Board of Education.

21 (f) A school district to which this Section applies shall
22 report to the State Board of Education on its use of the block
23 grants in such form and detail as the State Board of Education
24 may specify. In addition, the report must include the
25 following description for the district, which must also be
26 reported to the General Assembly: block grant allocation and

1 expenditures by program; population and service levels by
2 program; and administrative expenditures by program. The State
3 Board of Education shall ensure that the reporting
4 requirements for the district are the same as for all other
5 school districts in this State.

6 (g) This paragraph provides for the treatment of block
7 grants under Article 1C for purposes of calculating the amount
8 of block grants for a district under this Section. Those block
9 grants under Article 1C are, for this purpose, treated as
10 included in the amount of appropriation for the various
11 programs set forth in paragraph (b) above. The appropriation
12 in each current fiscal year for each block grant under Article
13 1C shall be treated for these purposes as appropriations for
14 the individual program included in that block grant. The
15 proportion of each block grant so allocated to each such
16 program included in it shall be the proportion which the
17 appropriation for that program was of all appropriations for
18 such purposes now in that block grant, in fiscal 1995.

19 Payments to the school district under this Section with
20 respect to each program for which payments to school districts
21 generally, as of the date of this amendatory Act of the 92nd
22 General Assembly, are on a reimbursement basis shall continue
23 to be made to the district on a reimbursement basis, pursuant
24 to the provisions of this Code governing those programs.

25 (h) Notwithstanding any other provision of law, any school
26 district receiving a block grant under this Section may

1 classify all or a portion of the funds that it receives in a
2 particular fiscal year from any block grant authorized under
3 this Code or from general State aid pursuant to Section
4 18-8.05 of this Code (other than supplemental general State
5 aid) as funds received in connection with any funding program
6 for which it is entitled to receive funds from the State in
7 that fiscal year (including, without limitation, any funding
8 program referred to in subsection (c) of this Section),
9 regardless of the source or timing of the receipt. The
10 district may not classify more funds as funds received in
11 connection with the funding program than the district is
12 entitled to receive in that fiscal year for that program. Any
13 classification by a district must be made by a resolution of
14 its board of education. The resolution must identify the
15 amount of any block grant or general State aid to be classified
16 under this subsection (h) and must specify the funding program
17 to which the funds are to be treated as received in connection
18 therewith. This resolution is controlling as to the
19 classification of funds referenced therein. A certified copy
20 of the resolution must be sent to the State Superintendent of
21 Education. The resolution shall still take effect even though
22 a copy of the resolution has not been sent to the State
23 Superintendent of Education in a timely manner. No
24 classification under this subsection (h) by a district shall
25 affect the total amount or timing of money the district is
26 entitled to receive under this Code. No classification under

1 this subsection (h) by a district shall in any way relieve the
2 district from or affect any requirements that otherwise would
3 apply with respect to the block grant as provided in this
4 Section, including any accounting of funds by source,
5 reporting expenditures by original source and purpose,
6 reporting requirements, or requirements of provision of
7 services.

8 (Source: P.A. 100-55, eff. 8-11-17; 103-594, eff. 6-25-24.)

9 (Text of Section from P.A. 100-465 and 103-594)

10 Sec. 1D-1. Block grant funding.

11 (a) For fiscal year 1996 through fiscal year 2017, the
12 State Board of Education shall award to a school district
13 having a population exceeding 500,000 inhabitants a general
14 education block grant and an educational services block grant,
15 determined as provided in this Section, in lieu of
16 distributing to the district separate State funding for the
17 programs described in subsections (b) and (c). The provisions
18 of this Section, however, do not apply to any federal funds
19 that the district is entitled to receive. In accordance with
20 Section 2-3.32, all block grants are subject to an audit.
21 Therefore, block grant receipts and block grant expenditures
22 shall be recorded to the appropriate fund code for the
23 designated block grant.

24 (b) The general education block grant shall include the
25 following programs: REI Initiative, Summer Bridges, Preschool

1 At Risk, K-6 Comprehensive Arts, School Improvement Support,
2 Urban Education, Scientific Literacy, Substance Abuse
3 Prevention, Second Language Planning, Staff Development,
4 Outcomes and Assessment, K-6 Reading Improvement, 7-12
5 Continued Reading Improvement, Truants' Optional Education,
6 Hispanic Programs, Agriculture Education, Report Cards, and
7 Criminal Background Investigations. The general education
8 block grant shall also include Preschool Education, Parental
9 Training, and Prevention Initiative through June 30, 2026.
10 Notwithstanding any other provision of law, all amounts paid
11 under the general education block grant from State
12 appropriations to a school district in a city having a
13 population exceeding 500,000 inhabitants shall be appropriated
14 and expended by the board of that district for any of the
15 programs included in the block grant or any of the board's
16 lawful purposes.

17 (b-5) Beginning in Fiscal Year 2027, the Department of
18 Early Childhood shall award a block grant for Preschool
19 Education, Parental Training, and Prevention Initiative to a
20 school district having a population exceeding 500,000
21 inhabitants. The grants are subject to audit. Therefore, block
22 grant receipts and block grant expenditures shall be recorded
23 to the appropriate fund code for the designated block grant.
24 Notwithstanding any other provision of law, all amounts paid
25 under the block grant from State appropriations to a school
26 district in a city having a population exceeding 500,000

1 inhabitants shall be appropriated and expended by the board of
2 that district for any of the programs included in the block
3 grant or any of the board's lawful purposes. The district is
4 not required to file any application or other claim in order to
5 receive the block grant to which it is entitled under this
6 Section. The Department of Early Childhood shall make payments
7 to the district of amounts due under the district's block
8 grant on a schedule determined by the Department. A school
9 district to which this Section applies shall report to the
10 Department of Early Childhood on its use of the block grant in
11 such form and detail as the Department may specify. In
12 addition, the report must include the following description
13 for the district, which must also be reported to the General
14 Assembly: block grant allocation and expenditures by program;
15 population and service levels by program; and administrative
16 expenditures by program. The Department shall ensure that the
17 reporting requirements for the district are the same as for
18 all other school districts in this State. Beginning in Fiscal
19 Year 2018, at least 25% of any additional Preschool Education,
20 Parental Training, and Prevention Initiative program funding
21 over and above the previous fiscal year's allocation shall be
22 used to fund programs for children ages 0-3. Beginning in
23 Fiscal Year 2018, funding for Preschool Education, Parental
24 Training, and Prevention Initiative programs above the
25 allocation for these programs in Fiscal Year 2017 must be used
26 solely as a supplement for these programs and may not supplant

1 funds received from other sources. ~~(b-10).~~

2 (c) The educational services block grant shall include the
3 following programs: Regular and Vocational Transportation,
4 State Lunch and Free Breakfast Program, Special Education
5 (Personnel, Transportation, Orphanage, Private Tuition),
6 funding for children requiring special education services,
7 Summer School, Educational Service Centers, and
8 Administrator's Academy. This subsection (c) does not relieve
9 the district of its obligation to provide the services
10 required under a program that is included within the
11 educational services block grant. It is the intention of the
12 General Assembly in enacting the provisions of this subsection
13 (c) to relieve the district of the administrative burdens that
14 impede efficiency and accompany single-program funding. The
15 General Assembly encourages the board to pursue mandate
16 waivers pursuant to Section 2-3.25g.

17 The funding program included in the educational services
18 block grant for funding for children requiring special
19 education services in each fiscal year shall be treated in
20 that fiscal year as a payment to the school district in respect
21 of services provided or costs incurred in the prior fiscal
22 year, calculated in each case as provided in this Section.
23 Nothing in this Section shall change the nature of payments
24 for any program that, apart from this Section, would be or,
25 prior to adoption or amendment of this Section, was on the
26 basis of a payment in a fiscal year in respect of services

1 provided or costs incurred in the prior fiscal year,
2 calculated in each case as provided in this Section.

3 (d) For fiscal year 1996 through fiscal year 2017, the
4 amount of the district's block grants shall be determined as
5 follows: (i) with respect to each program that is included
6 within each block grant, the district shall receive an amount
7 equal to the same percentage of the current fiscal year
8 appropriation made for that program as the percentage of the
9 appropriation received by the district from the 1995 fiscal
10 year appropriation made for that program, and (ii) the total
11 amount that is due the district under the block grant shall be
12 the aggregate of the amounts that the district is entitled to
13 receive for the fiscal year with respect to each program that
14 is included within the block grant that the State Board of
15 Education shall award the district under this Section for that
16 fiscal year. In the case of the Summer Bridges program, the
17 amount of the district's block grant shall be equal to 44% of
18 the amount of the current fiscal year appropriation made for
19 that program.

20 (e) The district is not required to file any application
21 or other claim in order to receive the block grants to which it
22 is entitled under this Section. The State Board of Education
23 shall make payments to the district of amounts due under the
24 district's block grants on a schedule determined by the State
25 Board of Education.

26 (f) A school district to which this Section applies shall

1 report to the State Board of Education on its use of the block
2 grants in such form and detail as the State Board of Education
3 may specify. In addition, the report must include the
4 following description for the district, which must also be
5 reported to the General Assembly: block grant allocation and
6 expenditures by program; population and service levels by
7 program; and administrative expenditures by program. The State
8 Board of Education shall ensure that the reporting
9 requirements for the district are the same as for all other
10 school districts in this State.

11 (g) Through fiscal year 2017, this paragraph provides for
12 the treatment of block grants under Article 1C for purposes of
13 calculating the amount of block grants for a district under
14 this Section. Those block grants under Article 1C are, for
15 this purpose, treated as included in the amount of
16 appropriation for the various programs set forth in paragraph
17 (b) above. The appropriation in each current fiscal year for
18 each block grant under Article 1C shall be treated for these
19 purposes as appropriations for the individual program included
20 in that block grant. The proportion of each block grant so
21 allocated to each such program included in it shall be the
22 proportion which the appropriation for that program was of all
23 appropriations for such purposes now in that block grant, in
24 fiscal 1995.

25 Payments to the school district under this Section with
26 respect to each program for which payments to school districts

1 generally, as of the date of this amendatory Act of the 92nd
2 General Assembly, are on a reimbursement basis shall continue
3 to be made to the district on a reimbursement basis, pursuant
4 to the provisions of this Code governing those programs.

5 (h) Notwithstanding any other provision of law, any school
6 district receiving a block grant under this Section may
7 classify all or a portion of the funds that it receives in a
8 particular fiscal year from any block grant authorized under
9 this Code or from general State aid pursuant to Section
10 18-8.05 of this Code (other than supplemental general State
11 aid) as funds received in connection with any funding program
12 for which it is entitled to receive funds from the State in
13 that fiscal year (including, without limitation, any funding
14 program referred to in subsection (c) of this Section),
15 regardless of the source or timing of the receipt. The
16 district may not classify more funds as funds received in
17 connection with the funding program than the district is
18 entitled to receive in that fiscal year for that program. Any
19 classification by a district must be made by a resolution of
20 its board of education. The resolution must identify the
21 amount of any block grant or general State aid to be classified
22 under this subsection (h) and must specify the funding program
23 to which the funds are to be treated as received in connection
24 therewith. This resolution is controlling as to the
25 classification of funds referenced therein. A certified copy
26 of the resolution must be sent to the State Superintendent of

1 Education. The resolution shall still take effect even though
2 a copy of the resolution has not been sent to the State
3 Superintendent of Education in a timely manner. No
4 classification under this subsection (h) by a district shall
5 affect the total amount or timing of money the district is
6 entitled to receive under this Code. No classification under
7 this subsection (h) by a district shall in any way relieve the
8 district from or affect any requirements that otherwise would
9 apply with respect to the block grant as provided in this
10 Section, including any accounting of funds by source,
11 reporting expenditures by original source and purpose,
12 reporting requirements, or requirements of provision of
13 services.

14 (Source: P.A. 100-465, eff. 8-31-17; 103-594, eff. 6-25-24;
15 revised 10-21-24.)

16 (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

17 Sec. 2-3.25f. State interventions.

18 (a) The State Board of Education shall provide technical
19 assistance to schools in school improvement status to assist
20 with the development and implementation of Improvement Plans.

21 Schools or school districts that fail to make reasonable
22 efforts to implement an approved Improvement Plan may suffer
23 loss of State funds by school district, attendance center, or
24 program as the State Board of Education deems appropriate.

25 (a-5) (Blank).

1 (b) Schools that receive Targeted Support or Comprehensive
2 Support designations shall enter a 4-year cycle of school
3 improvement status. If, at the end of the 4-year cycle, the
4 school fails to meet the exit criteria specified in the State
5 Plan referenced in subsection (b) of Section 2-3.25a of this
6 Code, the school shall escalate to a more intensive
7 intervention. Targeted Support schools that remain Targeted
8 for one or more of the same student groups as in the initial
9 identification after completion of a 4-year cycle of Targeted
10 School Improvement shall be redesignated as Comprehensive
11 Support schools, as provided in paragraph (2.5) of subsection
12 (a) of Section 2-3.25d-5 of this Code. Comprehensive Support
13 schools that remain in the lowest-performing 5% after
14 completion of a 4-year cycle of Comprehensive School
15 Improvement shall be redesignated as Intensive Support schools
16 and shall escalate through more rigorous, tiered support,
17 developed in consultation with the Balanced Accountability
18 Measure Committee and other relevant stakeholder groups, which
19 may ultimately result in the (i) change of recognition status
20 of the school district or school to nonrecognized or (ii)
21 authorization for the State Superintendent of Education to
22 direct the reassignment of pupils or direct the reassignment
23 or replacement of school or school district personnel. If a
24 school district is nonrecognized in its entirety, for any
25 reason, including those not related to performance in the
26 accountability system, it shall automatically be dissolved on

1 July 1 following that nonrecognition and its territory
2 realigned with another school district or districts by the
3 regional board of school trustees in accordance with the
4 procedures set forth in Section 7-11 of the School Code. The
5 effective date of the nonrecognition of a school shall be July
6 1 following the nonrecognition.

7 (b-5) The State Board of Education shall also develop a
8 system to provide assistance and resources to lower performing
9 school districts. At a minimum, the State Board shall identify
10 school districts to receive Intensive, Comprehensive, and
11 Targeted Support. The school district shall provide the
12 exclusive bargaining representative with a 5-day notice that
13 the district has had one or more schools within the district
14 identified as being in Comprehensive or Intensive School
15 Improvement Status. In addition, the State Board may, by rule,
16 develop other categories of low-performing schools and school
17 districts to receive services.

18 The State Board of Education shall work with districts
19 with one or more schools in Comprehensive or Intensive School
20 Improvement Status, through technical assistance and
21 professional development, based on the results of the needs
22 assessment under Section 2-3.25d-5 of this Code, to develop
23 and implement a continuous improvement plan that would
24 increase outcomes for students. The plan for continuous
25 improvement shall be based on the results of the needs
26 assessment and shall be used to determine the types of

1 services that are to be provided to each Comprehensive and
2 Intensive School. Potential services may include, but are not
3 limited to, monitoring adult and student practices, reviewing
4 and reallocating district resources, developing a district and
5 school leadership team, providing access to curricular content
6 area specialists, and providing online resources and
7 professional development.

8 The support provided by a vendor or learning partner
9 approved to support a school's continuous improvement plan
10 related to English language arts must be based on the
11 comprehensive literacy plan for the State developed by the
12 State Board of Education under Section 2-3.200 ~~2-3.196, as~~
13 ~~added by Public Act 103-402.~~

14 The State Board of Education may require districts with
15 one or more Comprehensive or Intensive Schools identified as
16 having deficiencies in one or more core functions of the needs
17 assessment to undergo an accreditation process.

18 (c) All federal requirements apply to schools and school
19 districts utilizing federal funds under Title I, Part A of the
20 federal Elementary and Secondary Education Act of 1965.

21 (Source: P.A. 103-175, eff. 6-30-23; 103-735, eff. 1-1-25;
22 revised 11-26-24.)

23 (105 ILCS 5/2-3.169)

24 Sec. 2-3.169. State Global Scholar Certification.

25 (a) The State Global Scholar Certification Program is

1 established to recognize ~~recognized~~ public and nonpublic high
2 school graduates who have attained global competence. State
3 Global Scholar Certification shall be awarded beginning with
4 the 2017-2018 school year. School district or nonpublic school
5 participation in this certification is voluntary.

6 (b) The purposes of State Global Scholar Certification are
7 as follows:

8 (1) To recognize the value of a global education.

9 (2) To certify attainment of global competence.

10 (3) To provide employers with a method of identifying
11 globally competent employees.

12 (4) To provide colleges and universities with an
13 additional method to recognize applicants seeking
14 admission.

15 (5) To prepare students with 21st century skills.

16 (6) To encourage the development of a globally ready
17 workforce in the STEM (science, technology, engineering,
18 and mathematics), manufacturing, agriculture, and service
19 sectors.

20 (c) State Global Scholar Certification confirms attainment
21 of global competence, sufficient for meaningful use in college
22 and a career, by a graduating public or nonpublic high school
23 student.

24 (d) The State Board of Education shall adopt such rules as
25 may be necessary to establish the criteria that students must
26 achieve to earn State Global Scholar Certification, which

1 shall minimally include attainment of 6 globally focused
2 courses, service learning experiences, global collaboration or
3 dialogue, and passage of a capstone project demonstrating
4 global competency, as approved by the participating school
5 district or nonpublic school for this purpose.

6 (e) The State Board of Education shall do both of the
7 following:

8 (1) Prepare and deliver to participating school
9 districts or nonpublic schools an appropriate mechanism
10 for designating State Global Scholar Certification on the
11 diploma and transcript of a student indicating that the
12 student has been awarded State Global Scholar
13 Certification by the State Board of Education.

14 (2) Provide other information the State Board of
15 Education deems necessary for school districts or
16 nonpublic schools to successfully participate in the
17 certification.

18 (f) A school district or nonpublic school that
19 participates in certification under this Section shall do both
20 of the following:

21 (1) Maintain appropriate records in order to identify
22 students who have earned State Global Scholar
23 Certification.

24 (2) Make the appropriate designation on the diploma
25 and transcript of each student who earns State Global
26 Scholar Certification.

1 (g) No fee may be charged to a student to receive the
2 designation pursuant to the Section. Notwithstanding this
3 prohibition, costs may be incurred by the student in
4 demonstrating proficiency.

5 (h) The State Board of Education shall adopt such rules as
6 may be necessary to provide students attending schools that do
7 not offer State Global Scholar Certification the opportunity
8 to earn State Global Scholar Certification remotely beginning
9 with the 2026-2027 school year. These rules shall include, but
10 are not limited to, a list of all school courses and course
11 codes derived from the State Board of Education's Illinois
12 State Course Catalog and Illinois Virtual Course Catalog that
13 are designated as and qualify as globally focused coursework.

14 If the provider of the online course determines and can
15 demonstrate that a student meets all of the criteria required
16 to earn State Global Scholar Certification, then the school
17 district or nonpublic school shall designate that the student
18 has earned State Global Scholar Certification on the student's
19 diploma and transcript.

20 A school district or nonpublic school shall provide, upon
21 the request of a student, evidence to the student that the
22 student has completed at least 6 globally focused courses
23 required to earn State Global Scholar Certification for the
24 student to submit to the provider of the online course.

25 A student enrolled in a school district or nonpublic
26 school that awarded State Global Scholar Certification prior

1 to the 2026-2027 school year and offered a course to complete
2 the capstone project requirement prior to the 2026-2027 school
3 year may not earn State Global Scholar Certification remotely
4 under this subsection (h).

5 (Source: P.A. 103-352, eff. 7-28-23; 103-979, eff. 1-1-25;
6 revised 11-26-24.)

7 (105 ILCS 5/2-3.204)

8 Sec. 2-3.204. Type 1 diabetes informational materials.

9 (a) The State Board of Education, in coordination with the
10 Department of Public Health, shall develop type 1 diabetes
11 informational materials for the parents and guardians of
12 students. The informational materials shall be made available
13 to each school district and charter school on the State
14 Board's Internet website. Each school district and charter
15 school shall post the informational materials on the school
16 district's or charter school's website, if any.

17 (b) Information developed pursuant to this Section may
18 include, but is not limited to, all of the following:

19 (1) A description of type 1 diabetes.

20 (2) A description of the risk factors and warning
21 signs associated with type 1 diabetes.

22 (3) A recommendation regarding a student displaying
23 warning signs associated with type 1 diabetes that the
24 parent or guardian of the student should immediately
25 consult with the student's primary care provider to

1 determine if immediate screening for type 1 diabetes is
2 appropriate.

3 (4) A description of the screening process for type 1
4 diabetes and the implications of test results.

5 (5) A recommendation that, following a type 1 diabetes
6 diagnosis, the parent or guardian should consult with the
7 student's primary care provider to develop an appropriate
8 treatment plan, which may include consultation with and
9 examination by a specialty care provider, including, but
10 not limited to, a properly qualified endocrinologist.

11 (Source: P.A. 103-641, eff. 7-1-24.)

12 (105 ILCS 5/2-3.205)

13 Sec. 2-3.205 ~~2-3.204~~. Air quality resources. The State
14 Board of Education shall, in consultation with the Department
15 of Public Health, compile resources for elementary and
16 secondary schools relating to indoor air quality in schools,
17 including best practices for assessing and maintaining
18 ventilation systems and information on any potential State or
19 federal funding sources that may assist a school in
20 identifying ventilation needs. The State Board of Education
21 shall compile these resources in consultation with
22 stakeholders, including, but not limited to, the Department of
23 Public Health, local public health professionals, ventilation
24 professionals affiliated with a Department of Labor
25 apprenticeship program, licensed design professionals,

1 representatives from regional offices of education, school
2 district administrators, teachers, or any other relevant
3 professionals, stakeholders, or representatives of State
4 agencies. No later than 30 days after resources are compiled
5 under this Section, the State Board of Education shall
6 implement outreach strategies to make the compiled resources
7 available to elementary and secondary schools, including
8 publication of the compiled resources on the State Board of
9 Education's website. The State Board of Education may, in
10 consultation with the Department of Public Health or any other
11 relevant stakeholders, update the compiled resources as
12 necessary.

13 (Source: P.A. 103-736, eff. 1-1-25; revised 12-3-24.)

14 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

15 Sec. 5-1. County school units.

16 (a) The territory in each county, exclusive of any school
17 district governed by any special act which requires the
18 district to appoint its own school treasurer, shall constitute
19 a county school unit. County school units of less than
20 2,000,000 inhabitants shall be known as Class I county school
21 units and the office of township trustees, where existing on
22 July 1, 1962, in such units shall be abolished on that date and
23 all books and records of such former township trustees shall
24 be forthwith thereafter transferred to the county board of
25 school trustees. County school units of 2,000,000 or more

1 inhabitants shall be known as Class II county school units and
2 shall retain the office of township trustees unless otherwise
3 provided in subsection (b), (c), or (d), or shall be
4 administered as provided in Section 5-2.2.

5 (b) Notwithstanding subsections (a) and (c), the school
6 board of any elementary school district having a fall, 1989
7 aggregate enrollment of at least 2,500 but less than 6,500
8 pupils and having boundaries that are coterminous with the
9 boundaries of a high school district, and the school board of
10 any high school district having a fall, 1989 aggregate
11 enrollment of at least 2,500 but less than 6,500 pupils and
12 having boundaries that are coterminous with the boundaries of
13 an elementary school district, may, whenever the territory of
14 such school district forms a part of a Class II county school
15 unit, by proper resolution withdraw such school district from
16 the jurisdiction and authority of the trustees of schools of
17 the township in which such school district is located and from
18 the jurisdiction and authority of the township treasurer in
19 such Class II county school unit; provided that the school
20 board of any such school district shall, upon the adoption and
21 passage of such resolution, thereupon elect or appoint its own
22 school treasurer as provided in Section 8-1. Upon the adoption
23 and passage of such resolution and the election or appointment
24 by the school board of its own school treasurer: (1) the
25 trustees of schools in such township shall no longer have or
26 exercise any powers and duties with respect to the school

1 district governed by such school board or with respect to the
2 school business, operations or assets of such school district;
3 and (2) all books and records of the township trustees
4 relating to the school business and affairs of such school
5 district shall be transferred and delivered to the school
6 board of such school district. Upon the effective date of
7 Public Act 88-155 ~~this amendatory Act of 1993~~, the legal title
8 to, and all right, title, and interest formerly held by the
9 township trustees in any school buildings and school sites
10 used and occupied by the school board of such school district
11 for school purposes, that legal title, right, title, and
12 interest thereafter having been transferred to and vested in
13 the regional board of school trustees under Public Act P.A.
14 87-473 until the abolition of that regional board of school
15 trustees by Public Act P.A. 87-969, shall be deemed
16 transferred by operation of law to and shall vest in the school
17 board of that school district.

18 Notwithstanding subsections (a) and (c), the school boards
19 of Oak Park & River Forest District 200, Oak Park Elementary
20 School District 97, and River Forest School District 90 may,
21 by proper resolution, withdraw from the jurisdiction and
22 authority of the trustees of schools of Proviso and Cicero
23 Townships and the township treasurer, provided that the school
24 board shall, upon the adoption and passage of the resolution,
25 elect or appoint its own school treasurer as provided in
26 Section 8-1 of this Code. Upon the adoption and passage of the

1 resolution and the election or appointment by the school board
2 of its own school treasurer: (1) the trustees of schools in the
3 township or townships shall no longer have or exercise any
4 powers or duties with respect to the school district or with
5 respect to the school business, operations, or assets of the
6 school district; (2) all books and records of the trustees of
7 schools and all moneys, securities, loanable funds, and other
8 assets relating to the school business and affairs of the
9 school district shall be transferred and delivered to the
10 school board; and (3) all legal title to and all right, title,
11 and interest formerly held by the trustees of schools in any
12 common school lands, school buildings, or school sites used
13 and occupied by the school board and all rights of property and
14 causes of action pertaining to or constituting a part of the
15 common school lands, buildings, or sites shall be deemed
16 transferred by operation of law to and shall vest in the school
17 board.

18 Notwithstanding subsections (a) and (c), the respective
19 school boards of Berwyn North School District 98, Berwyn South
20 School District 100, Cicero School District 99, and J.S.
21 Morton High School District 201 may, by proper resolution,
22 withdraw from the jurisdiction and authority of the trustees
23 of schools of Cicero Township and the township treasurer,
24 provided that the school board shall, upon the adoption and
25 passage of the resolution, elect or appoint its own school
26 treasurer as provided in Section 8-1 of this Code. Upon the

1 adoption and passage of the resolution and the election or
2 appointment by the school board of its own school treasurer:

3 (1) the trustees of schools in the township shall no longer
4 have or exercise any powers or duties with respect to the
5 school district or with respect to the school business,
6 operations, or assets of the school district; (2) all books
7 and records of the trustees of schools and all moneys,
8 securities, loanable funds, and other assets relating to the
9 school business and affairs of the school district shall be
10 transferred and delivered to the school board; and (3) all
11 legal title to and all right, title, and interest formerly
12 held by the trustees of schools in any common school lands,
13 school buildings, or school sites used and occupied by the
14 school board and all rights of property and causes of action
15 pertaining to or constituting a part of the common school
16 lands, buildings, or sites shall be deemed transferred by
17 operation of law to and shall vest in the school board.

18 Notwithstanding subsections (a) and (c) of this Section
19 and upon final judgment, including the exhaustion of all
20 appeals or a settlement between all parties, regarding claims
21 set forth in the case of Township Trustees of Schools Township
22 38 North, Range 12 East v. Lyons Township High School District
23 No. 204 case N. 13 CH 23386 pending in 2018 in the Circuit
24 Court of Cook County, Illinois, County Department, Chancery
25 Division, and all related pending claims, the school board of
26 Lyons Township High School District 204 may commence, by

1 proper resolution, to withdraw from the jurisdiction and
2 authority of the trustees of schools of Lyons Township and the
3 township treasurer, provided that the school board shall, upon
4 the adoption and passage of the resolution, elect or appoint
5 its own school treasurer as provided in Section 8-1 of this
6 Code. Upon the adoption and passage of the resolution and the
7 election or appointment by the school board of its own school
8 treasurer commencing with the first day of the succeeding
9 fiscal year, but not prior to July 1, 2019: (1) the trustees of
10 schools in the township shall no longer have or exercise any
11 powers or duties with respect to the school district or with
12 respect to the school business, operations, or assets of the
13 school district; (2) all books and records of the trustees of
14 schools and all moneys, securities, loanable funds, and other
15 assets relating to the school business and affairs of the
16 school district shall be transferred and delivered to the
17 school board, allowing for a reasonable period of time not to
18 exceed 90 days to liquidate any pooled investments; and (3)
19 all legal title to and all right, title, and interest formerly
20 held by the trustees of schools in any common school lands,
21 school buildings, or school sites used and occupied by the
22 school board and all rights of property and causes of action
23 pertaining to or constituting a part of the common school
24 lands, buildings, or sites shall be deemed transferred by
25 operation of law to and shall vest in the school board. The
26 changes made to this Section by Public Act 100-921 ~~this~~

1 ~~amendatory Act of the 100th General Assembly~~ are prospective
2 only, starting from August 17, 2018 (the effective date of
3 Public Act 100-921) ~~this amendatory Act of the 100th General~~
4 ~~Assembly~~, and shall not affect any legal action pending on
5 August 17, 2018 (the effective date of Public Act 100-921)
6 ~~this amendatory Act of the 100th General Assembly~~ in the
7 Illinois courts in which Lyons Township High School District
8 204 is a listed party.

9 Notwithstanding subsections (a) and (c), the school boards
10 of Glenbrook High School District 225, Northbrook Elementary
11 School District 27, Northbrook School District 28, Sunset
12 Ridge School District 29, Northbrook/Glenview School District
13 30, West Northfield School District 31, and Glenview Community
14 Consolidated School District 34 may, by proper resolution,
15 withdraw from the jurisdiction and authority of the trustees
16 of schools of Northfield and Maine Townships and the township
17 treasurer, provided that the school board shall, upon the
18 adoption and passage of the resolution, elect or appoint its
19 own school treasurer as provided in Section 8-1 of this Code.
20 Upon the adoption and passage of the resolution and the
21 election or appointment by the school board of its own school
22 treasurer: (1) the trustees of schools in the township or
23 townships shall no longer have or exercise any powers or
24 duties with respect to the school district or with respect to
25 the school business, operations, or assets of the school
26 district; (2) all books and records of the trustees of schools

1 and all moneys, securities, loanable funds, and other assets
2 relating to the school business and affairs of the school
3 district shall be transferred and delivered to the school
4 board; and (3) all legal title to and all right, title, and
5 interest formerly held by the trustees of schools in any
6 common school lands, school buildings, or school sites used
7 and occupied by the school board and all rights of property and
8 causes of action pertaining to or constituting a part of the
9 common school lands, buildings, or sites shall be deemed
10 transferred by operation of law to and shall vest in the school
11 board.

12 (c) Notwithstanding the provisions of subsection (a), the
13 offices of township treasurer and trustee of schools of any
14 township located in a Class II county school unit shall be
15 abolished as provided in this subsection if all of the
16 following conditions are met:

17 (1) During the same 30-day ~~30-day~~ period, each school
18 board of each elementary and unit school district that is
19 subject to the jurisdiction and authority of the township
20 treasurer and trustees of schools of the township in which
21 those offices are sought to be abolished gives written
22 notice by certified mail, return receipt requested to the
23 township treasurer and trustees of schools of that
24 township of the date of a meeting of the school board, to
25 be held not more than 90 nor less than 60 days after the
26 date when the notice is given, at which meeting the school

1 board is to consider and vote upon the question of whether
2 there shall be submitted to the electors of the school
3 district a proposition to abolish the offices of township
4 treasurer and trustee of schools of that township. None of
5 the notices given under this paragraph to the township
6 treasurer and trustees of schools of a township shall be
7 deemed sufficient or in compliance with the requirements
8 of this paragraph unless all of those notices are given
9 within the same 30-day ~~30-day~~ period.

10 (2) Each school board of each elementary and unit
11 school district that is subject to the jurisdiction and
12 authority of the township treasurer and trustees of
13 schools of the township in which those offices are sought
14 to be abolished, by the affirmative vote of at least 5
15 members of the school board at a school board meeting of
16 which notice is given as required by paragraph (1) of this
17 subsection, adopts a resolution requiring the secretary of
18 the school board to certify to the proper election
19 authorities for submission to the electors of the school
20 district at the next consolidated election in accordance
21 with the general election law a proposition to abolish the
22 offices of township treasurer and trustee of schools of
23 that township. None of the resolutions adopted under this
24 paragraph by any elementary or unit school districts that
25 are subject to the jurisdiction and authority of the
26 township treasurer and trustees of schools of the township

1 in which those offices are sought to be abolished shall be
2 deemed in compliance with the requirements of this
3 paragraph or sufficient to authorize submission of the
4 proposition to abolish those offices to a referendum of
5 the electors in any such school district unless all of the
6 school boards of all of the elementary and unit school
7 districts that are subject to the jurisdiction and
8 authority of the township treasurer and trustees of
9 schools of that township adopt such a resolution in
10 accordance with the provisions of this paragraph.

11 (3) The school boards of all of the elementary and
12 unit school districts that are subject to the jurisdiction
13 and authority of the township treasurer and trustees of
14 schools of the township in which those offices are sought
15 to be abolished submit a proposition to abolish the
16 offices of township treasurer and trustee of schools of
17 that township to the electors of their respective school
18 districts at the same consolidated election in accordance
19 with the general election law, the ballot in each such
20 district to be in substantially the following form:

21 -----

22 OFFICIAL BALLOT

23 Shall the offices of township

24 treasurer and

YES

25 trustee of

26 schools of Township

NO

1 Range be abolished?

2 -----

3 (4) At the consolidated election at which the
4 proposition to abolish the offices of township treasurer
5 and trustee of schools of a township is submitted to the
6 electors of each elementary and unit school district that
7 is subject to the jurisdiction and authority of the
8 township treasurer and trustee of schools of that
9 township, a majority of the electors voting on the
10 proposition in each such elementary and unit school
11 district votes in favor of the proposition as submitted to
12 them.

13 If in each elementary and unit school district that is
14 subject to the jurisdiction and authority of the township
15 treasurer and trustees of schools of the township in which
16 those offices are sought to be abolished a majority of the
17 electors in each such district voting at the consolidated
18 election on the proposition to abolish the offices of township
19 treasurer and trustee of schools of that township votes in
20 favor of the proposition as submitted to them, the proposition
21 shall be deemed to have passed; but if in any such elementary
22 or unit school district a majority of the electors voting on
23 that proposition in that district fails to vote in favor of the
24 proposition as submitted to them, then notwithstanding the
25 vote of the electors in any other such elementary or unit
26 school district on that proposition the proposition shall not

1 be deemed to have passed in any of those elementary or unit
2 school districts, and the offices of township treasurer and
3 trustee of schools of the township in which those offices were
4 sought to be abolished shall not be abolished, unless in each
5 of those elementary and unit school districts remaining
6 subject to the jurisdiction and authority of the township
7 treasurer and trustees of schools of that township proceedings
8 are again initiated to abolish those offices and all of the
9 proceedings and conditions prescribed in paragraphs (1)
10 through (4) of this subsection are repeated and met in each of
11 those elementary and unit school districts.

12 Notwithstanding the foregoing provisions of this Section
13 or any other provision of the School Code, the offices of
14 township treasurer and trustee of schools of a township that
15 has a population of less than 200,000 and that contains a unit
16 school district and is located in a Class II county school unit
17 shall also be abolished as provided in this subsection if all
18 of the conditions set forth in paragraphs (1), (2), and (3) of
19 this subsection are met and if the following additional
20 condition is met:

21 The electors in all of the school districts subject to
22 the jurisdiction and authority of the township treasurer
23 and trustees of schools of the township in which those
24 offices are sought to be abolished shall vote at the
25 consolidated election on the proposition to abolish the
26 offices of township treasurer and trustee of schools of

1 that township. If a majority of the electors in all of the
2 school districts combined voting on the proposition vote
3 in favor of the proposition, then the proposition shall be
4 deemed to have passed; but if a majority of the electors
5 voting on the proposition in all of the school district
6 fails to vote in favor of the proposition as submitted to
7 them, then the proposition shall not be deemed to have
8 passed and the offices of township treasurer and trustee
9 of schools of the township in which those offices were
10 sought to be abolished shall not be abolished, unless and
11 until the proceedings detailed in paragraphs (1) through
12 (3) of this subsection and the conditions set forth in
13 this paragraph are met.

14 If the proposition to abolish the offices of township
15 treasurer and trustee of schools of a township is deemed to
16 have passed at the consolidated election as provided in this
17 subsection, those offices shall be deemed abolished by
18 operation of law effective on January 1 of the calendar year
19 immediately following the calendar year in which that
20 consolidated election is held, provided that if after the
21 election, the trustees of schools by resolution elect to
22 abolish the offices of township treasurer and trustee of
23 schools effective on July 1 immediately following the
24 election, then the offices shall be abolished on July 1
25 immediately following the election. On the date that the
26 offices of township treasurer and trustee of schools of a

1 township are deemed abolished by operation of law, the school
2 board of each elementary and unit school district and the
3 school board of each high school district that is subject to
4 the jurisdiction and authority of the township treasurer and
5 trustees of schools of that township at the time those offices
6 are abolished: (i) shall appoint its own school treasurer as
7 provided in Section 8-1; and (ii) unless the term of the
8 contract of a township treasurer expires on the date that the
9 office of township treasurer is abolished, shall pay to the
10 former township treasurer its proportionate share of any
11 aggregate compensation that, were the office of township
12 treasurer not abolished at that time, would have been payable
13 to the former township treasurer after that date over the
14 remainder of the term of the contract of the former township
15 treasurer that began prior to but ends after that date. In
16 addition, on the date that the offices of township treasurer
17 and trustee of schools of a township are deemed abolished as
18 provided in this subsection, the school board of each
19 elementary school, high school, and unit school district that
20 until that date is subject to the jurisdiction and authority
21 of the township treasurer and trustees of schools of that
22 township shall be deemed by operation of law to have agreed and
23 assumed to pay and, when determined, shall pay to the Illinois
24 Municipal Retirement Fund a proportionate share of the
25 unfunded liability existing in that Fund at the time these
26 offices are abolished in that calendar year for all annuities

1 or other benefits then or thereafter to become payable from
2 that Fund with respect to all periods of service performed
3 prior to that date as a participating employee in that Fund by
4 persons serving during those periods of service as a trustee
5 of schools, township treasurer or regular employee in the
6 office of the township treasurer of that township. That
7 unfunded liability shall be actuarially determined by the
8 board of trustees of the Illinois Municipal Retirement Fund,
9 and the board of trustees shall thereupon notify each school
10 board required to pay a proportionate share of that unfunded
11 liability of the aggregate amount of the unfunded liability so
12 determined. The amount so paid to the Illinois Municipal
13 Retirement Fund by each of those school districts shall be
14 credited to the account of the township in that Fund. For each
15 elementary school, high school, and unit school district under
16 the jurisdiction and authority of a township treasurer and
17 trustees of schools of a township in which those offices are
18 abolished as provided in this subsection, each such district's
19 proportionate share of the aggregate compensation payable to
20 the former township treasurer as provided in this paragraph
21 and each such district's proportionate share of the aggregate
22 amount of the unfunded liability payable to the Illinois
23 Municipal Retirement Fund as provided in this paragraph shall
24 be computed in accordance with the ratio that the number of
25 pupils in average daily attendance in each such district for
26 the school year last ending prior to the date on which the

1 offices of township treasurer and trustee of schools of that
2 township are abolished bears to the aggregate number of pupils
3 in average daily attendance in all of those districts as so
4 reported for that school year.

5 Upon abolition of the offices of township treasurer and
6 trustee of schools of a township as provided in this
7 subsection: (i) the regional board of school trustees, in its
8 corporate capacity, shall be deemed the successor in interest
9 to the former trustees of schools of that township with
10 respect to the common school lands and township loanable funds
11 of the township; (ii) all right, title, and interest existing
12 or vested in the former trustees of schools of that township in
13 the common school lands and township loanable funds of the
14 township, and all records, moneys, securities and other
15 assets, rights of property and causes of action pertaining to
16 or constituting a part of those common school lands or
17 township loanable funds, shall be transferred to and deemed
18 vested by operation of law in the regional board of school
19 trustees, which shall hold legal title to, manage, and operate
20 all common school lands and township loanable funds of the
21 township, receive the rents, issues, and profits therefrom,
22 and have and exercise with respect thereto the same powers and
23 duties as are provided by this Code to be exercised by regional
24 boards of school trustees when acting as township land
25 commissioners in counties having at least 220,000 but fewer
26 than 2,000,000 inhabitants; (iii) the regional board of school

1 trustees shall select to serve as its treasurer with respect
2 to the common school lands and township loanable funds of the
3 township a person from time to time also serving as the
4 appointed school treasurer of any school district that was
5 subject to the jurisdiction and authority of the township
6 treasurer and trustees of schools of that township at the time
7 those offices were abolished, and the person selected to also
8 serve as treasurer of the regional board of school trustees
9 shall have his compensation for services in that capacity
10 fixed by the regional board of school trustees, to be paid from
11 the township loanable funds, and shall make to the regional
12 board of school trustees the reports required to be made by
13 treasurers of township land commissioners, give bond as
14 required by treasurers of township land commissioners, and
15 perform the duties and exercise the powers of treasurers of
16 township land commissioners; (iv) the regional board of school
17 trustees shall designate in the manner provided by Section
18 8-7, insofar as applicable, a depository for its treasurer,
19 and the proceeds of all rents, issues, and profits from the
20 common school lands and township loanable funds of that
21 township shall be deposited and held in the account maintained
22 for those purposes with that depository and shall be expended
23 and distributed therefrom as provided in Section 15-24 and
24 other applicable provisions of this Code; and (v) whenever
25 there is vested in the trustees of schools of a township at the
26 time that office is abolished under this subsection the legal

1 title to any school buildings or school sites used or occupied
2 for school purposes by any elementary school, high school, or
3 unit school district subject to the jurisdiction and authority
4 of those trustees of school at the time that office is
5 abolished, the legal title to those school buildings and
6 school sites shall be deemed transferred by operation of law
7 to and invested in the school board of that school district, in
8 its corporate capacity under Section 10-22.35B of this Code,
9 the same to be held, sold, exchanged, leased, or otherwise
10 transferred in accordance with applicable provisions of this
11 Code.

12 Notwithstanding Section 2-3.25g of this Code, a waiver of
13 a mandate established under this Section may not be requested.

14 (d) Notwithstanding any other provision of law, any school
15 district that forms a part of a Class II county school unit
16 may, by a resolution adopted by at least two-thirds of the
17 members of the school board of a school district, withdraw a
18 school district from the jurisdiction and authority of the
19 trustees of schools of the township in which such school
20 district is located and from the jurisdiction and authority of
21 the township treasurer of the township in which such school
22 district is located, provided that the school board of the
23 school district shall, upon the adoption and passage of such
24 resolution, thereupon elect or appoint its own school
25 treasurer as provided in Section 8-1 of this Code. The
26 appointed school treasurer may include a township treasurer.

1 The school board may enter into a contractual or
2 intergovernmental agreement with an appointed school treasurer
3 for school treasurer services.

4 Upon adoption and passage of the resolution and the
5 election or appointment by the school board of its own school
6 treasurer commencing with the first day of the succeeding
7 fiscal year, but not prior to July 1, 2025: (1) the trustees of
8 schools in the township or townships shall no longer have or
9 exercise any powers or duties with respect to the school
10 district or with respect to the school business, operations,
11 or assets of the school district; (2) all books and records of
12 the trustees of schools and all moneys, securities, loanable
13 funds, and other assets relating to the school business and
14 affairs of the school district shall be transferred and
15 delivered to the school board; and (3) all legal title to and
16 all right, title, and interest formerly held by the trustees
17 of schools in any common school lands, school buildings, or
18 school sites used and occupied by the school board and all
19 rights of property and causes of action pertaining to or
20 constituting a part of the common school lands, buildings, or
21 sites shall be deemed transferred by operation of law to and
22 shall vest in the school board.

23 (Source: P.A. 103-144, eff. 6-30-23; 103-790, eff. 8-9-24;
24 revised 10-21-24.)

1 Sec. 5-2.2. Designation of trustees. After the April 5,
2 2011 consolidated election, the trustees of schools in
3 Township 36 North, Range 13 East shall no longer be elected
4 pursuant to the provisions of Sections 5-2, 5-2.1, 5-3, 5-4,
5 5-12, and 5-13 of this Code. Any such trustees elected before
6 such date may complete the term to which that trustee was
7 elected, but shall not be succeeded by election. Instead, the
8 board of education or board of school directors of each of the
9 elementary and high school districts that are subject to the
10 jurisdiction of Township 36 North, Range 13 East shall appoint
11 one of the members to serve as trustee of schools. The trustees
12 of schools shall be appointed by each board of education or
13 board of school directors within 60 days after December 8,
14 2011 (the effective date of Public Act 97-631) ~~this amendatory~~
15 ~~Act of the 97th General Assembly~~ and shall reorganize within
16 30 days after all the trustees of schools have been appointed
17 or within 30 days after all the trustees of schools were due to
18 have been appointed, whichever is sooner. Trustees of schools
19 so appointed shall serve at the pleasure of the board of
20 education or board of school directors appointing them, but in
21 no event longer than 2 years unless reappointed.

22 After the April 4, 2023 consolidated election, no trustees
23 of schools shall be elected. Any trustees elected or appointed
24 on or before April 4, 2023 may complete the term to which that
25 trustee was ~~trustees~~ elected or appointed, but may not be
26 succeeded by election. Each school board of each school

1 district that is a part of a Class II county school unit shall
2 appoint one member of the school board or one school employee
3 to serve as trustee of schools of the township in which such
4 school district is located. The trustees of schools shall be
5 appointed by each school board within 60 days after August 9,
6 2024 (the effective date of Public Act 103-790) ~~this~~
7 ~~amendatory Act of the 103rd General Assembly~~ and shall
8 reorganize within 30 days after all the trustees of schools
9 have been appointed or within 90 days after August 9, 2024 (the
10 effective date of Public Act 103-790) ~~this amendatory Act of~~
11 ~~the 103rd General Assembly~~, whichever is sooner. A trustee of
12 schools shall serve at the pleasure of the school board that
13 appointed the trustee of schools but may not serve as a trustee
14 of schools for longer than 2 years unless reappointed by the
15 school board.

16 A majority of members of the trustees of schools shall
17 constitute a quorum for the transaction of business. The
18 trustees shall organize by appointing one of their number
19 president, who shall hold the office for 2 years. If the
20 president is absent from any meeting, or refuses to perform
21 any of the duties of the office, a president pro-tempore may be
22 appointed. Trustees who serve on the board as a result of
23 appointment or election at the time of the reorganization
24 shall continue to serve as a member of the trustees of schools,
25 with no greater or lesser authority than any other trustee,
26 until such time as their elected term expires.

1 Each trustee of schools appointed by a board of education
2 or board of school directors shall be entitled to
3 indemnification and protection against claims and suits by the
4 board that appointed that trustee of schools for acts or
5 omissions as a trustee of schools in the same manner and to the
6 same extent as the trustee of schools is entitled to
7 indemnification and protection for acts or omissions as a
8 member of the board of education or board of school directors
9 under Section 10-20.20 of this Code.

10 (Source: P.A. 103-790, eff. 8-9-24; revised 10-21-24.)

11 (105 ILCS 5/5-13) (from Ch. 122, par. 5-13)

12 Sec. 5-13. Term of office of trustees. In townships
13 already organized, the school trustee shall be elected in each
14 odd numbered year for a term of 6 years to succeed the trustee
15 whose term expires in such odd numbered year.

16 The first-elected trustees in a newly organized township
17 shall at their first meeting cast lots for their respective
18 terms of office, for 2, 4, and 6 years; and thereafter one ~~±~~
19 trustee shall be elected in each odd-numbered year.

20 This Section is inoperative on and after August 9, 2024
21 (the effective date of Public Act 103-790) ~~this amendatory Act~~
22 ~~of the 103rd General Assembly.~~

23 (Source: P.A. 103-790, eff. 8-9-24; revised 10-21-24.)

24 (105 ILCS 5/10-16a)

1 (Text of Section before amendment by P.A. 103-771)

2 Sec. 10-16a. School board member's leadership training.

3 (a) This Section applies to all school board members
4 serving pursuant to Section 10-10 of this Code who have been
5 elected after the effective date of this amendatory Act of the
6 97th General Assembly or appointed to fill a vacancy of at
7 least one year's duration after the effective date of this
8 amendatory Act of the 97th General Assembly.

9 (a-5) In this Section, "trauma" has the meaning ascribed
10 to that term in subsection (b) of Section 3-11 of this Code.

11 (b) Every voting member of a school board of a school
12 district elected or appointed for a term beginning after the
13 effective date of this amendatory Act of the 97th General
14 Assembly, within a year after the effective date of this
15 amendatory Act of the 97th General Assembly or the first year
16 of his or her first term, shall complete a minimum of 4 hours
17 of professional development leadership training covering
18 topics in education and labor law, financial oversight and
19 accountability, fiduciary responsibilities of a school board
20 member, and, beginning with the 2023-2024 school year,
21 trauma-informed practices for students and staff. The school
22 district shall maintain on its Internet website, if any, the
23 names of all voting members of the school board who have
24 successfully completed the training.

25 (b-5) The training regarding trauma-informed practices for
26 students and staff required by this Section must include

1 information that is relevant to and within the scope of the
2 duties of a school board member. Such information may include,
3 but is not limited to:

4 (1) the recognition of and care for trauma in students
5 and staff;

6 (2) the relationship between staff wellness and
7 student learning;

8 (3) the effect of trauma on student behavior and
9 learning;

10 (4) the prevalence of trauma among students, including
11 the prevalence of trauma among student populations at
12 higher risk of experiencing trauma;

13 (5) the effects of implicit or explicit bias on
14 recognizing trauma among various student groups in
15 connection with race, ethnicity, gender identity, sexual
16 orientation, socio-economic status, and other relevant
17 factors; and

18 (6) effective district and school practices that are
19 shown to:

20 (A) prevent and mitigate the negative effect of
21 trauma on student behavior and learning; and

22 (B) support the emotional wellness of staff.

23 (c) The training on financial oversight, accountability,
24 fiduciary responsibilities, and, beginning with the 2023-24
25 school year, trauma-informed practices for students and staff
26 may be provided by an association established under this Code

1 for the purpose of training school board members or by other
2 qualified providers approved by the State Board of Education,
3 in consultation with an association so established.

4 (d) The State Board of Education may adopt rules that are
5 necessary for the administration of the provisions of this
6 Section.

7 (Source: P.A. 102-638, eff. 1-1-23; 103-413, eff. 1-1-24.)

8 (Text of Section after amendment by P.A. 103-771)

9 Sec. 10-16a. School board member's training.

10 (a) This Section applies to all school board members
11 serving pursuant to Section 10-10 of this Code.

12 (a-5) In this Section, "trauma" has the meaning ascribed
13 to that term in subsection (b) of Section 3-11 of this Code.

14 (b) Every voting member of a school board of a school
15 district, within the first year of his or her first term, shall
16 complete a minimum of 4 hours of professional development and
17 leadership training covering topics in education and labor
18 law, financial oversight and accountability, fiduciary
19 responsibilities of a school board member, trauma-informed
20 practices for students and staff, and improving student
21 outcomes. The school district shall maintain on its Internet
22 website, if any, the names of all voting members of the school
23 board who have successfully completed the training.

24 (b-5) The training regarding trauma-informed practices for
25 students and staff required by this Section must include

1 information that is relevant to and within the scope of the
2 duties of a school board member. Such information may include,
3 but is not limited to:

4 (1) the recognition of and care for trauma in students
5 and staff;

6 (2) the relationship between staff wellness and
7 student learning;

8 (3) the effect of trauma on student behavior and
9 learning;

10 (4) the prevalence of trauma among students, including
11 the prevalence of trauma among student populations at
12 higher risk of experiencing trauma;

13 (5) the effects of implicit or explicit bias on
14 recognizing trauma among various student groups in
15 connection with race, ethnicity, gender identity, sexual
16 orientation, socio-economic status, and other relevant
17 factors; and

18 (6) effective district and school practices that are
19 shown to:

20 (A) prevent and mitigate the negative effect of
21 trauma on student behavior and learning; and

22 (B) support the emotional wellness of staff.

23 (b-10) The training regarding improving student outcomes
24 required by this Section must include information that is
25 relevant to and within the scope of the duties of a school
26 board member.

1 (c) The training on financial oversight, accountability,
2 fiduciary responsibilities, trauma-informed practices for
3 students and staff, and improving student outcomes shall be
4 provided by a statewide association established under this
5 Code for the purpose of training school board members or by
6 other qualified providers approved by the State Board of
7 Education, in consultation with an association so established.

8 (d) The State Board of Education may adopt rules that are
9 necessary for the administration of the provisions of this
10 Section.

11 (Source: P.A. 102-638, eff. 1-1-23; 103-413, eff. 1-1-24;
12 103-771, eff. 6-1-25; revised 10-21-24.)

13 (105 ILCS 5/10-22.3f)

14 Sec. 10-22.3f. Required health benefits. Insurance
15 protection and benefits for employees shall provide the
16 post-mastectomy care benefits required to be covered by a
17 policy of accident and health insurance under Section 356t and
18 the coverage required under Sections 356g, 356g.5, 356g.5-1,
19 356m, 356q, 356u, 356u.10, 356w, 356x, 356z.4, 356z.4a,
20 356z.6, 356z.8, 356z.9, 356z.11, 356z.12, 356z.13, 356z.14,
21 356z.15, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32,
22 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47,
23 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60,
24 356z.61, 356z.62, 356z.64, 356z.67, 356z.68, ~~and~~ 356z.70, ~~and~~
25 356z.71, 356z.74, and 356z.77 of the Illinois Insurance Code.

1 Insurance policies shall comply with Section 356z.19 of the
2 Illinois Insurance Code. The coverage shall comply with
3 Sections 155.22a, 355b, and 370c of the Illinois Insurance
4 Code. The Department of Insurance shall enforce the
5 requirements of this Section.

6 Rulemaking authority to implement Public Act 95-1045, if
7 any, is conditioned on the rules being adopted in accordance
8 with all provisions of the Illinois Administrative Procedure
9 Act and all rules and procedures of the Joint Committee on
10 Administrative Rules; any purported rule not so adopted, for
11 whatever reason, is unauthorized.

12 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;
13 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff.
14 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804,
15 eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23;
16 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff.
17 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420,
18 eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff. 8-11-23;
19 103-551, eff. 8-11-23; 103-605, eff. 7-1-24; 103-718, eff.
20 7-19-24; 103-751, eff. 8-2-24; 103-914, eff. 1-1-25; 103-918,
21 eff. 1-1-25; 103-1024, eff. 1-1-25; revised 11-26-24.)

22 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

23 (Text of Section before amendment by P.A. 102-466)

24 Sec. 10-22.6. Suspension or expulsion of students; school
25 searches.

1 (a) To expel students guilty of gross disobedience or
2 misconduct, including gross disobedience or misconduct
3 perpetrated by electronic means, pursuant to subsection (b-20)
4 of this Section, and no action shall lie against them for such
5 expulsion. Expulsion shall take place only after the parents
6 have been requested to appear at a meeting of the board, or
7 with a hearing officer appointed by it, to discuss their
8 child's behavior. Such request shall be made by registered or
9 certified mail and shall state the time, place and purpose of
10 the meeting. The board, or a hearing officer appointed by it,
11 at such meeting shall state the reasons for dismissal and the
12 date on which the expulsion is to become effective. If a
13 hearing officer is appointed by the board, the hearing officer
14 shall report to the board a written summary of the evidence
15 heard at the meeting and the board may take such action thereon
16 as it finds appropriate. If the board acts to expel a student,
17 the written expulsion decision shall detail the specific
18 reasons why removing the student from the learning environment
19 is in the best interest of the school. The expulsion decision
20 shall also include a rationale as to the specific duration of
21 the expulsion. An expelled student may be immediately
22 transferred to an alternative program in the manner provided
23 in Article 13A or 13B of this Code. A student must not be
24 denied transfer because of the expulsion, except in cases in
25 which such transfer is deemed to cause a threat to the safety
26 of students or staff in the alternative program.

1 (b) To suspend or by policy to authorize the
2 superintendent of the district or the principal, assistant
3 principal, or dean of students of any school to suspend
4 students guilty of gross disobedience or misconduct, or to
5 suspend students guilty of gross disobedience or misconduct on
6 the school bus from riding the school bus, pursuant to
7 subsections (b-15) and (b-20) of this Section, and no action
8 shall lie against them for such suspension. The board may by
9 policy authorize the superintendent of the district or the
10 principal, assistant principal, or dean of students of any
11 school to suspend students guilty of such acts for a period not
12 to exceed 10 school days. If a student is suspended due to
13 gross disobedience or misconduct on a school bus, the board
14 may suspend the student in excess of 10 school days for safety
15 reasons.

16 Any suspension shall be reported immediately to the
17 parents or guardian of a student along with a full statement of
18 the reasons for such suspension and a notice of their right to
19 a review. The school board must be given a summary of the
20 notice, including the reason for the suspension and the
21 suspension length. Upon request of the parents or guardian,
22 the school board or a hearing officer appointed by it shall
23 review such action of the superintendent or principal,
24 assistant principal, or dean of students. At such review, the
25 parents or guardian of the student may appear and discuss the
26 suspension with the board or its hearing officer. If a hearing

1 officer is appointed by the board, he shall report to the board
2 a written summary of the evidence heard at the meeting. After
3 its hearing or upon receipt of the written report of its
4 hearing officer, the board may take such action as it finds
5 appropriate. If a student is suspended pursuant to this
6 subsection (b), the board shall, in the written suspension
7 decision, detail the specific act of gross disobedience or
8 misconduct resulting in the decision to suspend. The
9 suspension decision shall also include a rationale as to the
10 specific duration of the suspension.

11 (b-5) Among the many possible disciplinary interventions
12 and consequences available to school officials, school
13 exclusions, such as out-of-school suspensions and expulsions,
14 are the most serious. School officials shall limit the number
15 and duration of expulsions and suspensions to the greatest
16 extent practicable, and it is recommended that they use them
17 only for legitimate educational purposes. To ensure that
18 students are not excluded from school unnecessarily, it is
19 recommended that school officials consider forms of
20 non-exclusionary discipline prior to using out-of-school
21 suspensions or expulsions.

22 (b-10) Unless otherwise required by federal law or this
23 Code, school boards may not institute zero-tolerance policies
24 by which school administrators are required to suspend or
25 expel students for particular behaviors.

26 (b-15) Out-of-school suspensions of 3 days or less may be

1 used only if the student's continuing presence in school would
2 pose a threat to school safety or a disruption to other
3 students' learning opportunities. For purposes of this
4 subsection (b-15), "threat to school safety or a disruption to
5 other students' learning opportunities" shall be determined on
6 a case-by-case basis by the school board or its designee.
7 School officials shall make all reasonable efforts to resolve
8 such threats, address such disruptions, and minimize the
9 length of suspensions to the greatest extent practicable.

10 (b-20) Unless otherwise required by this Code,
11 out-of-school suspensions of longer than 3 days, expulsions,
12 and disciplinary removals to alternative schools may be used
13 only if other appropriate and available behavioral and
14 disciplinary interventions have been exhausted and the
15 student's continuing presence in school would either (i) pose
16 a threat to the safety of other students, staff, or members of
17 the school community or (ii) substantially disrupt, impede, or
18 interfere with the operation of the school. For purposes of
19 this subsection (b-20), "threat to the safety of other
20 students, staff, or members of the school community" and
21 "substantially disrupt, impede, or interfere with the
22 operation of the school" shall be determined on a case-by-case
23 basis by school officials. For purposes of this subsection
24 (b-20), the determination of whether "appropriate and
25 available behavioral and disciplinary interventions have been
26 exhausted" shall be made by school officials. School officials

1 shall make all reasonable efforts to resolve such threats,
2 address such disruptions, and minimize the length of student
3 exclusions to the greatest extent practicable. Within the
4 suspension decision described in subsection (b) of this
5 Section or the expulsion decision described in subsection (a)
6 of this Section, it shall be documented whether other
7 interventions were attempted or whether it was determined that
8 there were no other appropriate and available interventions.

9 (b-25) Students who are suspended out-of-school for longer
10 than 3 school days shall be provided appropriate and available
11 support services during the period of their suspension. For
12 purposes of this subsection (b-25), "appropriate and available
13 support services" shall be determined by school authorities.
14 Within the suspension decision described in subsection (b) of
15 this Section, it shall be documented whether such services are
16 to be provided or whether it was determined that there are no
17 such appropriate and available services.

18 A school district may refer students who are expelled to
19 appropriate and available support services.

20 A school district shall create a policy to facilitate the
21 re-engagement of students who are suspended out-of-school,
22 expelled, or returning from an alternative school setting. In
23 consultation with stakeholders deemed appropriate by the State
24 Board of Education, the State Board of Education shall draft
25 and publish guidance for the re-engagement of students who are
26 suspended out-of-school, expelled, or returning from an

1 alternative school setting in accordance with this Section and
2 Section 13A-4 on or before July 1, 2025.

3 (b-30) A school district shall create a policy by which
4 suspended students, including those students suspended from
5 the school bus who do not have alternate transportation to
6 school, shall have the opportunity to make up work for
7 equivalent academic credit. It shall be the responsibility of
8 a student's parent or guardian to notify school officials that
9 a student suspended from the school bus does not have
10 alternate transportation to school.

11 (c) A school board must invite a representative from a
12 local mental health agency to consult with the board at the
13 meeting whenever there is evidence that mental illness may be
14 the cause of a student's expulsion or suspension.

15 (c-5) School districts shall make reasonable efforts to
16 provide ongoing professional development to all school
17 personnel, school board members, and school resource officers,
18 on the requirements of this Section and Section 10-20.14, the
19 adverse consequences of school exclusion and justice-system
20 involvement, effective classroom management strategies,
21 culturally responsive discipline, trauma-responsive learning
22 environments, as defined in subsection (b) of Section 3-11,
23 the appropriate and available supportive services for the
24 promotion of student attendance and engagement, and
25 developmentally appropriate disciplinary methods that promote
26 positive and healthy school climates.

1 (d) The board may expel a student for a definite period of
2 time not to exceed 2 calendar years, as determined on a
3 case-by-case basis. A student who is determined to have
4 brought one of the following objects to school, any
5 school-sponsored activity or event, or any activity or event
6 that bears a reasonable relationship to school shall be
7 expelled for a period of not less than one year:

8 (1) A firearm. For the purposes of this Section,
9 "firearm" means any gun, rifle, shotgun, weapon as defined
10 by Section 921 of Title 18 of the United States Code,
11 firearm as defined in Section 1.1 of the Firearm Owners
12 Identification Card Act, or firearm as defined in Section
13 24-1 of the Criminal Code of 2012. The expulsion period
14 under this subdivision (1) may be modified by the
15 superintendent, and the superintendent's determination may
16 be modified by the board on a case-by-case basis.

17 (2) A knife, brass knuckles or other knuckle weapon
18 regardless of its composition, a billy club, or any other
19 object if used or attempted to be used to cause bodily
20 harm, including "look alike" of any firearm as defined in
21 subdivision (1) of this subsection (d). The expulsion
22 requirement under this subdivision (2) may be modified by
23 the superintendent, and the superintendent's determination
24 may be modified by the board on a case-by-case basis.

25 Expulsion or suspension shall be construed in a manner
26 consistent with the federal Individuals with Disabilities

1 Education Act. A student who is subject to suspension or
2 expulsion as provided in this Section may be eligible for a
3 transfer to an alternative school program in accordance with
4 Article 13A of the School Code.

5 (d-5) The board may suspend or by regulation authorize the
6 superintendent of the district or the principal, assistant
7 principal, or dean of students of any school to suspend a
8 student for a period not to exceed 10 school days or may expel
9 a student for a definite period of time not to exceed 2
10 calendar years, as determined on a case-by-case basis, if (i)
11 that student has been determined to have made an explicit
12 threat on an Internet website against a school employee, a
13 student, or any school-related personnel, (ii) the Internet
14 website through which the threat was made is a site that was
15 accessible within the school at the time the threat was made or
16 was available to third parties who worked or studied within
17 the school grounds at the time the threat was made, and (iii)
18 the threat could be reasonably interpreted as threatening to
19 the safety and security of the threatened individual because
20 of the individual's duties or employment status or status as a
21 student inside the school.

22 (e) To maintain order and security in the schools, school
23 authorities may inspect and search places and areas such as
24 lockers, desks, parking lots, and other school property and
25 equipment owned or controlled by the school, as well as
26 personal effects left in those places and areas by students,

1 without notice to or the consent of the student, and without a
2 search warrant. As a matter of public policy, the General
3 Assembly finds that students have no reasonable expectation of
4 privacy in these places and areas or in their personal effects
5 left in these places and areas. School authorities may request
6 the assistance of law enforcement officials for the purpose of
7 conducting inspections and searches of lockers, desks, parking
8 lots, and other school property and equipment owned or
9 controlled by the school for illegal drugs, weapons, or other
10 illegal or dangerous substances or materials, including
11 searches conducted through the use of specially trained dogs.
12 If a search conducted in accordance with this Section produces
13 evidence that the student has violated or is violating either
14 the law, local ordinance, or the school's policies or rules,
15 such evidence may be seized by school authorities, and
16 disciplinary action may be taken. School authorities may also
17 turn over such evidence to law enforcement authorities.

18 (f) Suspension or expulsion may include suspension or
19 expulsion from school and all school activities and a
20 prohibition from being present on school grounds.

21 (g) A school district may adopt a policy providing that if
22 a student is suspended or expelled for any reason from any
23 public or private school in this or any other state, the
24 student must complete the entire term of the suspension or
25 expulsion in an alternative school program under Article 13A
26 of this Code or an alternative learning opportunities program

1 under Article 13B of this Code before being admitted into the
2 school district if there is no threat to the safety of students
3 or staff in the alternative program.

4 (h) School officials shall not advise or encourage
5 students to drop out voluntarily due to behavioral or academic
6 difficulties.

7 (i) A student may not be issued a monetary fine or fee as a
8 disciplinary consequence, though this shall not preclude
9 requiring a student to provide restitution for lost, stolen,
10 or damaged property.

11 (j) Subsections (a) through (i) of this Section shall
12 apply to elementary and secondary schools, charter schools,
13 special charter districts, and school districts organized
14 under Article 34 of this Code.

15 (k) The expulsion of students enrolled in programs funded
16 under Section 1C-2 of this Code is subject to the requirements
17 under paragraph (7) of subsection (a) of Section 2-3.71 of
18 this Code.

19 (l) An in-school suspension program provided by a school
20 district for any students in kindergarten through grade 12 may
21 focus on promoting non-violent conflict resolution and
22 positive interaction with other students and school personnel.
23 A school district may employ a school social worker or a
24 licensed mental health professional to oversee an in-school
25 suspension program in kindergarten through grade 12.

26 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22;

1 103-594, eff. 6-25-24; 103-896, eff. 8-9-24; revised 9-25-24.)

2 (Text of Section after amendment by P.A. 102-466)

3 Sec. 10-22.6. Suspension or expulsion of students; school
4 searches.

5 (a) To expel students guilty of gross disobedience or
6 misconduct, including gross disobedience or misconduct
7 perpetuated by electronic means, pursuant to subsection (b-20)
8 of this Section, and no action shall lie against them for such
9 expulsion. Expulsion shall take place only after the parents
10 or guardians have been requested to appear at a meeting of the
11 board, or with a hearing officer appointed by it, to discuss
12 their child's behavior. Such request shall be made by
13 registered or certified mail and shall state the time, place
14 and purpose of the meeting. The board, or a hearing officer
15 appointed by it, at such meeting shall state the reasons for
16 dismissal and the date on which the expulsion is to become
17 effective. If a hearing officer is appointed by the board, the
18 hearing officer shall report to the board a written summary of
19 the evidence heard at the meeting and the board may take such
20 action thereon as it finds appropriate. If the board acts to
21 expel a student, the written expulsion decision shall detail
22 the specific reasons why removing the student from the
23 learning environment is in the best interest of the school.
24 The expulsion decision shall also include a rationale as to
25 the specific duration of the expulsion. An expelled student

1 may be immediately transferred to an alternative program in
2 the manner provided in Article 13A or 13B of this Code. A
3 student must not be denied transfer because of the expulsion,
4 except in cases in which such transfer is deemed to cause a
5 threat to the safety of students or staff in the alternative
6 program.

7 (b) To suspend or by policy to authorize the
8 superintendent of the district or the principal, assistant
9 principal, or dean of students of any school to suspend
10 students guilty of gross disobedience or misconduct, or to
11 suspend students guilty of gross disobedience or misconduct on
12 the school bus from riding the school bus, pursuant to
13 subsections (b-15) and (b-20) of this Section, and no action
14 shall lie against them for such suspension. The board may by
15 policy authorize the superintendent of the district or the
16 principal, assistant principal, or dean of students of any
17 school to suspend students guilty of such acts for a period not
18 to exceed 10 school days. If a student is suspended due to
19 gross disobedience or misconduct on a school bus, the board
20 may suspend the student in excess of 10 school days for safety
21 reasons.

22 Any suspension shall be reported immediately to the
23 parents or guardians of a student along with a full statement
24 of the reasons for such suspension and a notice of their right
25 to a review. The school board must be given a summary of the
26 notice, including the reason for the suspension and the

1 suspension length. Upon request of the parents or guardians,
2 the school board or a hearing officer appointed by it shall
3 review such action of the superintendent or principal,
4 assistant principal, or dean of students. At such review, the
5 parents or guardians of the student may appear and discuss the
6 suspension with the board or its hearing officer. If a hearing
7 officer is appointed by the board, he shall report to the board
8 a written summary of the evidence heard at the meeting. After
9 its hearing or upon receipt of the written report of its
10 hearing officer, the board may take such action as it finds
11 appropriate. If a student is suspended pursuant to this
12 subsection (b), the board shall, in the written suspension
13 decision, detail the specific act of gross disobedience or
14 misconduct resulting in the decision to suspend. The
15 suspension decision shall also include a rationale as to the
16 specific duration of the suspension.

17 (b-5) Among the many possible disciplinary interventions
18 and consequences available to school officials, school
19 exclusions, such as out-of-school suspensions and expulsions,
20 are the most serious. School officials shall limit the number
21 and duration of expulsions and suspensions to the greatest
22 extent practicable, and it is recommended that they use them
23 only for legitimate educational purposes. To ensure that
24 students are not excluded from school unnecessarily, it is
25 recommended that school officials consider forms of
26 non-exclusionary discipline prior to using out-of-school

1 suspensions or expulsions.

2 (b-10) Unless otherwise required by federal law or this
3 Code, school boards may not institute zero-tolerance policies
4 by which school administrators are required to suspend or
5 expel students for particular behaviors.

6 (b-15) Out-of-school suspensions of 3 days or less may be
7 used only if the student's continuing presence in school would
8 pose a threat to school safety or a disruption to other
9 students' learning opportunities. For purposes of this
10 subsection (b-15), "threat to school safety or a disruption to
11 other students' learning opportunities" shall be determined on
12 a case-by-case basis by the school board or its designee.
13 School officials shall make all reasonable efforts to resolve
14 such threats, address such disruptions, and minimize the
15 length of suspensions to the greatest extent practicable.

16 (b-20) Unless otherwise required by this Code,
17 out-of-school suspensions of longer than 3 days, expulsions,
18 and disciplinary removals to alternative schools may be used
19 only if other appropriate and available behavioral and
20 disciplinary interventions have been exhausted and the
21 student's continuing presence in school would either (i) pose
22 a threat to the safety of other students, staff, or members of
23 the school community or (ii) substantially disrupt, impede, or
24 interfere with the operation of the school. For purposes of
25 this subsection (b-20), "threat to the safety of other
26 students, staff, or members of the school community" and

1 "substantially disrupt, impede, or interfere with the
2 operation of the school" shall be determined on a case-by-case
3 basis by school officials. For purposes of this subsection
4 (b-20), the determination of whether "appropriate and
5 available behavioral and disciplinary interventions have been
6 exhausted" shall be made by school officials. School officials
7 shall make all reasonable efforts to resolve such threats,
8 address such disruptions, and minimize the length of student
9 exclusions to the greatest extent practicable. Within the
10 suspension decision described in subsection (b) of this
11 Section or the expulsion decision described in subsection (a)
12 of this Section, it shall be documented whether other
13 interventions were attempted or whether it was determined that
14 there were no other appropriate and available interventions.

15 (b-25) Students who are suspended out-of-school for longer
16 than 3 school days shall be provided appropriate and available
17 support services during the period of their suspension. For
18 purposes of this subsection (b-25), "appropriate and available
19 support services" shall be determined by school authorities.
20 Within the suspension decision described in subsection (b) of
21 this Section, it shall be documented whether such services are
22 to be provided or whether it was determined that there are no
23 such appropriate and available services.

24 A school district may refer students who are expelled to
25 appropriate and available support services.

26 A school district shall create a policy to facilitate the

1 re-engagement of students who are suspended out-of-school,
2 expelled, or returning from an alternative school setting. In
3 consultation with stakeholders deemed appropriate by the State
4 Board of Education, the State Board of Education shall draft
5 and publish guidance for the re-engagement of students who are
6 suspended out-of-school, expelled, or returning from an
7 alternative school setting in accordance with this Section and
8 Section 13A-4 on or before July 1, 2025.

9 (b-30) A school district shall create a policy by which
10 suspended students, including those students suspended from
11 the school bus who do not have alternate transportation to
12 school, shall have the opportunity to make up work for
13 equivalent academic credit. It shall be the responsibility of
14 a student's parents or guardians to notify school officials
15 that a student suspended from the school bus does not have
16 alternate transportation to school.

17 (b-35) In all suspension review hearings conducted under
18 subsection (b) or expulsion hearings conducted under
19 subsection (a), a student may disclose any factor to be
20 considered in mitigation, including his or her status as a
21 parent, expectant parent, or victim of domestic or sexual
22 violence, as defined in Article 26A. A representative of the
23 parent's or guardian's choice, or of the student's choice if
24 emancipated, must be permitted to represent the student
25 throughout the proceedings and to address the school board or
26 its appointed hearing officer. With the approval of the

1 student's parent or guardian, or of the student if
2 emancipated, a support person must be permitted to accompany
3 the student to any disciplinary hearings or proceedings. The
4 representative or support person must comply with any rules of
5 the school district's hearing process. If the representative
6 or support person violates the rules or engages in behavior or
7 advocacy that harasses, abuses, or intimidates either party, a
8 witness, or anyone else in attendance at the hearing, the
9 representative or support person may be prohibited from
10 further participation in the hearing or proceeding. A
11 suspension or expulsion proceeding under this subsection
12 (b-35) must be conducted independently from any ongoing
13 criminal investigation or proceeding, and an absence of
14 pending or possible criminal charges, criminal investigations,
15 or proceedings may not be a factor in school disciplinary
16 decisions.

17 (b-40) During a suspension review hearing conducted under
18 subsection (b) or an expulsion hearing conducted under
19 subsection (a) that involves allegations of sexual violence by
20 the student who is subject to discipline, neither the student
21 nor his or her representative shall directly question nor have
22 direct contact with the alleged victim. The student who is
23 subject to discipline or his or her representative may, at the
24 discretion and direction of the school board or its appointed
25 hearing officer, suggest questions to be posed by the school
26 board or its appointed hearing officer to the alleged victim.

1 (c) A school board must invite a representative from a
2 local mental health agency to consult with the board at the
3 meeting whenever there is evidence that mental illness may be
4 the cause of a student's expulsion or suspension.

5 (c-5) School districts shall make reasonable efforts to
6 provide ongoing professional development to all school
7 personnel, school board members, and school resource officers
8 on the requirements of this Section and Section 10-20.14, the
9 adverse consequences of school exclusion and justice-system
10 involvement, effective classroom management strategies,
11 culturally responsive discipline, trauma-responsive learning
12 environments, as defined in subsection (b) of Section 3-11,
13 the appropriate and available supportive services for the
14 promotion of student attendance and engagement, and
15 developmentally appropriate disciplinary methods that promote
16 positive and healthy school climates.

17 (d) The board may expel a student for a definite period of
18 time not to exceed 2 calendar years, as determined on a
19 case-by-case basis. A student who is determined to have
20 brought one of the following objects to school, any
21 school-sponsored activity or event, or any activity or event
22 that bears a reasonable relationship to school shall be
23 expelled for a period of not less than one year:

24 (1) A firearm. For the purposes of this Section,
25 "firearm" means any gun, rifle, shotgun, weapon as defined
26 by Section 921 of Title 18 of the United States Code,

1 firearm as defined in Section 1.1 of the Firearm Owners
2 Identification Card Act, or firearm as defined in Section
3 24-1 of the Criminal Code of 2012. The expulsion period
4 under this subdivision (1) may be modified by the
5 superintendent, and the superintendent's determination may
6 be modified by the board on a case-by-case basis.

7 (2) A knife, brass knuckles or other knuckle weapon
8 regardless of its composition, a billy club, or any other
9 object if used or attempted to be used to cause bodily
10 harm, including "look alike" of any firearm as defined in
11 subdivision (1) of this subsection (d). The expulsion
12 requirement under this subdivision (2) may be modified by
13 the superintendent, and the superintendent's determination
14 may be modified by the board on a case-by-case basis.

15 Expulsion or suspension shall be construed in a manner
16 consistent with the federal Individuals with Disabilities
17 Education Act. A student who is subject to suspension or
18 expulsion as provided in this Section may be eligible for a
19 transfer to an alternative school program in accordance with
20 Article 13A of the School Code.

21 (d-5) The board may suspend or by regulation authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend a
24 student for a period not to exceed 10 school days or may expel
25 a student for a definite period of time not to exceed 2
26 calendar years, as determined on a case-by-case basis, if (i)

1 that student has been determined to have made an explicit
2 threat on an Internet website against a school employee, a
3 student, or any school-related personnel, (ii) the Internet
4 website through which the threat was made is a site that was
5 accessible within the school at the time the threat was made or
6 was available to third parties who worked or studied within
7 the school grounds at the time the threat was made, and (iii)
8 the threat could be reasonably interpreted as threatening to
9 the safety and security of the threatened individual because
10 of the individual's duties or employment status or status as a
11 student inside the school.

12 (e) To maintain order and security in the schools, school
13 authorities may inspect and search places and areas such as
14 lockers, desks, parking lots, and other school property and
15 equipment owned or controlled by the school, as well as
16 personal effects left in those places and areas by students,
17 without notice to or the consent of the student, and without a
18 search warrant. As a matter of public policy, the General
19 Assembly finds that students have no reasonable expectation of
20 privacy in these places and areas or in their personal effects
21 left in these places and areas. School authorities may request
22 the assistance of law enforcement officials for the purpose of
23 conducting inspections and searches of lockers, desks, parking
24 lots, and other school property and equipment owned or
25 controlled by the school for illegal drugs, weapons, or other
26 illegal or dangerous substances or materials, including

1 searches conducted through the use of specially trained dogs.
2 If a search conducted in accordance with this Section produces
3 evidence that the student has violated or is violating either
4 the law, local ordinance, or the school's policies or rules,
5 such evidence may be seized by school authorities, and
6 disciplinary action may be taken. School authorities may also
7 turn over such evidence to law enforcement authorities.

8 (f) Suspension or expulsion may include suspension or
9 expulsion from school and all school activities and a
10 prohibition from being present on school grounds.

11 (g) A school district may adopt a policy providing that if
12 a student is suspended or expelled for any reason from any
13 public or private school in this or any other state, the
14 student must complete the entire term of the suspension or
15 expulsion in an alternative school program under Article 13A
16 of this Code or an alternative learning opportunities program
17 under Article 13B of this Code before being admitted into the
18 school district if there is no threat to the safety of students
19 or staff in the alternative program. A school district that
20 adopts a policy under this subsection (g) must include a
21 provision allowing for consideration of any mitigating
22 factors, including, but not limited to, a student's status as
23 a parent, expectant parent, or victim of domestic or sexual
24 violence, as defined in Article 26A.

25 (h) School officials shall not advise or encourage
26 students to drop out voluntarily due to behavioral or academic

1 difficulties.

2 (i) A student may not be issued a monetary fine or fee as a
3 disciplinary consequence, though this shall not preclude
4 requiring a student to provide restitution for lost, stolen,
5 or damaged property.

6 (j) Subsections (a) through (i) of this Section shall
7 apply to elementary and secondary schools, charter schools,
8 special charter districts, and school districts organized
9 under Article 34 of this Code.

10 (k) Through June 30, 2026, the expulsion of students
11 enrolled in programs funded under Section 1C-2 of this Code is
12 subject to the requirements under paragraph (7) of subsection
13 (a) of Section 2-3.71 of this Code.

14 (k-5) On and after July 1, 2026, the expulsion of children
15 enrolled in programs funded under Section 15-25 of the
16 Department of Early Childhood Act is subject to the
17 requirements of paragraph (7) of subsection (a) of Section
18 15-30 of the Department of Early Childhood Act.

19 (l) An in-school suspension program provided by a school
20 district for any students in kindergarten through grade 12 may
21 focus on promoting non-violent conflict resolution and
22 positive interaction with other students and school personnel.
23 A school district may employ a school social worker or a
24 licensed mental health professional to oversee an in-school
25 suspension program in kindergarten through grade 12.

26 (Source: P.A. 102-466, eff. 7-1-25; 102-539, eff. 8-20-21;

1 102-813, eff. 5-13-22; 103-594, eff. 6-25-24; 103-896, eff.
2 8-9-24; revised 9-25-24.)

3 (105 ILCS 5/10-22.22) (from Ch. 122, par. 10-22.22)

4 Sec. 10-22.22. Transportation for pupils; tuition;
5 vocational school ~~pupils Tuition~~. To provide free
6 transportation for pupils, and where in its judgment the
7 interests of the district and of the pupils therein will be
8 best subserved by so doing the school board may permit the
9 pupils in the district or in any particular grade to attend the
10 schools of other districts and may permit any pupil to attend
11 an area secondary vocational school operated by a public
12 school district or a public or non-public vocational school
13 within the State of Illinois or adjacent states approved by
14 the Board of Vocational Education, and may provide free
15 transportation for such pupils and shall pay the tuition of
16 such pupils in the schools attended; such tuition shall be
17 based upon per capita cost computed in the following manner:
18 The cost of conducting and maintaining any area secondary
19 vocational school facility shall be first determined and shall
20 include the following expenses applicable only to such
21 educational facility under rules and regulations established
22 by the Board of Vocational Education and Rehabilitation as
23 follows:

24 a. Salaries of teachers, vocational counselors, and
25 supporting professional workers, necessary non-certified

1 workers, clerks, custodial employees, and any district
2 taxes specifically for their pension and retirement
3 benefits.

4 b. Equipment and supplies necessary for program
5 operation.

6 c. Administrative costs.

7 d. Operation of physical plant, including heat, light,
8 water, repairs, and maintenance.

9 e. Auxiliary service, not including any transportation
10 cost.

11 From such total cost thus determined there shall be
12 deducted the State reimbursement due on account of such
13 educational facility for the same year, not including any
14 State reimbursement for area secondary vocational school
15 transportation. Such net cost shall be divided by the average
16 number of pupils in average daily attendance in such area
17 secondary vocational school facility for the school year in
18 order to arrive at the net per capita tuition cost. Such costs
19 shall be computed on pupils regularly enrolled in an area
20 secondary vocational school on the basis of one-sixth day for
21 every class hour attended pursuant to such enrollment;
22 provided. ~~Provided,~~ that the board, subject to the approval of
23 the county superintendent of schools, may determine what
24 schools outside of its ~~their~~ district such pupils shall
25 attend. This Section ~~section~~ does not require the board of
26 directors or board of education of any district to admit

1 pupils from another district.

2 (Source: P.A. 94-213, eff. 7-14-05; revised 7-17-24.)

3 (105 ILCS 5/10-22.24b)

4 Sec. 10-22.24b. School counseling services. School
5 counseling services in public schools may be provided by
6 school counselors as defined in Section 10-22.24a of this Code
7 or by individuals who hold a Professional Educator License
8 with a school support personnel endorsement in the area of
9 school counseling under Section 21B-25 of this Code.

10 School counseling services may include, but are not
11 limited to:

12 (1) designing and delivering a comprehensive school
13 counseling program through a standards-based,
14 data-informed program that promotes student achievement
15 and wellness;

16 (2) (blank);

17 (3) school counselors working as culturally skilled
18 professionals who act sensitively to promote social
19 justice and equity in a pluralistic society;

20 (4) providing individual and group counseling;

21 (5) providing a core counseling curriculum that serves
22 all students and addresses the knowledge and skills
23 appropriate to their developmental level through a
24 collaborative model of delivery involving the school
25 counselor, classroom teachers, and other appropriate

1 education professionals, and including prevention and
2 pre-referral activities;

3 (6) making referrals when necessary to appropriate
4 offices or outside agencies;

5 (7) providing college and career development
6 activities and counseling;

7 (8) developing individual career plans with students,
8 which includes planning for post-secondary education, as
9 appropriate, and engaging in related and relevant career
10 and technical education coursework in high school;

11 (9) assisting all students with a college or
12 post-secondary education plan, which must include a
13 discussion on all post-secondary education options,
14 including 4-year colleges or universities, community
15 colleges, and vocational schools, and includes planning
16 for post-secondary education, as appropriate, and engaging
17 in related and relevant career and technical education
18 coursework in high school;

19 (10) (blank);

20 (11) educating all students on scholarships, financial
21 aid, and preparation of the Federal Application for
22 Federal Student Aid;

23 (12) collaborating with institutions of higher
24 education and local community colleges so that students
25 understand post-secondary education options and are ready
26 to transition successfully;

1 (13) providing crisis intervention and contributing to
2 the development of a specific crisis plan within the
3 school setting in collaboration with multiple
4 stakeholders;

5 (14) providing educational opportunities for students,
6 teachers, and parents on mental health issues;

7 (15) providing counseling and other resources to
8 students who are in crisis;

9 (16) working to address barriers that prohibit or
10 limit access to mental health services;

11 (17) addressing bullying and conflict resolution with
12 all students;

13 (18) teaching communication skills and helping
14 students develop positive relationships;

15 (19) using culturally sensitive skills in working with
16 all students to promote wellness;

17 (20) working to address the needs of all students with
18 regard to citizenship status;

19 (21) (blank);✚

20 (22) providing academic, social-emotional, and college
21 and career supports to all students irrespective of
22 special education or Section 504 status;

23 (23) assisting students in goal setting and success
24 skills for classroom behavior, study skills, test
25 preparation, internal motivation, and intrinsic rewards;

26 (24) (blank);✚

1 (25) providing information for all students in the
2 selection of courses that will lead to post-secondary
3 education opportunities toward a successful career;

4 (26) interpreting achievement test results and guiding
5 students in appropriate directions;

6 (27) (blank);

7 (28) providing families with opportunities for
8 education and counseling as appropriate in relation to the
9 student's educational assessment;

10 (29) consulting and collaborating with teachers and
11 other school personnel regarding behavior management and
12 intervention plans and inclusion in support of students;

13 (30) teaming and partnering with staff, parents,
14 businesses, and community organizations to support student
15 achievement and social-emotional learning standards for
16 all students;

17 (31) developing and implementing school-based
18 prevention programs, including, but not limited to,
19 mediation and violence prevention, implementing social and
20 emotional education programs and services, and
21 establishing and implementing bullying prevention and
22 intervention programs;

23 (32) developing culturally sensitive assessment
24 instruments for measuring school counseling prevention and
25 intervention effectiveness and collecting, analyzing, and
26 interpreting data;

1 (33) participating on school and district committees
2 to advocate for student programs and resources, as well as
3 establishing a school counseling advisory council that
4 includes representatives of key stakeholders selected to
5 review and advise on the implementation of the school
6 counseling program;

7 (34) acting as a liaison between the public schools
8 and community resources and building relationships with
9 important stakeholders, such as families, administrators,
10 teachers, and board members;

11 (35) maintaining organized, clear, and useful records
12 in a confidential manner consistent with Section 5 of the
13 Illinois School Student Records Act, the Family
14 Educational Rights and Privacy Act, and the Health
15 Insurance Portability and Accountability Act;

16 (36) presenting an annual agreement to the
17 administration, including a formal discussion of the
18 alignment of school and school counseling program missions
19 and goals and detailing specific school counselor
20 responsibilities;

21 (37) identifying and implementing culturally sensitive
22 measures of success for student competencies in each of
23 the 3 domains of academic, social and emotional, and
24 college and career learning based on planned and periodic
25 assessment of the comprehensive developmental school
26 counseling program;

1 (38) collaborating as a team member in Multi-Tiered
2 Systems of Support and other school initiatives;

3 (39) conducting observations and participating in
4 recommendations or interventions regarding the placement
5 of children in educational programs or special education
6 classes;

7 (40) analyzing data and results of school counseling
8 program assessments, including curriculum, small-group,
9 and closing-the-gap results reports, and designing
10 strategies to continue to improve program effectiveness;

11 (41) analyzing data and results of school counselor
12 competency assessments;

13 (42) following American School Counselor Association
14 Ethical Standards for School Counselors to demonstrate
15 high standards of integrity, leadership, and
16 professionalism;

17 (43) using student competencies to assess student
18 growth and development to inform decisions regarding
19 strategies, activities, and services that help students
20 achieve the highest academic level possible;

21 (44) practicing as a culturally skilled school
22 counselor by infusing the multicultural competencies
23 within the role of the school counselor, including the
24 practice of culturally sensitive attitudes and beliefs,
25 knowledge, and skills;

26 (45) infusing the Social-Emotional Standards, as

1 presented in the State Board of Education standards,
2 across the curriculum and in the counselor's role in ways
3 that empower and enable students to achieve academic
4 success across all grade levels;

5 (46) providing services only in areas in which the
6 school counselor has appropriate training or expertise, as
7 well as only providing counseling or consulting services
8 within his or her employment to any student in the
9 district or districts which employ such school counselor,
10 in accordance with professional ethics;

11 (47) having adequate training in supervision knowledge
12 and skills in order to supervise school counseling interns
13 enrolled in graduate school counselor preparation programs
14 that meet the standards established by the State Board of
15 Education;

16 (48) being involved with State and national
17 professional associations;

18 (49) complete the required training as outlined in
19 Section 10-22.39;

20 (50) (blank);

21 (51) (blank);

22 (52) (blank);

23 (53) (blank);

24 (54) (blank); and

25 (55) promoting career and technical education by
26 assisting each student to determine an appropriate

1 postsecondary plan based upon the student's skills,
2 strengths, and goals and assisting the student to
3 implement the best practices that improve career or
4 workforce readiness after high school.

5 School districts may employ a sufficient number of school
6 counselors to maintain the national and State recommended
7 student-counselor ratio of 250 to 1. School districts may have
8 school counselors spend at least 80% of his or her work time in
9 direct contact with students.

10 Nothing in this Section prohibits other qualified
11 professionals, including other endorsed school support
12 personnel, from providing the services listed in this Section.

13 (Source: P.A. 102-876, eff. 1-1-23; 103-154, eff. 6-30-23;
14 103-542, eff. 7-1-24 (see Section 905 of P.A. 103-563 for
15 effective date of P.A. 103-542; 103-780, eff. 8-2-24; revised
16 10-21-24.)

17 (105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

18 Sec. 10-22.36. Buildings for school purposes.

19 (a) To build or purchase a building for school classroom
20 or instructional purposes upon the approval of a majority of
21 the voters upon the proposition at a referendum held for such
22 purpose or in accordance with Section 17-2.11, 19-3.5, or
23 19-3.10. The board may initiate such referendum by resolution.
24 The board shall certify the resolution and proposition to the
25 proper election authority for submission in accordance with

1 the general election law.

2 The questions of building one or more new buildings for
3 school purposes or office facilities, and issuing bonds for
4 the purpose of borrowing money to purchase one or more
5 buildings or sites for such buildings or office sites, to
6 build one or more new buildings for school purposes or office
7 facilities or to make additions and improvements to existing
8 school buildings, may be combined into one or more
9 propositions on the ballot.

10 Before erecting, or purchasing or remodeling such a
11 building the board shall submit the plans and specifications
12 respecting heating, ventilating, lighting, seating, water
13 supply, toilets and safety against fire to the regional
14 superintendent of schools having supervision and control over
15 the district, for approval in accordance with Section 2-3.12.

16 Notwithstanding any of the foregoing, no referendum shall
17 be required if the purchase, construction, or building of any
18 such building (1) occurs while the building is being leased by
19 the school district or (2) is paid with (A) funds derived from
20 the sale or disposition of other buildings, land, or
21 structures of the school district or (B) funds received (i) as
22 a grant under the School Construction Law or (ii) as gifts or
23 donations, provided that no funds to purchase, construct, or
24 build such building, other than lease payments, are derived
25 from the district's bonded indebtedness or the tax levy of the
26 district.

1 Notwithstanding any of the foregoing, no referendum shall
2 be required if the purchase, construction, or building of any
3 such building is paid with funds received from the County
4 School Facility and Resources Occupation Tax Law under Section
5 5-1006.7 of the Counties Code or from the proceeds of bonds or
6 other debt obligations secured by revenues obtained from that
7 Law.

8 Notwithstanding any of the foregoing, for Decatur School
9 District Number 61, no referendum shall be required if at
10 least 50% of the cost of the purchase, construction, or
11 building of any such building is paid, or will be paid, with
12 funds received or expected to be received as part of, or
13 otherwise derived from, any COVID-19 pandemic relief program
14 or funding source, including, but not limited to, Elementary
15 and Secondary School Emergency Relief Fund grant proceeds.

16 (b) Notwithstanding the provisions of subsection (a), for
17 any school district: (i) that is a tier 1 school, (ii) that has
18 a population of less than 50,000 inhabitants, (iii) whose
19 student population is between 5,800 and 6,300, (iv) in which
20 57% to 62% of students are low-income, and (v) whose average
21 district spending is between \$10,000 to \$12,000 per pupil,
22 until July 1, 2025, no referendum shall be required if at least
23 50% of the cost of the purchase, construction, or building of
24 any such building is paid, or will be paid, with funds received
25 or expected to be received as part of, or otherwise derived
26 from, the federal Consolidated Appropriations Act and the

1 federal American Rescue Plan Act of 2021.

2 For this subsection (b), the school board must hold at
3 least 2 public hearings, the sole purpose of which shall be to
4 discuss the decision to construct a school building and to
5 receive input from the community. The notice of each public
6 hearing that sets forth the time, date, place, and name or
7 description of the school building that the school board is
8 considering constructing must be provided at least 10 days
9 prior to the hearing by publication on the school board's
10 Internet website.

11 (c) Notwithstanding the provisions of subsections (a) and
12 (b), for Cahokia Community Unit School District 187, no
13 referendum shall be required for the lease of any building for
14 school or educational purposes if the cost is paid or will be
15 paid with funds available at the time of the lease in the
16 district's existing fund balances to fund the lease of a
17 building during the 2023-2024 or 2024-2025 school year.

18 For the purposes of this subsection (c), the school board
19 must hold at least 2 public hearings, the sole purpose of which
20 shall be to discuss the decision to lease a school building and
21 to receive input from the community. The notice of each public
22 hearing that sets forth the time, date, place, and name or
23 description of the school building that the school board is
24 considering leasing must be provided at least 10 days prior to
25 the hearing by publication on the school district's website.

26 (d) Notwithstanding the provisions of subsections (a) and

1 (b), for Bloomington School District 87, no referendum shall
2 be required for the purchase, construction, or building of any
3 building for school or education purposes if such cost is paid
4 or will be paid with funds available at the time of contract,
5 purchase, construction, or building in Bloomington School
6 District Number 87's existing fund balances to fund the
7 procurement or requisition of a building or site during the
8 2022-2023, 2023-2024, or 2024-2025 school year.

9 For this subsection (d), the school board must hold at
10 least 2 public hearings, the sole purpose of which shall be to
11 discuss the decision to construct a school building and to
12 receive input from the community. The notice of each public
13 hearing that sets forth the time, date, place, and name or
14 description of the school building that the school board is
15 considering constructing must be provided at least 10 days
16 prior to the hearing by publication on the school board's
17 website.

18 (e) Notwithstanding the provisions of subsection (a), for
19 any school district: (i) that is designated as a Tier 1 or Tier
20 2 school district under Section 18-8.15, (ii) with at least
21 one school that is located on federal property, (iii) whose
22 overall student population is no more than 4,500 students and
23 no less than 2,500 students, and (iv) that receives a federal
24 Public Schools on Military Installations grant until June 30,
25 2030, no referendum shall be required if at least 75% of the
26 cost of construction or building of any such building is paid

1 or will be paid with funds received or expected to be received
2 from the Public Schools on Military Installations grant.

3 For this subsection (e), the school board must hold at
4 least 2 public hearings, the sole purpose of which shall be to
5 discuss the decision to construct a school building and to
6 receive input from those community members in attendance. The
7 notice of each public hearing that sets forth the time, date,
8 place, and description of the school construction project must
9 be provided at least 10 days prior to the hearing by
10 publication on the school district's website.

11 (f) ~~(e)~~ Notwithstanding the provisions of subsection (a)
12 and (b), beginning September 1, 2024, no referendum shall be
13 required to build or purchase a building for school classroom
14 or instructional purposes if, prior to the building or
15 purchase of the building, the board determines, by resolution,
16 that the building or purchase will result in an increase in
17 pre-kindergarten or kindergarten classroom space in the
18 district.

19 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 7-1-22;
20 103-8, eff. 6-7-23; 103-509, eff. 8-4-23; 103-591, eff.
21 7-1-24; 103-605, eff. 7-1-24; 103-878, eff. 8-9-24; revised
22 9-25-24.)

23 (105 ILCS 5/14A-32)

24 Sec. 14A-32. Accelerated placement; school district
25 responsibilities.

1 (a) Each school district shall have a policy that allows
2 for accelerated placement that includes or incorporates by
3 reference the following components:

4 (1) a provision that provides that participation in
5 accelerated placement is not limited to those children who
6 have been identified as gifted and talented, but rather is
7 open to all children who demonstrate high ability and who
8 may benefit from accelerated placement;

9 (2) a fair and equitable decision-making process that
10 involves multiple persons and includes a student's parents
11 or guardians;

12 (3) procedures for notifying parents or guardians of a
13 child of a decision affecting that child's participation
14 in an accelerated placement program; and

15 (4) an assessment process that includes multiple
16 valid, reliable indicators.

17 (a-5) By no later than the beginning of the 2023-2024
18 school year, a school district's accelerated placement policy
19 shall allow for the automatic enrollment, in the following
20 school term, of a student into the next most rigorous level of
21 advanced coursework offered by the high school if the student
22 meets or exceeds State standards in English language arts,
23 mathematics, or science on a State assessment administered
24 under Section 2-3.64a-5 as follows:

25 (1) A student who exceeds State standards in English
26 language arts shall be automatically enrolled into the

1 next most rigorous level of advanced coursework in
2 English, social studies, humanities, or related subjects.

3 (2) A student who exceeds State standards in
4 mathematics shall be automatically enrolled into the next
5 most rigorous level of advanced coursework in mathematics.

6 (3) A student who exceeds State standards in science
7 shall be automatically enrolled into the next most
8 rigorous level of advanced coursework in science.

9 (a-10) By no later than the beginning of the 2027-2028
10 school year, a school district's accelerated placement policy
11 shall allow for automatic eligibility, in the following school
12 term, for a student to enroll in the next most rigorous level
13 of advanced coursework offered by the high school if the
14 student meets State standards in English language arts,
15 mathematics, or science on a State assessment administered
16 under Section 2-3.64a-5 as follows:

17 (1) A student who meets State standards in English
18 language arts shall be automatically eligible to enroll in
19 the next most rigorous level of advanced coursework in
20 English, social studies, humanities, or related subjects.

21 (2) A student who meets State standards in mathematics
22 shall be automatically eligible to enroll in the next most
23 rigorous level of advanced coursework in mathematics.

24 (3) A student who meets State standards in science
25 shall be automatically eligible to enroll in the next most
26 rigorous level of advanced coursework in science.

1 (a-15) For a student entering grade 12, the next most
2 rigorous level of advanced coursework in English language arts
3 or mathematics shall be a dual credit course, as defined in the
4 Dual Credit Quality Act, an Advanced Placement course, as
5 defined in Section 10 of the College and Career Success for All
6 Students Act, or an International Baccalaureate course;
7 otherwise, the next most rigorous level of advanced coursework
8 under this subsection (a-15) may include a dual credit course,
9 as defined in the Dual Credit Quality Act, an Advanced
10 Placement course, as defined in Section 10 of the College and
11 Career Success for All Students Act, an International
12 Baccalaureate course, an honors class, an enrichment
13 opportunity, a gifted program, or another program offered by
14 the district.

15 A school district may use the student's most recent State
16 assessment results to determine whether a student meets or
17 exceeds State standards. For a student entering grade 9,
18 results from the State assessment taken in grades 6 through 8
19 may be used. For other high school grades, the results from a
20 locally selected, nationally normed assessment may be used
21 instead of the State assessment if those results are the most
22 recent.

23 (a-20) A school district's accelerated placement policy
24 may allow for the waiver of a course or unit of instruction
25 completion requirement if (i) completion of the course or unit
26 of instruction is required by this Code or rules adopted by the

1 State Board of Education as a prerequisite to receiving a high
2 school diploma and (ii) the school district has determined
3 that the student has demonstrated mastery of or competency in
4 the content of the course or unit of instruction. The school
5 district shall maintain documentation of this determination of
6 mastery or competency for each student, that shall include
7 identification of the learning standards or competencies
8 reviewed, the methods of measurement used, student
9 performance, the date of the determination, and identification
10 of the district personnel involved in the determination
11 process.

12 (a-25) A school district's accelerated placement policy
13 must include a process through which the parent or guardian of
14 each student who meets State standards is provided
15 notification in writing of the student's eligibility for
16 enrollment in accelerated courses. This notification must
17 provide details on the procedures for the parent or guardian
18 to enroll or not enroll the student in accelerated courses, in
19 writing, on forms the school district makes available. If no
20 course selection is made by the parent or guardian in
21 accordance with procedures set forth by the school district,
22 the student shall be automatically enrolled in the next most
23 rigorous level of coursework. A school district must provide
24 the parent or guardian of a student eligible for enrollment
25 under subsection (a-5) or (a-10) with the option to instead
26 have the student enroll in alternative coursework that better

1 aligns with the student's postsecondary education or career
2 goals. If applicable, a school district must provide
3 notification to a student's parent or guardian that the
4 student will receive a waiver of a course or unit of
5 instruction completion requirement under subsection
6 ~~subsections~~ (a-5) or (a-10).

7 Nothing in subsection (a-5) or (a-10) may be interpreted
8 to preclude other students from enrolling in advanced
9 coursework per the policy of a school district.

10 (a-30) Nothing in this Section shall prohibit the
11 implementation of policies that allow for automatic enrollment
12 of students who meet standards on State assessments into the
13 next most rigorous level of advanced coursework offered by a
14 high school.

15 (b) Further, a school district's accelerated placement
16 policy may include or incorporate by reference, but need not
17 be limited to, the following components:

18 (1) procedures for annually informing the community
19 at-large, including parents or guardians, community-based
20 organizations, and providers of out-of-school programs,
21 about the accelerated placement program and the methods
22 used for the identification of children eligible for
23 accelerated placement, including strategies to reach
24 groups of students and families who have been historically
25 underrepresented in accelerated placement programs and
26 advanced coursework;

1 (2) a process for referral that allows for multiple
2 referrers, including a child's parents or guardians; other
3 referrers may include licensed education professionals,
4 the child, with the written consent of a parent or
5 guardian, a peer, through a licensed education
6 professional who has knowledge of the referred child's
7 abilities, or, in case of possible early entrance, a
8 preschool educator, pediatrician, or psychologist who
9 knows the child;

10 (3) a provision that provides that children
11 participating in an accelerated placement program and
12 their parents or guardians will be provided a written plan
13 detailing the type of acceleration the child will receive
14 and strategies to support the child;

15 (4) procedures to provide support and promote success
16 for students who are newly enrolled in an accelerated
17 placement program;

18 (5) a process for the school district to review and
19 utilize disaggregated data on participation in an
20 accelerated placement program to address gaps among
21 demographic groups in accelerated placement opportunities;
22 and

23 (6) procedures to promote equity, which may
24 incorporate one or more of the following evidence-based
25 practices:

26 (A) the use of multiple tools to assess

1 exceptional potential and provide several pathways
2 into advanced academic programs when assessing student
3 need for advanced academic or accelerated programming;

4 (B) providing enrichment opportunities starting in
5 the early grades to address achievement gaps that
6 occur at school entry and provide students with
7 opportunities to demonstrate their advanced potential;

8 (C) the use of universal screening combined with
9 local school-based norms for placement in accelerated
10 and advanced learning programs;

11 (D) developing a continuum of services to identify
12 and develop talent in all learners ranging from
13 enriched learning experiences, such as problem-based
14 learning, performance tasks, critical thinking, and
15 career exploration, to accelerated placement and
16 advanced academic programming; and

17 (E) providing professional learning in gifted
18 education for teachers and other appropriate school
19 personnel to appropriately identify and challenge
20 students from diverse cultures and backgrounds who may
21 benefit from accelerated placement or advanced
22 academic programming.

23 (c) The State Board of Education shall adopt rules to
24 determine data to be collected and disaggregated by
25 demographic group regarding accelerated placement, including
26 the rates of students who participate in and successfully

1 complete advanced coursework, and a method of making the
2 information available to the public.

3 (d) On or before November 1, 2022, following a review of
4 disaggregated data on the participation and successful
5 completion rates of students enrolled in an accelerated
6 placement program, each school district shall develop a plan
7 to expand access to its accelerated placement program and to
8 ensure the teaching capacity necessary to meet the increased
9 demand.

10 (Source: P.A. 102-209, eff. 11-30-21 (See Section 5 of P.A.
11 102-671 for effective date of P.A. 102-209); 103-263, eff.
12 6-30-23; 103-743, eff. 8-2-24; revised 10-21-24.)

13 (105 ILCS 5/18-8.15)

14 Sec. 18-8.15. Evidence-Based Funding for student success
15 for the 2017-2018 and subsequent school years.

16 (a) General provisions.

17 (1) The purpose of this Section is to ensure that, by
18 June 30, 2027 and beyond, this State has a kindergarten
19 through grade 12 public education system with the capacity
20 to ensure the educational development of all persons to
21 the limits of their capacities in accordance with Section
22 1 of Article X of the Constitution of the State of
23 Illinois. To accomplish that objective, this Section
24 creates a method of funding public education that is
25 evidence-based; is sufficient to ensure every student

1 receives a meaningful opportunity to learn irrespective of
2 race, ethnicity, sexual orientation, gender, or
3 community-income level; and is sustainable and
4 predictable. When fully funded under this Section, every
5 school shall have the resources, based on what the
6 evidence indicates is needed, to:

7 (A) provide all students with a high quality
8 education that offers the academic, enrichment, social
9 and emotional support, technical, and career-focused
10 programs that will allow them to become competitive
11 workers, responsible parents, productive citizens of
12 this State, and active members of our national
13 democracy;

14 (B) ensure all students receive the education they
15 need to graduate from high school with the skills
16 required to pursue post-secondary education and
17 training for a rewarding career;

18 (C) reduce, with a goal of eliminating, the
19 achievement gap between at-risk and non-at-risk
20 students by raising the performance of at-risk
21 students and not by reducing standards; and

22 (D) ensure this State satisfies its obligation to
23 assume the primary responsibility to fund public
24 education and simultaneously relieve the
25 disproportionate burden placed on local property taxes
26 to fund schools.

1 (2) The Evidence-Based Funding formula under this
2 Section shall be applied to all Organizational Units in
3 this State. The Evidence-Based Funding formula outlined in
4 this Act is based on the formula outlined in Senate Bill 1
5 of the 100th General Assembly, as passed by both
6 legislative chambers. As further defined and described in
7 this Section, there are 4 major components of the
8 Evidence-Based Funding model:

9 (A) First, the model calculates a unique Adequacy
10 Target for each Organizational Unit in this State that
11 considers the costs to implement research-based
12 activities, the unit's student demographics, and
13 regional wage differences.

14 (B) Second, the model calculates each
15 Organizational Unit's Local Capacity, or the amount
16 each Organizational Unit is assumed to contribute
17 toward its Adequacy Target from local resources.

18 (C) Third, the model calculates how much funding
19 the State currently contributes to the Organizational
20 Unit and adds that to the unit's Local Capacity to
21 determine the unit's overall current adequacy of
22 funding.

23 (D) Finally, the model's distribution method
24 allocates new State funding to those Organizational
25 Units that are least well-funded, considering both
26 Local Capacity and State funding, in relation to their

1 Adequacy Target.

2 (3) An Organizational Unit receiving any funding under
3 this Section may apply those funds to any fund so received
4 for which that Organizational Unit is authorized to make
5 expenditures by law.

6 (4) As used in this Section, the following terms shall
7 have the meanings ascribed in this paragraph (4):

8 "Adequacy Target" is defined in paragraph (1) of
9 subsection (b) of this Section.

10 "Adjusted EAV" is defined in paragraph (4) of
11 subsection (d) of this Section.

12 "Adjusted Local Capacity Target" is defined in
13 paragraph (3) of subsection (c) of this Section.

14 "Adjusted Operating Tax Rate" means a tax rate for all
15 Organizational Units, for which the State Superintendent
16 shall calculate and subtract for the Operating Tax Rate a
17 transportation rate based on total expenses for
18 transportation services under this Code, as reported on
19 the most recent Annual Financial Report in Pupil
20 Transportation Services, function 2550 in both the
21 Education and Transportation funds and functions 4110 and
22 4120 in the Transportation fund, less any corresponding
23 fiscal year State of Illinois scheduled payments excluding
24 net adjustments for prior years for regular, vocational,
25 or special education transportation reimbursement pursuant
26 to Section 29-5 or subsection (b) of Section 14-13.01 of

1 this Code divided by the Adjusted EAV. If an
2 Organizational Unit's corresponding fiscal year State of
3 Illinois scheduled payments excluding net adjustments for
4 prior years for regular, vocational, or special education
5 transportation reimbursement pursuant to Section 29-5 or
6 subsection (b) of Section 14-13.01 of this Code exceed the
7 total transportation expenses, as defined in this
8 paragraph, no transportation rate shall be subtracted from
9 the Operating Tax Rate.

10 "Allocation Rate" is defined in paragraph (3) of
11 subsection (g) of this Section.

12 "Alternative School" means a public school that is
13 created and operated by a regional superintendent of
14 schools and approved by the State Board.

15 "Applicable Tax Rate" is defined in paragraph (1) of
16 subsection (d) of this Section.

17 "Assessment" means any of those benchmark, progress
18 monitoring, formative, diagnostic, and other assessments,
19 in addition to the State accountability assessment, that
20 assist teachers' needs in understanding the skills and
21 meeting the needs of the students they serve.

22 "Assistant principal" means a school administrator
23 duly endorsed to be employed as an assistant principal in
24 this State.

25 "At-risk student" means a student who is at risk of
26 not meeting the Illinois Learning Standards or not

1 graduating from elementary or high school and who
2 demonstrates a need for vocational support or social
3 services beyond that provided by the regular school
4 program. All students included in an Organizational Unit's
5 Low-Income Count, as well as all English learner and
6 disabled students attending the Organizational Unit, shall
7 be considered at-risk students under this Section.

8 "Average Student Enrollment" or "ASE" for fiscal year
9 2018 means, for an Organizational Unit, the greater of the
10 average number of students (grades K through 12) reported
11 to the State Board as enrolled in the Organizational Unit
12 on October 1 in the immediately preceding school year,
13 plus the pre-kindergarten students who receive special
14 education services of 2 or more hours a day as reported to
15 the State Board on December 1 in the immediately preceding
16 school year, or the average number of students (grades K
17 through 12) reported to the State Board as enrolled in the
18 Organizational Unit on October 1, plus the
19 pre-kindergarten students who receive special education
20 services of 2 or more hours a day as reported to the State
21 Board on December 1, for each of the immediately preceding
22 3 school years. For fiscal year 2019 and each subsequent
23 fiscal year, "Average Student Enrollment" or "ASE" means,
24 for an Organizational Unit, the greater of the average
25 number of students (grades K through 12) reported to the
26 State Board as enrolled in the Organizational Unit on

1 October 1 and March 1 in the immediately preceding school
2 year, plus the pre-kindergarten students who receive
3 special education services as reported to the State Board
4 on October 1 and March 1 in the immediately preceding
5 school year, or the average number of students (grades K
6 through 12) reported to the State Board as enrolled in the
7 Organizational Unit on October 1 and March 1, plus the
8 pre-kindergarten students who receive special education
9 services as reported to the State Board on October 1 and
10 March 1, for each of the immediately preceding 3 school
11 years. For the purposes of this definition, "enrolled in
12 the Organizational Unit" means the number of students
13 reported to the State Board who are enrolled in schools
14 within the Organizational Unit that the student attends or
15 would attend if not placed or transferred to another
16 school or program to receive needed services. For the
17 purposes of calculating "ASE", all students, grades K
18 through 12, excluding those attending kindergarten for a
19 half day and students attending an alternative education
20 program operated by a regional office of education or
21 intermediate service center, shall be counted as 1.0. All
22 students attending kindergarten for a half day shall be
23 counted as 0.5, unless in 2017 by June 15 or by March 1 in
24 subsequent years, the school district reports to the State
25 Board of Education the intent to implement full-day
26 kindergarten district-wide for all students, then all

1 students attending kindergarten shall be counted as 1.0.
2 Special education pre-kindergarten students shall be
3 counted as 0.5 each. If the State Board does not collect or
4 has not collected both an October 1 and March 1 enrollment
5 count by grade or a December 1 collection of special
6 education pre-kindergarten students as of August 31, 2017
7 (the effective date of Public Act 100-465), it shall
8 establish such collection for all future years. For any
9 year in which a count by grade level was collected only
10 once, that count shall be used as the single count
11 available for computing a 3-year average ASE. Funding for
12 programs operated by a regional office of education or an
13 intermediate service center must be calculated using the
14 Evidence-Based Funding formula under this Section for the
15 2019-2020 school year and each subsequent school year
16 until separate adequacy formulas are developed and adopted
17 for each type of program. ASE for a program operated by a
18 regional office of education or an intermediate service
19 center must be determined by the March 1 enrollment for
20 the program. For the 2019-2020 school year, the ASE used
21 in the calculation must be the first-year ASE and, in that
22 year only, the assignment of students served by a regional
23 office of education or intermediate service center shall
24 not result in a reduction of the March enrollment for any
25 school district. For the 2020-2021 school year, the ASE
26 must be the greater of the current-year ASE or the 2-year

1 average ASE. Beginning with the 2021-2022 school year, the
2 ASE must be the greater of the current-year ASE or the
3 3-year average ASE. School districts shall submit the data
4 for the ASE calculation to the State Board within 45 days
5 of the dates required in this Section for submission of
6 enrollment data in order for it to be included in the ASE
7 calculation. For fiscal year 2018 only, the ASE
8 calculation shall include only enrollment taken on October
9 1. In recognition of the impact of COVID-19, the
10 definition of "Average Student Enrollment" or "ASE" shall
11 be adjusted for calculations under this Section for fiscal
12 years 2022 through 2024. For fiscal years 2022 through
13 2024, the enrollment used in the calculation of ASE
14 representing the 2020-2021 school year shall be the
15 greater of the enrollment for the 2020-2021 school year or
16 the 2019-2020 school year.

17 "Base Funding Guarantee" is defined in paragraph (10)
18 of subsection (g) of this Section.

19 "Base Funding Minimum" is defined in subsection (e) of
20 this Section.

21 "Base Tax Year" means the property tax levy year used
22 to calculate the Budget Year allocation of primary State
23 aid.

24 "Base Tax Year's Extension" means the product of the
25 equalized assessed valuation utilized by the county clerk
26 in the Base Tax Year multiplied by the limiting rate as

1 calculated by the county clerk and defined in PTELL.

2 "Bilingual Education Allocation" means the amount of
3 an Organizational Unit's final Adequacy Target
4 attributable to bilingual education divided by the
5 Organizational Unit's final Adequacy Target, the product
6 of which shall be multiplied by the amount of new funding
7 received pursuant to this Section. An Organizational
8 Unit's final Adequacy Target attributable to bilingual
9 education shall include all additional investments in
10 English learner students' adequacy elements.

11 "Budget Year" means the school year for which primary
12 State aid is calculated and awarded under this Section.

13 "Central office" means individual administrators and
14 support service personnel charged with managing the
15 instructional programs, business and operations, and
16 security of the Organizational Unit.

17 "Comparable Wage Index" or "CWI" means a regional cost
18 differentiation metric that measures systemic, regional
19 variations in the salaries of college graduates who are
20 not educators. The CWI utilized for this Section shall,
21 for the first 3 years of Evidence-Based Funding
22 implementation, be the CWI initially developed by the
23 National Center for Education Statistics, as most recently
24 updated by Texas A & M University. In the fourth and
25 subsequent years of Evidence-Based Funding implementation,
26 the State Superintendent shall re-determine the CWI using

1 a similar methodology to that identified in the Texas A & M
2 University study, with adjustments made no less frequently
3 than once every 5 years.

4 "Computer technology and equipment" means computers
5 servers, notebooks, network equipment, copiers, printers,
6 instructional software, security software, curriculum
7 management courseware, and other similar materials and
8 equipment.

9 "Computer technology and equipment investment
10 allocation" means the final Adequacy Target amount of an
11 Organizational Unit assigned to Tier 1 or Tier 2 in the
12 prior school year attributable to the additional \$285.50
13 per student computer technology and equipment investment
14 grant divided by the Organizational Unit's final Adequacy
15 Target, the result of which shall be multiplied by the
16 amount of new funding received pursuant to this Section.
17 An Organizational Unit assigned to a Tier 1 or Tier 2 final
18 Adequacy Target attributable to the received computer
19 technology and equipment investment grant shall include
20 all additional investments in computer technology and
21 equipment adequacy elements.

22 "Core subject" means mathematics; science; reading,
23 English, writing, and language arts; history and social
24 studies; world languages; and subjects taught as Advanced
25 Placement in high schools.

26 "Core teacher" means a regular classroom teacher in

1 elementary schools and teachers of a core subject in
2 middle and high schools.

3 "Core Intervention teacher (tutor)" means a licensed
4 teacher providing one-on-one or small group tutoring to
5 students struggling to meet proficiency in core subjects.

6 "CPPRT" means corporate personal property replacement
7 tax funds paid to an Organizational Unit during the
8 calendar year one year before the calendar year in which a
9 school year begins, pursuant to "An Act in relation to the
10 abolition of ad valorem personal property tax and the
11 replacement of revenues lost thereby, and amending and
12 repealing certain Acts and parts of Acts in connection
13 therewith", certified August 14, 1979, as amended (Public
14 Act 81-1st S.S.-1).

15 "EAV" means equalized assessed valuation as defined in
16 paragraph (2) of subsection (d) of this Section and
17 calculated in accordance with paragraph (3) of subsection
18 (d) of this Section.

19 "ECI" means the Bureau of Labor Statistics' national
20 employment cost index for civilian workers in educational
21 services in elementary and secondary schools on a
22 cumulative basis for the 12-month calendar year preceding
23 the fiscal year of the Evidence-Based Funding calculation.

24 "EIS Data" means the employment information system
25 data maintained by the State Board on educators within
26 Organizational Units.

1 "Employee benefits" means health, dental, and vision
2 insurance offered to employees of an Organizational Unit,
3 the costs associated with the statutorily required payment
4 of the normal cost of the Organizational Unit's teacher
5 pensions, Social Security employer contributions, and
6 Illinois Municipal Retirement Fund employer contributions.

7 "English learner" or "EL" means a child included in
8 the definition of "English learners" under Section 14C-2
9 of this Code participating in a program of transitional
10 bilingual education or a transitional program of
11 instruction meeting the requirements and program
12 application procedures of Article 14C of this Code. For
13 the purposes of collecting the number of EL students
14 enrolled, the same collection and calculation methodology
15 as defined above for "ASE" shall apply to English
16 learners, with the exception that EL student enrollment
17 shall include students in grades pre-kindergarten through
18 12.

19 "Essential Elements" means those elements, resources,
20 and educational programs that have been identified through
21 academic research as necessary to improve student success,
22 improve academic performance, close achievement gaps, and
23 provide for other per student costs related to the
24 delivery and leadership of the Organizational Unit, as
25 well as the maintenance and operations of the unit, and
26 which are specified in paragraph (2) of subsection (b) of

1 this Section.

2 "Evidence-Based Funding" means State funding provided
3 to an Organizational Unit pursuant to this Section.

4 "Extended day" means academic and enrichment programs
5 provided to students outside the regular school day before
6 and after school or during non-instructional times during
7 the school day.

8 "Extension Limitation Ratio" means a numerical ratio
9 in which the numerator is the Base Tax Year's Extension
10 and the denominator is the Preceding Tax Year's Extension.

11 "Final Percent of Adequacy" is defined in paragraph
12 (4) of subsection (f) of this Section.

13 "Final Resources" is defined in paragraph (3) of
14 subsection (f) of this Section.

15 "Full-time equivalent" or "FTE" means the full-time
16 equivalency compensation for staffing the relevant
17 position at an Organizational Unit.

18 "Funding Gap" is defined in paragraph (1) of
19 subsection (g).

20 "Hybrid District" means a partial elementary unit
21 district created pursuant to Article 11E of this Code.

22 "Instructional assistant" means a core or special
23 education, non-licensed employee who assists a teacher in
24 the classroom and provides academic support to students.

25 "Instructional facilitator" means a qualified teacher
26 or licensed teacher leader who facilitates and coaches

1 continuous improvement in classroom instruction; provides
2 instructional support to teachers in the elements of
3 research-based instruction or demonstrates the alignment
4 of instruction with curriculum standards and assessment
5 tools; develops or coordinates instructional programs or
6 strategies; develops and implements training; chooses
7 standards-based instructional materials; provides
8 teachers with an understanding of current research; serves
9 as a mentor, site coach, curriculum specialist, or lead
10 teacher; or otherwise works with fellow teachers, in
11 collaboration, to use data to improve instructional
12 practice or develop model lessons.

13 "Instructional materials" means relevant
14 instructional materials for student instruction,
15 including, but not limited to, textbooks, consumable
16 workbooks, laboratory equipment, library books, and other
17 similar materials.

18 "Laboratory School" means a public school that is
19 created and operated by a public university and approved
20 by the State Board.

21 "Librarian" means a teacher with an endorsement as a
22 library information specialist or another individual whose
23 primary responsibility is overseeing library resources
24 within an Organizational Unit.

25 "Limiting rate for Hybrid Districts" means the
26 combined elementary school and high school limiting rates.

1 "Local Capacity" is defined in paragraph (1) of
2 subsection (c) of this Section.

3 "Local Capacity Percentage" is defined in subparagraph
4 (A) of paragraph (2) of subsection (c) of this Section.

5 "Local Capacity Ratio" is defined in subparagraph (B)
6 of paragraph (2) of subsection (c) of this Section.

7 "Local Capacity Target" is defined in paragraph (2) of
8 subsection (c) of this Section.

9 "Low-Income Count" means, for an Organizational Unit
10 in a fiscal year, the higher of the average number of
11 students for the prior school year or the immediately
12 preceding 3 school years who, as of July 1 of the
13 immediately preceding fiscal year (as determined by the
14 Department of Human Services), are eligible for at least
15 one of the following low-income programs: Medicaid, the
16 Children's Health Insurance Program, Temporary Assistance
17 for Needy Families (TANF), or the Supplemental Nutrition
18 Assistance Program, excluding pupils who are eligible for
19 services provided by the Department of Children and Family
20 Services. Until such time that grade level low-income
21 populations become available, grade level low-income
22 populations shall be determined by applying the low-income
23 percentage to total student enrollments by grade level.
24 The low-income percentage is determined by dividing the
25 Low-Income Count by the Average Student Enrollment. The
26 low-income percentage for a regional office of education

1 or an intermediate service center operating one or more
2 alternative education programs must be set to the weighted
3 average of the low-income percentages of all of the school
4 districts in the service region. The weighted low-income
5 percentage is the result of multiplying the low-income
6 percentage of each school district served by the regional
7 office of education or intermediate service center by each
8 school district's Average Student Enrollment, summarizing
9 those products and dividing the total by the total Average
10 Student Enrollment for the service region.

11 "Maintenance and operations" means custodial services,
12 facility and ground maintenance, facility operations,
13 facility security, routine facility repairs, and other
14 similar services and functions.

15 "Minimum Funding Level" is defined in paragraph (9) of
16 subsection (g) of this Section.

17 "New Property Tax Relief Pool Funds" means, for any
18 given fiscal year, all State funds appropriated under
19 Section 2-3.170 of this Code.

20 "New State Funds" means, for a given school year, all
21 State funds appropriated for Evidence-Based Funding in
22 excess of the amount needed to fund the Base Funding
23 Minimum for all Organizational Units in that school year.

24 "Nurse" means an individual licensed as a certified
25 school nurse, in accordance with the rules established for
26 nursing services by the State Board, who is an employee of

1 and is available to provide health care-related services
2 for students of an Organizational Unit.

3 "Operating Tax Rate" means the rate utilized in the
4 previous year to extend property taxes for all purposes,
5 except Bond and Interest, Summer School, Rent, Capital
6 Improvement, and Vocational Education Building purposes.
7 For Hybrid Districts, the Operating Tax Rate shall be the
8 combined elementary and high school rates utilized in the
9 previous year to extend property taxes for all purposes,
10 except Bond and Interest, Summer School, Rent, Capital
11 Improvement, and Vocational Education Building purposes.

12 "Organizational Unit" means a Laboratory School or any
13 public school district that is recognized as such by the
14 State Board and that contains elementary schools typically
15 serving kindergarten through 5th grades, middle schools
16 typically serving 6th through 8th grades, high schools
17 typically serving 9th through 12th grades, a program
18 established under Section 2-3.66 or 2-3.41, or a program
19 operated by a regional office of education or an
20 intermediate service center under Article 13A or 13B. The
21 General Assembly acknowledges that the actual grade levels
22 served by a particular Organizational Unit may vary
23 slightly from what is typical.

24 "Organizational Unit CWI" is determined by calculating
25 the CWI in the region and original county in which an
26 Organizational Unit's primary administrative office is

1 located as set forth in this paragraph, provided that if
2 the Organizational Unit CWI as calculated in accordance
3 with this paragraph is less than 0.9, the Organizational
4 Unit CWI shall be increased to 0.9. Each county's current
5 CWI value shall be adjusted based on the CWI value of that
6 county's neighboring Illinois counties, to create a
7 "weighted adjusted index value". This shall be calculated
8 by summing the CWI values of all of a county's adjacent
9 Illinois counties and dividing by the number of adjacent
10 Illinois counties, then taking the weighted value of the
11 original county's CWI value and the adjacent Illinois
12 county average. To calculate this weighted value, if the
13 number of adjacent Illinois counties is greater than 2,
14 the original county's CWI value will be weighted at 0.25
15 and the adjacent Illinois county average will be weighted
16 at 0.75. If the number of adjacent Illinois counties is 2,
17 the original county's CWI value will be weighted at 0.33
18 and the adjacent Illinois county average will be weighted
19 at 0.66. The greater of the county's current CWI value and
20 its weighted adjusted index value shall be used as the
21 Organizational Unit CWI.

22 "Preceding Tax Year" means the property tax levy year
23 immediately preceding the Base Tax Year.

24 "Preceding Tax Year's Extension" means the product of
25 the equalized assessed valuation utilized by the county
26 clerk in the Preceding Tax Year multiplied by the

1 Operating Tax Rate.

2 "Preliminary Percent of Adequacy" is defined in
3 paragraph (2) of subsection (f) of this Section.

4 "Preliminary Resources" is defined in paragraph (2) of
5 subsection (f) of this Section.

6 "Principal" means a school administrator duly endorsed
7 to be employed as a principal in this State.

8 "Professional development" means training programs for
9 licensed staff in schools, including, but not limited to,
10 programs that assist in implementing new curriculum
11 programs, provide data focused or academic assessment data
12 training to help staff identify a student's weaknesses and
13 strengths, target interventions, improve instruction,
14 encompass instructional strategies for English learner,
15 gifted, or at-risk students, address inclusivity, cultural
16 sensitivity, or implicit bias, or otherwise provide
17 professional support for licensed staff.

18 "Prototypical" means 450 special education
19 pre-kindergarten and kindergarten through grade 5 students
20 for an elementary school, 450 grade 6 through 8 students
21 for a middle school, and 600 grade 9 through 12 students
22 for a high school.

23 "PTELL" means the Property Tax Extension Limitation
24 Law.

25 "PTELL EAV" is defined in paragraph (4) of subsection
26 (d) of this Section.

1 "Pupil support staff" means a nurse, psychologist,
2 social worker, family liaison personnel, or other staff
3 member who provides support to at-risk or struggling
4 students.

5 "Real Receipts" is defined in paragraph (1) of
6 subsection (d) of this Section.

7 "Regionalization Factor" means, for a particular
8 Organizational Unit, the figure derived by dividing the
9 Organizational Unit CWI by the Statewide Weighted CWI.

10 "School counselor" means a licensed school counselor
11 who provides guidance and counseling support for students
12 within an Organizational Unit.

13 "School site staff" means the primary school secretary
14 and any additional clerical personnel assigned to a
15 school.

16 "Special education" means special educational
17 facilities and services, as defined in Section 14-1.08 of
18 this Code.

19 "Special Education Allocation" means the amount of an
20 Organizational Unit's final Adequacy Target attributable
21 to special education divided by the Organizational Unit's
22 final Adequacy Target, the product of which shall be
23 multiplied by the amount of new funding received pursuant
24 to this Section. An Organizational Unit's final Adequacy
25 Target attributable to special education shall include all
26 special education investment adequacy elements.

1 "Specialist teacher" means a teacher who provides
2 instruction in subject areas not included in core
3 subjects, including, but not limited to, art, music,
4 physical education, health, driver education,
5 career-technical education, and such other subject areas
6 as may be mandated by State law or provided by an
7 Organizational Unit.

8 "Specially Funded Unit" means an Alternative School,
9 safe school, Department of Juvenile Justice school,
10 special education cooperative or entity recognized by the
11 State Board as a special education cooperative,
12 State-approved charter school, or alternative learning
13 opportunities program that received direct funding from
14 the State Board during the 2016-2017 school year through
15 any of the funding sources included within the calculation
16 of the Base Funding Minimum or Glenwood Academy.

17 "Supplemental Grant Funding" means supplemental
18 general State aid funding received by an Organizational
19 Unit during the 2016-2017 school year pursuant to
20 subsection (H) of Section 18-8.05 of this Code (now
21 repealed).

22 "State Adequacy Level" is the sum of the Adequacy
23 Targets of all Organizational Units.

24 "State Board" means the State Board of Education.

25 "State Superintendent" means the State Superintendent
26 of Education.

1 "Statewide Weighted CWI" means a figure determined by
2 multiplying each Organizational Unit CWI times the ASE for
3 that Organizational Unit creating a weighted value,
4 summing all Organizational Units' weighted values, and
5 dividing by the total ASE of all Organizational Units,
6 thereby creating an average weighted index.

7 "Student activities" means non-credit producing
8 after-school programs, including, but not limited to,
9 clubs, bands, sports, and other activities authorized by
10 the school board of the Organizational Unit.

11 "Substitute teacher" means an individual teacher or
12 teaching assistant who is employed by an Organizational
13 Unit and is temporarily serving the Organizational Unit on
14 a per diem or per period-assignment basis to replace
15 another staff member.

16 "Summer school" means academic and enrichment programs
17 provided to students during the summer months outside of
18 the regular school year.

19 "Supervisory aide" means a non-licensed staff member
20 who helps in supervising students of an Organizational
21 Unit, but does so outside of the classroom, in situations
22 such as, but not limited to, monitoring hallways and
23 playgrounds, supervising lunchrooms, or supervising
24 students when being transported in buses serving the
25 Organizational Unit.

26 "Target Ratio" is defined in paragraph (4) of

1 subsection (g).

2 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined
3 in paragraph (3) of subsection (g).

4 "Tier 1 Aggregate Funding", "Tier 2 Aggregate
5 Funding", "Tier 3 Aggregate Funding", and "Tier 4
6 Aggregate Funding" are defined in paragraph (1) of
7 subsection (g).

8 (b) Adequacy Target calculation.

9 (1) Each Organizational Unit's Adequacy Target is the
10 sum of the Organizational Unit's cost of providing
11 Essential Elements, as calculated in accordance with this
12 subsection (b), with the salary amounts in the Essential
13 Elements multiplied by a Regionalization Factor calculated
14 pursuant to paragraph (3) of this subsection (b).

15 (2) The Essential Elements are attributable on a pro
16 rata basis related to defined subgroups of the ASE of each
17 Organizational Unit as specified in this paragraph (2),
18 with investments and FTE positions pro rata funded based
19 on ASE counts in excess of or less than the thresholds set
20 forth in this paragraph (2). The method for calculating
21 attributable pro rata costs and the defined subgroups
22 thereto are as follows:

23 (A) Core class size investments. Each
24 Organizational Unit shall receive the funding required
25 to support that number of FTE core teacher positions
26 as is needed to keep the respective class sizes of the

1 Organizational Unit to the following maximum numbers:

2 (i) For grades kindergarten through 3, the
3 Organizational Unit shall receive funding required
4 to support one FTE core teacher position for every
5 15 Low-Income Count students in those grades and
6 one FTE core teacher position for every 20
7 non-Low-Income Count students in those grades.

8 (ii) For grades 4 through 12, the
9 Organizational Unit shall receive funding required
10 to support one FTE core teacher position for every
11 20 Low-Income Count students in those grades and
12 one FTE core teacher position for every 25
13 non-Low-Income Count students in those grades.

14 The number of non-Low-Income Count students in a
15 grade shall be determined by subtracting the
16 Low-Income students in that grade from the ASE of the
17 Organizational Unit for that grade.

18 (B) Specialist teacher investments. Each
19 Organizational Unit shall receive the funding needed
20 to cover that number of FTE specialist teacher
21 positions that correspond to the following
22 percentages:

23 (i) if the Organizational Unit operates an
24 elementary or middle school, then 20.00% of the
25 number of the Organizational Unit's core teachers,
26 as determined under subparagraph (A) of this

1 paragraph (2); and

2 (ii) if such Organizational Unit operates a
3 high school, then 33.33% of the number of the
4 Organizational Unit's core teachers.

5 (C) Instructional facilitator investments. Each
6 Organizational Unit shall receive the funding needed
7 to cover one FTE instructional facilitator position
8 for every 200 combined ASE of pre-kindergarten
9 children with disabilities and all kindergarten
10 through grade 12 students of the Organizational Unit.

11 (D) Core intervention teacher (tutor) investments.
12 Each Organizational Unit shall receive the funding
13 needed to cover one FTE teacher position for each
14 prototypical elementary, middle, and high school.

15 (E) Substitute teacher investments. Each
16 Organizational Unit shall receive the funding needed
17 to cover substitute teacher costs that is equal to
18 5.70% of the minimum pupil attendance days required
19 under Section 10-19 of this Code for all full-time
20 equivalent core, specialist, and intervention
21 teachers, school nurses, special education teachers
22 and instructional assistants, instructional
23 facilitators, and summer school and extended day
24 teacher positions, as determined under this paragraph
25 (2), at a salary rate of 33.33% of the average salary
26 for grade K through 12 teachers and 33.33% of the

1 average salary of each instructional assistant
2 position.

3 (F) Core school counselor investments. Each
4 Organizational Unit shall receive the funding needed
5 to cover one FTE school counselor for each 450
6 combined ASE of pre-kindergarten children with
7 disabilities and all kindergarten through grade 5
8 students, plus one FTE school counselor for each 250
9 grades 6 through 8 ASE middle school students, plus
10 one FTE school counselor for each 250 grades 9 through
11 12 ASE high school students.

12 (G) Nurse investments. Each Organizational Unit
13 shall receive the funding needed to cover one FTE
14 nurse for each 750 combined ASE of pre-kindergarten
15 children with disabilities and all kindergarten
16 through grade 12 students across all grade levels it
17 serves.

18 (H) Supervisory aide investments. Each
19 Organizational Unit shall receive the funding needed
20 to cover one FTE for each 225 combined ASE of
21 pre-kindergarten children with disabilities and all
22 kindergarten through grade 5 students, plus one FTE
23 for each 225 ASE middle school students, plus one FTE
24 for each 200 ASE high school students.

25 (I) Librarian investments. Each Organizational
26 Unit shall receive the funding needed to cover one FTE

1 librarian for each prototypical elementary school,
2 middle school, and high school and one FTE aide or
3 media technician for every 300 combined ASE of
4 pre-kindergarten children with disabilities and all
5 kindergarten through grade 12 students.

6 (J) Principal investments. Each Organizational
7 Unit shall receive the funding needed to cover one FTE
8 principal position for each prototypical elementary
9 school, plus one FTE principal position for each
10 prototypical middle school, plus one FTE principal
11 position for each prototypical high school.

12 (K) Assistant principal investments. Each
13 Organizational Unit shall receive the funding needed
14 to cover one FTE assistant principal position for each
15 prototypical elementary school, plus one FTE assistant
16 principal position for each prototypical middle
17 school, plus one FTE assistant principal position for
18 each prototypical high school.

19 (L) School site staff investments. Each
20 Organizational Unit shall receive the funding needed
21 for one FTE position for each 225 ASE of
22 pre-kindergarten children with disabilities and all
23 kindergarten through grade 5 students, plus one FTE
24 position for each 225 ASE middle school students, plus
25 one FTE position for each 200 ASE high school
26 students.

1 (M) Gifted investments. Each Organizational Unit
2 shall receive \$40 per kindergarten through grade 12
3 ASE.

4 (N) Professional development investments. Each
5 Organizational Unit shall receive \$125 per student of
6 the combined ASE of pre-kindergarten children with
7 disabilities and all kindergarten through grade 12
8 students for trainers and other professional
9 development-related expenses for supplies and
10 materials.

11 (O) Instructional material investments. Each
12 Organizational Unit shall receive \$190 per student of
13 the combined ASE of pre-kindergarten children with
14 disabilities and all kindergarten through grade 12
15 students to cover instructional material costs.

16 (P) Assessment investments. Each Organizational
17 Unit shall receive \$25 per student of the combined ASE
18 of pre-kindergarten children with disabilities and all
19 kindergarten through grade 12 students to cover
20 assessment costs.

21 (Q) Computer technology and equipment investments.
22 Each Organizational Unit shall receive \$285.50 per
23 student of the combined ASE of pre-kindergarten
24 children with disabilities and all kindergarten
25 through grade 12 students to cover computer technology
26 and equipment costs. For the 2018-2019 school year and

1 subsequent school years, Organizational Units assigned
2 to Tier 1 and Tier 2 in the prior school year shall
3 receive an additional \$285.50 per student of the
4 combined ASE of pre-kindergarten children with
5 disabilities and all kindergarten through grade 12
6 students to cover computer technology and equipment
7 costs in the Organizational Unit's Adequacy Target.
8 The State Board may establish additional requirements
9 for Organizational Unit expenditures of funds received
10 pursuant to this subparagraph (Q), including a
11 requirement that funds received pursuant to this
12 subparagraph (Q) may be used only for serving the
13 technology needs of the district. It is the intent of
14 Public Act 100-465 that all Tier 1 and Tier 2 districts
15 receive the addition to their Adequacy Target in the
16 following year, subject to compliance with the
17 requirements of the State Board.

18 (R) Student activities investments. Each
19 Organizational Unit shall receive the following
20 funding amounts to cover student activities: \$100 per
21 kindergarten through grade 5 ASE student in elementary
22 school, plus \$200 per ASE student in middle school,
23 plus \$675 per ASE student in high school.

24 (S) Maintenance and operations investments. Each
25 Organizational Unit shall receive \$1,038 per student
26 of the combined ASE of pre-kindergarten children with

1 disabilities and all kindergarten through grade 12
2 students for day-to-day maintenance and operations
3 expenditures, including salary, supplies, and
4 materials, as well as purchased services, but
5 excluding employee benefits. The proportion of salary
6 for the application of a Regionalization Factor and
7 the calculation of benefits is equal to \$352.92.

8 (T) Central office investments. Each
9 Organizational Unit shall receive \$742 per student of
10 the combined ASE of pre-kindergarten children with
11 disabilities and all kindergarten through grade 12
12 students to cover central office operations, including
13 administrators and classified personnel charged with
14 managing the instructional programs, business and
15 operations of the school district, and security
16 personnel. The proportion of salary for the
17 application of a Regionalization Factor and the
18 calculation of benefits is equal to \$368.48.

19 (U) Employee benefit investments. Each
20 Organizational Unit shall receive 30% of the total of
21 all salary-calculated elements of the Adequacy Target,
22 excluding substitute teachers and student activities
23 investments, to cover benefit costs. For central
24 office and maintenance and operations investments, the
25 benefit calculation shall be based upon the salary
26 proportion of each investment. If at any time the

1 responsibility for funding the employer normal cost of
2 teacher pensions is assigned to school districts, then
3 that amount certified by the Teachers' Retirement
4 System of the State of Illinois to be paid by the
5 Organizational Unit for the preceding school year
6 shall be added to the benefit investment. For any
7 fiscal year in which a school district organized under
8 Article 34 of this Code is responsible for paying the
9 employer normal cost of teacher pensions, then that
10 amount of its employer normal cost plus the amount for
11 retiree health insurance as certified by the Public
12 School Teachers' Pension and Retirement Fund of
13 Chicago to be paid by the school district for the
14 preceding school year that is statutorily required to
15 cover employer normal costs and the amount for retiree
16 health insurance shall be added to the 30% specified
17 in this subparagraph (U). The Teachers' Retirement
18 System of the State of Illinois and the Public School
19 Teachers' Pension and Retirement Fund of Chicago shall
20 submit such information as the State Superintendent
21 may require for the calculations set forth in this
22 subparagraph (U).

23 (V) Additional investments in low-income students.
24 In addition to and not in lieu of all other funding
25 under this paragraph (2), each Organizational Unit
26 shall receive funding based on the average teacher

1 salary for grades K through 12 to cover the costs of:

2 (i) one FTE intervention teacher (tutor)
3 position for every 125 Low-Income Count students;

4 (ii) one FTE pupil support staff position for
5 every 125 Low-Income Count students;

6 (iii) one FTE extended day teacher position
7 for every 120 Low-Income Count students; and

8 (iv) one FTE summer school teacher position
9 for every 120 Low-Income Count students.

10 (W) Additional investments in English learner
11 students. In addition to and not in lieu of all other
12 funding under this paragraph (2), each Organizational
13 Unit shall receive funding based on the average
14 teacher salary for grades K through 12 to cover the
15 costs of:

16 (i) one FTE intervention teacher (tutor)
17 position for every 125 English learner students;

18 (ii) one FTE pupil support staff position for
19 every 125 English learner students;

20 (iii) one FTE extended day teacher position
21 for every 120 English learner students;

22 (iv) one FTE summer school teacher position
23 for every 120 English learner students; and

24 (v) one FTE core teacher position for every
25 100 English learner students.

26 (X) Special education investments. Each

1 Organizational Unit shall receive funding based on the
2 average teacher salary for grades K through 12 to
3 cover special education as follows:

4 (i) one FTE teacher position for every 141
5 combined ASE of pre-kindergarten children with
6 disabilities and all kindergarten through grade 12
7 students;

8 (ii) one FTE instructional assistant for every
9 141 combined ASE of pre-kindergarten children with
10 disabilities and all kindergarten through grade 12
11 students; and

12 (iii) one FTE psychologist position for every
13 1,000 combined ASE of pre-kindergarten children
14 with disabilities and all kindergarten through
15 grade 12 students.

16 (3) For calculating the salaries included within the
17 Essential Elements, the State Superintendent shall
18 annually calculate average salaries to the nearest dollar
19 using the employment information system data maintained by
20 the State Board, limited to public schools only and
21 excluding special education and vocational cooperatives,
22 schools operated by the Department of Juvenile Justice,
23 and charter schools, for the following positions:

24 (A) Teacher for grades K through 8.

25 (B) Teacher for grades 9 through 12.

26 (C) Teacher for grades K through 12.

1 (D) School counselor for grades K through 8.

2 (E) School counselor for grades 9 through 12.

3 (F) School counselor for grades K through 12.

4 (G) Social worker.

5 (H) Psychologist.

6 (I) Librarian.

7 (J) Nurse.

8 (K) Principal.

9 (L) Assistant principal.

10 For the purposes of this paragraph (3), "teacher"
11 includes core teachers, specialist and elective teachers,
12 instructional facilitators, tutors, special education
13 teachers, pupil support staff teachers, English learner
14 teachers, extended day teachers, and summer school
15 teachers. Where specific grade data is not required for
16 the Essential Elements, the average salary for
17 corresponding positions shall apply. For substitute
18 teachers, the average teacher salary for grades K through
19 12 shall apply.

20 For calculating the salaries included within the
21 Essential Elements for positions not included within EIS
22 Data, the following salaries shall be used in the first
23 year of implementation of Evidence-Based Funding:

24 (i) school site staff, \$30,000; and

25 (ii) non-instructional assistant, instructional
26 assistant, library aide, library media tech, or

1 supervisory aide: \$25,000.

2 In the second and subsequent years of implementation
3 of Evidence-Based Funding, the amounts in items (i) and
4 (ii) of this paragraph (3) shall annually increase by the
5 ECI.

6 The salary amounts for the Essential Elements
7 determined pursuant to subparagraphs (A) through (L), (S)
8 and (T), and (V) through (X) of paragraph (2) of
9 subsection (b) of this Section shall be multiplied by a
10 Regionalization Factor.

11 (c) Local Capacity calculation.

12 (1) Each Organizational Unit's Local Capacity
13 represents an amount of funding it is assumed to
14 contribute toward its Adequacy Target for purposes of the
15 Evidence-Based Funding formula calculation. "Local
16 Capacity" means either (i) the Organizational Unit's Local
17 Capacity Target as calculated in accordance with paragraph
18 (2) of this subsection (c) if its Real Receipts are equal
19 to or less than its Local Capacity Target or (ii) the
20 Organizational Unit's Adjusted Local Capacity, as
21 calculated in accordance with paragraph (3) of this
22 subsection (c) if Real Receipts are more than its Local
23 Capacity Target.

24 (2) "Local Capacity Target" means, for an
25 Organizational Unit, that dollar amount that is obtained
26 by multiplying its Adequacy Target by its Local Capacity

1 Ratio.

2 (A) An Organizational Unit's Local Capacity
3 Percentage is the conversion of the Organizational
4 Unit's Local Capacity Ratio, as such ratio is
5 determined in accordance with subparagraph (B) of this
6 paragraph (2), into a cumulative distribution
7 resulting in a percentile ranking to determine each
8 Organizational Unit's relative position to all other
9 Organizational Units in this State. The calculation of
10 Local Capacity Percentage is described in subparagraph
11 (C) of this paragraph (2).

12 (B) An Organizational Unit's Local Capacity Ratio
13 in a given year is the percentage obtained by dividing
14 its Adjusted EAV or PTELL EAV, whichever is less, by
15 its Adequacy Target, with the resulting ratio further
16 adjusted as follows:

17 (i) for Organizational Units serving grades
18 kindergarten through 12 and Hybrid Districts, no
19 further adjustments shall be made;

20 (ii) for Organizational Units serving grades
21 kindergarten through 8, the ratio shall be
22 multiplied by 9/13;

23 (iii) for Organizational Units serving grades
24 9 through 12, the Local Capacity Ratio shall be
25 multiplied by 4/13; and

26 (iv) for an Organizational Unit with a

1 different grade configuration than those specified
2 in items (i) through (iii) of this subparagraph
3 (B), the State Superintendent shall determine a
4 comparable adjustment based on the grades served.

5 (C) The Local Capacity Percentage is equal to the
6 percentile ranking of the district. Local Capacity
7 Percentage converts each Organizational Unit's Local
8 Capacity Ratio to a cumulative distribution resulting
9 in a percentile ranking to determine each
10 Organizational Unit's relative position to all other
11 Organizational Units in this State. The Local Capacity
12 Percentage cumulative distribution resulting in a
13 percentile ranking for each Organizational Unit shall
14 be calculated using the standard normal distribution
15 of the score in relation to the weighted mean and
16 weighted standard deviation and Local Capacity Ratios
17 of all Organizational Units. If the value assigned to
18 any Organizational Unit is in excess of 90%, the value
19 shall be adjusted to 90%. For Laboratory Schools, the
20 Local Capacity Percentage shall be set at 10% in
21 recognition of the absence of EAV and resources from
22 the public university that are allocated to the
23 Laboratory School. For a regional office of education
24 or an intermediate service center operating one or
25 more alternative education programs, the Local
26 Capacity Percentage must be set at 10% in recognition

1 of the absence of EAV and resources from school
2 districts that are allocated to the regional office of
3 education or intermediate service center. The weighted
4 mean for the Local Capacity Percentage shall be
5 determined by multiplying each Organizational Unit's
6 Local Capacity Ratio times the ASE for the unit
7 creating a weighted value, summing the weighted values
8 of all Organizational Units, and dividing by the total
9 ASE of all Organizational Units. The weighted standard
10 deviation shall be determined by taking the square
11 root of the weighted variance of all Organizational
12 Units' Local Capacity Ratio, where the variance is
13 calculated by squaring the difference between each
14 unit's Local Capacity Ratio and the weighted mean,
15 then multiplying the variance for each unit times the
16 ASE for the unit to create a weighted variance for each
17 unit, then summing all units' weighted variance and
18 dividing by the total ASE of all units.

19 (D) For any Organizational Unit, the
20 Organizational Unit's Adjusted Local Capacity Target
21 shall be reduced by either (i) the school board's
22 remaining contribution pursuant to paragraph (ii) of
23 subsection (b-4) of Section 16-158 of the Illinois
24 Pension Code in a given year or (ii) the board of
25 education's remaining contribution pursuant to
26 paragraph (iv) of subsection (b) of Section 17-129 of

1 the Illinois Pension Code absent the employer normal
2 cost portion of the required contribution and amount
3 allowed pursuant to subdivision (3) of Section
4 17-142.1 of the Illinois Pension Code in a given year.
5 In the preceding sentence, item (i) shall be certified
6 to the State Board of Education by the Teachers'
7 Retirement System of the State of Illinois and item
8 (ii) shall be certified to the State Board of
9 Education by the Public School Teachers' Pension and
10 Retirement Fund of the City of Chicago.

11 (3) If an Organizational Unit's Real Receipts are more
12 than its Local Capacity Target, then its Local Capacity
13 shall equal an Adjusted Local Capacity Target as
14 calculated in accordance with this paragraph (3). The
15 Adjusted Local Capacity Target is calculated as the sum of
16 the Organizational Unit's Local Capacity Target and its
17 Real Receipts Adjustment. The Real Receipts Adjustment
18 equals the Organizational Unit's Real Receipts less its
19 Local Capacity Target, with the resulting figure
20 multiplied by the Local Capacity Percentage.

21 As used in this paragraph (3), "Real Percent of
22 Adequacy" means the sum of an Organizational Unit's Real
23 Receipts, CPPRT, and Base Funding Minimum, with the
24 resulting figure divided by the Organizational Unit's
25 Adequacy Target.

26 (d) Calculation of Real Receipts, EAV, and Adjusted EAV

1 for purposes of the Local Capacity calculation.

2 (1) An Organizational Unit's Real Receipts are the
3 product of its Applicable Tax Rate and its Adjusted EAV.
4 An Organizational Unit's Applicable Tax Rate is its
5 Adjusted Operating Tax Rate for property within the
6 Organizational Unit.

7 (2) The State Superintendent shall calculate the
8 equalized assessed valuation, or EAV, of all taxable
9 property of each Organizational Unit as of September 30 of
10 the previous year in accordance with paragraph (3) of this
11 subsection (d). The State Superintendent shall then
12 determine the Adjusted EAV of each Organizational Unit in
13 accordance with paragraph (4) of this subsection (d),
14 which Adjusted EAV figure shall be used for the purposes
15 of calculating Local Capacity.

16 (3) To calculate Real Receipts and EAV, the Department
17 of Revenue shall supply to the State Superintendent the
18 value as equalized or assessed by the Department of
19 Revenue of all taxable property of every Organizational
20 Unit, together with (i) the applicable tax rate used in
21 extending taxes for the funds of the Organizational Unit
22 as of September 30 of the previous year and (ii) the
23 limiting rate for all Organizational Units subject to
24 property tax extension limitations as imposed under PTELL.

25 (A) The Department of Revenue shall add to the
26 equalized assessed value of all taxable property of

each Organizational Unit situated entirely or partially within a county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code (i) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 or 15-177 of the Property Tax Code for real property situated in that Organizational Unit exceeds the total amount that would have been allowed in that Organizational Unit if the maximum reduction under Section 15-176 was (I) \$4,500 in Cook County or \$3,500 in all other counties in tax year 2003 or (II) \$5,000 in all counties in tax year 2004 and thereafter and (ii) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of \$30,000 or less. The county clerk of any county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each Organizational Unit all homestead exemption amounts under Section 15-176 or 15-177 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of \$30,000 or less. It is the intent of this subparagraph (A) that if the general homestead

1 exemption for a parcel of property is determined under
2 Section 15-176 or 15-177 of the Property Tax Code
3 rather than Section 15-175, then the calculation of
4 EAV shall not be affected by the difference, if any,
5 between the amount of the general homestead exemption
6 allowed for that parcel of property under Section
7 15-176 or 15-177 of the Property Tax Code and the
8 amount that would have been allowed had the general
9 homestead exemption for that parcel of property been
10 determined under Section 15-175 of the Property Tax
11 Code. It is further the intent of this subparagraph
12 (A) that if additional exemptions are allowed under
13 Section 15-175 of the Property Tax Code for owners
14 with a household income of less than \$30,000, then the
15 calculation of EAV shall not be affected by the
16 difference, if any, because of those additional
17 exemptions.

18 (B) With respect to any part of an Organizational
19 Unit within a redevelopment project area in respect to
20 which a municipality has adopted tax increment
21 allocation financing pursuant to the Tax Increment
22 Allocation Redevelopment Act, Division 74.4 of Article
23 11 of the Illinois Municipal Code, or the Industrial
24 Jobs Recovery Law, Division 74.6 of Article 11 of the
25 Illinois Municipal Code, no part of the current EAV of
26 real property located in any such project area that is

1 attributable to an increase above the total initial
2 EAV of such property shall be used as part of the EAV
3 of the Organizational Unit, until such time as all
4 redevelopment project costs have been paid, as
5 provided in Section 11-74.4-8 of the Tax Increment
6 Allocation Redevelopment Act or in Section 11-74.6-35
7 of the Industrial Jobs Recovery Law. For the purpose
8 of the EAV of the Organizational Unit, the total
9 initial EAV or the current EAV, whichever is lower,
10 shall be used until such time as all redevelopment
11 project costs have been paid.

12 (B-5) The real property equalized assessed
13 valuation for a school district shall be adjusted by
14 subtracting from the real property value, as equalized
15 or assessed by the Department of Revenue, for the
16 district an amount computed by dividing the amount of
17 any abatement of taxes under Section 18-170 of the
18 Property Tax Code by 3.00% for a district maintaining
19 grades kindergarten through 12, by 2.30% for a
20 district maintaining grades kindergarten through 8, or
21 by 1.05% for a district maintaining grades 9 through
22 12 and adjusted by an amount computed by dividing the
23 amount of any abatement of taxes under subsection (a)
24 of Section 18-165 of the Property Tax Code by the same
25 percentage rates for district type as specified in
26 this subparagraph (B-5).

1 (C) For Organizational Units that are Hybrid
2 Districts, the State Superintendent shall use the
3 lesser of the adjusted equalized assessed valuation
4 for property within the partial elementary unit
5 district for elementary purposes, as defined in
6 Article 11E of this Code, or the adjusted equalized
7 assessed valuation for property within the partial
8 elementary unit district for high school purposes, as
9 defined in Article 11E of this Code.

10 (D) If a school district's boundaries span
11 multiple counties, then the Department of Revenue
12 shall send to the State Board, for the purposes of
13 calculating Evidence-Based Funding, the limiting rate
14 and individual rates by purpose for the county that
15 contains the majority of the school district's
16 equalized assessed valuation.

17 (4) An Organizational Unit's Adjusted EAV shall be the
18 average of its EAV over the immediately preceding 3 years
19 or the lesser of its EAV in the immediately preceding year
20 or the average of its EAV over the immediately preceding 3
21 years if the EAV in the immediately preceding year has
22 declined by 10% or more when comparing the 2 most recent
23 years. In the event of Organizational Unit reorganization,
24 consolidation, or annexation, the Organizational Unit's
25 Adjusted EAV for the first 3 years after such change shall
26 be as follows: the most current EAV shall be used in the

1 first year, the average of a 2-year EAV or its EAV in the
2 immediately preceding year if the EAV declines by 10% or
3 more when comparing the 2 most recent years for the second
4 year, and the lesser of a 3-year average EAV or its EAV in
5 the immediately preceding year if the Adjusted EAV
6 declines by 10% or more when comparing the 2 most recent
7 years for the third year. For any school district whose
8 EAV in the immediately preceding year is used in
9 calculations, in the following year, the Adjusted EAV
10 shall be the average of its EAV over the immediately
11 preceding 2 years or the immediately preceding year if
12 that year represents a decline of 10% or more when
13 comparing the 2 most recent years.

14 "PTELL EAV" means a figure calculated by the State
15 Board for Organizational Units subject to PTELL as
16 described in this paragraph (4) for the purposes of
17 calculating an Organizational Unit's Local Capacity Ratio.
18 Except as otherwise provided in this paragraph (4), the
19 PTELL EAV of an Organizational Unit shall be equal to the
20 product of the equalized assessed valuation last used in
21 the calculation of general State aid under Section 18-8.05
22 of this Code (now repealed) or Evidence-Based Funding
23 under this Section and the Organizational Unit's Extension
24 Limitation Ratio. If an Organizational Unit has approved
25 or does approve an increase in its limiting rate, pursuant
26 to Section 18-190 of the Property Tax Code, affecting the

1 Base Tax Year, the PTELL EAV shall be equal to the product
2 of the equalized assessed valuation last used in the
3 calculation of general State aid under Section 18-8.05 of
4 this Code (now repealed) or Evidence-Based Funding under
5 this Section multiplied by an amount equal to one plus the
6 percentage increase, if any, in the Consumer Price Index
7 for All Urban Consumers for all items published by the
8 United States Department of Labor for the 12-month
9 calendar year preceding the Base Tax Year, plus the
10 equalized assessed valuation of new property, annexed
11 property, and recovered tax increment value and minus the
12 equalized assessed valuation of disconnected property.

13 As used in this paragraph (4), "new property" and
14 "recovered tax increment value" shall have the meanings
15 set forth in the Property Tax Extension Limitation Law.

16 (e) Base Funding Minimum calculation.

17 (1) For the 2017-2018 school year, the Base Funding
18 Minimum of an Organizational Unit or a Specially Funded
19 Unit shall be the amount of State funds distributed to the
20 Organizational Unit or Specially Funded Unit during the
21 2016-2017 school year prior to any adjustments and
22 specified appropriation amounts described in this
23 paragraph (1) from the following Sections, as calculated
24 by the State Superintendent: Section 18-8.05 of this Code
25 (now repealed); Section 5 of Article 224 of Public Act
26 99-524 (equity grants); Section 14-7.02b of this Code

1 (funding for children requiring special education
2 services); Section 14-13.01 of this Code (special
3 education facilities and staffing), except for
4 reimbursement of the cost of transportation pursuant to
5 Section 14-13.01; Section 14C-12 of this Code (English
6 learners); and Section 18-4.3 of this Code (summer
7 school), based on an appropriation level of \$13,121,600.
8 For a school district organized under Article 34 of this
9 Code, the Base Funding Minimum also includes (i) the funds
10 allocated to the school district pursuant to Section 1D-1
11 of this Code attributable to funding programs authorized
12 by the Sections of this Code listed in the preceding
13 sentence and (ii) the difference between (I) the funds
14 allocated to the school district pursuant to Section 1D-1
15 of this Code attributable to the funding programs
16 authorized by Section 14-7.02 (non-public special
17 education reimbursement), subsection (b) of Section
18 14-13.01 (special education transportation), Section 29-5
19 (transportation), Section 2-3.80 (agricultural
20 education), Section 2-3.66 (truants' alternative
21 education), Section 2-3.62 (educational service centers),
22 and Section 14-7.03 (special education - orphanage) of
23 this Code and Section 15 of the Childhood Hunger Relief
24 Act (free breakfast program) and (II) the school
25 district's actual expenditures for its non-public special
26 education, special education transportation,

1 transportation programs, agricultural education, truants'
2 alternative education, services that would otherwise be
3 performed by a regional office of education, special
4 education orphanage expenditures, and free breakfast, as
5 most recently calculated and reported pursuant to
6 subsection (f) of Section 1D-1 of this Code. The Base
7 Funding Minimum for Glenwood Academy shall be \$952,014.
8 For programs operated by a regional office of education or
9 an intermediate service center, the Base Funding Minimum
10 must be the total amount of State funds allocated to those
11 programs in the 2018-2019 school year and amounts provided
12 pursuant to Article 34 of Public Act 100-586 and Section
13 3-16 of this Code. All programs established after June 5,
14 2019 (the effective date of Public Act 101-10) and
15 administered by a regional office of education or an
16 intermediate service center must have an initial Base
17 Funding Minimum set to an amount equal to the first-year
18 ASE multiplied by the amount of per pupil funding received
19 in the previous school year by the lowest funded similar
20 existing program type. If the enrollment for a program
21 operated by a regional office of education or an
22 intermediate service center is zero, then it may not
23 receive Base Funding Minimum funds for that program in the
24 next fiscal year, and those funds must be distributed to
25 Organizational Units under subsection (g).

26 (2) For the 2018-2019 and subsequent school years, the

1 Base Funding Minimum of Organizational Units and Specially
2 Funded Units shall be the sum of (i) the amount of
3 Evidence-Based Funding for the prior school year, (ii) the
4 Base Funding Minimum for the prior school year, and (iii)
5 any amount received by a school district pursuant to
6 Section 7 of Article 97 of Public Act 100-21.

7 For the 2022-2023 school year, the Base Funding
8 Minimum of Organizational Units shall be the amounts
9 recalculated by the State Board of Education for Fiscal
10 Year 2019 through Fiscal Year 2022 that were necessary due
11 to average student enrollment errors for districts
12 organized under Article 34 of this Code, plus the Fiscal
13 Year 2022 property tax relief grants provided under
14 Section 2-3.170 of this Code, ensuring each Organizational
15 Unit has the correct amount of resources for Fiscal Year
16 2023 Evidence-Based Funding calculations and that Fiscal
17 Year 2023 Evidence-Based Funding Distributions are made in
18 accordance with this Section.

19 (3) Subject to approval by the General Assembly as
20 provided in this paragraph (3), an Organizational Unit
21 that meets all of the following criteria, as determined by
22 the State Board, shall have District Intervention Money
23 added to its Base Funding Minimum at the time the Base
24 Funding Minimum is calculated by the State Board:

25 (A) The Organizational Unit is operating under an
26 Independent Authority under Section 2-3.25f-5 of this

1 Code for a minimum of 4 school years or is subject to
2 the control of the State Board pursuant to a court
3 order for a minimum of 4 school years.

4 (B) The Organizational Unit was designated as a
5 Tier 1 or Tier 2 Organizational Unit in the previous
6 school year under paragraph (3) of subsection (g) of
7 this Section.

8 (C) The Organizational Unit demonstrates
9 sustainability through a 5-year financial and
10 strategic plan.

11 (D) The Organizational Unit has made sufficient
12 progress and achieved sufficient stability in the
13 areas of governance, academic growth, and finances.

14 As part of its determination under this paragraph (3),
15 the State Board may consider the Organizational Unit's
16 summative designation, any accreditations of the
17 Organizational Unit, or the Organizational Unit's
18 financial profile, as calculated by the State Board.

19 If the State Board determines that an Organizational
20 Unit has met the criteria set forth in this paragraph (3),
21 it must submit a report to the General Assembly, no later
22 than January 2 of the fiscal year in which the State Board
23 makes its determination, on the amount of District
24 Intervention Money to add to the Organizational Unit's
25 Base Funding Minimum. The General Assembly must review the
26 State Board's report and may approve or disapprove, by

1 joint resolution, the addition of District Intervention
2 Money. If the General Assembly fails to act on the report
3 within 40 calendar days from the receipt of the report,
4 the addition of District Intervention Money is deemed
5 approved. If the General Assembly approves the amount of
6 District Intervention Money to be added to the
7 Organizational Unit's Base Funding Minimum, the District
8 Intervention Money must be added to the Base Funding
9 Minimum annually thereafter.

10 For the first 4 years following the initial year that
11 the State Board determines that an Organizational Unit has
12 met the criteria set forth in this paragraph (3) and has
13 received funding under this Section, the Organizational
14 Unit must annually submit to the State Board, on or before
15 November 30, a progress report regarding its financial and
16 strategic plan under subparagraph (C) of this paragraph
17 (3). The plan shall include the financial data from the
18 past 4 annual financial reports or financial audits that
19 must be presented to the State Board by November 15 of each
20 year and the approved budget financial data for the
21 current year. The plan shall be developed according to the
22 guidelines presented to the Organizational Unit by the
23 State Board. The plan shall further include financial
24 projections for the next 3 fiscal years and include a
25 discussion and financial summary of the Organizational
26 Unit's facility needs. If the Organizational Unit does not

1 demonstrate sufficient progress toward its 5-year plan or
2 if it has failed to file an annual financial report, an
3 annual budget, a financial plan, a deficit reduction plan,
4 or other financial information as required by law, the
5 State Board may establish a Financial Oversight Panel
6 under Article 1H of this Code. However, if the
7 Organizational Unit already has a Financial Oversight
8 Panel, the State Board may extend the duration of the
9 Panel.

10 (f) Percent of Adequacy and Final Resources calculation.

11 (1) The Evidence-Based Funding formula establishes a
12 Percent of Adequacy for each Organizational Unit in order
13 to place such units into tiers for the purposes of the
14 funding distribution system described in subsection (g) of
15 this Section. Initially, an Organizational Unit's
16 Preliminary Resources and Preliminary Percent of Adequacy
17 are calculated pursuant to paragraph (2) of this
18 subsection (f). Then, an Organizational Unit's Final
19 Resources and Final Percent of Adequacy are calculated to
20 account for the Organizational Unit's poverty
21 concentration levels pursuant to paragraphs (3) and (4) of
22 this subsection (f).

23 (2) An Organizational Unit's Preliminary Resources are
24 equal to the sum of its Local Capacity Target, CPPRT, and
25 Base Funding Minimum. An Organizational Unit's Preliminary
26 Percent of Adequacy is the lesser of (i) its Preliminary

Resources divided by its Adequacy Target or (ii) 100%.

(3) Except for Specially Funded Units, an Organizational Unit's Final Resources are equal to the sum of its Local Capacity, CPPRT, and Adjusted Base Funding Minimum. The Base Funding Minimum of each Specially Funded Unit shall serve as its Final Resources, except that the Base Funding Minimum for State-approved charter schools shall not include any portion of general State aid allocated in the prior year based on the per capita tuition charge times the charter school enrollment.

(4) An Organizational Unit's Final Percent of Adequacy is its Final Resources divided by its Adequacy Target. An Organizational Unit's Adjusted Base Funding Minimum is equal to its Base Funding Minimum less its Supplemental Grant Funding, with the resulting figure added to the product of its Supplemental Grant Funding and Preliminary Percent of Adequacy.

(g) Evidence-Based Funding formula distribution system.

(1) In each school year under the Evidence-Based Funding formula, each Organizational Unit receives funding equal to the sum of its Base Funding Minimum and the unit's allocation of New State Funds determined pursuant to this subsection (g). To allocate New State Funds, the Evidence-Based Funding formula distribution system first places all Organizational Units into one of 4 tiers in accordance with paragraph (3) of this subsection (g),

1 based on the Organizational Unit's Final Percent of
2 Adequacy. New State Funds are allocated to each of the 4
3 tiers as follows: Tier 1 Aggregate Funding equals 50% of
4 all New State Funds, Tier 2 Aggregate Funding equals 49%
5 of all New State Funds, Tier 3 Aggregate Funding equals
6 0.9% of all New State Funds, and Tier 4 Aggregate Funding
7 equals 0.1% of all New State Funds. Each Organizational
8 Unit within Tier 1 or Tier 2 receives an allocation of New
9 State Funds equal to its tier Funding Gap, as defined in
10 the following sentence, multiplied by the tier's
11 Allocation Rate determined pursuant to paragraph (4) of
12 this subsection (g). For Tier 1, an Organizational Unit's
13 Funding Gap equals the tier's Target Ratio, as specified
14 in paragraph (5) of this subsection (g), multiplied by the
15 Organizational Unit's Adequacy Target, with the resulting
16 amount reduced by the Organizational Unit's Final
17 Resources. For Tier 2, an Organizational Unit's Funding
18 Gap equals the tier's Target Ratio, as described in
19 paragraph (5) of this subsection (g), multiplied by the
20 Organizational Unit's Adequacy Target, with the resulting
21 amount reduced by the Organizational Unit's Final
22 Resources and its Tier 1 funding allocation. To determine
23 the Organizational Unit's Funding Gap, the resulting
24 amount is then multiplied by a factor equal to one minus
25 the Organizational Unit's Local Capacity Target
26 percentage. Each Organizational Unit within Tier 3 or Tier

1 4 receives an allocation of New State Funds equal to the
2 product of its Adequacy Target and the tier's Allocation
3 Rate, as specified in paragraph (4) of this subsection
4 (g).

5 (2) To ensure equitable distribution of dollars for
6 all Tier 2 Organizational Units, no Tier 2 Organizational
7 Unit shall receive fewer dollars per ASE than any Tier 3
8 Organizational Unit. Each Tier 2 and Tier 3 Organizational
9 Unit shall have its funding allocation divided by its ASE.
10 Any Tier 2 Organizational Unit with a funding allocation
11 per ASE below the greatest Tier 3 allocation per ASE shall
12 get a funding allocation equal to the greatest Tier 3
13 funding allocation per ASE multiplied by the
14 Organizational Unit's ASE. Each Tier 2 Organizational
15 Unit's Tier 2 funding allocation shall be multiplied by
16 the percentage calculated by dividing the original Tier 2
17 Aggregate Funding by the sum of all Tier 2 Organizational
18 Units' Tier 2 funding allocation after adjusting
19 districts' funding below Tier 3 levels.

20 (3) Organizational Units are placed into one of 4
21 tiers as follows:

22 (A) Tier 1 consists of all Organizational Units,
23 except for Specially Funded Units, with a Percent of
24 Adequacy less than the Tier 1 Target Ratio. The Tier 1
25 Target Ratio is the ratio level that allows for Tier 1
26 Aggregate Funding to be distributed, with the Tier 1

1 Allocation Rate determined pursuant to paragraph (4)
2 of this subsection (g).

3 (B) Tier 2 consists of all Tier 1 Units and all
4 other Organizational Units, except for Specially
5 Funded Units, with a Percent of Adequacy of less than
6 0.90.

7 (C) Tier 3 consists of all Organizational Units,
8 except for Specially Funded Units, with a Percent of
9 Adequacy of at least 0.90 and less than 1.0.

10 (D) Tier 4 consists of all Organizational Units
11 with a Percent of Adequacy of at least 1.0.

12 (4) The Allocation Rates for Tiers 1 through 4 are
13 determined as follows:

14 (A) The Tier 1 Allocation Rate is 30%.

15 (B) The Tier 2 Allocation Rate is the result of the
16 following equation: Tier 2 Aggregate Funding, divided
17 by the sum of the Funding Gaps for all Tier 2
18 Organizational Units, unless the result of such
19 equation is higher than 1.0. If the result of such
20 equation is higher than 1.0, then the Tier 2
21 Allocation Rate is 1.0.

22 (C) The Tier 3 Allocation Rate is the result of the
23 following equation: Tier 3 Aggregate Funding, divided
24 by the sum of the Adequacy Targets of all Tier 3
25 Organizational Units.

26 (D) The Tier 4 Allocation Rate is the result of the

1 following equation: Tier 4 Aggregate Funding, divided
2 by the sum of the Adequacy Targets of all Tier 4
3 Organizational Units.

4 (5) A tier's Target Ratio is determined as follows:

5 (A) The Tier 1 Target Ratio is the ratio level that
6 allows for Tier 1 Aggregate Funding to be distributed
7 with the Tier 1 Allocation Rate.

8 (B) The Tier 2 Target Ratio is 0.90.

9 (C) The Tier 3 Target Ratio is 1.0.

10 (6) If, at any point, the Tier 1 Target Ratio is
11 greater than 90%, then all Tier 1 funding shall be
12 allocated to Tier 2 and no Tier 1 Organizational Unit's
13 funding may be identified.

14 (7) In the event that all Tier 2 Organizational Units
15 receive funding at the Tier 2 Target Ratio level, any
16 remaining New State Funds shall be allocated to Tier 3 and
17 Tier 4 Organizational Units.

18 (8) If any Specially Funded Units, excluding Glenwood
19 Academy, recognized by the State Board do not qualify for
20 direct funding following the implementation of Public Act
21 100-465 from any of the funding sources included within
22 the definition of Base Funding Minimum, the unqualified
23 portion of the Base Funding Minimum shall be transferred
24 to one or more appropriate Organizational Units as
25 determined by the State Superintendent based on the prior
26 year ASE of the Organizational Units.

1 (8.5) If a school district withdraws from a special
2 education cooperative, the portion of the Base Funding
3 Minimum that is attributable to the school district may be
4 redistributed to the school district upon withdrawal. The
5 school district and the cooperative must include the
6 amount of the Base Funding Minimum that is to be
7 reapportioned in their withdrawal agreement and notify the
8 State Board of the change with a copy of the agreement upon
9 withdrawal.

10 (9) The Minimum Funding Level is intended to establish
11 a target for State funding that will keep pace with
12 inflation and continue to advance equity through the
13 Evidence-Based Funding formula. The target for State
14 funding of New Property Tax Relief Pool Funds is
15 \$50,000,000 for State fiscal year 2019 and subsequent
16 State fiscal years. The Minimum Funding Level is equal to
17 \$350,000,000. In addition to any New State Funds, no more
18 than \$50,000,000 New Property Tax Relief Pool Funds may be
19 counted toward the Minimum Funding Level. If the sum of
20 New State Funds and applicable New Property Tax Relief
21 Pool Funds are less than the Minimum Funding Level, than
22 funding for tiers shall be reduced in the following
23 manner:

24 (A) First, Tier 4 funding shall be reduced by an
25 amount equal to the difference between the Minimum
26 Funding Level and New State Funds until such time as

1 Tier 4 funding is exhausted.

2 (B) Next, Tier 3 funding shall be reduced by an
3 amount equal to the difference between the Minimum
4 Funding Level and New State Funds and the reduction in
5 Tier 4 funding until such time as Tier 3 funding is
6 exhausted.

7 (C) Next, Tier 2 funding shall be reduced by an
8 amount equal to the difference between the Minimum
9 Funding Level and New State Funds and the reduction in
10 Tier 4 and Tier 3.

11 (D) Finally, Tier 1 funding shall be reduced by an
12 amount equal to the difference between the Minimum
13 Funding level and New State Funds and the reduction in
14 Tier 2, 3, and 4 funding. In addition, the Allocation
15 Rate for Tier 1 shall be reduced to a percentage equal
16 to the Tier 1 Allocation Rate set by paragraph (4) of
17 this subsection (g), multiplied by the result of New
18 State Funds divided by the Minimum Funding Level.

19 (9.5) For State fiscal year 2019 and subsequent State
20 fiscal years, if New State Funds exceed \$300,000,000, then
21 any amount in excess of \$300,000,000 shall be dedicated
22 for purposes of Section 2-3.170 of this Code up to a
23 maximum of \$50,000,000.

24 (10) In the event of a decrease in the amount of the
25 appropriation for this Section in any fiscal year after
26 implementation of this Section, the Organizational Units

1 receiving Tier 1 and Tier 2 funding, as determined under
2 paragraph (3) of this subsection (g), shall be held
3 harmless by establishing a Base Funding Guarantee equal to
4 the per pupil kindergarten through grade 12 funding
5 received in accordance with this Section in the prior
6 fiscal year. Reductions shall be made to the Base Funding
7 Minimum of Organizational Units in Tier 3 and Tier 4 on a
8 per pupil basis equivalent to the total number of the ASE
9 in Tier 3-funded and Tier 4-funded Organizational Units
10 divided by the total reduction in State funding. The Base
11 Funding Minimum as reduced shall continue to be applied to
12 Tier 3 and Tier 4 Organizational Units and adjusted by the
13 relative formula when increases in appropriations for this
14 Section resume. In no event may State funding reductions
15 to Organizational Units in Tier 3 or Tier 4 exceed an
16 amount that would be less than the Base Funding Minimum
17 established in the first year of implementation of this
18 Section. If additional reductions are required, all school
19 districts shall receive a reduction by a per pupil amount
20 equal to the aggregate additional appropriation reduction
21 divided by the total ASE of all Organizational Units.

22 (11) The State Superintendent shall make minor
23 adjustments to the distribution formula set forth in this
24 subsection (g) to account for the rounding of percentages
25 to the nearest tenth of a percentage and dollar amounts to
26 the nearest whole dollar.

1 (h) State Superintendent administration of funding and
2 district submission requirements.

3 (1) The State Superintendent shall, in accordance with
4 appropriations made by the General Assembly, meet the
5 funding obligations created under this Section.

6 (2) The State Superintendent shall calculate the
7 Adequacy Target for each Organizational Unit under this
8 Section. No Evidence-Based Funding shall be distributed
9 within an Organizational Unit without the approval of the
10 unit's school board.

11 (3) Annually, the State Superintendent shall calculate
12 and report to each Organizational Unit the unit's
13 aggregate financial adequacy amount, which shall be the
14 sum of the Adequacy Target for each Organizational Unit.
15 The State Superintendent shall calculate and report
16 separately for each Organizational Unit the unit's total
17 State funds allocated for its students with disabilities.
18 The State Superintendent shall calculate and report
19 separately for each Organizational Unit the amount of
20 funding and applicable FTE calculated for each Essential
21 Element of the unit's Adequacy Target.

22 (4) Annually, the State Superintendent shall calculate
23 and report to each Organizational Unit the amount the unit
24 must expend on special education and bilingual education
25 and computer technology and equipment for Organizational
26 Units assigned to Tier 1 or Tier 2 that received an

1 additional \$285.50 per student computer technology and
2 equipment investment grant to their Adequacy Target
3 pursuant to the unit's Base Funding Minimum, Special
4 Education Allocation, Bilingual Education Allocation, and
5 computer technology and equipment investment allocation.

6 (5) Moneys distributed under this Section shall be
7 calculated on a school year basis, but paid on a fiscal
8 year basis, with payments beginning in August and
9 extending through June. Unless otherwise provided, the
10 moneys appropriated for each fiscal year shall be
11 distributed in 22 equal payments at least 2 times monthly
12 to each Organizational Unit. If moneys appropriated for
13 any fiscal year are distributed other than monthly, the
14 distribution shall be on the same basis for each
15 Organizational Unit.

16 (6) Any school district that fails, for any given
17 school year, to maintain school as required by law or to
18 maintain a recognized school is not eligible to receive
19 Evidence-Based Funding. In case of non-recognition of one
20 or more attendance centers in a school district otherwise
21 operating recognized schools, the claim of the district
22 shall be reduced in the proportion that the enrollment in
23 the attendance center or centers bears to the enrollment
24 of the school district. "Recognized school" means any
25 public school that meets the standards for recognition by
26 the State Board. A school district or attendance center

1 not having recognition status at the end of a school term
2 is entitled to receive State aid payments due upon a legal
3 claim that was filed while it was recognized.

4 (7) School district claims filed under this Section
5 are subject to Sections 18-9 and 18-12 of this Code,
6 except as otherwise provided in this Section.

7 (8) Each fiscal year, the State Superintendent shall
8 calculate for each Organizational Unit an amount of its
9 Base Funding Minimum and Evidence-Based Funding that shall
10 be deemed attributable to the provision of special
11 educational facilities and services, as defined in Section
12 14-1.08 of this Code, in a manner that ensures compliance
13 with maintenance of State financial support requirements
14 under the federal Individuals with Disabilities Education
15 Act. An Organizational Unit must use such funds only for
16 the provision of special educational facilities and
17 services, as defined in Section 14-1.08 of this Code, and
18 must comply with any expenditure verification procedures
19 adopted by the State Board.

20 (9) All Organizational Units in this State must submit
21 annual spending plans, as part of the budget submission
22 process, no later than October 31 of each year to the State
23 Board. The spending plan shall describe how each
24 Organizational Unit will utilize the Base Funding Minimum
25 and Evidence-Based Funding it receives from this State
26 under this Section with specific identification of the

1 intended utilization of Low-Income, English learner, and
2 special education resources. Additionally, the annual
3 spending plans of each Organizational Unit shall describe
4 how the Organizational Unit expects to achieve student
5 growth and how the Organizational Unit will achieve State
6 education goals, as defined by the State Board, and shall
7 indicate which stakeholder groups the Organizational Unit
8 engaged with to inform its annual spending plans. The
9 State Superintendent may, from time to time, identify
10 additional requisites for Organizational Units to satisfy
11 when compiling the annual spending plans required under
12 this subsection (h). The format and scope of annual
13 spending plans shall be developed by the State
14 Superintendent and the State Board of Education. School
15 districts that serve students under Article 14C of this
16 Code shall continue to submit information as required
17 under Section 14C-12 of this Code. Annual spending plans
18 required under this subsection (h) shall be integrated
19 into annual school district budgets completed pursuant to
20 Section 17-1 or Section 34-43. Organizational Units that
21 do not submit a budget to the State Board shall be provided
22 with a separate planning template developed by the State
23 Board. The State Board shall create an Evidence-Based
24 Funding spending plan tool to make Evidence-Based Funding
25 spending plan data for each Organizational Unit available
26 on the State Board's website no later than December 31,

1 2025, with annual updates thereafter. The tool shall allow
2 for the selection and review of each Organizational Unit's
3 planned use of Evidence-Based Funding.

4 (10) No later than January 1, 2018, the State
5 Superintendent shall develop a 5-year strategic plan for
6 all Organizational Units to help in planning for adequacy
7 funding under this Section. The State Superintendent shall
8 submit the plan to the Governor and the General Assembly,
9 as provided in Section 3.1 of the General Assembly
10 Organization Act. The plan shall include recommendations
11 for:

12 (A) a framework for collaborative, professional,
13 innovative, and 21st century learning environments
14 using the Evidence-Based Funding model;

15 (B) ways to prepare and support this State's
16 educators for successful instructional careers;

17 (C) application and enhancement of the current
18 financial accountability measures, the approved State
19 plan to comply with the federal Every Student Succeeds
20 Act, and the Illinois Balanced Accountability Measures
21 in relation to student growth and elements of the
22 Evidence-Based Funding model; and

23 (D) implementation of an effective school adequacy
24 funding system based on projected and recommended
25 funding levels from the General Assembly.

26 (11) On an annual basis, the State Superintendent must

1 recalibrate all of the following per pupil elements of the
2 Adequacy Target and applied to the formulas, based on the
3 study of average expenses and as reported in the most
4 recent annual financial report:

5 (A) Gifted under subparagraph (M) of paragraph (2)
6 of subsection (b).

7 (B) Instructional materials under subparagraph (O)
8 of paragraph (2) of subsection (b).

9 (C) Assessment under subparagraph (P) of paragraph
10 (2) of subsection (b).

11 (D) Student activities under subparagraph (R) of
12 paragraph (2) of subsection (b).

13 (E) Maintenance and operations under subparagraph
14 (S) of paragraph (2) of subsection (b).

15 (F) Central office under subparagraph (T) of
16 paragraph (2) of subsection (b).

17 (i) Professional Review Panel.

18 (1) A Professional Review Panel is created to study
19 and review topics related to the implementation and effect
20 of Evidence-Based Funding, as assigned by a joint
21 resolution or Public Act of the General Assembly or a
22 motion passed by the State Board of Education. The Panel
23 must provide recommendations to and serve the Governor,
24 the General Assembly, and the State Board. The State
25 Superintendent or his or her designee must serve as a
26 voting member and chairperson of the Panel. The State

1 Superintendent must appoint a vice chairperson from the
2 membership of the Panel. The Panel must advance
3 recommendations based on a three-fifths majority vote of
4 Panel members present and voting. A minority opinion may
5 also accompany any recommendation of the Panel. The Panel
6 shall be appointed by the State Superintendent, except as
7 otherwise provided in paragraph (2) of this subsection (i)
8 and include the following members:

9 (A) Two appointees that represent district
10 superintendents, recommended by a statewide
11 organization that represents district superintendents.

12 (B) Two appointees that represent school boards,
13 recommended by a statewide organization that
14 represents school boards.

15 (C) Two appointees from districts that represent
16 school business officials, recommended by a statewide
17 organization that represents school business
18 officials.

19 (D) Two appointees that represent school
20 principals, recommended by a statewide organization
21 that represents school principals.

22 (E) Two appointees that represent teachers,
23 recommended by a statewide organization that
24 represents teachers.

25 (F) Two appointees that represent teachers,
26 recommended by another statewide organization that

1 represents teachers.

2 (G) Two appointees that represent regional
3 superintendents of schools, recommended by
4 organizations that represent regional superintendents.

5 (H) Two independent experts selected solely by the
6 State Superintendent.

7 (I) Two independent experts recommended by public
8 universities in this State.

9 (J) One member recommended by a statewide
10 organization that represents parents.

11 (K) Two representatives recommended by collective
12 impact organizations that represent major metropolitan
13 areas or geographic areas in Illinois.

14 (L) One member from a statewide organization
15 focused on research-based education policy to support
16 a school system that prepares all students for
17 college, a career, and democratic citizenship.

18 (M) One representative from a school district
19 organized under Article 34 of this Code.

20 The State Superintendent shall ensure that the
21 membership of the Panel includes representatives from
22 school districts and communities reflecting the
23 geographic, socio-economic, racial, and ethnic diversity
24 of this State. The State Superintendent shall additionally
25 ensure that the membership of the Panel includes
26 representatives with expertise in bilingual education and

1 special education. Staff from the State Board shall staff
2 the Panel.

3 (2) In addition to those Panel members appointed by
4 the State Superintendent, 4 members of the General
5 Assembly shall be appointed as follows: one member of the
6 House of Representatives appointed by the Speaker of the
7 House of Representatives, one member of the Senate
8 appointed by the President of the Senate, one member of
9 the House of Representatives appointed by the Minority
10 Leader of the House of Representatives, and one member of
11 the Senate appointed by the Minority Leader of the Senate.
12 There shall be one additional member appointed by the
13 Governor. All members appointed by legislative leaders or
14 the Governor shall be non-voting, ex officio members.

15 (3) The Panel must study topics at the direction of
16 the General Assembly or State Board of Education, as
17 provided under paragraph (1). The Panel may also study the
18 following topics at the direction of the chairperson:

19 (A) The format and scope of annual spending plans
20 referenced in paragraph (9) of subsection (h) of this
21 Section.

22 (B) The Comparable Wage Index under this Section.

23 (C) Maintenance and operations, including capital
24 maintenance and construction costs.

25 (D) "At-risk student" definition.

26 (E) Benefits.

1 (F) Technology.

2 (G) Local Capacity Target.

3 (H) Funding for Alternative Schools, Laboratory
4 Schools, safe schools, and alternative learning
5 opportunities programs.

6 (I) Funding for college and career acceleration
7 strategies.

8 (J) Special education investments.

9 (K) Early childhood investments, in collaboration
10 with the Illinois Early Learning Council.

11 (4) (Blank).

12 (5) Within 5 years after the implementation of this
13 Section, and every 5 years thereafter, the Panel shall
14 complete an evaluative study of the entire Evidence-Based
15 Funding model, including an assessment of whether or not
16 the formula is achieving State goals. The Panel shall
17 report to the State Board, the General Assembly, and the
18 Governor on the findings of the study.

19 (6) (Blank).

20 (7) To ensure that (i) the Adequacy Target calculation
21 under subsection (b) accurately reflects the needs of
22 students living in poverty or attending schools located in
23 areas of high poverty, (ii) racial equity within the
24 Evidence-Based Funding formula is explicitly explored and
25 advanced, and (iii) the funding goals of the formula
26 distribution system established under this Section are

1 sufficient to provide adequate funding for every student
2 and to fully fund every school in this State, the Panel
3 shall review the Essential Elements under paragraph (2) of
4 subsection (b). The Panel shall consider all of the
5 following in its review:

6 (A) The financial ability of school districts to
7 provide instruction in a foreign language to every
8 student and whether an additional Essential Element
9 should be added to the formula to ensure that every
10 student has access to instruction in a foreign
11 language.

12 (B) The adult-to-student ratio for each Essential
13 Element in which a ratio is identified. The Panel
14 shall consider whether the ratio accurately reflects
15 the staffing needed to support students living in
16 poverty or who have traumatic backgrounds.

17 (C) Changes to the Essential Elements that may be
18 required to better promote racial equity and eliminate
19 structural racism within schools.

20 (D) The impact of investing \$350,000,000 in
21 additional funds each year under this Section and an
22 estimate of when the school system will become fully
23 funded under this level of appropriation.

24 (E) Provide an overview of alternative funding
25 structures that would enable the State to become fully
26 funded at an earlier date.

1 (F) The potential to increase efficiency and to
2 find cost savings within the school system to expedite
3 the journey to a fully funded system.

4 (G) The appropriate levels for reenrolling and
5 graduating high-risk high school students who have
6 been previously out of school. These outcomes shall
7 include enrollment, attendance, skill gains, credit
8 gains, graduation or promotion to the next grade
9 level, and the transition to college, training, or
10 employment, with an emphasis on progressively
11 increasing the overall attendance.

12 (H) The evidence-based or research-based practices
13 that are shown to reduce the gaps and disparities
14 experienced by African American students in academic
15 achievement and educational performance, including
16 practices that have been shown to reduce disparities
17 in disciplinary rates, drop-out rates, graduation
18 rates, college matriculation rates, and college
19 completion rates.

20 On or before December 31, 2021, the Panel shall report
21 to the State Board, the General Assembly, and the Governor
22 on the findings of its review. This paragraph (7) is
23 inoperative on and after July 1, 2022.

24 (8) On or before April 1, 2024, the Panel must submit a
25 report to the General Assembly on annual adjustments to
26 Glenwood Academy's base-funding minimum in a similar

1 fashion to school districts under this Section.

2 (j) References. Beginning July 1, 2017, references in
3 other laws to general State aid funds or calculations under
4 Section 18-8.05 of this Code (now repealed) shall be deemed to
5 be references to evidence-based model formula funds or
6 calculations under this Section.

7 (Source: P.A. 102-33, eff. 6-25-21; 102-197, eff. 7-30-21;
8 102-558, eff. 8-20-21; 102-699, eff. 4-19-22; 102-782, eff.
9 1-1-23; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 103-8,
10 eff. 6-7-23; 103-154, eff. 6-30-23; 103-175, eff. 6-30-23;
11 103-605, eff. 7-1-24; 103-780, eff. 8-2-24; 103-802, eff.
12 1-1-25; revised 11-26-24.)

13 (105 ILCS 5/19-1)

14 Sec. 19-1. Debt limitations of school districts.

15 (a) School districts shall not be subject to the
16 provisions limiting their indebtedness prescribed in the Local
17 Government Debt Limitation Act.

18 No school districts maintaining grades K through 8 or 9
19 through 12 shall become indebted in any manner or for any
20 purpose to an amount, including existing indebtedness, in the
21 aggregate exceeding 6.9% on the value of the taxable property
22 therein to be ascertained by the last assessment for State and
23 county taxes or, until January 1, 1983, if greater, the sum
24 that is produced by multiplying the school district's 1978
25 equalized assessed valuation by the debt limitation percentage

1 in effect on January 1, 1979, previous to the incurring of such
2 indebtedness.

3 No school districts maintaining grades K through 12 shall
4 become indebted in any manner or for any purpose to an amount,
5 including existing indebtedness, in the aggregate exceeding
6 13.8% on the value of the taxable property therein to be
7 ascertained by the last assessment for State and county taxes
8 or, until January 1, 1983, if greater, the sum that is produced
9 by multiplying the school district's 1978 equalized assessed
10 valuation by the debt limitation percentage in effect on
11 January 1, 1979, previous to the incurring of such
12 indebtedness.

13 No partial elementary unit district, as defined in Article
14 11E of this Code, shall become indebted in any manner or for
15 any purpose in an amount, including existing indebtedness, in
16 the aggregate exceeding 6.9% of the value of the taxable
17 property of the entire district, to be ascertained by the last
18 assessment for State and county taxes, plus an amount,
19 including existing indebtedness, in the aggregate exceeding
20 6.9% of the value of the taxable property of that portion of
21 the district included in the elementary and high school
22 classification, to be ascertained by the last assessment for
23 State and county taxes. Moreover, no partial elementary unit
24 district, as defined in Article 11E of this Code, shall become
25 indebted on account of bonds issued by the district for high
26 school purposes in the aggregate exceeding 6.9% of the value

1 of the taxable property of the entire district, to be
2 ascertained by the last assessment for State and county taxes,
3 nor shall the district become indebted on account of bonds
4 issued by the district for elementary purposes in the
5 aggregate exceeding 6.9% of the value of the taxable property
6 for that portion of the district included in the elementary
7 and high school classification, to be ascertained by the last
8 assessment for State and county taxes.

9 Notwithstanding the provisions of any other law to the
10 contrary, in any case in which the voters of a school district
11 have approved a proposition for the issuance of bonds of such
12 school district at an election held prior to January 1, 1979,
13 and all of the bonds approved at such election have not been
14 issued, the debt limitation applicable to such school district
15 during the calendar year 1979 shall be computed by multiplying
16 the value of taxable property therein, including personal
17 property, as ascertained by the last assessment for State and
18 county taxes, previous to the incurring of such indebtedness,
19 by the percentage limitation applicable to such school
20 district under the provisions of this subsection (a).

21 (a-5) After January 1, 2018, no school district may issue
22 bonds under Sections 19-2 through 19-7 of this Code and rely on
23 an exception to the debt limitations in this Section unless it
24 has complied with the requirements of Section 21 of the Bond
25 Issue Notification Act and the bonds have been approved by
26 referendum.

1 (b) Notwithstanding the debt limitation prescribed in
2 subsection (a) of this Section, additional indebtedness may be
3 incurred in an amount not to exceed the estimated cost of
4 acquiring or improving school sites or constructing and
5 equipping additional building facilities under the following
6 conditions:

7 (1) Whenever the enrollment of students for the next
8 school year is estimated by the board of education to
9 increase over the actual present enrollment by not less
10 than 35% or by not less than 200 students or the actual
11 present enrollment of students has increased over the
12 previous school year by not less than 35% or by not less
13 than 200 students and the board of education determines
14 that additional school sites or building facilities are
15 required as a result of such increase in enrollment; and

16 (2) When the Regional Superintendent of Schools having
17 jurisdiction over the school district and the State
18 Superintendent of Education concur in such enrollment
19 projection or increase and approve the need for such
20 additional school sites or building facilities and the
21 estimated cost thereof; and

22 (3) When the voters in the school district approve a
23 proposition for the issuance of bonds for the purpose of
24 acquiring or improving such needed school sites or
25 constructing and equipping such needed additional building
26 facilities at an election called and held for that

1 purpose. Notice of such an election shall state that the
2 amount of indebtedness proposed to be incurred would
3 exceed the debt limitation otherwise applicable to the
4 school district. The ballot for such proposition shall
5 state what percentage of the equalized assessed valuation
6 will be outstanding in bonds if the proposed issuance of
7 bonds is approved by the voters; or

8 (4) Notwithstanding the provisions of paragraphs (1)
9 through (3) of this subsection (b), if the school board
10 determines that additional facilities are needed to
11 provide a quality educational program and not less than
12 2/3 of those voting in an election called by the school
13 board on the question approve the issuance of bonds for
14 the construction of such facilities, the school district
15 may issue bonds for this purpose; or

16 (5) Notwithstanding the provisions of paragraphs (1)
17 through (3) of this subsection (b), if (i) the school
18 district has previously availed itself of the provisions
19 of paragraph (4) of this subsection (b) to enable it to
20 issue bonds, (ii) the voters of the school district have
21 not defeated a proposition for the issuance of bonds since
22 the referendum described in paragraph (4) of this
23 subsection (b) was held, (iii) the school board determines
24 that additional facilities are needed to provide a quality
25 educational program, and (iv) a majority of those voting
26 in an election called by the school board on the question

1 approve the issuance of bonds for the construction of such
2 facilities, the school district may issue bonds for this
3 purpose.

4 In no event shall the indebtedness incurred pursuant to
5 this subsection (b) and the existing indebtedness of the
6 school district exceed 15% of the value of the taxable
7 property therein to be ascertained by the last assessment for
8 State and county taxes, previous to the incurring of such
9 indebtedness or, until January 1, 1983, if greater, the sum
10 that is produced by multiplying the school district's 1978
11 equalized assessed valuation by the debt limitation percentage
12 in effect on January 1, 1979.

13 The indebtedness provided for by this subsection (b) shall
14 be in addition to and in excess of any other debt limitation.

15 (c) Notwithstanding the debt limitation prescribed in
16 subsection (a) of this Section, in any case in which a public
17 question for the issuance of bonds of a proposed school
18 district maintaining grades kindergarten through 12 received
19 at least 60% of the valid ballots cast on the question at an
20 election held on or prior to November 8, 1994, and in which the
21 bonds approved at such election have not been issued, the
22 school district pursuant to the requirements of Section 11A-10
23 (now repealed) may issue the total amount of bonds approved at
24 such election for the purpose stated in the question.

25 (d) Notwithstanding the debt limitation prescribed in
26 subsection (a) of this Section, a school district that meets

1 all the criteria set forth in paragraphs (1) and (2) of this
2 subsection (d) may incur an additional indebtedness in an
3 amount not to exceed \$4,500,000, even though the amount of the
4 additional indebtedness authorized by this subsection (d),
5 when incurred and added to the aggregate amount of
6 indebtedness of the district existing immediately prior to the
7 district incurring the additional indebtedness authorized by
8 this subsection (d), causes the aggregate indebtedness of the
9 district to exceed the debt limitation otherwise applicable to
10 that district under subsection (a):

11 (1) The additional indebtedness authorized by this
12 subsection (d) is incurred by the school district through
13 the issuance of bonds under and in accordance with Section
14 17-2.11a for the purpose of replacing a school building
15 which, because of mine subsidence damage, has been closed
16 as provided in paragraph (2) of this subsection (d) or
17 through the issuance of bonds under and in accordance with
18 Section 19-3 for the purpose of increasing the size of, or
19 providing for additional functions in, such replacement
20 school buildings, or both such purposes.

21 (2) The bonds issued by the school district as
22 provided in paragraph (1) above are issued for the
23 purposes of construction by the school district of a new
24 school building pursuant to Section 17-2.11, to replace an
25 existing school building that, because of mine subsidence
26 damage, is closed as of the end of the 1992-93 school year

1 pursuant to action of the regional superintendent of
2 schools of the educational service region in which the
3 district is located under Section 3-14.22 or are issued
4 for the purpose of increasing the size of, or providing
5 for additional functions in, the new school building being
6 constructed to replace a school building closed as the
7 result of mine subsidence damage, or both such purposes.

8 (e) (Blank).

9 (f) Notwithstanding the provisions of subsection (a) of
10 this Section or of any other law, bonds in not to exceed the
11 aggregate amount of \$5,500,000 and issued by a school district
12 meeting the following criteria shall not be considered
13 indebtedness for purposes of any statutory limitation and may
14 be issued in an amount or amounts, including existing
15 indebtedness, in excess of any heretofore or hereafter imposed
16 statutory limitation as to indebtedness:

17 (1) At the time of the sale of such bonds, the board of
18 education of the district shall have determined by
19 resolution that the enrollment of students in the district
20 is projected to increase by not less than 7% during each of
21 the next succeeding 2 school years.

22 (2) The board of education shall also determine by
23 resolution that the improvements to be financed with the
24 proceeds of the bonds are needed because of the projected
25 enrollment increases.

26 (3) The board of education shall also determine by

1 resolution that the projected increases in enrollment are
2 the result of improvements made or expected to be made to
3 passenger rail facilities located in the school district.

4 Notwithstanding the provisions of subsection (a) of this
5 Section or of any other law, a school district that has availed
6 itself of the provisions of this subsection (f) prior to July
7 22, 2004 (the effective date of Public Act 93-799) may also
8 issue bonds approved by referendum up to an amount, including
9 existing indebtedness, not exceeding 25% of the equalized
10 assessed value of the taxable property in the district if all
11 of the conditions set forth in items (1), (2), and (3) of this
12 subsection (f) are met.

13 (g) Notwithstanding the provisions of subsection (a) of
14 this Section or any other law, bonds in not to exceed an
15 aggregate amount of 25% of the equalized assessed value of the
16 taxable property of a school district and issued by a school
17 district meeting the criteria in paragraphs (i) through (iv)
18 of this subsection shall not be considered indebtedness for
19 purposes of any statutory limitation and may be issued
20 pursuant to resolution of the school board in an amount or
21 amounts, including existing indebtedness, in excess of any
22 statutory limitation of indebtedness heretofore or hereafter
23 imposed:

24 (i) The bonds are issued for the purpose of
25 constructing a new high school building to replace two
26 adjacent existing buildings which together house a single

1 high school, each of which is more than 65 years old, and
2 which together are located on more than 10 acres and less
3 than 11 acres of property.

4 (ii) At the time the resolution authorizing the
5 issuance of the bonds is adopted, the cost of constructing
6 a new school building to replace the existing school
7 building is less than 60% of the cost of repairing the
8 existing school building.

9 (iii) The sale of the bonds occurs before July 1,
10 1997.

11 (iv) The school district issuing the bonds is a unit
12 school district located in a county of less than 70,000
13 and more than 50,000 inhabitants, which has an average
14 daily attendance of less than 1,500 and an equalized
15 assessed valuation of less than \$29,000,000.

16 (h) Notwithstanding any other provisions of this Section
17 or the provisions of any other law, until January 1, 1998, a
18 community unit school district maintaining grades K through 12
19 may issue bonds up to an amount, including existing
20 indebtedness, not exceeding 27.6% of the equalized assessed
21 value of the taxable property in the district, if all of the
22 following conditions are met:

23 (i) The school district has an equalized assessed
24 valuation for calendar year 1995 of less than \$24,000,000;

25 (ii) The bonds are issued for the capital improvement,
26 renovation, rehabilitation, or replacement of existing

1 school buildings of the district, all of which buildings
2 were originally constructed not less than 40 years ago;

3 (iii) The voters of the district approve a proposition
4 for the issuance of the bonds at a referendum held after
5 March 19, 1996; and

6 (iv) The bonds are issued pursuant to Sections 19-2
7 through 19-7 of this Code.

8 (i) Notwithstanding any other provisions of this Section
9 or the provisions of any other law, until January 1, 1998, a
10 community unit school district maintaining grades K through 12
11 may issue bonds up to an amount, including existing
12 indebtedness, not exceeding 27% of the equalized assessed
13 value of the taxable property in the district, if all of the
14 following conditions are met:

15 (i) The school district has an equalized assessed
16 valuation for calendar year 1995 of less than \$44,600,000;

17 (ii) The bonds are issued for the capital improvement,
18 renovation, rehabilitation, or replacement of existing
19 school buildings of the district, all of which existing
20 buildings were originally constructed not less than 80
21 years ago;

22 (iii) The voters of the district approve a proposition
23 for the issuance of the bonds at a referendum held after
24 December 31, 1996; and

25 (iv) The bonds are issued pursuant to Sections 19-2
26 through 19-7 of this Code.

1 (j) Notwithstanding any other provisions of this Section
2 or the provisions of any other law, until January 1, 1999, a
3 community unit school district maintaining grades K through 12
4 may issue bonds up to an amount, including existing
5 indebtedness, not exceeding 27% of the equalized assessed
6 value of the taxable property in the district if all of the
7 following conditions are met:

8 (i) The school district has an equalized assessed
9 valuation for calendar year 1995 of less than \$140,000,000
10 and a best 3 months average daily attendance for the
11 1995-96 school year of at least 2,800;

12 (ii) The bonds are issued to purchase a site and build
13 and equip a new high school, and the school district's
14 existing high school was originally constructed not less
15 than 35 years prior to the sale of the bonds;

16 (iii) At the time of the sale of the bonds, the board
17 of education determines by resolution that a new high
18 school is needed because of projected enrollment
19 increases;

20 (iv) At least 60% of those voting in an election held
21 after December 31, 1996 approve a proposition for the
22 issuance of the bonds; and

23 (v) The bonds are issued pursuant to Sections 19-2
24 through 19-7 of this Code.

25 (k) Notwithstanding the debt limitation prescribed in
26 subsection (a) of this Section, a school district that meets

1 all the criteria set forth in paragraphs (1) through (4) of
2 this subsection (k) may issue bonds to incur an additional
3 indebtedness in an amount not to exceed \$4,000,000 even though
4 the amount of the additional indebtedness authorized by this
5 subsection (k), when incurred and added to the aggregate
6 amount of indebtedness of the school district existing
7 immediately prior to the school district incurring such
8 additional indebtedness, causes the aggregate indebtedness of
9 the school district to exceed or increases the amount by which
10 the aggregate indebtedness of the district already exceeds the
11 debt limitation otherwise applicable to that school district
12 under subsection (a):

13 (1) the school district is located in 2 counties, and
14 a referendum to authorize the additional indebtedness was
15 approved by a majority of the voters of the school
16 district voting on the proposition to authorize that
17 indebtedness;

18 (2) the additional indebtedness is for the purpose of
19 financing a multi-purpose room addition to the existing
20 high school;

21 (3) the additional indebtedness, together with the
22 existing indebtedness of the school district, shall not
23 exceed 17.4% of the value of the taxable property in the
24 school district, to be ascertained by the last assessment
25 for State and county taxes; and

26 (4) the bonds evidencing the additional indebtedness

1 are issued, if at all, within 120 days of August 14, 1998
2 (the effective date of Public Act 90-757).

3 (1) Notwithstanding any other provisions of this Section
4 or the provisions of any other law, until January 1, 2000, a
5 school district maintaining grades kindergarten through 8 may
6 issue bonds up to an amount, including existing indebtedness,
7 not exceeding 15% of the equalized assessed value of the
8 taxable property in the district if all of the following
9 conditions are met:

10 (i) the district has an equalized assessed valuation
11 for calendar year 1996 of less than \$10,000,000;

12 (ii) the bonds are issued for capital improvement,
13 renovation, rehabilitation, or replacement of one or more
14 school buildings of the district, which buildings were
15 originally constructed not less than 70 years ago;

16 (iii) the voters of the district approve a proposition
17 for the issuance of the bonds at a referendum held on or
18 after March 17, 1998; and

19 (iv) the bonds are issued pursuant to Sections 19-2
20 through 19-7 of this Code.

21 (m) Notwithstanding any other provisions of this Section
22 or the provisions of any other law, until January 1, 1999, an
23 elementary school district maintaining grades K through 8 may
24 issue bonds up to an amount, excluding existing indebtedness,
25 not exceeding 18% of the equalized assessed value of the
26 taxable property in the district, if all of the following

1 conditions are met:

2 (i) The school district has an equalized assessed
3 valuation for calendar year 1995 or less than \$7,700,000;

4 (ii) The school district operates 2 elementary
5 attendance centers that until 1976 were operated as the
6 attendance centers of 2 separate and distinct school
7 districts;

8 (iii) The bonds are issued for the construction of a
9 new elementary school building to replace an existing
10 multi-level elementary school building of the school
11 district that is not accessible at all levels and parts of
12 which were constructed more than 75 years ago;

13 (iv) The voters of the school district approve a
14 proposition for the issuance of the bonds at a referendum
15 held after July 1, 1998; and

16 (v) The bonds are issued pursuant to Sections 19-2
17 through 19-7 of this Code.

18 (n) Notwithstanding the debt limitation prescribed in
19 subsection (a) of this Section or any other provisions of this
20 Section or of any other law, a school district that meets all
21 of the criteria set forth in paragraphs (i) through (vi) of
22 this subsection (n) may incur additional indebtedness by the
23 issuance of bonds in an amount not exceeding the amount
24 certified by the Capital Development Board to the school
25 district as provided in paragraph (iii) of this subsection
26 (n), even though the amount of the additional indebtedness so

1 authorized, when incurred and added to the aggregate amount of
2 indebtedness of the district existing immediately prior to the
3 district incurring the additional indebtedness authorized by
4 this subsection (n), causes the aggregate indebtedness of the
5 district to exceed the debt limitation otherwise applicable by
6 law to that district:

7 (i) The school district applies to the State Board of
8 Education for a school construction project grant and
9 submits a district facilities plan in support of its
10 application pursuant to Section 5-20 of the School
11 Construction Law.

12 (ii) The school district's application and facilities
13 plan are approved by, and the district receives a grant
14 entitlement for a school construction project issued by,
15 the State Board of Education under the School Construction
16 Law.

17 (iii) The school district has exhausted its bonding
18 capacity or the unused bonding capacity of the district is
19 less than the amount certified by the Capital Development
20 Board to the district under Section 5-15 of the School
21 Construction Law as the dollar amount of the school
22 construction project's cost that the district will be
23 required to finance with non-grant funds in order to
24 receive a school construction project grant under the
25 School Construction Law.

26 (iv) The bonds are issued for a "school construction

1 project", as that term is defined in Section 5-5 of the
2 School Construction Law, in an amount that does not exceed
3 the dollar amount certified, as provided in paragraph
4 (iii) of this subsection (n), by the Capital Development
5 Board to the school district under Section 5-15 of the
6 School Construction Law.

7 (v) The voters of the district approve a proposition
8 for the issuance of the bonds at a referendum held after
9 the criteria specified in paragraphs (i) and (iii) of this
10 subsection (n) are met.

11 (vi) The bonds are issued pursuant to Sections 19-2
12 through 19-7 of the School Code.

13 (o) Notwithstanding any other provisions of this Section
14 or the provisions of any other law, until November 1, 2007, a
15 community unit school district maintaining grades K through 12
16 may issue bonds up to an amount, including existing
17 indebtedness, not exceeding 20% of the equalized assessed
18 value of the taxable property in the district if all of the
19 following conditions are met:

20 (i) the school district has an equalized assessed
21 valuation for calendar year 2001 of at least \$737,000,000
22 and an enrollment for the 2002-2003 school year of at
23 least 8,500;

24 (ii) the bonds are issued to purchase school sites,
25 build and equip a new high school, build and equip a new
26 junior high school, build and equip 5 new elementary

1 schools, and make technology and other improvements and
2 additions to existing schools;

3 (iii) at the time of the sale of the bonds, the board
4 of education determines by resolution that the sites and
5 new or improved facilities are needed because of projected
6 enrollment increases;

7 (iv) at least 57% of those voting in a general
8 election held prior to January 1, 2003 approved a
9 proposition for the issuance of the bonds; and

10 (v) the bonds are issued pursuant to Sections 19-2
11 through 19-7 of this Code.

12 (p) Notwithstanding any other provisions of this Section
13 or the provisions of any other law, a community unit school
14 district maintaining grades K through 12 may issue bonds up to
15 an amount, including indebtedness, not exceeding 27% of the
16 equalized assessed value of the taxable property in the
17 district if all of the following conditions are met:

18 (i) The school district has an equalized assessed
19 valuation for calendar year 2001 of at least \$295,741,187
20 and a best 3 months' average daily attendance for the
21 2002-2003 school year of at least 2,394.

22 (ii) The bonds are issued to build and equip 3
23 elementary school buildings; build and equip one middle
24 school building; and alter, repair, improve, and equip all
25 existing school buildings in the district.

26 (iii) At the time of the sale of the bonds, the board

1 of education determines by resolution that the project is
2 needed because of expanding growth in the school district
3 and a projected enrollment increase.

4 (iv) The bonds are issued pursuant to Sections 19-2
5 through 19-7 of this Code.

6 (p-5) Notwithstanding any other provisions of this Section
7 or the provisions of any other law, bonds issued by a community
8 unit school district maintaining grades K through 12 shall not
9 be considered indebtedness for purposes of any statutory
10 limitation and may be issued in an amount or amounts,
11 including existing indebtedness, in excess of any heretofore
12 or hereafter imposed statutory limitation as to indebtedness,
13 if all of the following conditions are met:

14 (i) For each of the 4 most recent years, residential
15 property comprises more than 80% of the equalized assessed
16 valuation of the district.

17 (ii) At least 2 school buildings that were constructed
18 40 or more years prior to the issuance of the bonds will be
19 demolished and will be replaced by new buildings or
20 additions to one or more existing buildings.

21 (iii) Voters of the district approve a proposition for
22 the issuance of the bonds at a regularly scheduled
23 election.

24 (iv) At the time of the sale of the bonds, the school
25 board determines by resolution that the new buildings or
26 building additions are needed because of an increase in

1 enrollment projected by the school board.

2 (v) The principal amount of the bonds, including
3 existing indebtedness, does not exceed 25% of the
4 equalized assessed value of the taxable property in the
5 district.

6 (vi) The bonds are issued prior to January 1, 2007,
7 pursuant to Sections 19-2 through 19-7 of this Code.

8 (p-10) Notwithstanding any other provisions of this
9 Section or the provisions of any other law, bonds issued by a
10 community consolidated school district maintaining grades K
11 through 8 shall not be considered indebtedness for purposes of
12 any statutory limitation and may be issued in an amount or
13 amounts, including existing indebtedness, in excess of any
14 heretofore or hereafter imposed statutory limitation as to
15 indebtedness, if all of the following conditions are met:

16 (i) For each of the 4 most recent years, residential
17 and farm property comprises more than 80% of the equalized
18 assessed valuation of the district.

19 (ii) The bond proceeds are to be used to acquire and
20 improve school sites and build and equip a school
21 building.

22 (iii) Voters of the district approve a proposition for
23 the issuance of the bonds at a regularly scheduled
24 election.

25 (iv) At the time of the sale of the bonds, the school
26 board determines by resolution that the school sites and

1 building additions are needed because of an increase in
2 enrollment projected by the school board.

3 (v) The principal amount of the bonds, including
4 existing indebtedness, does not exceed 20% of the
5 equalized assessed value of the taxable property in the
6 district.

7 (vi) The bonds are issued prior to January 1, 2007,
8 pursuant to Sections 19-2 through 19-7 of this Code.

9 (p-15) In addition to all other authority to issue bonds,
10 the Oswego Community Unit School District Number 308 may issue
11 bonds with an aggregate principal amount not to exceed
12 \$450,000,000, but only if all of the following conditions are
13 met:

14 (i) The voters of the district have approved a
15 proposition for the bond issue at the general election
16 held on November 7, 2006.

17 (ii) At the time of the sale of the bonds, the school
18 board determines, by resolution, that: (A) the building
19 and equipping of the new high school building, new junior
20 high school buildings, new elementary school buildings,
21 early childhood building, maintenance building,
22 transportation facility, and additions to existing school
23 buildings, the altering, repairing, equipping, and
24 provision of technology improvements to existing school
25 buildings, and the acquisition and improvement of school
26 sites, as the case may be, are required as a result of a

1 projected increase in the enrollment of students in the
2 district; and (B) the sale of bonds for these purposes is
3 authorized by legislation that exempts the debt incurred
4 on the bonds from the district's statutory debt
5 limitation.

6 (iii) The bonds are issued, in one or more bond
7 issues, on or before November 7, 2011, but the aggregate
8 principal amount issued in all such bond issues combined
9 must not exceed \$450,000,000.

10 (iv) The bonds are issued in accordance with this
11 Article 19.

12 (v) The proceeds of the bonds are used only to
13 accomplish those projects approved by the voters at the
14 general election held on November 7, 2006.

15 The debt incurred on any bonds issued under this subsection
16 (p-15) shall not be considered indebtedness for purposes of
17 any statutory debt limitation.

18 (p-20) In addition to all other authority to issue bonds,
19 the Lincoln-Way Community High School District Number 210 may
20 issue bonds with an aggregate principal amount not to exceed
21 \$225,000,000, but only if all of the following conditions are
22 met:

23 (i) The voters of the district have approved a
24 proposition for the bond issue at the general primary
25 election held on March 21, 2006.

26 (ii) At the time of the sale of the bonds, the school

1 board determines, by resolution, that: (A) the building
2 and equipping of the new high school buildings, the
3 altering, repairing, and equipping of existing school
4 buildings, and the improvement of school sites, as the
5 case may be, are required as a result of a projected
6 increase in the enrollment of students in the district;
7 and (B) the sale of bonds for these purposes is authorized
8 by legislation that exempts the debt incurred on the bonds
9 from the district's statutory debt limitation.

10 (iii) The bonds are issued, in one or more bond
11 issues, on or before March 21, 2011, but the aggregate
12 principal amount issued in all such bond issues combined
13 must not exceed \$225,000,000.

14 (iv) The bonds are issued in accordance with this
15 Article 19.

16 (v) The proceeds of the bonds are used only to
17 accomplish those projects approved by the voters at the
18 primary election held on March 21, 2006.

19 The debt incurred on any bonds issued under this subsection
20 (p-20) shall not be considered indebtedness for purposes of
21 any statutory debt limitation.

22 (p-25) In addition to all other authority to issue bonds,
23 Rochester Community Unit School District 3A may issue bonds
24 with an aggregate principal amount not to exceed \$18,500,000,
25 but only if all of the following conditions are met:

26 (i) The voters of the district approve a proposition

1 for the bond issuance at the general primary election held
2 in 2008.

3 (ii) At the time of the sale of the bonds, the school
4 board determines, by resolution, that: (A) the building
5 and equipping of a new high school building; the addition
6 of classrooms and support facilities at the high school,
7 middle school, and elementary school; the altering,
8 repairing, and equipping of existing school buildings; and
9 the improvement of school sites, as the case may be, are
10 required as a result of a projected increase in the
11 enrollment of students in the district; and (B) the sale
12 of bonds for these purposes is authorized by a law that
13 exempts the debt incurred on the bonds from the district's
14 statutory debt limitation.

15 (iii) The bonds are issued, in one or more bond
16 issues, on or before December 31, 2012, but the aggregate
17 principal amount issued in all such bond issues combined
18 must not exceed \$18,500,000.

19 (iv) The bonds are issued in accordance with this
20 Article 19.

21 (v) The proceeds of the bonds are used to accomplish
22 only those projects approved by the voters at the primary
23 election held in 2008.

24 The debt incurred on any bonds issued under this subsection
25 (p-25) shall not be considered indebtedness for purposes of
26 any statutory debt limitation.

1 (p-30) In addition to all other authority to issue bonds,
2 Prairie Grove Consolidated School District 46 may issue bonds
3 with an aggregate principal amount not to exceed \$30,000,000,
4 but only if all of the following conditions are met:

5 (i) The voters of the district approve a proposition
6 for the bond issuance at an election held in 2008.

7 (ii) At the time of the sale of the bonds, the school
8 board determines, by resolution, that (A) the building and
9 equipping of a new school building and additions to
10 existing school buildings are required as a result of a
11 projected increase in the enrollment of students in the
12 district and (B) the altering, repairing, and equipping of
13 existing school buildings are required because of the age
14 of the existing school buildings.

15 (iii) The bonds are issued, in one or more bond
16 issuances, on or before December 31, 2012; however, the
17 aggregate principal amount issued in all such bond
18 issuances combined must not exceed \$30,000,000.

19 (iv) The bonds are issued in accordance with this
20 Article.

21 (v) The proceeds of the bonds are used to accomplish
22 only those projects approved by the voters at an election
23 held in 2008.

24 The debt incurred on any bonds issued under this subsection
25 (p-30) shall not be considered indebtedness for purposes of
26 any statutory debt limitation.

1 (p-35) In addition to all other authority to issue bonds,
2 Prairie Hill Community Consolidated School District 133 may
3 issue bonds with an aggregate principal amount not to exceed
4 \$13,900,000, but only if all of the following conditions are
5 met:

6 (i) The voters of the district approved a proposition
7 for the bond issuance at an election held on April 17,
8 2007.

9 (ii) At the time of the sale of the bonds, the school
10 board determines, by resolution, that (A) the improvement
11 of the site of and the building and equipping of a school
12 building are required as a result of a projected increase
13 in the enrollment of students in the district and (B) the
14 repairing and equipping of the Prairie Hill Elementary
15 School building is required because of the age of that
16 school building.

17 (iii) The bonds are issued, in one or more bond
18 issuances, on or before December 31, 2011, but the
19 aggregate principal amount issued in all such bond
20 issuances combined must not exceed \$13,900,000.

21 (iv) The bonds are issued in accordance with this
22 Article.

23 (v) The proceeds of the bonds are used to accomplish
24 only those projects approved by the voters at an election
25 held on April 17, 2007.

26 The debt incurred on any bonds issued under this subsection

1 (p-35) shall not be considered indebtedness for purposes of
2 any statutory debt limitation.

3 (p-40) In addition to all other authority to issue bonds,
4 Mascoutah Community Unit District 19 may issue bonds with an
5 aggregate principal amount not to exceed \$55,000,000, but only
6 if all of the following conditions are met:

7 (1) The voters of the district approve a proposition
8 for the bond issuance at a regular election held on or
9 after November 4, 2008.

10 (2) At the time of the sale of the bonds, the school
11 board determines, by resolution, that (i) the building and
12 equipping of a new high school building is required as a
13 result of a projected increase in the enrollment of
14 students in the district and the age and condition of the
15 existing high school building, (ii) the existing high
16 school building will be demolished, and (iii) the sale of
17 bonds is authorized by statute that exempts the debt
18 incurred on the bonds from the district's statutory debt
19 limitation.

20 (3) The bonds are issued, in one or more bond
21 issuances, on or before December 31, 2011, but the
22 aggregate principal amount issued in all such bond
23 issuances combined must not exceed \$55,000,000.

24 (4) The bonds are issued in accordance with this
25 Article.

26 (5) The proceeds of the bonds are used to accomplish

1 only those projects approved by the voters at a regular
2 election held on or after November 4, 2008.

3 The debt incurred on any bonds issued under this
4 subsection (p-40) shall not be considered indebtedness for
5 purposes of any statutory debt limitation.

6 (p-45) Notwithstanding the provisions of subsection (a) of
7 this Section or of any other law, bonds issued pursuant to
8 Section 19-3.5 of this Code shall not be considered
9 indebtedness for purposes of any statutory limitation if the
10 bonds are issued in an amount or amounts, including existing
11 indebtedness of the school district, not in excess of 18.5% of
12 the value of the taxable property in the district to be
13 ascertained by the last assessment for State and county taxes.

14 (p-50) Notwithstanding the provisions of subsection (a) of
15 this Section or of any other law, bonds issued pursuant to
16 Section 19-3.10 of this Code shall not be considered
17 indebtedness for purposes of any statutory limitation if the
18 bonds are issued in an amount or amounts, including existing
19 indebtedness of the school district, not in excess of 43% of
20 the value of the taxable property in the district to be
21 ascertained by the last assessment for State and county taxes.

22 (p-55) In addition to all other authority to issue bonds,
23 Belle Valley School District 119 may issue bonds with an
24 aggregate principal amount not to exceed \$47,500,000, but only
25 if all of the following conditions are met:

26 (1) The voters of the district approve a proposition

1 for the bond issuance at an election held on or after April
2 7, 2009.

3 (2) Prior to the issuance of the bonds, the school
4 board determines, by resolution, that (i) the building and
5 equipping of a new school building is required as a result
6 of mine subsidence in an existing school building and
7 because of the age and condition of another existing
8 school building and (ii) the issuance of bonds is
9 authorized by statute that exempts the debt incurred on
10 the bonds from the district's statutory debt limitation.

11 (3) The bonds are issued, in one or more bond
12 issuances, on or before March 31, 2014, but the aggregate
13 principal amount issued in all such bond issuances
14 combined must not exceed \$47,500,000.

15 (4) The bonds are issued in accordance with this
16 Article.

17 (5) The proceeds of the bonds are used to accomplish
18 only those projects approved by the voters at an election
19 held on or after April 7, 2009.

20 The debt incurred on any bonds issued under this
21 subsection (p-55) shall not be considered indebtedness for
22 purposes of any statutory debt limitation. Bonds issued under
23 this subsection (p-55) must mature within not to exceed 30
24 years from their date, notwithstanding any other law to the
25 contrary.

26 (p-60) In addition to all other authority to issue bonds,

1 Wilmington Community Unit School District Number 209-U may
2 issue bonds with an aggregate principal amount not to exceed
3 \$2,285,000, but only if all of the following conditions are
4 met:

5 (1) The proceeds of the bonds are used to accomplish
6 only those projects approved by the voters at the general
7 primary election held on March 21, 2006.

8 (2) Prior to the issuance of the bonds, the school
9 board determines, by resolution, that (i) the projects
10 approved by the voters were and are required because of
11 the age and condition of the school district's prior and
12 existing school buildings and (ii) the issuance of the
13 bonds is authorized by legislation that exempts the debt
14 incurred on the bonds from the district's statutory debt
15 limitation.

16 (3) The bonds are issued in one or more bond issuances
17 on or before March 1, 2011, but the aggregate principal
18 amount issued in all those bond issuances combined must
19 not exceed \$2,285,000.

20 (4) The bonds are issued in accordance with this
21 Article.

22 The debt incurred on any bonds issued under this
23 subsection (p-60) shall not be considered indebtedness for
24 purposes of any statutory debt limitation.

25 (p-65) In addition to all other authority to issue bonds,
26 West Washington County Community Unit School District 10 may

1 issue bonds with an aggregate principal amount not to exceed
2 \$32,200,000 and maturing over a period not exceeding 25 years,
3 but only if all of the following conditions are met:

4 (1) The voters of the district approve a proposition
5 for the bond issuance at an election held on or after
6 February 2, 2010.

7 (2) Prior to the issuance of the bonds, the school
8 board determines, by resolution, that (A) all or a portion
9 of the existing Okawville Junior/Senior High School
10 Building will be demolished; (B) the building and
11 equipping of a new school building to be attached to and
12 the alteration, repair, and equipping of the remaining
13 portion of the Okawville Junior/Senior High School
14 Building is required because of the age and current
15 condition of that school building; and (C) the issuance of
16 bonds is authorized by a statute that exempts the debt
17 incurred on the bonds from the district's statutory debt
18 limitation.

19 (3) The bonds are issued, in one or more bond
20 issuances, on or before March 31, 2014, but the aggregate
21 principal amount issued in all such bond issuances
22 combined must not exceed \$32,200,000.

23 (4) The bonds are issued in accordance with this
24 Article.

25 (5) The proceeds of the bonds are used to accomplish
26 only those projects approved by the voters at an election

1 held on or after February 2, 2010.

2 The debt incurred on any bonds issued under this
3 subsection (p-65) shall not be considered indebtedness for
4 purposes of any statutory debt limitation.

5 (p-70) In addition to all other authority to issue bonds,
6 Cahokia Community Unit School District 187 may issue bonds
7 with an aggregate principal amount not to exceed \$50,000,000,
8 but only if all the following conditions are met:

9 (1) The voters of the district approve a proposition
10 for the bond issuance at an election held on or after
11 November 2, 2010.

12 (2) Prior to the issuance of the bonds, the school
13 board determines, by resolution, that (i) the building and
14 equipping of a new school building is required as a result
15 of the age and condition of an existing school building
16 and (ii) the issuance of bonds is authorized by a statute
17 that exempts the debt incurred on the bonds from the
18 district's statutory debt limitation.

19 (3) The bonds are issued, in one or more issuances, on
20 or before July 1, 2016, but the aggregate principal amount
21 issued in all such bond issuances combined must not exceed
22 \$50,000,000.

23 (4) The bonds are issued in accordance with this
24 Article.

25 (5) The proceeds of the bonds are used to accomplish
26 only those projects approved by the voters at an election

1 held on or after November 2, 2010.

2 The debt incurred on any bonds issued under this
3 subsection (p-70) shall not be considered indebtedness for
4 purposes of any statutory debt limitation. Bonds issued under
5 this subsection (p-70) must mature within not to exceed 25
6 years from their date, notwithstanding any other law,
7 including Section 19-3 of this Code, to the contrary.

8 (p-75) Notwithstanding the debt limitation prescribed in
9 subsection (a) of this Section or any other provisions of this
10 Section or of any other law, the execution of leases on or
11 after January 1, 2007 and before July 1, 2011 by the Board of
12 Education of Peoria School District 150 with a public building
13 commission for leases entered into pursuant to the Public
14 Building Commission Act shall not be considered indebtedness
15 for purposes of any statutory debt limitation.

16 This subsection (p-75) applies only if the State Board of
17 Education or the Capital Development Board makes one or more
18 grants to Peoria School District 150 pursuant to the School
19 Construction Law. The amount exempted from the debt limitation
20 as prescribed in this subsection (p-75) shall be no greater
21 than the amount of one or more grants awarded to Peoria School
22 District 150 by the State Board of Education or the Capital
23 Development Board.

24 (p-80) In addition to all other authority to issue bonds,
25 Ridgeland School District 122 may issue bonds with an
26 aggregate principal amount not to exceed \$50,000,000 for the

1 purpose of refunding or continuing to refund bonds originally
2 issued pursuant to voter approval at the general election held
3 on November 7, 2000, and the debt incurred on any bonds issued
4 under this subsection (p-80) shall not be considered
5 indebtedness for purposes of any statutory debt limitation.
6 Bonds issued under this subsection (p-80) may be issued in one
7 or more issuances and must mature within not to exceed 25 years
8 from their date, notwithstanding any other law, including
9 Section 19-3 of this Code, to the contrary.

10 (p-85) In addition to all other authority to issue bonds,
11 Hall High School District 502 may issue bonds with an
12 aggregate principal amount not to exceed \$32,000,000, but only
13 if all the following conditions are met:

14 (1) The voters of the district approve a proposition
15 for the bond issuance at an election held on or after April
16 9, 2013.

17 (2) Prior to the issuance of the bonds, the school
18 board determines, by resolution, that (i) the building and
19 equipping of a new school building is required as a result
20 of the age and condition of an existing school building,
21 (ii) the existing school building should be demolished in
22 its entirety or the existing school building should be
23 demolished except for the 1914 west wing of the building,
24 and (iii) the issuance of bonds is authorized by a statute
25 that exempts the debt incurred on the bonds from the
26 district's statutory debt limitation.

1 (3) The bonds are issued, in one or more issuances,
2 not later than 5 years after the date of the referendum
3 approving the issuance of the bonds, but the aggregate
4 principal amount issued in all such bond issuances
5 combined must not exceed \$32,000,000.

6 (4) The bonds are issued in accordance with this
7 Article.

8 (5) The proceeds of the bonds are used to accomplish
9 only those projects approved by the voters at an election
10 held on or after April 9, 2013.

11 The debt incurred on any bonds issued under this
12 subsection (p-85) shall not be considered indebtedness for
13 purposes of any statutory debt limitation. Bonds issued under
14 this subsection (p-85) must mature within not to exceed 30
15 years from their date, notwithstanding any other law,
16 including Section 19-3 of this Code, to the contrary.

17 (p-90) In addition to all other authority to issue bonds,
18 Lebanon Community Unit School District 9 may issue bonds with
19 an aggregate principal amount not to exceed \$7,500,000, but
20 only if all of the following conditions are met:

21 (1) The voters of the district approved a proposition
22 for the bond issuance at the general primary election on
23 February 2, 2010.

24 (2) At or prior to the time of the sale of the bonds,
25 the school board determines, by resolution, that (i) the
26 building and equipping of a new elementary school building

1 is required as a result of a projected increase in the
2 enrollment of students in the district and the age and
3 condition of the existing Lebanon Elementary School
4 building, (ii) a portion of the existing Lebanon
5 Elementary School building will be demolished and the
6 remaining portion will be altered, repaired, and equipped,
7 and (iii) the sale of bonds is authorized by a statute that
8 exempts the debt incurred on the bonds from the district's
9 statutory debt limitation.

10 (3) The bonds are issued, in one or more bond
11 issuances, on or before April 1, 2014, but the aggregate
12 principal amount issued in all such bond issuances
13 combined must not exceed \$7,500,000.

14 (4) The bonds are issued in accordance with this
15 Article.

16 (5) The proceeds of the bonds are used to accomplish
17 only those projects approved by the voters at the general
18 primary election held on February 2, 2010.

19 The debt incurred on any bonds issued under this
20 subsection (p-90) shall not be considered indebtedness for
21 purposes of any statutory debt limitation.

22 (p-95) In addition to all other authority to issue bonds,
23 Monticello Community Unit School District 25 may issue bonds
24 with an aggregate principal amount not to exceed \$35,000,000,
25 but only if all of the following conditions are met:

26 (1) The voters of the district approve a proposition

1 for the bond issuance at an election held on or after
2 November 4, 2014.

3 (2) Prior to the issuance of the bonds, the school
4 board determines, by resolution, that (i) the building and
5 equipping of a new school building is required as a result
6 of the age and condition of an existing school building
7 and (ii) the issuance of bonds is authorized by a statute
8 that exempts the debt incurred on the bonds from the
9 district's statutory debt limitation.

10 (3) The bonds are issued, in one or more issuances, on
11 or before July 1, 2020, but the aggregate principal amount
12 issued in all such bond issuances combined must not exceed
13 \$35,000,000.

14 (4) The bonds are issued in accordance with this
15 Article.

16 (5) The proceeds of the bonds are used to accomplish
17 only those projects approved by the voters at an election
18 held on or after November 4, 2014.

19 The debt incurred on any bonds issued under this
20 subsection (p-95) shall not be considered indebtedness for
21 purposes of any statutory debt limitation. Bonds issued under
22 this subsection (p-95) must mature within not to exceed 25
23 years from their date, notwithstanding any other law,
24 including Section 19-3 of this Code, to the contrary.

25 (p-100) In addition to all other authority to issue bonds,
26 the community unit school district created in the territory

1 comprising Milford Community Consolidated School District 280
2 and Milford Township High School District 233, as approved at
3 the general primary election held on March 18, 2014, may issue
4 bonds with an aggregate principal amount not to exceed
5 \$17,500,000, but only if all the following conditions are met:

6 (1) The voters of the district approve a proposition
7 for the bond issuance at an election held on or after
8 November 4, 2014.

9 (2) Prior to the issuance of the bonds, the school
10 board determines, by resolution, that (i) the building and
11 equipping of a new school building is required as a result
12 of the age and condition of an existing school building
13 and (ii) the issuance of bonds is authorized by a statute
14 that exempts the debt incurred on the bonds from the
15 district's statutory debt limitation.

16 (3) The bonds are issued, in one or more issuances, on
17 or before July 1, 2020, but the aggregate principal amount
18 issued in all such bond issuances combined must not exceed
19 \$17,500,000.

20 (4) The bonds are issued in accordance with this
21 Article.

22 (5) The proceeds of the bonds are used to accomplish
23 only those projects approved by the voters at an election
24 held on or after November 4, 2014.

25 The debt incurred on any bonds issued under this
26 subsection (p-100) shall not be considered indebtedness for

1 purposes of any statutory debt limitation. Bonds issued under
2 this subsection (p-100) must mature within not to exceed 25
3 years from their date, notwithstanding any other law,
4 including Section 19-3 of this Code, to the contrary.

5 (p-105) In addition to all other authority to issue bonds,
6 North Shore School District 112 may issue bonds with an
7 aggregate principal amount not to exceed \$150,000,000, but
8 only if all of the following conditions are met:

9 (1) The voters of the district approve a proposition
10 for the bond issuance at an election held on or after March
11 15, 2016.

12 (2) Prior to the issuance of the bonds, the school
13 board determines, by resolution, that (i) the building and
14 equipping of new buildings and improving the sites thereof
15 and the building and equipping of additions to, altering,
16 repairing, equipping, and renovating existing buildings
17 and improving the sites thereof are required as a result
18 of the age and condition of the district's existing
19 buildings and (ii) the issuance of bonds is authorized by
20 a statute that exempts the debt incurred on the bonds from
21 the district's statutory debt limitation.

22 (3) The bonds are issued, in one or more issuances,
23 not later than 5 years after the date of the referendum
24 approving the issuance of the bonds, but the aggregate
25 principal amount issued in all such bond issuances
26 combined must not exceed \$150,000,000.

1 (4) The bonds are issued in accordance with this
2 Article.

3 (5) The proceeds of the bonds are used to accomplish
4 only those projects approved by the voters at an election
5 held on or after March 15, 2016.

6 The debt incurred on any bonds issued under this
7 subsection (p-105) and on any bonds issued to refund or
8 continue to refund such bonds shall not be considered
9 indebtedness for purposes of any statutory debt limitation.
10 Bonds issued under this subsection (p-105) and any bonds
11 issued to refund or continue to refund such bonds must mature
12 within not to exceed 30 years from their date, notwithstanding
13 any other law, including Section 19-3 of this Code, to the
14 contrary.

15 (p-110) In addition to all other authority to issue bonds,
16 Sandoval Community Unit School District 501 may issue bonds
17 with an aggregate principal amount not to exceed \$2,000,000,
18 but only if all of the following conditions are met:

19 (1) The voters of the district approved a proposition
20 for the bond issuance at an election held on March 20,
21 2012.

22 (2) Prior to the issuance of the bonds, the school
23 board determines, by resolution, that (i) the building and
24 equipping of a new school building is required because of
25 the age and current condition of the Sandoval Elementary
26 School building and (ii) the issuance of bonds is

1 authorized by a statute that exempts the debt incurred on
2 the bonds from the district's statutory debt limitation.

3 (3) The bonds are issued, in one or more bond
4 issuances, on or before March 19, 2022, but the aggregate
5 principal amount issued in all such bond issuances
6 combined must not exceed \$2,000,000.

7 (4) The bonds are issued in accordance with this
8 Article.

9 (5) The proceeds of the bonds are used to accomplish
10 only those projects approved by the voters at the election
11 held on March 20, 2012.

12 The debt incurred on any bonds issued under this
13 subsection (p-110) and on any bonds issued to refund or
14 continue to refund the bonds shall not be considered
15 indebtedness for purposes of any statutory debt limitation.

16 (p-115) In addition to all other authority to issue bonds,
17 Bureau Valley Community Unit School District 340 may issue
18 bonds with an aggregate principal amount not to exceed
19 \$25,000,000, but only if all of the following conditions are
20 met:

21 (1) The voters of the district approve a proposition
22 for the bond issuance at an election held on or after March
23 15, 2016.

24 (2) Prior to the issuances of the bonds, the school
25 board determines, by resolution, that (i) the renovating
26 and equipping of some existing school buildings, the

1 building and equipping of new school buildings, and the
2 demolishing of some existing school buildings are required
3 as a result of the age and condition of existing school
4 buildings and (ii) the issuance of bonds is authorized by
5 a statute that exempts the debt incurred on the bonds from
6 the district's statutory debt limitation.

7 (3) The bonds are issued, in one or more issuances, on
8 or before July 1, 2021, but the aggregate principal amount
9 issued in all such bond issuances combined must not exceed
10 \$25,000,000.

11 (4) The bonds are issued in accordance with this
12 Article.

13 (5) The proceeds of the bonds are used to accomplish
14 only those projects approved by the voters at an election
15 held on or after March 15, 2016.

16 The debt incurred on any bonds issued under this
17 subsection (p-115) shall not be considered indebtedness for
18 purposes of any statutory debt limitation. Bonds issued under
19 this subsection (p-115) must mature within not to exceed 30
20 years from their date, notwithstanding any other law,
21 including Section 19-3 of this Code, to the contrary.

22 (p-120) In addition to all other authority to issue bonds,
23 Paxton-Buckley-Loda Community Unit School District 10 may
24 issue bonds with an aggregate principal amount not to exceed
25 \$28,500,000, but only if all the following conditions are met:

26 (1) The voters of the district approve a proposition

1 for the bond issuance at an election held on or after
2 November 8, 2016.

3 (2) Prior to the issuance of the bonds, the school
4 board determines, by resolution, that (i) the projects as
5 described in said proposition, relating to the building
6 and equipping of one or more school buildings or additions
7 to existing school buildings, are required as a result of
8 the age and condition of the District's existing buildings
9 and (ii) the issuance of bonds is authorized by a statute
10 that exempts the debt incurred on the bonds from the
11 district's statutory debt limitation.

12 (3) The bonds are issued, in one or more issuances,
13 not later than 5 years after the date of the referendum
14 approving the issuance of the bonds, but the aggregate
15 principal amount issued in all such bond issuances
16 combined must not exceed \$28,500,000.

17 (4) The bonds are issued in accordance with this
18 Article.

19 (5) The proceeds of the bonds are used to accomplish
20 only those projects approved by the voters at an election
21 held on or after November 8, 2016.

22 The debt incurred on any bonds issued under this
23 subsection (p-120) and on any bonds issued to refund or
24 continue to refund such bonds shall not be considered
25 indebtedness for purposes of any statutory debt limitation.
26 Bonds issued under this subsection (p-120) and any bonds

1 issued to refund or continue to refund such bonds must mature
2 within not to exceed 25 years from their date, notwithstanding
3 any other law, including Section 19-3 of this Code, to the
4 contrary.

5 (p-125) In addition to all other authority to issue bonds,
6 Hillsboro Community Unit School District 3 may issue bonds
7 with an aggregate principal amount not to exceed \$34,500,000,
8 but only if all the following conditions are met:

9 (1) The voters of the district approve a proposition
10 for the bond issuance at an election held on or after March
11 15, 2016.

12 (2) Prior to the issuance of the bonds, the school
13 board determines, by resolution, that (i) altering,
14 repairing, and equipping the high school
15 agricultural/vocational building, demolishing the high
16 school main, cafeteria, and gym buildings, building and
17 equipping a school building, and improving sites are
18 required as a result of the age and condition of the
19 district's existing buildings and (ii) the issuance of
20 bonds is authorized by a statute that exempts the debt
21 incurred on the bonds from the district's statutory debt
22 limitation.

23 (3) The bonds are issued, in one or more issuances,
24 not later than 5 years after the date of the referendum
25 approving the issuance of the bonds, but the aggregate
26 principal amount issued in all such bond issuances

1 combined must not exceed \$34,500,000.

2 (4) The bonds are issued in accordance with this
3 Article.

4 (5) The proceeds of the bonds are used to accomplish
5 only those projects approved by the voters at an election
6 held on or after March 15, 2016.

7 The debt incurred on any bonds issued under this
8 subsection (p-125) and on any bonds issued to refund or
9 continue to refund such bonds shall not be considered
10 indebtedness for purposes of any statutory debt limitation.
11 Bonds issued under this subsection (p-125) and any bonds
12 issued to refund or continue to refund such bonds must mature
13 within not to exceed 25 years from their date, notwithstanding
14 any other law, including Section 19-3 of this Code, to the
15 contrary.

16 (p-130) In addition to all other authority to issue bonds,
17 Waltham Community Consolidated School District 185 may incur
18 indebtedness in an aggregate principal amount not to exceed
19 \$9,500,000 to build and equip a new school building and
20 improve the site thereof, but only if all the following
21 conditions are met:

22 (1) A majority of the voters of the district voting on
23 an advisory question voted in favor of the question
24 regarding the use of funding sources to build a new school
25 building without increasing property tax rates at the
26 general election held on November 8, 2016.

1 (2) Prior to incurring the debt, the school board
2 enters into intergovernmental agreements with the City of
3 LaSalle to pledge moneys in a special tax allocation fund
4 associated with tax increment financing districts LaSalle
5 I and LaSalle III and with the Village of Utica to pledge
6 moneys in a special tax allocation fund associated with
7 tax increment financing district Utica I for the purposes
8 of repaying the debt issued pursuant to this subsection
9 (p-130). Notwithstanding any other provision of law to the
10 contrary, the intergovernmental agreement may extend these
11 tax increment financing districts as necessary to ensure
12 repayment of the debt.

13 (3) Prior to incurring the debt, the school board
14 determines, by resolution, that (i) the building and
15 equipping of a new school building is required as a result
16 of the age and condition of the district's existing
17 buildings and (ii) the debt is authorized by a statute
18 that exempts the debt from the district's statutory debt
19 limitation.

20 (4) The debt is incurred, in one or more issuances,
21 not later than January 1, 2021, and the aggregate
22 principal amount of debt issued in all such issuances
23 combined must not exceed \$9,500,000.

24 The debt incurred under this subsection (p-130) and on any
25 bonds issued to pay, refund, or continue to refund such debt
26 shall not be considered indebtedness for purposes of any

1 statutory debt limitation. Debt issued under this subsection
2 (p-130) and any bonds issued to pay, refund, or continue to
3 refund such debt must mature within not to exceed 25 years from
4 their date, notwithstanding any other law, including Section
5 19-11 of this Code and subsection (b) of Section 17 of the
6 Local Government Debt Reform Act, to the contrary.

7 (p-133) Notwithstanding the provisions of subsection (a)
8 of this Section or of any other law, bonds heretofore or
9 hereafter issued by East Prairie School District 73 with an
10 aggregate principal amount not to exceed \$47,353,147 and
11 approved by the voters of the district at the general election
12 held on November 8, 2016, and any bonds issued to refund or
13 continue to refund the bonds, shall not be considered
14 indebtedness for the purposes of any statutory debt limitation
15 and may mature within not to exceed 25 years from their date,
16 notwithstanding any other law, including Section 19-3 of this
17 Code, to the contrary.

18 (p-135) In addition to all other authority to issue bonds,
19 Brookfield LaGrange Park School District Number 95 may issue
20 bonds with an aggregate principal amount not to exceed
21 \$20,000,000, but only if all the following conditions are met:

22 (1) The voters of the district approve a proposition
23 for the bond issuance at an election held on or after April
24 4, 2017.

25 (2) Prior to the issuance of the bonds, the school
26 board determines, by resolution, that (i) the additions

1 and renovations to the Brook Park Elementary and S. E.
2 Gross Middle School buildings are required to accommodate
3 enrollment growth, replace outdated facilities, and create
4 spaces consistent with 21st century learning and (ii) the
5 issuance of the bonds is authorized by a statute that
6 exempts the debt incurred on the bonds from the district's
7 statutory debt limitation.

8 (3) The bonds are issued, in one or more issuances,
9 not later than 5 years after the date of the referendum
10 approving the issuance of the bonds, but the aggregate
11 principal amount issued in all such bond issuances
12 combined must not exceed \$20,000,000.

13 (4) The bonds are issued in accordance with this
14 Article.

15 (5) The proceeds of the bonds are used to accomplish
16 only those projects approved by the voters at an election
17 held on or after April 4, 2017.

18 The debt incurred on any bonds issued under this
19 subsection (p-135) and on any bonds issued to refund or
20 continue to refund such bonds shall not be considered
21 indebtedness for purposes of any statutory debt limitation.

22 (p-140) The debt incurred on any bonds issued by Wolf
23 Branch School District 113 under Section 17-2.11 of this Code
24 for the purpose of repairing or replacing all or a portion of a
25 school building that has been damaged by mine subsidence in an
26 aggregate principal amount not to exceed \$17,500,000 and on

1 any bonds issued to refund or continue to refund those bonds
2 shall not be considered indebtedness for purposes of any
3 statutory debt limitation and must mature no later than 25
4 years from the date of issuance, notwithstanding any other
5 provision of law to the contrary, including Section 19-3 of
6 this Code. The maximum allowable amount of debt exempt from
7 statutory debt limitations under this subsection (p-140) shall
8 be reduced by an amount equal to any grants awarded by the
9 State Board of Education or Capital Development Board for the
10 explicit purpose of repairing or reconstructing a school
11 building damaged by mine subsidence.

12 (p-145) In addition to all other authority to issue bonds,
13 Greenview Community Unit School District 200 may issue bonds
14 with an aggregate principal amount not to exceed \$3,500,000,
15 but only if all of the following conditions are met:

16 (1) The voters of the district approve a proposition
17 for the bond issuance at an election held on March 17,
18 2020.

19 (2) Prior to the issuance of the bonds, the school
20 board determines, by resolution, that the bonding is
21 necessary for construction and expansion of the district's
22 kindergarten through grade 12 facility.

23 (3) The bonds are issued, in one or more issuances,
24 not later than 5 years after the date of the referendum
25 approving the issuance of the bonds, but the aggregate
26 principal amount issued in all such bond issuances

1 combined must not exceed \$3,500,000.

2 (4) The bonds are issued in accordance with this
3 Article.

4 (5) The proceeds of the bonds are used to accomplish
5 only the projects approved by the voters at an election
6 held on March 17, 2020.

7 The debt incurred on any bonds issued under this
8 subsection (p-145) and on any bonds issued to refund or
9 continue to refund such bonds shall not be considered
10 indebtedness for purposes of any statutory debt limitation.
11 Bonds issued under this subsection (p-145) and any bonds
12 issued to refund or continue to refund such bonds must mature
13 within not to exceed 25 years from their date, notwithstanding
14 any other law, including Section 19-3 of this Code, to the
15 contrary.

16 (p-150) In addition to all other authority to issue bonds,
17 Komarek School District 94 may issue bonds with an aggregate
18 principal amount not to exceed \$20,800,000, but only if all of
19 the following conditions are met:

20 (1) The voters of the district approve a proposition
21 for the bond issuance at an election held on or after March
22 17, 2020.

23 (2) Prior to the issuance of the bonds, the school
24 board determines, by resolution, that (i) building and
25 equipping additions to, altering, repairing, equipping, or
26 demolishing a portion of, or improving the site of the

1 district's existing school building is required as a
2 result of the age and condition of the existing building
3 and (ii) the issuance of the bonds is authorized by a
4 statute that exempts the debt incurred on the bonds from
5 the district's statutory debt limitation.

6 (3) The bonds are issued, in one or more issuances, no
7 later than 5 years after the date of the referendum
8 approving the issuance of the bonds, but the aggregate
9 principal amount issued in all of the bond issuances
10 combined may not exceed \$20,800,000.

11 (4) The bonds are issued in accordance with this
12 Article.

13 (5) The proceeds of the bonds are used to accomplish
14 only those projects approved by the voters at an election
15 held on or after March 17, 2020.

16 The debt incurred on any bonds issued under this
17 subsection (p-150) and on any bonds issued to refund or
18 continue to refund those bonds may not be considered
19 indebtedness for purposes of any statutory debt limitation.
20 Notwithstanding any other law to the contrary, including
21 Section 19-3, bonds issued under this subsection (p-150) and
22 any bonds issued to refund or continue to refund those bonds
23 must mature within 30 years from their date of issuance.

24 (p-155) In addition to all other authority to issue bonds,
25 Williamsville Community Unit School District 15 may issue
26 bonds with an aggregate principal amount not to exceed

1 \$40,000,000, but only if all of the following conditions are
2 met:

3 (1) The voters of the school district approve a
4 proposition for the bond issuance at an election held on
5 March 17, 2020.

6 (2) Prior to the issuance of the bonds, the school
7 board determines, by resolution, that the projects set
8 forth in the proposition for the bond issuance were and
9 are required because of the age and condition of the
10 school district's existing school buildings.

11 (3) The bonds are issued, in one or more issuances,
12 not later than 5 years after the date of the referendum
13 approving the issuance of the bonds, but the aggregate
14 principal amount issued in all such bond issuances
15 combined must not exceed \$40,000,000.

16 (4) The bonds are issued in accordance with this
17 Article.

18 (5) The proceeds of the bonds are used to accomplish
19 only the projects approved by the voters at an election
20 held on March 17, 2020.

21 The debt incurred on any bonds issued under this
22 subsection (p-155) and on any bonds issued to refund or
23 continue to refund such bonds shall not be considered
24 indebtedness for purposes of any statutory debt limitation.
25 Bonds issued under this subsection (p-155) and any bonds
26 issued to refund or continue to refund such bonds must mature

1 within not to exceed 25 years from their date, notwithstanding
2 any other law, including Section 19-3 of this Code, to the
3 contrary.

4 (p-160) In addition to all other authority to issue bonds,
5 Berkeley School District 87 may issue bonds with an aggregate
6 principal amount not to exceed \$105,000,000, but only if all
7 of the following conditions are met:

8 (1) The voters of the district approve a proposition
9 for the bond issuance at the general primary election held
10 on March 17, 2020.

11 (2) Prior to the issuance of the bonds, the school
12 board determines, by resolution, that (i) building and
13 equipping a school building to replace the Sunnyside
14 Intermediate and MacArthur Middle School buildings;
15 building and equipping additions to and altering,
16 repairing, and equipping the Riley Intermediate and
17 Northlake Middle School buildings; altering, repairing,
18 and equipping the Whittier Primary and Jefferson Primary
19 School buildings; improving sites; renovating
20 instructional spaces; providing STEM (science, technology,
21 engineering, and mathematics) labs; and constructing life
22 safety, security, and infrastructure improvements are
23 required to replace outdated facilities and to provide
24 safe spaces consistent with 21st century learning and (ii)
25 the issuance of bonds is authorized by a statute that
26 exempts the debt incurred on the bonds from the district's

1 statutory debt limitation.

2 (3) The bonds are issued, in one or more issuances,
3 not later than 5 years after the date of the referendum
4 approving the issuance of the bonds, but the aggregate
5 principal amount issued in all such bond issuances
6 combined must not exceed \$105,000,000.

7 (4) The bonds are issued in accordance with this
8 Article.

9 (5) The proceeds of the bonds are used to accomplish
10 only those projects approved by the voters at the general
11 primary election held on March 17, 2020.

12 The debt incurred on any bonds issued under this
13 subsection (p-160) and on any bonds issued to refund or
14 continue to refund such bonds shall not be considered
15 indebtedness for purposes of any statutory debt limitation.

16 (p-165) In addition to all other authority to issue bonds,
17 Elmwood Park Community Unit School District 401 may issue
18 bonds with an aggregate principal amount not to exceed
19 \$55,000,000, but only if all of the following conditions are
20 met:

21 (1) The voters of the district approve a proposition
22 for the bond issuance at an election held on or after March
23 17, 2020.

24 (2) Prior to the issuance of the bonds, the school
25 board determines, by resolution, that (i) the building and
26 equipping of an addition to the John Mills Elementary

1 School building; the renovating, altering, repairing, and
2 equipping of the John Mills and Elmwood Elementary School
3 buildings; the installation of safety and security
4 improvements; and the improvement of school sites are
5 required as a result of the age and condition of the
6 district's existing school buildings and (ii) the issuance
7 of bonds is authorized by a statute that exempts the debt
8 incurred on the bonds from the district's statutory debt
9 limitation.

10 (3) The bonds are issued, in one or more issuances,
11 not later than 5 years after the date of the referendum
12 approving the issuance of the bonds, but the aggregate
13 principal amount issued in all such bond issuances
14 combined must not exceed \$55,000,000.

15 (4) The bonds are issued in accordance with this
16 Article.

17 (5) The proceeds of the bonds are used to accomplish
18 only the projects approved by the voters at an election
19 held on or after March 17, 2020.

20 The debt incurred on any bonds issued under this
21 subsection (p-165) and on any bonds issued to refund or
22 continue to refund such bonds shall not be considered
23 indebtedness for purposes of any statutory debt limitation.
24 Bonds issued under this subsection (p-165) and any bonds
25 issued to refund or continue to refund such bonds must mature
26 within not to exceed 25 years from their date, notwithstanding

1 any other law, including Section 19-3 of this Code, to the
2 contrary.

3 (p-170) In addition to all other authority to issue bonds,
4 Maroa-Forsyth Community Unit School District 2 may issue bonds
5 with an aggregate principal amount not to exceed \$33,000,000,
6 but only if all of the following conditions are met:

7 (1) The voters of the school district approve a
8 proposition for the bond issuance at an election held on
9 March 17, 2020.

10 (2) Prior to the issuance of the bonds, the school
11 board determines, by resolution, that the projects set
12 forth in the proposition for the bond issuance were and
13 are required because of the age and condition of the
14 school district's existing school buildings.

15 (3) The bonds are issued, in one or more issuances,
16 not later than 5 years after the date of the referendum
17 approving the issuance of the bonds, but the aggregate
18 principal amount issued in all such bond issuances
19 combined must not exceed \$33,000,000.

20 (4) The bonds are issued in accordance with this
21 Article.

22 (5) The proceeds of the bonds are used to accomplish
23 only the projects approved by the voters at an election
24 held on March 17, 2020.

25 The debt incurred on any bonds issued under this
26 subsection (p-170) and on any bonds issued to refund or

1 continue to refund such bonds shall not be considered
2 indebtedness for purposes of any statutory debt limitation.
3 Bonds issued under this subsection (p-170) and any bonds
4 issued to refund or continue to refund such bonds must mature
5 within not to exceed 25 years from their date, notwithstanding
6 any other law, including Section 19-3 of this Code, to the
7 contrary.

8 (p-175) In addition to all other authority to issue bonds,
9 Schiller Park School District 81 may issue bonds with an
10 aggregate principal amount not to exceed \$30,000,000, but only
11 if all of the following conditions are met:

12 (1) The voters of the district approve a proposition
13 for the bond issuance at an election held on or after March
14 17, 2020.

15 (2) Prior to the issuance of the bonds, the school
16 board determines, by resolution, that (i) building and
17 equipping a school building to replace the Washington
18 Elementary School building, installing fire suppression
19 systems, security systems, and federal Americans with
20 Disability Act of 1990 compliance measures, acquiring
21 land, and improving the site are required to accommodate
22 enrollment growth, replace an outdated facility, and
23 create spaces consistent with 21st century learning and
24 (ii) the issuance of bonds is authorized by a statute that
25 exempts the debt incurred on the bonds from the district's
26 statutory debt limitation.

1 (3) The bonds are issued, in one or more issuances,
2 not later than 5 years after the date of the referendum
3 approving the issuance of the bonds, but the aggregate
4 principal amount issued in all such bond issuances
5 combined must not exceed \$30,000,000.

6 (4) The bonds are issued in accordance with this
7 Article.

8 (5) The proceeds of the bonds are used to accomplish
9 only the projects approved by the voters at an election
10 held on or after March 17, 2020.

11 The debt incurred on any bonds issued under this
12 subsection (p-175) and on any bonds issued to refund or
13 continue to refund such bonds shall not be considered
14 indebtedness for purposes of any statutory debt limitation.
15 Bonds issued under this subsection (p-175) and any bonds
16 issued to refund or continue to refund such bonds must mature
17 within not to exceed 27 years from their date, notwithstanding
18 any other law, including Section 19-3 of this Code, to the
19 contrary.

20 (p-180) In addition to all other authority to issue bonds,
21 Iroquois County Community Unit School District 9 may issue
22 bonds with an aggregate principal amount not to exceed
23 \$17,125,000, but only if all of the following conditions are
24 met:

25 (1) The voters of the district approve a proposition
26 for the bond issuance at an election held on or after April

1 6, 2021.

2 (2) Prior to the issuance of the bonds, the school
3 board determines, by resolution, that (i) building and
4 equipping a new school building in the City of Watseka;
5 altering, repairing, renovating, and equipping portions of
6 the existing facilities of the district; and making site
7 improvements is necessary because of the age and condition
8 of the district's existing school facilities and (ii) the
9 issuance of bonds is authorized by a statute that exempts
10 the debt incurred on the bonds from the district's
11 statutory debt limitation.

12 (3) The bonds are issued, in one or more issuances,
13 not later than 5 years after the date of the referendum
14 approving the issuance of the bonds, but the aggregate
15 principal amount issued in all such bond issuances
16 combined must not exceed \$17,125,000.

17 (4) The bonds are issued in accordance with this
18 Article.

19 (5) The proceeds of the bonds are used to accomplish
20 only the projects approved by the voters at an election
21 held on or after April 6, 2021.

22 The debt incurred on any bonds issued under this
23 subsection (p-180) and on any bonds issued to refund or
24 continue to refund such bonds shall not be considered
25 indebtedness for purposes of any statutory debt limitation.
26 Bonds issued under this subsection (p-180) and any bonds

1 issued to refund or continue to refund such bonds must mature
2 within not to exceed 25 years from their date, notwithstanding
3 any other law, including Section 19-3 of this Code, to the
4 contrary.

5 (p-185) In addition to all other authority to issue bonds,
6 Field Community Consolidated School District 3 may issue bonds
7 with an aggregate principal amount not to exceed \$2,600,000,
8 but only if all of the following conditions are met:

9 (1) The voters of the district approve a proposition
10 for the bond issuance at an election held on or after April
11 6, 2021.

12 (2) Prior to the issuance of the bonds, the school
13 board determines, by resolution, that (i) it is necessary
14 to alter, repair, renovate, and equip the existing
15 facilities of the district, including, but not limited to,
16 roof replacement, lighting replacement, electrical
17 upgrades, restroom repairs, and gym renovations, and make
18 site improvements because of the age and condition of the
19 district's existing school facilities and (ii) the
20 issuance of bonds is authorized by a statute that exempts
21 the debt incurred on the bonds from the district's
22 statutory debt limitation.

23 (3) The bonds are issued, in one or more issuances,
24 not later than 5 years after the date of the referendum
25 approving the issuance of the bonds, but the aggregate
26 principal amount issued in all such bond issuances

1 combined must not exceed \$2,600,000.

2 (4) The bonds are issued in accordance with this
3 Article.

4 (5) The proceeds of the bonds are used to accomplish
5 only the projects approved by the voters at an election
6 held on or after April 6, 2021.

7 The debt incurred on any bonds issued under this
8 subsection (p-185) and on any bonds issued to refund or
9 continue to refund such bonds shall not be considered
10 indebtedness for purposes of any statutory debt limitation.
11 Bonds issued under this subsection (p-185) and any bonds
12 issued to refund or continue to refund such bonds must mature
13 within not to exceed 25 years from their date, notwithstanding
14 any other law, including Section 19-3 of this Code, to the
15 contrary.

16 (p-190) In addition to all other authority to issue bonds,
17 Mahomet-Seymour Community Unit School District 3 may issue
18 bonds with an aggregate principal amount not to exceed
19 \$97,900,000, but only if all the following conditions are met:

20 (1) The voters of the district approve a proposition
21 for the bond issuance at an election held on or after June
22 28, 2022.

23 (2) Prior to the issuance of the bonds, the school
24 board determines, by resolution, that (i) it is necessary
25 to build and equip a new junior high school building,
26 build and equip a new transportation building, and build

1 and equip additions to, renovate, and make site
2 improvements at the Lincoln Trail Elementary building,
3 Middletown Prairie Elementary building, and
4 Mahomet-Seymour High School building and (ii) the issuance
5 of bonds is authorized by a statute that exempts the debt
6 incurred on the bonds from the district's statutory debt
7 limitation.

8 (3) The bonds are issued, in one or more issuances,
9 not later than 5 years after the date of the referendum
10 approving the issuance of the bonds, but the aggregate
11 principal amount issued in all such bond issuances
12 combined must not exceed \$97,900,000.

13 (4) The bonds are issued in accordance with this
14 Article.

15 (5) The proceeds of the bonds are used to accomplish
16 only the projects approved by the voters at an election
17 held on or after June 28, 2022.

18 The debt incurred on any bonds issued under this
19 subsection (p-190) and on any bonds issued to refund or
20 continue to refund such bonds shall not be considered
21 indebtedness for purposes of any statutory debt limitation.
22 Bonds issued under this subsection (p-190) and any bonds
23 issued to refund or continue to refund such bonds must mature
24 within not to exceed 25 years from their date, notwithstanding
25 any other law, including Section 19-3 of this Code, to the
26 contrary.

1 (p-195) In addition to all other authority to issue bonds,
2 New Berlin Community Unit School District 16 may issue bonds
3 with an aggregate principal amount not to exceed \$23,500,000,
4 but only if all the following conditions are met:

5 (1) The voters of the district approve a proposition
6 for the bond issuance at an election held on or after June
7 28, 2022.

8 (2) Prior to the issuance of the bonds, the school
9 board determines, by resolution, that (i) it is necessary
10 to alter, repair, and equip the junior/senior high school
11 building, including creating new classroom, gym, and other
12 instructional spaces, renovating the J.V. Kirby Pretzel
13 Dome, improving heating, cooling, and ventilation systems,
14 installing school safety and security improvements,
15 removing asbestos, and making site improvements, and (ii)
16 the issuance of bonds is authorized by a statute that
17 exempts the debt incurred on the bonds from the district's
18 statutory debt limitation.

19 (3) The bonds are issued, in one or more issuances,
20 not later than 5 years after the date of the referendum
21 approving the issuance of the bonds, but the aggregate
22 principal amount issued in all such bond issuances
23 combined must not exceed \$23,500,000.

24 (4) The bonds are issued in accordance with this
25 Article.

26 (5) The proceeds of the bonds are used to accomplish

1 only the projects approved by the voters at an election
2 held on or after June 28, 2022.

3 The debt incurred on any bonds issued under this
4 subsection (p-195) and on any bonds issued to refund or
5 continue to refund such bonds shall not be considered
6 indebtedness for purposes of any statutory debt limitation.
7 Bonds issued under this subsection (p-195) and any bonds
8 issued to refund or continue to refund such bonds must mature
9 within not to exceed 25 years from their date, notwithstanding
10 any other law, including Section 19-3 of this Code, to the
11 contrary.

12 (p-200) In addition to all other authority to issue bonds,
13 Highland Community Unit School District 5 may issue bonds with
14 an aggregate principal amount not to exceed \$40,000,000, but
15 only if all the following conditions are met:

16 (1) The voters of the district approve a proposition
17 for the bond issuance at an election held on or after June
18 28, 2022.

19 (2) Prior to the issuance of the bonds, the school
20 board determines, by resolution, that (i) it is necessary
21 to improve the sites of, build, and equip a new primary
22 school building and build and equip additions to and
23 alter, repair, and equip existing school buildings and
24 (ii) the issuance of bonds is authorized by a statute that
25 exempts the debt incurred on the bonds from the district's
26 statutory debt limitation.

1 (3) The bonds are issued, in one or more issuances,
2 not later than 5 years after the date of the referendum
3 approving the issuance of the bonds, but the aggregate
4 principal amount issued in all such bond issuances
5 combined must not exceed \$40,000,000.

6 (4) The bonds are issued in accordance with this
7 Article.

8 (5) The proceeds of the bonds are used to accomplish
9 only the projects approved by the voters at an election
10 held on or after June 28, 2022.

11 The debt incurred on any bonds issued under this
12 subsection (p-200) and on any bonds issued to refund or
13 continue to refund such bonds shall not be considered
14 indebtedness for purposes of any statutory debt limitation.
15 Bonds issued under this subsection (p-200) and any bonds
16 issued to refund or continue to refund such bonds must mature
17 within not to exceed 25 years from their date, notwithstanding
18 any other law, including Section 19-3 of this Code, to the
19 contrary.

20 (p-205) In addition to all other authority to issue bonds,
21 Sullivan Community Unit School District 300 may issue bonds
22 with an aggregate principal amount not to exceed \$25,000,000,
23 but only if all of the following conditions are met:

24 (1) The voters of the district approve a proposition
25 for the bond issuance at an election held on or after June
26 28, 2022.

1 (2) Prior to the issuance of the bonds, the school
2 board determines, by resolution, that (i) the projects set
3 forth in the proposition for the issuance of the bonds are
4 required because of the age, condition, or capacity of the
5 school district's existing school buildings and (ii) the
6 issuance of bonds is authorized by a statute that exempts
7 the debt incurred on the bonds from the district's
8 statutory debt limitation.

9 (3) The bonds are issued, in one or more issuances,
10 not later than 5 years after the date of the referendum
11 approving the issuance of the bonds, but the aggregate
12 principal amount issued in all such bond issuances
13 combined must not exceed \$25,000,000.

14 (4) The bonds are issued in accordance with this
15 Article.

16 (5) The proceeds of the bonds are used to accomplish
17 only the projects approved by the voters at an election
18 held on or after June 28, 2022.

19 The debt incurred on any bonds issued under this
20 subsection (p-205) and on any bonds issued to refund or
21 continue to refund such bonds shall not be considered
22 indebtedness for purposes of any statutory debt limitation.
23 Bonds issued under this subsection (p-205) and any bonds
24 issued to refund or continue to refund such bonds must mature
25 within not to exceed 25 years from their date, notwithstanding
26 any other law, including Section 19-3 of this Code, to the

1 contrary.

2 (p-210) In addition to all other authority to issue bonds,
3 Manhattan School District 114 may issue bonds with an
4 aggregate principal amount not to exceed \$85,000,000, but only
5 if all the following conditions are met:

6 (1) The voters of the district approve a proposition
7 for the bond issuance at an election held on or after June
8 28, 2022.

9 (2) Prior to the issuance of the bonds, the school
10 board determines, by resolution, that the projects set
11 forth in the proposition for the bond issuance were and
12 are required because of the age, condition, or capacity of
13 the school district's existing school buildings.

14 (3) The bonds are issued, in one or more issuances,
15 not later than 5 years after the date of the referendum
16 approving the issuances of the bonds, but the aggregate
17 principal amount issued in all such bond issuances
18 combined must not exceed \$85,000,000.

19 (4) The bonds are issued in accordance with this
20 Article.

21 (5) The proceeds of the bonds are used to accomplish
22 only the projects approved by the voters at an election
23 held on or after June 28, 2022.

24 The debt incurred on any bonds issued under this
25 subsection (p-210) and on any bonds issued to refund or
26 continue to refund such bonds shall not be considered

1 indebtedness for purposes of any statutory debt limitation.
2 Bonds issued under this subsection (p-210) and any bonds
3 issued to refund or continue to refund such bonds must mature
4 within not to exceed 30 years from their date, notwithstanding
5 any other law, including Section 19-3 of this Code, to the
6 contrary.

7 (p-215) In addition to all other authority to issue bonds,
8 Golf Elementary School District 67 may issue bonds with an
9 aggregate principal amount not to exceed \$56,000,000, but only
10 if all of the following conditions are met:

11 (1) The voters of the district approve a proposition
12 for the bond issuance at an election held on or after June
13 28, 2022.

14 (2) Prior to the issuance of the bonds, the school
15 board determines, by resolution, that (i) it is necessary
16 to build and equip a new school building and improve the
17 site thereof and (ii) the issuance of bonds is authorized
18 by a statute that exempts the debt incurred on the bonds
19 from the district's statutory debt limitation.

20 (3) The bonds are issued, in one or more issuances,
21 not later than 5 years after the date of the referendum
22 approving the issuance of the bonds, but the aggregate
23 principal amount issued in all such bond issuances
24 combined must not exceed \$56,000,000.

25 (4) The bonds are issued in accordance with this
26 Article.

1 (5) The proceeds of the bonds are used to accomplish
2 only the projects approved by the voters at an election
3 held on or after June 28, 2022.

4 The debt incurred on any bonds issued under this
5 subsection (p-215) and on any bonds issued to refund or
6 continue to refund such bonds shall not be considered
7 indebtedness for purposes of any statutory debt limitation.
8 Bonds issued under this subsection (p-215) and any bonds
9 issued to refund or continue to refund such bonds must mature
10 within not to exceed 25 years from their date, notwithstanding
11 any other law, including Section 19-3 of this Code, to the
12 contrary.

13 (p-220) In addition to all other authority to issue bonds,
14 Joliet Public Schools District 86 may issue bonds with an
15 aggregate principal amount not to exceed \$99,500,000, but only
16 if all the following conditions are met:

17 (1) The voters of the district approve a proposition
18 for the bond issuance at an election held on or after April
19 4, 2023.

20 (2) Prior to the issuance of the bonds, the school
21 board determines, by resolution, that the projects set
22 forth in the proposition for the bond issuance were and
23 are required because of the age and condition of the
24 school district's existing school buildings.

25 (3) The bonds are issued, in one or more issuances,
26 not later than 5 years after the date of the referendum

1 approving the issuance of the bonds, but the aggregate
2 principal amount issued in all such bond issuances
3 combined must not exceed \$99,500,000.

4 (4) The bonds are issued in accordance with this
5 Article.

6 (5) The proceeds of the bonds are used to accomplish
7 only the projects approved by the voters at an election
8 held on or after April 4, 2023.

9 The debt incurred on any bonds issued under this
10 subsection (p-220), and on any bonds issued to refund or
11 continue to refund such bonds, shall not be considered
12 indebtedness for purposes of any statutory debt limitation.
13 Bonds issued under this subsection (p-220) and any bonds
14 issued to refund or continue to refund such bonds must mature
15 within not to exceed 25 years from their date, notwithstanding
16 any other law, including Section 19-3 of this Code, to the
17 contrary.

18 (p-225) In addition to all other authority to issue bonds,
19 Union Ridge School District 86 may issue bonds with an
20 aggregate principal amount not to exceed \$35,000,000, but only
21 if all the following conditions are met:

22 (1) The voters of the school district approve a
23 proposition for the bond issuance at an election held on
24 or after March 19, 2024.

25 (2) Prior to the issuance of the bonds, the school
26 board determines, by resolution, that the projects set

1 forth in the proposition for the bond issuance were and
2 are required because of the age and condition of the
3 school district's existing school buildings.

4 (3) The bonds are issued, in one or more issuances,
5 not later than 5 years after the date of the referendum
6 approving the issuance of the bonds, but the aggregate
7 principal amount issued in all such bond issuances
8 combined must not exceed \$35,000,000.

9 (4) The bonds are issued in accordance with this
10 Article.

11 (5) The proceeds of the bonds are used to accomplish
12 only the projects approved by the voters at an election
13 held on or after March 19, 2024.

14 The debt incurred on any bonds issued under this
15 subsection (p-225) and on any bonds issued to refund or
16 continue to refund such bonds shall not be considered
17 indebtedness for purposes of any statutory debt ~~limit~~
18 limitation. Bonds issued under this subsection (p-225) and any
19 bonds issued ~~issue~~ to refund or continue to refund such bonds
20 must mature within not to exceed 25 years from their date,
21 notwithstanding any other law, including Section 19-3 of this
22 Code, to the contrary.

23 (p-230) In addition to all other authority to issue bonds,
24 Bethel School District 82 may issue bonds with an aggregate
25 principal amount not to exceed \$3,975,000, but only if all the
26 following conditions are met:

1 (1) The voters of the school district approve a
2 proposition for the bond issuance at an election held on
3 or after March 19, 2024.

4 (2) Prior to the issuance of the bonds, the school
5 board determines, by resolution, that the projects set
6 forth in the proposition for the bond issuance were and
7 are required because of the age and condition of the
8 school district's existing school buildings.

9 (3) The bonds are issued, in one or more issuances,
10 not later than 5 years after the date of the referendum
11 approving the issuance of the bonds, but the aggregate
12 principal amount issued in all such bond issuances
13 combined must not exceed \$3,975,000.

14 (4) The bonds are issued in accordance with this
15 Article.

16 (5) The proceeds of the bonds are used to accomplish
17 only the projects approved by the voters at an election
18 held on or after March 19, 2024.

19 The debt incurred on any bonds issued under this
20 subsection (p-230) and on any bonds issued to refund or
21 continue to refund such bonds shall not be considered
22 indebtedness for purposes of any statutory debt ~~limit~~
23 limitation. Bonds issued under this subsection (p-230) and any
24 bonds issued ~~issue~~ to refund or continue to refund such bonds
25 must mature within not to exceed 25 years from their date,
26 notwithstanding any other law, including Section 19-3 of this

1 Code, to the contrary.

2 (p-235) ~~(p-225)~~ Notwithstanding the provisions of any
3 other law to the contrary, debt incurred on any bonds issued
4 under Section 19-3 of this Code and authorized by an election
5 held on or after November 5, 2024~~7~~ and on any bonds issued to
6 refund or continue to refund such bonds~~7~~ shall not be
7 considered indebtedness for purposes of any statutory debt
8 limitation. Bonds issued under Section 19-3 of this Code and
9 authorized by an election held on or after November 5, 2024~~7~~
10 and any bonds issued to refund or continue to refund such bonds
11 must mature within 30 years from their date, notwithstanding
12 any other law, including Section 19-3 of this Code, to the
13 contrary.

14 (q) A school district must notify the State Board of
15 Education prior to issuing any form of long-term or short-term
16 debt that will result in outstanding debt that exceeds 75% of
17 the debt limit specified in this Section or any other
18 provision of law.

19 (Source: P.A. 102-316, eff. 8-6-21; 102-949, eff. 5-27-22;
20 103-449, eff. 1-1-24; 103-591, eff. 7-1-24; 103-978, eff.
21 8-9-24; revised 9-25-24.)

22 (105 ILCS 5/21B-50)

23 Sec. 21B-50. Alternative Educator Licensure Program for
24 Teachers.

25 (a) There is established an alternative educator licensure

1 program, to be known as the Alternative Educator Licensure
2 Program for Teachers.

3 (b) The Alternative Educator Licensure Program for
4 Teachers may be offered by a recognized institution approved
5 to offer educator preparation programs by the State Board of
6 Education, in consultation with the State Educator Preparation
7 and Licensure Board.

8 The program shall be comprised of up to 3 phases:

9 (1) A course of study that at a minimum includes
10 instructional planning; instructional strategies,
11 including special education, reading, and English language
12 learning; classroom management; and the assessment of
13 students and use of data to drive instruction.

14 (2) A year of residency, which is a candidate's
15 assignment to a full-time teaching position or as a
16 co-teacher for one full school year. An individual must
17 hold an Educator License with Stipulations with an
18 alternative provisional educator endorsement in order to
19 enter the residency. In residency, the candidate must be
20 assigned an effective, fully licensed teacher by the
21 principal or principal equivalent to act as a mentor and
22 coach the candidate through residency, complete additional
23 program requirements that address required State and
24 national standards, pass the State Board's teacher
25 performance assessment, if required under Section 21B-30,
26 and be recommended by the principal or qualified

1 equivalent of a principal, as required under subsection
2 (d) of this Section, and the program coordinator to be
3 recommended for full licensure or to continue with a
4 second year of the residency.

5 (3) (Blank).

6 (4) A comprehensive assessment of the candidate's
7 teaching effectiveness, as evaluated by the principal or
8 qualified equivalent of a principal, as required under
9 subsection (d) of this Section, and the program
10 coordinator, at the end of either the first or the second
11 year of residency. If there is disagreement between the 2
12 evaluators about the candidate's teaching effectiveness at
13 the end of the first year of residency, a second year of
14 residency shall be required. If there is disagreement
15 between the 2 evaluators at the end of the second year of
16 residency, the candidate may complete one additional year
17 of residency teaching under a professional development
18 plan developed by the principal or qualified equivalent
19 and the preparation program. At the completion of the
20 third year, a candidate must have positive evaluations and
21 a recommendation for full licensure from both the
22 principal or qualified equivalent and the program
23 coordinator or no Professional Educator License shall be
24 issued.

25 Successful completion of the program shall be deemed to
26 satisfy any other practice or student teaching and content

1 matter requirements established by law.

2 (c) An alternative provisional educator endorsement on an
3 Educator License with Stipulations is valid for up to 2 years
4 of teaching in the public schools, including without
5 limitation a preschool educational program under Section
6 2-3.71 of this Code or Section 15-30 of the Department of Early
7 Childhood Act or charter school, or in a State-recognized
8 nonpublic school in which the chief administrator is required
9 to have the licensure necessary to be a principal in a public
10 school in this State and in which a majority of the teachers
11 are required to have the licensure necessary to be instructors
12 in a public school in this State, but may be renewed for a
13 third year if needed to complete the Alternative Educator
14 Licensure Program for Teachers. The endorsement shall be
15 issued only once to an individual who meets all of the
16 following requirements:

17 (1) Has graduated from a regionally accredited college
18 or university with a bachelor's degree or higher.

19 (2) (Blank).

20 (3) Has completed a major in the content area if
21 seeking a middle or secondary level endorsement or, if
22 seeking an early childhood, elementary, or special
23 education endorsement, has completed a major in the
24 content area of early childhood reading, English/language
25 arts, mathematics, or one of the sciences. If the
26 individual does not have a major in a content area for any

1 level of teaching, he or she must submit transcripts to
2 the State Board of Education to be reviewed for
3 equivalency.

4 (4) Has successfully completed phase (1) of subsection
5 (b) of this Section.

6 (5) Has passed a content area test required for the
7 specific endorsement, as required under Section 21B-30 of
8 this Code.

9 A candidate possessing the alternative provisional
10 educator endorsement may receive a salary, benefits, and any
11 other terms of employment offered to teachers in the school
12 who are members of an exclusive bargaining representative, if
13 any, but a school is not required to provide these benefits
14 during the years of residency if the candidate is serving only
15 as a co-teacher. If the candidate is serving as the teacher of
16 record, the candidate must receive a salary, benefits, and any
17 other terms of employment. Residency experiences must not be
18 counted towards tenure.

19 (d) The recognized institution offering the Alternative
20 Educator Licensure Program for Teachers must partner with a
21 school district, including without limitation a preschool
22 educational program under Section 2-3.71 of this Code or
23 Section 15-30 of the Department of Early Childhood Act or
24 charter school, or a State-recognized, nonpublic school in
25 this State in which the chief administrator is required to
26 have the licensure necessary to be a principal in a public

1 school in this State and in which a majority of the teachers
2 are required to have the licensure necessary to be instructors
3 in a public school in this State. A recognized institution
4 that partners with a public school district administering a
5 preschool educational program under Section 2-3.71 of this
6 Code or Section 15-30 of the Department of Early Childhood Act
7 must require a principal to recommend or evaluate candidates
8 in the program. A recognized institution that partners with an
9 eligible entity administering a preschool educational program
10 under Section 2-3.71 of this Code or Section 15-30 of the
11 Department of Early Childhood Act and that is not a public
12 school district must require a principal or qualified
13 equivalent of a principal to recommend or evaluate candidates
14 in the program. The program presented for approval by the
15 State Board of Education must demonstrate the supports that
16 are to be provided to assist the provisional teacher during
17 the one-year or 2-year residency period and if the residency
18 period is to be less than 2 years in length, assurances from
19 the partner school districts to provide intensive mentoring
20 and supports through at least the end of the second full year
21 of teaching for educators who completed the Alternative
22 Educator Licensure Program for Teachers in less than 2 years.
23 These supports must, at a minimum, provide additional contact
24 hours with mentors during the first year of residency.

25 (e) Upon completion of phases under paragraphs (1), (2),
26 (4), and, if needed, (3) in subsection (b) of this Section and

1 all assessments required under Section 21B-30 of this Code, an
2 individual shall receive a Professional Educator License.

3 (f) The State Board of Education, in consultation with the
4 State Educator Preparation and Licensure Board, may adopt such
5 rules as may be necessary to establish and implement the
6 Alternative Educator Licensure Program for Teachers.

7 (Source: P.A. 103-111, eff. 6-29-23; 103-488, eff. 8-4-23;
8 103-594, eff. 6-25-24; 103-605, eff. 7-1-24; 103-780, eff.
9 8-2-24; revised 8-12-24.)

10 (105 ILCS 5/22-94)

11 Sec. 22-94. Employment history review.

12 (a) This Section applies to all permanent and temporary
13 positions for employment with a school or a contractor of a
14 school involving direct contact with children or students.

15 (b) In this Section:

16 "Contractor" means firms holding contracts with any school
17 including, but not limited to, food service workers, school
18 bus drivers and other transportation employees, who have
19 direct contact with children or students.

20 "Direct contact with children or students" means the
21 possibility of care, supervision, guidance, or control of
22 children or students or routine interaction with children or
23 students.

24 "School" means a public or nonpublic elementary or
25 secondary school.

1 "Sexual misconduct" has the meaning ascribed to it in
2 subsection (c) of Section 22-85.5 of this Code.

3 (c) Prior to hiring an applicant to work directly with
4 children or students, a school or contractor must ensure that
5 the following criteria are met:

6 (1) the school or contractor has no knowledge or
7 information pertaining to the applicant that would
8 disqualify the applicant from employment;

9 (2) the applicant swears or affirms that the applicant
10 is not disqualified from employment;

11 (3) using the template developed by the State Board of
12 Education, the applicant provides all of the following:

13 (A) a list, including the name, address, telephone
14 number, and other relevant contact information of the
15 following:

16 (i) the applicant's current employer;

17 (ii) all former employers of the applicant
18 that were schools or school contractors, as well
19 as all former employers at which the applicant had
20 direct contact with children or students;

21 (B) A written authorization that consents to and
22 authorizes disclosure by the applicant's current and
23 former employers under subparagraph (A) of this
24 paragraph (3) of the information requested under
25 paragraph (4) of this subsection (c) and the release
26 of related records and that releases those employers

1 from any liability that may arise from such disclosure
2 or release of records pursuant to subsection (e).

3 (C) A written statement of whether the applicant:

4 (i) has been the subject of a sexual
5 misconduct allegation, unless a subsequent
6 investigation resulted in a finding that the
7 allegation was false, unfounded, or
8 unsubstantiated;

9 (ii) has ever been discharged from, been asked
10 to resign from, resigned from, or otherwise been
11 separated from any employment, has ever been
12 disciplined by an employer, or has ever had an
13 employment contract not renewed due to an
14 adjudication or finding of sexual misconduct or
15 while an allegation of sexual misconduct was
16 pending or under investigation, unless the
17 investigation resulted in a finding that the
18 allegation was false, unfounded, or
19 unsubstantiated; or

20 (iii) has ever had a license or certificate
21 suspended, surrendered, or revoked or had an
22 application for licensure, approval, or
23 endorsement denied due to an adjudication or
24 finding of sexual misconduct or while an
25 allegation of sexual misconduct was pending or
26 under investigation, unless the investigation

1 resulted in a finding that the allegation was
2 false, unfounded, or unsubstantiated.

3 (4) The school or contractor shall initiate a review
4 of the employment history of the applicant by contacting
5 those employers listed by the applicant under subparagraph
6 (A) of paragraph (3) of this subsection (c) and, using the
7 template developed by the State Board of Education,
8 request all of the following information:

9 (A) the dates of employment of the applicant;

10 (B) a statement as to whether the applicant:

11 (i) has been the subject of a sexual
12 misconduct allegation, unless a subsequent
13 investigation resulted in a finding that the
14 allegation was false, unfounded, or
15 unsubstantiated;

16 (ii) was discharged from, was asked to resign
17 from, resigned from, or was otherwise separated
18 from any employment, was disciplined by the
19 employer, or had an employment contract not
20 renewed due to an adjudication or finding of
21 sexual misconduct or while an allegation of sexual
22 misconduct was pending or under investigation,
23 unless the investigation resulted in a finding
24 that the allegation was false, unfounded, or
25 unsubstantiated; or

26 (iii) has ever had a license or certificate

1 suspended, surrendered, or revoked due to an
2 adjudication or finding of sexual misconduct or
3 while an allegation of sexual misconduct was
4 pending or under investigation, unless the
5 investigation resulted in a finding that the
6 allegation was false, unfounded, or
7 unsubstantiated.

8 (C) The template shall include the following
9 option: if the employer does not have records or
10 evidence regarding the questions in items (i) through
11 (iii) of subparagraph (B) of paragraph (4) of
12 subsection (c), the employer may state that there is
13 no knowledge of information pertaining to the
14 applicant that would disqualify the applicant from
15 employment.

16 (5) For applicants licensed by the State Board of
17 Education, the school district, charter school, or
18 nonpublic school shall verify the applicant's reported
19 previous employers with previous employers in the State
20 Board of Education's educator licensure database to ensure
21 accuracy.

22 (d) An applicant who provides false information or
23 willfully fails to disclose information required in subsection
24 (c) shall be subject to discipline, up to and including
25 termination or denial of employment.

26 (e) No later than 20 days after receiving a request for

1 information required under paragraph (4) of subsection (c), an
2 employer who has or had an employment relationship with the
3 applicant shall disclose the information requested. If the
4 employer has an office of human resources or a central office,
5 information shall be provided by that office. The employer who
6 has or had an employment relationship with the applicant shall
7 disclose the information on the template developed by the
8 State Board of Education. For any affirmative response to
9 items (i) through (iii) of subparagraph (B) of paragraph (4)
10 or subsection (c), the employer who has or had an employment
11 relationship with the applicant shall provide additional
12 information about the matters disclosed and all related
13 records.

14 A school shall complete the template at time of separation
15 from employment, or at the request of the employee, and
16 maintain it as part of the employee's personnel file. If the
17 school completes an investigation after an employee's
18 separation from employment, the school shall update the
19 information accordingly.

20 Information received under this Section shall not be
21 deemed a public record.

22 A school or contractor who receives information under this
23 subsection (e) may use the information for the purpose of
24 evaluating an applicant's fitness to be hired or for continued
25 employment and may report the information, as appropriate, to
26 the State Board of Education, a State licensing agency, a law

1 enforcement agency, a child protective services agency,
2 another school or contractor, or a prospective employer.

3 An employer, school, school administrator, or contractor
4 who provides information or records about a current or former
5 employee or applicant under this Section is immune from
6 criminal and civil liability for the disclosure of the
7 information or records, unless the information or records
8 provided were knowingly false. This immunity shall be in
9 addition to and not a limitation on any other immunity
10 provided by law or any absolute or conditional privileges
11 applicable to the disclosure by virtue of the circumstances or
12 the applicant's consent to the disclosure and shall extend to
13 any circumstances when the employer, school, school
14 administrator, or contractor in good faith shares findings of
15 sexual misconduct with another employer.

16 Unless the laws of another state prevent the release of
17 the information or records requested or disclosure is
18 restricted by the terms of a contract entered into prior to
19 July 1, 2023 (the effective date of Public Act 102-702) ~~this~~
20 ~~amendatory Act of the 102nd General Assembly,~~ and
21 notwithstanding any other provisions of law to the contrary,
22 an employer, school, school administrator, contractor, or
23 applicant shall report and disclose, in accordance with this
24 Section, all relevant information, records, and documentation
25 that may otherwise be confidential.

26 (f) A school or contractor may not hire an applicant who

1 does not provide the information required under subsection (c)
2 for a position involving direct contact with children or
3 students.

4 (g) Beginning on July 1, 2023 (the effective date of
5 Public Act 102-702) ~~this amendatory Act of the 102nd General~~
6 ~~Assembly~~, a school or contractor may not enter into a
7 collective bargaining agreement, an employment contract, an
8 agreement for resignation or termination, a severance
9 agreement, or any other contract or agreement or take any
10 action that:

11 (1) has the effect of suppressing information
12 concerning a pending investigation or a completed
13 investigation in which an allegation was substantiated
14 related to a report of suspected sexual misconduct by a
15 current or former employee;

16 (2) affects the ability of the school or contractor to
17 report suspected sexual misconduct to the appropriate
18 authorities; or

19 (3) requires the school or contractor to expunge
20 information about allegations or findings of suspected
21 sexual misconduct from any documents maintained by the
22 school or contractor, unless, after an investigation, an
23 allegation is found to be false, unfounded, or
24 unsubstantiated.

25 (h) Any provision of an employment contract or agreement
26 for resignation or termination or a severance agreement that

1 is executed, amended, or entered into on or after July 1, 2023
2 (the effective date of Public Act 102-702) ~~this amendatory Act~~
3 ~~of the 102nd General Assembly~~ and that is contrary to this
4 Section is void and unenforceable.

5 (i) For substitute employees, all of the following apply:

6 (1) The employment history review required by this
7 Section is required only prior to the initial hiring of a
8 substitute employee or placement on a school's approved
9 substitute list and shall remain valid as long as the
10 substitute employee continues to be employed by the same
11 school or remains on the school's approved substitute
12 list.

13 (2) A substitute employee seeking to be added to
14 another school's substitute list shall undergo an
15 additional employment history review under this Section.
16 Except as otherwise provided in paragraph (3) of this
17 subsection (i) or in subsection (k), the appearance of a
18 substitute employee on one school's substitute list does
19 not relieve another school from compliance with this
20 Section.

21 (3) An employment history review conducted upon
22 initial hiring of a substitute employee by a contractor or
23 any other entity that furnishes substitute staffing
24 services to schools shall satisfy the requirements of this
25 Section for all schools using the services of that
26 contractor or other entity.

1 (4) A contractor or any other entity furnishing
2 substitute staffing services to schools shall comply with
3 paragraphs (3) and (4) of subsection (j).

4 (j) For employees of contractors, all of the following
5 apply:

6 (1) The employment history review required by this
7 Section shall be performed, either at the time of the
8 initial hiring of an employee or prior to the assignment
9 of an existing employee to perform work for a school in a
10 position involving direct contact with children or
11 students. The review shall remain valid as long as the
12 employee remains employed by the same contractor, even if
13 assigned to perform work for other schools.

14 (2) A contractor shall maintain records documenting
15 employment history reviews for all employees as required
16 by this Section and, upon request, shall provide a school
17 for whom an employee is assigned to perform work access to
18 the records pertaining to that employee.

19 (3) Prior to assigning an employee to perform work for
20 a school in a position involving direct contact with
21 children or students, the contractor shall inform the
22 school of any instance known to the contractor in which
23 the employee:

24 (A) has been the subject of a sexual misconduct
25 allegation unless a subsequent investigation resulted
26 in a finding that the allegation was false, unfounded,

1 or unsubstantiated;

2 (B) has ever been discharged, been asked to resign
3 from, resigned from, or otherwise been separated from
4 any employment, been removed from a substitute list,
5 been disciplined by an employer, or had an employment
6 contract not renewed due to an adjudication or finding
7 of sexual misconduct or while an allegation of sexual
8 misconduct was pending or under investigation, unless
9 the investigation resulted in a finding that the
10 allegation was false, unfounded, or unsubstantiated;
11 or

12 (C) has ever had a license or certificate
13 suspended, surrendered, or revoked due to an
14 adjudication or finding of sexual misconduct or while
15 an allegation of sexual misconduct was pending or
16 under investigation, unless the investigation resulted
17 in a finding that the allegation was false, unfounded,
18 or unsubstantiated.

19 (4) The contractor may not assign an employee to
20 perform work for a school in a position involving direct
21 contact with children or students if the school objects to
22 the assignment after being informed of an instance listed
23 in paragraph (3).

24 (k) An applicant who has undergone an employment history
25 review under this Section and seeks to transfer to or provide
26 services to another school in the same school district,

1 diocese, or religious jurisdiction, or to another school
2 established and supervised by the same organization is not
3 required to obtain additional reports under this Section
4 before transferring.

5 (1) Nothing in this Section shall be construed:

6 (1) to prevent a prospective employer from conducting
7 further investigations of prospective employees or from
8 requiring applicants to provide additional background
9 information or authorizations beyond what is required
10 under this Section, nor to prevent a current or former
11 employer from disclosing more information than what is
12 required under this Section;

13 (2) to relieve a school, school employee, contractor
14 of the school, or agent of the school from any legal
15 responsibility to report sexual misconduct in accordance
16 with State and federal reporting requirements;

17 (3) to relieve a school, school employee, contractor
18 of the school, or agent of the school from any legal
19 responsibility to implement the provisions of Section 7926
20 of Chapter 20 of the United States Code; or

21 (4) to prohibit the right of the exclusive bargaining
22 representative under a collective bargaining agreement to
23 grieve and arbitrate the validity of an employee's
24 termination or discipline for just cause.

25 (m) The State Board of Education shall develop the
26 templates required under paragraphs (3) and (4) of subsection

1 (c) .

2 (Source: P.A. 102-702, eff. 7-1-23; revised 7-17-24.)

3 (105 ILCS 5/24-4.1) (from Ch. 122, par. 24-4.1)

4 Sec. 24-4.1. Residence requirements. ~~Residency~~ within any
5 school district shall not be considered in determining the
6 employment or the compensation of a teacher or whether to
7 retain, promote, assign, or transfer that teacher.

8 (Source: P.A. 82-381; revised 10-16-24.)

9 (105 ILCS 5/24A-2.5)

10 Sec. 24A-2.5. Definitions. In this Article:

11 "Evaluator" means:

12 (1) an administrator qualified under Section 24A-3; or

13 (2) other individuals qualified under Section 24A-3,
14 provided that, if such other individuals are in the
15 bargaining unit of a district's teachers, the district and
16 the exclusive bargaining representative of that unit must
17 agree to those individuals evaluating other bargaining
18 unit members.

19 Notwithstanding anything to the contrary in item (2) of
20 this definition, a school district operating under Article 34
21 of this Code may require department chairs qualified under
22 Section 24A-3 to evaluate teachers in their department or
23 departments, provided that the school district shall bargain
24 with the bargaining representative of its teachers over the

1 impact and effects on department chairs of such a requirement.

2 "Implementation date" means, unless otherwise specified
3 and provided that the requirements set forth in subsection (d)
4 of Section 24A-20 have been met:

5 (1) For school districts having 500,000 or more
6 inhabitants, in at least 300 schools by September 1, 2012
7 and in the remaining schools by September 1, 2013.

8 (2) For school districts having less than 500,000
9 inhabitants and receiving a Race to the Top Grant or
10 School Improvement Grant after January 15, 2010 (the
11 effective date of Public Act 96-861) ~~this amendatory Act~~
12 ~~of the 96th General Assembly~~, the date specified in those
13 grants for implementing an evaluation system for teachers
14 and principals incorporating student growth as a
15 significant factor.

16 (3) For the lowest performing 20% ~~percent~~ of remaining
17 school districts having less than 500,000 inhabitants
18 (with the measure of and school year or years used for
19 school district performance to be determined by the State
20 Superintendent of Education at a time determined by the
21 State Superintendent), September 1, 2015.

22 (4) For all other school districts having less than
23 500,000 inhabitants, September 1, 2016.

24 Notwithstanding items (3) and (4) of this definition, a
25 school district and the exclusive bargaining representative of
26 its teachers may jointly agree in writing to an earlier

1 implementation date, provided that such date must not be
2 earlier than September 1, 2013. The written agreement of the
3 district and the exclusive bargaining representative must be
4 transmitted to the State Board of Education.

5 "Race to the Top Grant" means a grant made by the Secretary
6 of the U.S. Department of Education for the program first
7 funded pursuant to paragraph (2) of Section 14006(a) of the
8 American Recovery and Reinvestment Act of 2009.

9 "School Improvement Grant" means a grant made by the
10 Secretary of the U.S. Department of Education pursuant to
11 Section 1003(g) of the Elementary and Secondary Education Act.
12 (Source: P.A. 96-861, eff. 1-15-10; 97-8, eff. 6-13-11;
13 revised 7-17-24.)

14 (105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

15 Sec. 24A-5. Content of evaluation plans. This Section does
16 not apply to teachers assigned to schools identified in an
17 agreement entered into between the board of a school district
18 operating under Article 34 of this Code and the exclusive
19 representative of the district's teachers in accordance with
20 Section 34-85c of this Code.

21 Each school district to which this Article applies shall
22 establish a teacher evaluation plan which ensures that each
23 teacher in contractual continued service is evaluated at least
24 once in the course of every 2 or 3 school years as provided in
25 this Section.

1 Each school district shall establish a teacher evaluation
2 plan that ensures that:

3 (1) each teacher not in contractual continued service
4 is evaluated at least once every school year; and

5 (2) except as otherwise provided in this Section, each
6 teacher in contractual continued service is evaluated at
7 least once in the course of every 2 school years. However,
8 any teacher in contractual continued service whose
9 performance is rated as either "needs improvement" or
10 "unsatisfactory" must be evaluated at least once in the
11 school year following the receipt of such rating.

12 No later than September 1, 2022, each school district must
13 establish a teacher evaluation plan that ensures that each
14 teacher in contractual continued service whose performance is
15 rated as either "excellent" or "proficient" is evaluated at
16 least once in the course of the 3 school years after receipt of
17 the rating and implement an informal teacher observation plan
18 established by agency rule and by agreement of the joint
19 committee established under subsection (b) of Section 24A-4 of
20 this Code that ensures that each teacher in contractual
21 continued service whose performance is rated as either
22 "excellent" or "proficient" is informally observed at least
23 once in the course of the 2 school years after receipt of the
24 rating.

25 For the 2022-2023 school year only, if the Governor has
26 declared a disaster due to a public health emergency pursuant

1 to Section 7 of the Illinois Emergency Management Agency Act,
2 a school district may waive the evaluation requirement of all
3 teachers in contractual continued service whose performances
4 were rated as either "excellent" or "proficient" during the
5 last school year in which the teachers were evaluated under
6 this Section.

7 Notwithstanding anything to the contrary in this Section
8 or any other Section of this Code, a principal shall not be
9 prohibited from evaluating any teachers within a school during
10 his or her first year as principal of such school. If a
11 first-year principal exercises this option in a school
12 district where the evaluation plan provides for a teacher in
13 contractual continued service to be evaluated once in the
14 course of every 2 or 3 school years, as applicable, then a new
15 2-year or 3-year evaluation plan must be established.

16 The evaluation plan shall comply with the requirements of
17 this Section and of any rules adopted by the State Board of
18 Education pursuant to this Section.

19 The plan shall include a description of each teacher's
20 duties and responsibilities and of the standards to which that
21 teacher is expected to conform, and shall include at least the
22 following components:

23 (a) personal observation of the teacher in the
24 classroom by the evaluator, unless the teacher has no
25 classroom duties.

26 (b) consideration of the teacher's attendance,

1 planning, instructional methods, classroom management,
2 where relevant, and competency in the subject matter
3 taught.

4 (c) by no later than the applicable implementation
5 date, consideration of student growth as a significant
6 factor in the rating of the teacher's performance.

7 (d) prior to September 1, 2012, rating of the
8 performance of teachers in contractual continued service
9 as either:

10 (i) "excellent", "satisfactory" or
11 "unsatisfactory"; or

12 (ii) "excellent", "proficient", "needs
13 improvement" or "unsatisfactory".

14 (e) on and after September 1, 2012, rating of the
15 performance of all teachers as "excellent", "proficient",
16 "needs improvement" or "unsatisfactory".

17 (f) specification as to the teacher's strengths and
18 weaknesses, with supporting reasons for the comments made.

19 (g) inclusion of a copy of the evaluation in the
20 teacher's personnel file and provision of a copy to the
21 teacher.

22 (h) within 30 school days after the completion of an
23 evaluation rating a teacher in contractual continued
24 service as "needs improvement", development by the
25 evaluator, in consultation with the teacher, and taking
26 into account the teacher's ongoing ~~on-going~~ professional

1 responsibilities including his or her regular teaching
2 assignments, of a professional development plan directed
3 to the areas that need improvement and any supports that
4 the district will provide to address the areas identified
5 as needing improvement.

6 (i) within 30 school days after completion of an
7 evaluation rating a teacher in contractual continued
8 service as "unsatisfactory", development and commencement
9 by the district of a remediation plan designed to correct
10 deficiencies cited, provided the deficiencies are deemed
11 remediable. In all school districts the remediation plan
12 for unsatisfactory, tenured teachers shall provide for 90
13 school days of remediation within the classroom, unless an
14 applicable collective bargaining agreement provides for a
15 shorter duration. In all school districts evaluations
16 issued pursuant to this Section shall be issued within 10
17 days after the conclusion of the respective remediation
18 plan. However, the school board or other governing
19 authority of the district shall not lose jurisdiction to
20 discharge a teacher in the event the evaluation is not
21 issued within 10 days after the conclusion of the
22 respective remediation plan.

23 (j) participation in the remediation plan by the
24 teacher in contractual continued service rated
25 "unsatisfactory", an evaluator and a consulting teacher
26 selected by the evaluator of the teacher who was rated

1 "unsatisfactory", which consulting teacher is an
2 educational employee as defined in the Illinois
3 Educational Labor Relations Act, has at least 5 years'
4 teaching experience, and a reasonable familiarity with the
5 assignment of the teacher being evaluated, and who
6 received an "excellent" rating on his or her most recent
7 evaluation. Where no teachers who meet these criteria are
8 available within the district, the district shall request
9 and the applicable regional office of education shall
10 supply, to participate in the remediation process, an
11 individual who meets these criteria.

12 In a district having a population of less than 500,000
13 with an exclusive bargaining agent, the bargaining agent
14 may, if it so chooses, supply a roster of qualified
15 teachers from whom the consulting teacher is to be
16 selected. That roster shall, however, contain the names of
17 at least 5 teachers, each of whom meets the criteria for
18 consulting teacher with regard to the teacher being
19 evaluated, or the names of all teachers so qualified if
20 that number is less than 5. In the event of a dispute as to
21 qualification, the State Board shall determine
22 qualification.

23 (k) a mid-point and final evaluation by an evaluator
24 during and at the end of the remediation period,
25 immediately following receipt of a remediation plan
26 provided for under subsections (i) and (j) of this

1 Section. Each evaluation shall assess the teacher's
2 performance during the time period since the prior
3 evaluation; provided that the last evaluation shall also
4 include an overall evaluation of the teacher's performance
5 during the remediation period. A written copy of the
6 evaluations and ratings, in which any deficiencies in
7 performance and recommendations for correction are
8 identified, shall be provided to and discussed with the
9 teacher within 10 school days after the date of the
10 evaluation, unless an applicable collective bargaining
11 agreement provides to the contrary. These subsequent
12 evaluations shall be conducted by an evaluator. The
13 consulting teacher shall provide advice to the teacher
14 rated "unsatisfactory" on how to improve teaching skills
15 and to successfully complete the remediation plan. The
16 consulting teacher shall participate in developing the
17 remediation plan, but the final decision as to the
18 evaluation shall be done solely by the evaluator, unless
19 an applicable collective bargaining agreement provides to
20 the contrary. Evaluations at the conclusion of the
21 remediation process shall be separate and distinct from
22 the required annual evaluations of teachers and shall not
23 be subject to the guidelines and procedures relating to
24 those annual evaluations. The evaluator may but is not
25 required to use the forms provided for the annual
26 evaluation of teachers in the district's evaluation plan.

1 (1) reinstatement to the evaluation schedule set forth
2 in the district's evaluation plan for any teacher in
3 contractual continued service who achieves a rating equal
4 to or better than "satisfactory" or "proficient" in the
5 school year following a rating of "needs improvement" or
6 "unsatisfactory".

7 (m) dismissal in accordance with subsection (d) of
8 Section 24-12 or Section 24-16.5 or 34-85 of this Code of
9 any teacher who fails to complete any applicable
10 remediation plan with a rating equal to or better than a
11 "satisfactory" or "proficient" rating. Districts and
12 teachers subject to dismissal hearings are precluded from
13 compelling the testimony of consulting teachers at such
14 hearings under subsection (d) of Section 24-12 or Section
15 24-16.5 or 34-85 of this Code, either as to the rating
16 process or for opinions of performances by teachers under
17 remediation.

18 (n) After the implementation date of an evaluation
19 system for teachers in a district as specified in Section
20 24A-2.5 of this Code, if a teacher in contractual
21 continued service successfully completes a remediation
22 plan following a rating of "unsatisfactory" in an overall
23 performance evaluation received after the foregoing
24 implementation date and receives a subsequent rating of
25 "unsatisfactory" in any of the teacher's overall
26 performance evaluation ratings received during the

1 36-month period following the teacher's completion of the
2 remediation plan, then the school district may forgo
3 remediation and seek dismissal in accordance with
4 subsection (d) of Section 24-12 or Section 34-85 of this
5 Code.

6 (o) Teachers who are due to be evaluated in the last
7 year before they are set to retire shall be offered the
8 opportunity to waive their evaluation and to retain their
9 most recent rating, unless the teacher was last rated as
10 "needs improvement" or "unsatisfactory". The school
11 district may still reserve the right to evaluate a teacher
12 provided the district gives notice to the teacher at least
13 14 days before the evaluation and a reason for evaluating
14 the teacher.

15 Nothing in this Section or Section 24A-4 shall be
16 construed as preventing immediate dismissal of a teacher for
17 deficiencies which are deemed irreparable or for actions
18 which are injurious to or endanger the health or person of
19 students in the classroom or school, or preventing the
20 dismissal or non-renewal of teachers not in contractual
21 continued service for any reason not prohibited by applicable
22 employment, labor, and civil rights laws. Failure to strictly
23 comply with the time requirements contained in Section 24A-5
24 shall not invalidate the results of the remediation plan.

25 Nothing contained in Public Act 98-648 repeals,
26 supersedes, invalidates, or nullifies final decisions in

1 lawsuits pending on July 1, 2014 (the effective date of Public
2 Act 98-648) in Illinois courts involving the interpretation of
3 Public Act 97-8.

4 If the Governor has declared a disaster due to a public
5 health emergency pursuant to Section 7 of the Illinois
6 Emergency Management Agency Act that suspends in-person
7 instruction, the timelines in this Section connected to the
8 commencement and completion of any remediation plan are
9 waived. Except if the parties mutually agree otherwise and the
10 agreement is in writing, any remediation plan that had been in
11 place for more than 45 days prior to the suspension of
12 in-person instruction shall resume when in-person instruction
13 resumes and any remediation plan that had been in place for
14 fewer than 45 days prior to the suspension of in-person
15 instruction shall be discontinued and a new remediation period
16 shall begin when in-person instruction resumes. The
17 requirements of this paragraph apply regardless of whether
18 they are included in a school district's teacher evaluation
19 plan.

20 (Source: P.A. 102-252, eff. 1-1-22; 102-729, eff. 5-6-22;
21 103-85, eff. 6-9-23; 103-605, eff. 7-1-24; revised 8-8-24.)

22 (105 ILCS 5/27-23.17)

23 Sec. 27-23.17. Workplace Readiness Week.

24 (a) Beginning with the 2024-2025 school year, all public
25 high schools, including charter schools, may designate and

1 annually observe a week known as "Workplace Readiness Week".
2 During that week, students shall be provided information on
3 their rights as workers. The topics covered shall include, but
4 are not limited to, local, State, and federal laws regarding
5 each of the following areas and shall include the labor
6 movement's role in winning the protections and benefits
7 described in those areas:

8 (1) Prohibitions against misclassification of
9 employees as independent contractors.

10 (2) Child labor.

11 (3) Wage and hour protections.

12 (4) Worker safety.

13 (5) Workers' compensation.

14 (6) Unemployment insurance.

15 (7) Paid sick leave and paid family leave.

16 (8) The right to organize a union in the workplace.

17 (9) Prohibitions against retaliation by employers when
18 workers exercise their rights as workers or any other
19 rights guaranteed by law.

20 During Workplace Readiness Week, students shall also be
21 provided information introducing them to State-approved
22 apprenticeship programs, how to access them, the variety of
23 programs available, and how they can provide an alternative
24 career path for those students who choose not to attend a
25 traditional higher education program.

26 (b) If a school observes Workplace Readiness Week under

1 this Section, then, for students in grades 11 and 12, the
2 information required to be provided in subsection (a) shall be
3 integrated into the regular school program but may also be
4 provided during special events after regular school hours.
5 Integration into the regular school program is encouraged, but
6 not required, to occur during Workplace Readiness Week.

7 (Source: P.A. 103-598, eff. 7-1-24.)

8 (105 ILCS 5/27-23.18)

9 Sec. 27-23.18 ~~27-23.17~~. Relaxation activities. Each school
10 district may provide to students, in addition to and not
11 substituting recess, at least 20 minutes a week of relaxation
12 activities to enhance the mental and physical health of
13 students as part of the school day. Relaxation activities may
14 include, but are not limited to, mindful-based movements,
15 yoga, stretching, meditation, breathing exercises, guided
16 relaxation techniques, quiet time, walking, in-person
17 conversation, and other stress-relieving activities. A school
18 district may partner with public and private community
19 organizations to provide relaxation activities. These
20 activities may take place in a physical education class,
21 social-emotional learning class, or student-support or
22 advisory class or as a part of another similar class,
23 including a new class.

24 (Source: P.A. 103-764, eff. 1-1-25; revised 12-3-24.)

1 (105 ILCS 5/27A-5)

2 (Text of Section before amendment by P.A. 102-466)

3 Sec. 27A-5. Charter school; legal entity; requirements.

4 (a) A charter school shall be a public, nonsectarian,
5 nonreligious, non-home based, and non-profit school. A charter
6 school shall be organized and operated as a nonprofit
7 corporation or other discrete, legal, nonprofit entity
8 authorized under the laws of the State of Illinois.

9 (b) A charter school may be established under this Article
10 by creating a new school or by converting an existing public
11 school or attendance center to charter school status. In all
12 new applications to establish a charter school in a city
13 having a population exceeding 500,000, operation of the
14 charter school shall be limited to one campus. This limitation
15 does not apply to charter schools existing or approved on or
16 before April 16, 2003.

17 (b-5) (Blank).

18 (c) A charter school shall be administered and governed by
19 its board of directors or other governing body in the manner
20 provided in its charter. The governing body of a charter
21 school shall be subject to the Freedom of Information Act and
22 the Open Meetings Act. A charter school's board of directors
23 or other governing body must include at least one parent or
24 guardian of a pupil currently enrolled in the charter school
25 who may be selected through the charter school or a charter
26 network election, appointment by the charter school's board of

1 directors or other governing body, or by the charter school's
2 Parent Teacher Organization or its equivalent.

3 (c-5) No later than January 1, 2021 or within the first
4 year of his or her first term, every voting member of a charter
5 school's board of directors or other governing body shall
6 complete a minimum of 4 hours of professional development
7 leadership training to ensure that each member has sufficient
8 familiarity with the board's or governing body's role and
9 responsibilities, including financial oversight and
10 accountability of the school, evaluating the principal's and
11 school's performance, adherence to the Freedom of Information
12 Act and the Open Meetings Act, and compliance with education
13 and labor law. In each subsequent year of his or her term, a
14 voting member of a charter school's board of directors or
15 other governing body shall complete a minimum of 2 hours of
16 professional development training in these same areas. The
17 training under this subsection may be provided or certified by
18 a statewide charter school membership association or may be
19 provided or certified by other qualified providers approved by
20 the State Board.

21 (d) For purposes of this subsection (d), "non-curricular
22 health and safety requirement" means any health and safety
23 requirement created by statute or rule to provide, maintain,
24 preserve, or safeguard safe or healthful conditions for
25 students and school personnel or to eliminate, reduce, or
26 prevent threats to the health and safety of students and

1 school personnel. "Non-curricular health and safety
2 requirement" does not include any course of study or
3 specialized instructional requirement for which the State
4 Board has established goals and learning standards or which is
5 designed primarily to impart knowledge and skills for students
6 to master and apply as an outcome of their education.

7 A charter school shall comply with all non-curricular
8 health and safety requirements applicable to public schools
9 under the laws of the State of Illinois. The State Board shall
10 promulgate and post on its Internet website a list of
11 non-curricular health and safety requirements that a charter
12 school must meet. The list shall be updated annually no later
13 than September 1. Any charter contract between a charter
14 school and its authorizer must contain a provision that
15 requires the charter school to follow the list of all
16 non-curricular health and safety requirements promulgated by
17 the State Board and any non-curricular health and safety
18 requirements added by the State Board to such list during the
19 term of the charter. Nothing in this subsection (d) precludes
20 an authorizer from including non-curricular health and safety
21 requirements in a charter school contract that are not
22 contained in the list promulgated by the State Board,
23 including non-curricular health and safety requirements of the
24 authorizing local school board.

25 (e) Except as otherwise provided in the School Code, a
26 charter school shall not charge tuition; provided that a

1 charter school may charge reasonable fees for textbooks,
2 instructional materials, and student activities.

3 (f) A charter school shall be responsible for the
4 management and operation of its fiscal affairs, including, but
5 not limited to, the preparation of its budget. An audit of each
6 charter school's finances shall be conducted annually by an
7 outside, independent contractor retained by the charter
8 school. The contractor shall not be an employee of the charter
9 school or affiliated with the charter school or its authorizer
10 in any way, other than to audit the charter school's finances.
11 To ensure financial accountability for the use of public
12 funds, on or before December 1 of every year of operation, each
13 charter school shall submit to its authorizer and the State
14 Board a copy of its audit and a copy of the Form 990 the
15 charter school filed that year with the federal Internal
16 Revenue Service. In addition, if deemed necessary for proper
17 financial oversight of the charter school, an authorizer may
18 require quarterly financial statements from each charter
19 school.

20 (g) A charter school shall comply with all provisions of
21 this Article, the Illinois Educational Labor Relations Act,
22 all federal and State laws and rules applicable to public
23 schools that pertain to special education and the instruction
24 of English learners, and its charter. A charter school is
25 exempt from all other State laws and regulations in this Code
26 governing public schools and local school board policies;

1 however, a charter school is not exempt from the following:

2 (1) Sections 10-21.9 and 34-18.5 of this Code
3 regarding criminal history records checks and checks of
4 the Statewide Sex Offender Database and Statewide Murderer
5 and Violent Offender Against Youth Database of applicants
6 for employment;

7 (2) Sections 10-20.14, 10-22.6, 22-100, 24-24, 34-19,
8 and 34-84a of this Code regarding discipline of students;

9 (3) the Local Governmental and Governmental Employees
10 Tort Immunity Act;

11 (4) Section 108.75 of the General Not For Profit
12 Corporation Act of 1986 regarding indemnification of
13 officers, directors, employees, and agents;

14 (5) the Abused and Neglected Child Reporting Act;

15 (5.5) subsection (b) of Section 10-23.12 and
16 subsection (b) of Section 34-18.6 of this Code;

17 (6) the Illinois School Student Records Act;

18 (7) Section 10-17a of this Code regarding school
19 report cards;

20 (8) the P-20 Longitudinal Education Data System Act;

21 (9) Section 27-23.7 of this Code regarding bullying
22 prevention;

23 (10) Section 2-3.162 of this Code regarding student
24 discipline reporting;

25 (11) Sections 22-80 and 27-8.1 of this Code;

26 (12) Sections 10-20.60 and 34-18.53 of this Code;

- 1 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 2 (14) Sections 22-90 and 26-18 of this Code;
- 3 (15) Section 22-30 of this Code;
- 4 (16) Sections 24-12 and 34-85 of this Code;
- 5 (17) the Seizure Smart School Act;
- 6 (18) Section 2-3.64a-10 of this Code;
- 7 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 8 (20) Section 10-22.25b of this Code;
- 9 (21) Section 27-9.1a of this Code;
- 10 (22) Section 27-9.1b of this Code;
- 11 (23) Section 34-18.8 of this Code;
- 12 (25) Section 2-3.188 of this Code;
- 13 (26) Section 22-85.5 of this Code;
- 14 (27) subsections (d-10), (d-15), and (d-20) of Section
- 15 10-20.56 of this Code;
- 16 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 17 (29) Section 10-20.13 of this Code;
- 18 (30) Section 28-19.2 of this Code;
- 19 (31) Section 34-21.6 of this Code;
- 20 (32) Section 22-85.10 of this Code;
- 21 (33) Section 2-3.196 of this Code;
- 22 (34) Section 22-95 of this Code;
- 23 (35) Section 34-18.62 of this Code;
- 24 (36) the Illinois Human Rights Act; and
- 25 (37) Section 2-3.204 of this Code.

26 The change made by Public Act 96-104 to this subsection

1 (g) is declaratory of existing law.

2 (h) A charter school may negotiate and contract with a
3 school district, the governing body of a State college or
4 university or public community college, or any other public or
5 for-profit or nonprofit private entity for: (i) the use of a
6 school building and grounds or any other real property or
7 facilities that the charter school desires to use or convert
8 for use as a charter school site, (ii) the operation and
9 maintenance thereof, and (iii) the provision of any service,
10 activity, or undertaking that the charter school is required
11 to perform in order to carry out the terms of its charter.
12 Except as provided in subsection (i) of this Section, a school
13 district may charge a charter school reasonable rent for the
14 use of the district's buildings, grounds, and facilities. Any
15 services for which a charter school contracts with a school
16 district shall be provided by the district at cost. Any
17 services for which a charter school contracts with a local
18 school board or with the governing body of a State college or
19 university or public community college shall be provided by
20 the public entity at cost.

21 (i) In no event shall a charter school that is established
22 by converting an existing school or attendance center to
23 charter school status be required to pay rent for space that is
24 deemed available, as negotiated and provided in the charter
25 agreement, in school district facilities. However, all other
26 costs for the operation and maintenance of school district

1 facilities that are used by the charter school shall be
2 subject to negotiation between the charter school and the
3 local school board and shall be set forth in the charter.

4 (j) A charter school may limit student enrollment by age
5 or grade level.

6 (k) If the charter school is authorized by the State
7 Board, then the charter school is its own local education
8 agency.

9 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
10 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
11 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
12 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.
13 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,
14 eff. 6-30-23; 103-472, eff. 8-1-24; 103-605, eff. 7-1-24;
15 103-641, eff. 7-1-24; 103-806, eff. 1-1-25; revised 10-9-24.)

16 (Text of Section after amendment by P.A. 102-466)

17 Sec. 27A-5. Charter school; legal entity; requirements.

18 (a) A charter school shall be a public, nonsectarian,
19 nonreligious, non-home based, and non-profit school. A charter
20 school shall be organized and operated as a nonprofit
21 corporation or other discrete, legal, nonprofit entity
22 authorized under the laws of the State of Illinois.

23 (b) A charter school may be established under this Article
24 by creating a new school or by converting an existing public
25 school or attendance center to charter school status. In all

1 new applications to establish a charter school in a city
2 having a population exceeding 500,000, operation of the
3 charter school shall be limited to one campus. This limitation
4 does not apply to charter schools existing or approved on or
5 before April 16, 2003.

6 (b-5) (Blank).

7 (c) A charter school shall be administered and governed by
8 its board of directors or other governing body in the manner
9 provided in its charter. The governing body of a charter
10 school shall be subject to the Freedom of Information Act and
11 the Open Meetings Act. A charter school's board of directors
12 or other governing body must include at least one parent or
13 guardian of a pupil currently enrolled in the charter school
14 who may be selected through the charter school or a charter
15 network election, appointment by the charter school's board of
16 directors or other governing body, or by the charter school's
17 Parent Teacher Organization or its equivalent.

18 (c-5) No later than January 1, 2021 or within the first
19 year of his or her first term, every voting member of a charter
20 school's board of directors or other governing body shall
21 complete a minimum of 4 hours of professional development
22 leadership training to ensure that each member has sufficient
23 familiarity with the board's or governing body's role and
24 responsibilities, including financial oversight and
25 accountability of the school, evaluating the principal's and
26 school's performance, adherence to the Freedom of Information

1 Act and the Open Meetings Act, and compliance with education
2 and labor law. In each subsequent year of his or her term, a
3 voting member of a charter school's board of directors or
4 other governing body shall complete a minimum of 2 hours of
5 professional development training in these same areas. The
6 training under this subsection may be provided or certified by
7 a statewide charter school membership association or may be
8 provided or certified by other qualified providers approved by
9 the State Board.

10 (d) For purposes of this subsection (d), "non-curricular
11 health and safety requirement" means any health and safety
12 requirement created by statute or rule to provide, maintain,
13 preserve, or safeguard safe or healthful conditions for
14 students and school personnel or to eliminate, reduce, or
15 prevent threats to the health and safety of students and
16 school personnel. "Non-curricular health and safety
17 requirement" does not include any course of study or
18 specialized instructional requirement for which the State
19 Board has established goals and learning standards or which is
20 designed primarily to impart knowledge and skills for students
21 to master and apply as an outcome of their education.

22 A charter school shall comply with all non-curricular
23 health and safety requirements applicable to public schools
24 under the laws of the State of Illinois. The State Board shall
25 promulgate and post on its Internet website a list of
26 non-curricular health and safety requirements that a charter

1 school must meet. The list shall be updated annually no later
2 than September 1. Any charter contract between a charter
3 school and its authorizer must contain a provision that
4 requires the charter school to follow the list of all
5 non-curricular health and safety requirements promulgated by
6 the State Board and any non-curricular health and safety
7 requirements added by the State Board to such list during the
8 term of the charter. Nothing in this subsection (d) precludes
9 an authorizer from including non-curricular health and safety
10 requirements in a charter school contract that are not
11 contained in the list promulgated by the State Board,
12 including non-curricular health and safety requirements of the
13 authorizing local school board.

14 (e) Except as otherwise provided in the School Code, a
15 charter school shall not charge tuition; provided that a
16 charter school may charge reasonable fees for textbooks,
17 instructional materials, and student activities.

18 (f) A charter school shall be responsible for the
19 management and operation of its fiscal affairs, including, but
20 not limited to, the preparation of its budget. An audit of each
21 charter school's finances shall be conducted annually by an
22 outside, independent contractor retained by the charter
23 school. The contractor shall not be an employee of the charter
24 school or affiliated with the charter school or its authorizer
25 in any way, other than to audit the charter school's finances.
26 To ensure financial accountability for the use of public

1 funds, on or before December 1 of every year of operation, each
2 charter school shall submit to its authorizer and the State
3 Board a copy of its audit and a copy of the Form 990 the
4 charter school filed that year with the federal Internal
5 Revenue Service. In addition, if deemed necessary for proper
6 financial oversight of the charter school, an authorizer may
7 require quarterly financial statements from each charter
8 school.

9 (g) A charter school shall comply with all provisions of
10 this Article, the Illinois Educational Labor Relations Act,
11 all federal and State laws and rules applicable to public
12 schools that pertain to special education and the instruction
13 of English learners, and its charter. A charter school is
14 exempt from all other State laws and regulations in this Code
15 governing public schools and local school board policies;
16 however, a charter school is not exempt from the following:

17 (1) Sections 10-21.9 and 34-18.5 of this Code
18 regarding criminal history records checks and checks of
19 the Statewide Sex Offender Database and Statewide Murderer
20 and Violent Offender Against Youth Database of applicants
21 for employment;

22 (2) Sections 10-20.14, 10-22.6, 22-100, 24-24, 34-19,
23 and 34-84a of this Code regarding discipline of students;

24 (3) the Local Governmental and Governmental Employees
25 Tort Immunity Act;

26 (4) Section 108.75 of the General Not For Profit

1 Corporation Act of 1986 regarding indemnification of
2 officers, directors, employees, and agents;

3 (5) the Abused and Neglected Child Reporting Act;

4 (5.5) subsection (b) of Section 10-23.12 and
5 subsection (b) of Section 34-18.6 of this Code;

6 (6) the Illinois School Student Records Act;

7 (7) Section 10-17a of this Code regarding school
8 report cards;

9 (8) the P-20 Longitudinal Education Data System Act;

10 (9) Section 27-23.7 of this Code regarding bullying
11 prevention;

12 (10) Section 2-3.162 of this Code regarding student
13 discipline reporting;

14 (11) Sections 22-80 and 27-8.1 of this Code;

15 (12) Sections 10-20.60 and 34-18.53 of this Code;

16 (13) Sections 10-20.63 and 34-18.56 of this Code;

17 (14) Sections 22-90 and 26-18 of this Code;

18 (15) Section 22-30 of this Code;

19 (16) Sections 24-12 and 34-85 of this Code;

20 (17) the Seizure Smart School Act;

21 (18) Section 2-3.64a-10 of this Code;

22 (19) Sections 10-20.73 and 34-21.9 of this Code;

23 (20) Section 10-22.25b of this Code;

24 (21) Section 27-9.1a of this Code;

25 (22) Section 27-9.1b of this Code;

26 (23) Section 34-18.8 of this Code;

1 (24) Article 26A of this Code;

2 (25) Section 2-3.188 of this Code;

3 (26) Section 22-85.5 of this Code;

4 (27) subsections (d-10), (d-15), and (d-20) of Section
5 10-20.56 of this Code;

6 (28) Sections 10-20.83 and 34-18.78 of this Code;

7 (29) Section 10-20.13 of this Code;

8 (30) Section 28-19.2 of this Code;

9 (31) Section 34-21.6 of this Code;

10 (32) Section 22-85.10 of this Code;

11 (33) Section 2-3.196 of this Code;

12 (34) Section 22-95 of this Code;

13 (35) Section 34-18.62 of this Code;

14 (36) the Illinois Human Rights Act; and

15 (37) Section 2-3.204 of this Code.

16 The change made by Public Act 96-104 to this subsection
17 (g) is declaratory of existing law.

18 (h) A charter school may negotiate and contract with a
19 school district, the governing body of a State college or
20 university or public community college, or any other public or
21 for-profit or nonprofit private entity for: (i) the use of a
22 school building and grounds or any other real property or
23 facilities that the charter school desires to use or convert
24 for use as a charter school site, (ii) the operation and
25 maintenance thereof, and (iii) the provision of any service,
26 activity, or undertaking that the charter school is required

1 to perform in order to carry out the terms of its charter.
2 Except as provided in subsection (i) of this Section, a school
3 district may charge a charter school reasonable rent for the
4 use of the district's buildings, grounds, and facilities. Any
5 services for which a charter school contracts with a school
6 district shall be provided by the district at cost. Any
7 services for which a charter school contracts with a local
8 school board or with the governing body of a State college or
9 university or public community college shall be provided by
10 the public entity at cost.

11 (i) In no event shall a charter school that is established
12 by converting an existing school or attendance center to
13 charter school status be required to pay rent for space that is
14 deemed available, as negotiated and provided in the charter
15 agreement, in school district facilities. However, all other
16 costs for the operation and maintenance of school district
17 facilities that are used by the charter school shall be
18 subject to negotiation between the charter school and the
19 local school board and shall be set forth in the charter.

20 (j) A charter school may limit student enrollment by age
21 or grade level.

22 (k) If the charter school is authorized by the State
23 Board, then the charter school is its own local education
24 agency.

25 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
26 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.

1 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,
2 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
3 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.
4 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; 103-605,
5 eff. 7-1-24; 103-641, eff. 7-1-24; 103-806, eff. 1-1-25;
6 revised 11-26-24.)

7 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

8 Sec. 34-18. Powers of the board. The board shall exercise
9 general supervision and jurisdiction over the public education
10 and the public school system of the city, and, except as
11 otherwise provided by this Article, shall have power:

12 1. To make suitable provision for the establishment
13 and maintenance throughout the year or for such portion
14 thereof as it may direct, not less than 9 months and in
15 compliance with Section 10-19.05, of schools of all grades
16 and kinds, including normal schools, high schools, night
17 schools, schools for defectives and delinquents, parental
18 and truant schools, schools for the blind, the deaf, and
19 persons with physical disabilities, schools or classes in
20 manual training, constructural and vocational teaching,
21 domestic arts, and physical culture, vocation and
22 extension schools and lecture courses, and all other
23 educational courses and facilities, including
24 establishing, equipping, maintaining and operating
25 playgrounds and recreational programs, when such programs

1 are conducted in, adjacent to, or connected with any
2 public school under the general supervision and
3 jurisdiction of the board; provided that the calendar for
4 the school term and any changes must be submitted to and
5 approved by the State Board of Education before the
6 calendar or changes may take effect, and provided that in
7 allocating funds from year to year for the operation of
8 all attendance centers within the district, the board
9 shall ensure that supplemental general State aid or
10 supplemental grant funds are allocated and applied in
11 accordance with Section 18-8, 18-8.05, or 18-8.15. To
12 admit to such schools without charge foreign exchange
13 students who are participants in an organized exchange
14 student program which is authorized by the board. The
15 board shall permit all students to enroll in
16 apprenticeship programs in trade schools operated by the
17 board, whether those programs are union-sponsored or not.
18 No student shall be refused admission into or be excluded
19 from any course of instruction offered in the common
20 schools by reason of that student's sex. No student shall
21 be denied equal access to physical education and
22 interscholastic athletic programs supported from school
23 district funds or denied participation in comparable
24 physical education and athletic programs solely by reason
25 of the student's sex. Equal access to programs supported
26 from school district funds and comparable programs will be

1 defined in rules promulgated by the State Board of
2 Education in consultation with the Illinois High School
3 Association. Notwithstanding any other provision of this
4 Article, neither the board of education nor any local
5 school council or other school official shall recommend
6 that children with disabilities be placed into regular
7 education classrooms unless those children with
8 disabilities are provided with supplementary services to
9 assist them so that they benefit from the regular
10 classroom instruction and are included on the teacher's
11 regular education class register;

12 2. To furnish lunches to pupils, to make a reasonable
13 charge therefor, and to use school funds for the payment
14 of such expenses as the board may determine are necessary
15 in conducting the school lunch program;

16 3. To co-operate with the circuit court;

17 4. To make arrangements with the public or
18 quasi-public libraries and museums for the use of their
19 facilities by teachers and pupils of the public schools;

20 5. To employ dentists and prescribe their duties for
21 the purpose of treating the pupils in the schools, but
22 accepting such treatment shall be optional with parents or
23 guardians;

24 6. To grant the use of assembly halls and classrooms
25 when not otherwise needed, including light, heat, and
26 attendants, for free public lectures, concerts, and other

1 educational and social interests, free of charge, under
2 such provisions and control as the principal of the
3 affected attendance center may prescribe;

4 7. To apportion the pupils to the several schools;
5 provided that no pupil shall be excluded from or
6 segregated in any such school on account of his color,
7 race, sex, or nationality. The board shall take into
8 consideration the prevention of segregation and the
9 elimination of separation of children in public schools
10 because of color, race, sex, or nationality. Except that
11 children may be committed to or attend parental and social
12 adjustment schools established and maintained either for
13 boys or girls only. All records pertaining to the
14 creation, alteration or revision of attendance areas shall
15 be open to the public. Nothing herein shall limit the
16 board's authority to establish multi-area attendance
17 centers or other student assignment systems for
18 desegregation purposes or otherwise, and to apportion the
19 pupils to the several schools. Furthermore, beginning in
20 school year 1994-95, pursuant to a board plan adopted by
21 October 1, 1993, the board shall offer, commencing on a
22 phased-in basis, the opportunity for families within the
23 school district to apply for enrollment of their children
24 in any attendance center within the school district which
25 does not have selective admission requirements approved by
26 the board. The appropriate geographical area in which such

1 open enrollment may be exercised shall be determined by
2 the board of education. Such children may be admitted to
3 any such attendance center on a space available basis
4 after all children residing within such attendance
5 center's area have been accommodated. If the number of
6 applicants from outside the attendance area exceed the
7 space available, then successful applicants shall be
8 selected by lottery. The board of education's open
9 enrollment plan must include provisions that allow
10 low-income students to have access to transportation
11 needed to exercise school choice. Open enrollment shall be
12 in compliance with the provisions of the Consent Decree
13 and Desegregation Plan cited in Section 34-1.01;

14 8. To approve programs and policies for providing
15 transportation services to students. Nothing herein shall
16 be construed to permit or empower the State Board of
17 Education to order, mandate, or require busing or other
18 transportation of pupils for the purpose of achieving
19 racial balance in any school;

20 9. Subject to the limitations in this Article, to
21 establish and approve system-wide curriculum objectives
22 and standards, including graduation standards, which
23 reflect the multi-cultural diversity in the city and are
24 consistent with State law, provided that for all purposes
25 of this Article courses or proficiency in American Sign
26 Language shall be deemed to constitute courses or

1 proficiency in a foreign language; and to employ
2 principals and teachers, appointed as provided in this
3 Article, and fix their compensation. The board shall
4 prepare such reports related to minimal competency testing
5 as may be requested by the State Board of Education and, in
6 addition, shall monitor and approve special education and
7 bilingual education programs and policies within the
8 district to ensure that appropriate services are provided
9 in accordance with applicable State and federal laws to
10 children requiring services and education in those areas;

11 10. To employ non-teaching personnel or utilize
12 volunteer personnel for: (i) non-teaching duties not
13 requiring instructional judgment or evaluation of pupils,
14 including library duties; and (ii) supervising study
15 halls, long distance teaching reception areas used
16 incident to instructional programs transmitted by
17 electronic media such as computers, video, and audio,
18 detention and discipline areas, and school-sponsored
19 extracurricular activities. The board may further utilize
20 volunteer nonlicensed personnel or employ nonlicensed
21 personnel to assist in the instruction of pupils under the
22 immediate supervision of a teacher holding a valid
23 educator license, directly engaged in teaching subject
24 matter or conducting activities; provided that the teacher
25 shall be continuously aware of the nonlicensed persons'
26 activities and shall be able to control or modify them.

1 The general superintendent shall determine qualifications
2 of such personnel and shall prescribe rules for
3 determining the duties and activities to be assigned to
4 such personnel;

5 10.5. To utilize volunteer personnel from a regional
6 School Crisis Assistance Team (S.C.A.T.), created as part
7 of the Safe to Learn Program established pursuant to
8 Section 25 of the Illinois Violence Prevention Act of
9 1995, to provide assistance to schools in times of
10 violence or other traumatic incidents within a school
11 community by providing crisis intervention services to
12 lessen the effects of emotional trauma on individuals and
13 the community; the School Crisis Assistance Team Steering
14 Committee shall determine the qualifications for
15 volunteers;

16 11. To provide television studio facilities in not to
17 exceed one school building and to provide programs for
18 educational purposes, provided, however, that the board
19 shall not construct, acquire, operate, or maintain a
20 television transmitter; to grant the use of its studio
21 facilities to a licensed television station located in the
22 school district; and to maintain and operate not to exceed
23 one school radio transmitting station and provide programs
24 for educational purposes;

25 12. To offer, if deemed appropriate, outdoor education
26 courses, including field trips within the State of

1 Illinois, or adjacent states, and to use school
2 educational funds for the expense of the said outdoor
3 educational programs, whether within the school district
4 or not;

5 13. During that period of the calendar year not
6 embraced within the regular school term, to provide and
7 conduct courses in subject matters normally embraced in
8 the program of the schools during the regular school term
9 and to give regular school credit for satisfactory
10 completion by the student of such courses as may be
11 approved for credit by the State Board of Education;

12 14. To insure against any loss or liability of the
13 board, the former School Board Nominating Commission,
14 Local School Councils, the Chicago Schools Academic
15 Accountability Council, or the former Subdistrict Councils
16 or of any member, officer, agent, or employee thereof,
17 resulting from alleged violations of civil rights arising
18 from incidents occurring on or after September 5, 1967 or
19 from the wrongful or negligent act or omission of any such
20 person whether occurring within or without the school
21 premises, provided the officer, agent, or employee was, at
22 the time of the alleged violation of civil rights or
23 wrongful act or omission, acting within the scope of his
24 or her employment or under direction of the board, the
25 former School Board Nominating Commission, the Chicago
26 Schools Academic Accountability Council, Local School

1 Councils, or the former Subdistrict Councils; and to
2 provide for or participate in insurance plans for its
3 officers and employees, including, but not limited to,
4 retirement annuities, medical, surgical and
5 hospitalization benefits in such types and amounts as may
6 be determined by the board; provided, however, that the
7 board shall contract for such insurance only with an
8 insurance company authorized to do business in this State.
9 Such insurance may include provision for employees who
10 rely on treatment by prayer or spiritual means alone for
11 healing, in accordance with the tenets and practice of a
12 recognized religious denomination;

13 15. To contract with the corporate authorities of any
14 municipality or the county board of any county, as the
15 case may be, to provide for the regulation of traffic in
16 parking areas of property used for school purposes, in
17 such manner as is provided by Section 11-209 of the
18 Illinois Vehicle Code;

19 16. (a) To provide, on an equal basis, access to a high
20 school campus and student directory information to the
21 official recruiting representatives of the armed forces of
22 Illinois and the United States for the purposes of
23 informing students of the educational and career
24 opportunities available in the military if the board has
25 provided such access to persons or groups whose purpose is
26 to acquaint students with educational or occupational

1 opportunities available to them. The board is not required
2 to give greater notice regarding the right of access to
3 recruiting representatives than is given to other persons
4 and groups. In this paragraph 16, "directory information"
5 means a high school student's name, address, and telephone
6 number.

7 (b) If a student or his or her parent or guardian
8 submits a signed, written request to the high school
9 before the end of the student's sophomore year (or if the
10 student is a transfer student, by another time set by the
11 high school) that indicates that the student or his or her
12 parent or guardian does not want the student's directory
13 information to be provided to official recruiting
14 representatives under subsection (a) of this Section, the
15 high school may not provide access to the student's
16 directory information to these recruiting representatives.
17 The high school shall notify its students and their
18 parents or guardians of the provisions of this subsection
19 (b).

20 (c) A high school may require official recruiting
21 representatives of the armed forces of Illinois and the
22 United States to pay a fee for copying and mailing a
23 student's directory information in an amount that is not
24 more than the actual costs incurred by the high school.

25 (d) Information received by an official recruiting
26 representative under this Section may be used only to

1 provide information to students concerning educational and
2 career opportunities available in the military and may not
3 be released to a person who is not involved in recruiting
4 students for the armed forces of Illinois or the United
5 States;

6 17. (a) To sell or market any computer program
7 developed by an employee of the school district, provided
8 that such employee developed the computer program as a
9 direct result of his or her duties with the school
10 district or through the utilization of school district
11 resources or facilities. The employee who developed the
12 computer program shall be entitled to share in the
13 proceeds of such sale or marketing of the computer
14 program. The distribution of such proceeds between the
15 employee and the school district shall be as agreed upon
16 by the employee and the school district, except that
17 neither the employee nor the school district may receive
18 more than 90% of such proceeds. The negotiation for an
19 employee who is represented by an exclusive bargaining
20 representative may be conducted by such bargaining
21 representative at the employee's request.

22 (b) For the purpose of this paragraph 17:

23 (1) "Computer" means an internally programmed, general
24 purpose digital device capable of automatically accepting
25 data, processing data and supplying the results of the
26 operation.

1 (2) "Computer program" means a series of coded
2 instructions or statements in a form acceptable to a
3 computer, which causes the computer to process data in
4 order to achieve a certain result.

5 (3) "Proceeds" means profits derived from the
6 marketing or sale of a product after deducting the
7 expenses of developing and marketing such product;

8 18. To delegate to the general superintendent of
9 schools, by resolution, the authority to approve contracts
10 and expenditures in amounts of \$35,000 or less;

11 19. Upon the written request of an employee, to
12 withhold from the compensation of that employee any dues,
13 payments, or contributions payable by such employee to any
14 labor organization as defined in the Illinois Educational
15 Labor Relations Act. Under such arrangement, an amount
16 shall be withheld from each regular payroll period which
17 is equal to the pro rata share of the annual dues plus any
18 payments or contributions, and the board shall transmit
19 such withholdings to the specified labor organization
20 within 10 working days from the time of the withholding;

21 19a. Upon receipt of notice from the comptroller of a
22 municipality with a population of 500,000 or more, a
23 county with a population of 3,000,000 or more, the Cook
24 County Forest Preserve District, the Chicago Park
25 District, the Metropolitan Water Reclamation District, the
26 Chicago Transit Authority, or a housing authority of a

1 municipality with a population of 500,000 or more that a
2 debt is due and owing the municipality, the county, the
3 Cook County Forest Preserve District, the Chicago Park
4 District, the Metropolitan Water Reclamation District, the
5 Chicago Transit Authority, or the housing authority by an
6 employee of the Chicago Board of Education, to withhold,
7 from the compensation of that employee, the amount of the
8 debt that is due and owing and pay the amount withheld to
9 the municipality, the county, the Cook County Forest
10 Preserve District, the Chicago Park District, the
11 Metropolitan Water Reclamation District, the Chicago
12 Transit Authority, or the housing authority; provided,
13 however, that the amount deducted from any one salary or
14 wage payment shall not exceed 25% of the net amount of the
15 payment. Before the Board deducts any amount from any
16 salary or wage of an employee under this paragraph, the
17 municipality, the county, the Cook County Forest Preserve
18 District, the Chicago Park District, the Metropolitan
19 Water Reclamation District, the Chicago Transit Authority,
20 or the housing authority shall certify that (i) the
21 employee has been afforded an opportunity for a hearing to
22 dispute the debt that is due and owing the municipality,
23 the county, the Cook County Forest Preserve District, the
24 Chicago Park District, the Metropolitan Water Reclamation
25 District, the Chicago Transit Authority, or the housing
26 authority and (ii) the employee has received notice of a

1 wage deduction order and has been afforded an opportunity
2 for a hearing to object to the order. For purposes of this
3 paragraph, "net amount" means that part of the salary or
4 wage payment remaining after the deduction of any amounts
5 required by law to be deducted and "debt due and owing"
6 means (i) a specified sum of money owed to the
7 municipality, the county, the Cook County Forest Preserve
8 District, the Chicago Park District, the Metropolitan
9 Water Reclamation District, the Chicago Transit Authority,
10 or the housing authority for services, work, or goods,
11 after the period granted for payment has expired, or (ii)
12 a specified sum of money owed to the municipality, the
13 county, the Cook County Forest Preserve District, the
14 Chicago Park District, the Metropolitan Water Reclamation
15 District, the Chicago Transit Authority, or the housing
16 authority pursuant to a court order or order of an
17 administrative hearing officer after the exhaustion of, or
18 the failure to exhaust, judicial review;

19 20. The board is encouraged to employ a sufficient
20 number of licensed school counselors to maintain a
21 student/counselor ratio of 250 to 1. Each counselor shall
22 spend at least 75% of his work time in direct contact with
23 students and shall maintain a record of such time;

24 21. To make available to students vocational and
25 career counseling and to establish 5 special career
26 counseling days for students and parents. On these days

1 representatives of local businesses and industries shall
2 be invited to the school campus and shall inform students
3 of career opportunities available to them in the various
4 businesses and industries. Special consideration shall be
5 given to counseling minority students as to career
6 opportunities available to them in various fields. For the
7 purposes of this paragraph, minority student means a
8 person who is any of the following:

9 (a) American Indian or Alaska Native (a person having
10 origins in any of the original peoples of North and South
11 America, including Central America, and who maintains
12 tribal affiliation or community attachment).

13 (b) Asian (a person having origins in any of the
14 original peoples of the Far East, Southeast Asia, or the
15 Indian subcontinent, including, but not limited to,
16 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
17 the Philippine Islands, Thailand, and Vietnam).

18 (c) Black or African American (a person having origins
19 in any of the black racial groups of Africa).

20 (d) Hispanic or Latino (a person of Cuban, Mexican,
21 Puerto Rican, South or Central American, or other Spanish
22 culture or origin, regardless of race).

23 (e) Native Hawaiian or Other Pacific Islander (a
24 person having origins in any of the original peoples of
25 Hawaii, Guam, Samoa, or other Pacific Islands).

26 Counseling days shall not be in lieu of regular school

1 days;

2 22. To report to the State Board of Education the
3 annual student dropout rate and number of students who
4 graduate from, transfer from, or otherwise leave bilingual
5 programs;

6 23. Except as otherwise provided in the Abused and
7 Neglected Child Reporting Act or other applicable State or
8 federal law, to permit school officials to withhold, from
9 any person, information on the whereabouts of any child
10 removed from school premises when the child has been taken
11 into protective custody as a victim of suspected child
12 abuse. School officials shall direct such person to the
13 Department of Children and Family Services or to the local
14 law enforcement agency, if appropriate;

15 24. To develop a policy, based on the current state of
16 existing school facilities, projected enrollment, and
17 efficient utilization of available resources, for capital
18 improvement of schools and school buildings within the
19 district, addressing in that policy both the relative
20 priority for major repairs, renovations, and additions to
21 school facilities and the advisability or necessity of
22 building new school facilities or closing existing schools
23 to meet current or projected demographic patterns within
24 the district;

25 25. To make available to the students in every high
26 school attendance center the ability to take all courses

1 necessary to comply with the Board of Higher Education's
2 college entrance criteria effective in 1993;

3 26. To encourage mid-career changes into the teaching
4 profession, whereby qualified professionals become
5 licensed teachers, by allowing credit for professional
6 employment in related fields when determining point of
7 entry on the teacher pay scale;

8 27. To provide or contract out training programs for
9 administrative personnel and principals with revised or
10 expanded duties pursuant to this Code in order to ensure
11 they have the knowledge and skills to perform their
12 duties;

13 28. To establish a fund for the prioritized special
14 needs programs, and to allocate such funds and other lump
15 sum amounts to each attendance center in a manner
16 consistent with the provisions of part 4 of Section
17 34-2.3. Nothing in this paragraph shall be construed to
18 require any additional appropriations of State funds for
19 this purpose;

20 29. (Blank);

21 30. Notwithstanding any other provision of this Act or
22 any other law to the contrary, to contract with third
23 parties for services otherwise performed by employees,
24 including those in a bargaining unit, and to lay off
25 ~~layoff~~ those employees upon 14 days' ~~days~~ written notice
26 to the affected employees. Those contracts may be for a

1 period not to exceed 5 years and may be awarded on a
2 system-wide basis. The board may not operate more than 30
3 contract schools, provided that the board may operate an
4 additional 5 contract turnaround schools pursuant to item
5 (5.5) of subsection (d) of Section 34-8.3 of this Code,
6 and the governing bodies of contract schools are subject
7 to the Freedom of Information Act and Open Meetings Act;

8 31. To promulgate rules establishing procedures
9 governing the layoff or reduction in force of employees
10 and the recall of such employees, including, but not
11 limited to, criteria for such layoffs, reductions in force
12 or recall rights of such employees and the weight to be
13 given to any particular criterion. Such criteria shall
14 take into account factors, including, but not limited to,
15 qualifications, certifications, experience, performance
16 ratings or evaluations, and any other factors relating to
17 an employee's job performance;

18 32. To develop a policy to prevent nepotism in the
19 hiring of personnel or the selection of contractors;

20 33. (Blank); and

21 34. To establish a Labor Management Council to the
22 board comprised of representatives of the board, the chief
23 executive officer, and those labor organizations that are
24 the exclusive representatives of employees of the board
25 and to promulgate policies and procedures for the
26 operation of the Council.

1 The specifications of the powers herein granted are not to
2 be construed as exclusive, but the board shall also exercise
3 all other powers that may be requisite or proper for the
4 maintenance and the development of a public school system, not
5 inconsistent with the other provisions of this Article or
6 provisions of this Code which apply to all school districts.

7 In addition to the powers herein granted and authorized to
8 be exercised by the board, it shall be the duty of the board to
9 review or to direct independent reviews of special education
10 expenditures and services. The board shall file a report of
11 such review with the General Assembly on or before May 1, 1990.
12 (Source: P.A. 102-465, eff. 1-1-22; 102-558, eff. 8-20-21;
13 102-894, eff. 5-20-22; 103-8, eff. 1-1-24; revised 7-17-24.)

14 (105 ILCS 5/34-18.68)

15 Sec. 34-18.68. Chicago Board of Education Non-Citizen
16 Advisory Board.

17 (a) The Chicago Board of Education Non-Citizen ~~Diversity~~
18 Advisory Board is created to provide non-citizen students with
19 maximum opportunity for success during their elementary and
20 secondary education experience.

21 (b) The Chicago Board of Education Non-Citizen Advisory
22 Board is composed of individuals appointed by the Mayor to
23 advise the Chicago Board of Education on, but not limited to,
24 the following issues:

25 (1) Appropriate ways to create an equitable and

1 inclusive learning environment for non-citizen students;

2 (2) Strengthening student, parent, and guardian
3 privacy and confidentiality in school-related issues;

4 (3) Establishing appropriate communication methods
5 between the district and non-citizen students to maximize
6 interactions between the student's school, parents, and
7 guardians;

8 (4) Ensuring principals and other district leaders
9 learn and disseminate information on resources available
10 to non-citizen students and their families;

11 (5) Developing appropriate methods by which
12 non-citizen students are encouraged and supported to
13 continue their education at an institution of higher
14 education; and

15 (6) Providing the perspective of non-citizen families
16 and students who are affected by Board actions,
17 governance, policies, and procedures.

18 (Source: P.A. 102-177, eff. 6-1-22; revised 10-23-24.)

19 (105 ILCS 5/34-18.85)

20 Sec. 34-18.85. Chicago Board of Education Black Student
21 Achievement Committee.

22 (a) The Chicago Board of Education Black Student
23 Achievement Committee is created to be a standing committee of
24 the Board with the purpose of providing Black students with
25 the maximum opportunity for success in areas where research

1 shows that there has been chronic underperformance of African
2 American students during their elementary and secondary
3 education experience.

4 (b) The Chicago Board of Education Black Student
5 Achievement Committee shall be chaired by a member of the
6 Board and shall be composed of individuals appointed by the
7 President of the Board to help the Board shape educational
8 policies and to:

9 (1) develop strategies and recommendations for Black
10 student achievement and opportunity;

11 (2) use data to conduct an evidence-based needs
12 assessment to better understand needs and establish a
13 baseline for Black student achievement;

14 (3) develop a strategic management plan to identify
15 goals, objectives, and outcomes designed to bring about
16 academic parity between Black children and their peers;

17 (4) identify and track metrics and key performance
18 indicators that demonstrate positive movement toward
19 achieving the goals and objectives outlined in the
20 strategic management plan; and

21 (5) prepare and provide regular progress reports to
22 the Board and the public.

23 (c) The Committee's membership shall be diverse in terms
24 of skills and geography.

25 (Source: P.A. 103-584, eff. 3-18-24.)

1 (105 ILCS 5/34-18.87)

2 Sec. 34-18.87 ~~34-18.85~~. Automated external defibrillator;
3 attendance centers and extracurricular activities.

4 (a) As used in this Section, "automated external
5 defibrillator" has the meaning provided in the Automated
6 External Defibrillator Act.

7 (b) The school district shall require all attendance
8 centers to have present during the school day and during a
9 school-sponsored extracurricular activity on school grounds at
10 least one automated external defibrillator.

11 (c) An automated external defibrillator installed and
12 maintained in accordance with the Physical Fitness Facility
13 Medical Emergency Preparedness Act may be used to satisfy the
14 requirements of this Section.

15 (Source: P.A. 103-1019, eff. 1-1-25; revised 12-3-24.)

16 (105 ILCS 5/34-22.6) (from Ch. 122, par. 34-22.6)

17 Sec. 34-22.6. Issuance of bonds. For the purpose of
18 erecting, purchasing, or otherwise acquiring buildings
19 suitable for school houses, erecting temporary school
20 structures, erecting additions to, repairing, rehabilitating,
21 modernizing and replacing existing school buildings and
22 temporary school structures, and furnishing and equipping
23 school buildings and temporary school structures, and
24 purchasing or otherwise acquiring and improving sites for such
25 purposes, the board may incur an indebtedness and issue bonds

1 therefor in an amount or amounts not to exceed in the aggregate
2 \$150,000,000 in addition to the bonds authorized under
3 Sections 34-22.1, 34-22.2, 34-22.3, 34-22.4, 34-22.5, and
4 34-22.7. Bonds authorized under this Section may also be
5 issued for the purposes of paying interest on such bonds,
6 establishing reserves to secure such bonds and paying the
7 costs of issuance of such bonds. In connection with the
8 issuance of its bonds, the board may enter into arrangements
9 to provide additional security and liquidity for the bonds.
10 These may include, without limitation, municipal bond
11 insurance, letters of credit, lines of credit by which the
12 board may borrow funds to pay or redeem its bonds, and purchase
13 or remarketing arrangements for assuring the ability of owners
14 of the board's bonds to sell or to have redeemed their bonds.
15 The board may enter into contracts and may agree to pay fees to
16 persons providing such arrangements, including from bond
17 proceeds but only under circumstances in which the total
18 interest paid or to be paid on the bonds, together with the
19 fees for the arrangements (being treated as if interest),
20 would not, taken together, cause the bonds to bear interest,
21 calculated to their absolute maturity, at a rate in excess of
22 the maximum rate allowed by law.

23 The resolution of the board authorizing the issuance of
24 its bonds may provide that interest rates may vary from time to
25 time depending upon criteria established by the board, which
26 may include, without limitation, a variation in interest rates

1 as may be necessary to cause bonds to be remarketable from time
2 to time at a price equal to their principal amount, and may
3 provide for appointment of a national banking association,
4 bank, trust company, investment banker, or other financial
5 institution to serve as a remarketing agent in that
6 connection. The resolution of the board authorizing the
7 issuance of its bonds may provide that alternative interest
8 rates or provisions will apply during such times as the bonds
9 are held by a person providing a letter of credit or other
10 credit enhancement arrangement for those bonds. The Board may
11 use proceeds of the sale of bonds authorized under this
12 Section to pay the cost of obtaining such municipal bond
13 insurance, letter of credit, or other credit facilities. Bonds
14 may also be issued under this Section to pay the cost of
15 refunding any bonds issued under this Section, including prior
16 to their maturity. The bonds shall bear interest at a rate or
17 rates not to exceed the maximum annual rate provided for in
18 Section 2 of the Bond Authorization Act ~~"An Act to authorize~~
19 ~~public corporations to issue bonds, other evidences of~~
20 ~~indebtedness and tax anticipation warrants subject to interest~~
21 ~~rate limitations set forth therein", approved May 26, 1970, as~~
22 ~~now or hereafter amended,~~ and, if issued at such maximum
23 annual rate, shall be sold for not less than par and accrued
24 interest. If any of the bonds are issued to bear interest at a
25 rate of less than such maximum annual rate the minimum price at
26 which they may be sold shall be such that the interest cost to

1 the board on the proceeds of the bonds shall not exceed such
2 maximum annual rate computed to stated maturity according to
3 standard tables of bond values.

4 Whenever the board desires to issue bonds as authorized in
5 this Section, it shall adopt a resolution designating the
6 purpose for which the proceeds of the bonds are to be expended
7 and fixing the amount of the bonds proposed to be issued, the
8 maturity or maturities thereof, and optional provisions, if
9 any, the rate of interest thereon, and the amount of taxes to
10 be levied annually for the purpose of paying the interest upon
11 and the principal, whether due at maturity or upon sinking
12 fund installment dates, of such bonds.

13 Said bonds shall be issued in the corporate name of the
14 school district. They shall be signed by the president and
15 secretary of said board and countersigned by the mayor and the
16 comptroller (or city clerk if there be no comptroller) of the
17 city. They shall be sold by the city comptroller (or city clerk
18 if there be no comptroller) upon such terms as may be approved
19 by the board after advertisement for bids as ordered by and
20 under the direction of the board, and the proceeds thereof
21 shall be received by the city treasurer, as school treasurer,
22 and expended by the board for the purposes provided in the bond
23 resolution.

24 Before or at the time of issuing any bonds authorized in
25 this Section, the board shall provide for the levy and
26 collection of a direct annual tax upon all the taxable

1 property of such school district sufficient to pay and
2 discharge the principal thereof at maturity, or upon sinking
3 fund installment dates, and to pay the interest thereon as it
4 falls due. Such tax shall be levied and collected in like
5 manner with the other taxes of such school district and shall
6 be in addition to and exclusive of the maximum of all other
7 taxes which such board is now, or may hereafter be, authorized
8 by law to levy for any and all school purposes. Upon the filing
9 in the office of the county clerk of the county wherein such
10 school district is located of a duly certified copy of any such
11 ordinance, it shall be the duty of such county clerk to extend
12 the tax therein provided for, including an amount to cover
13 loss and cost of collecting said taxes and also deferred
14 collections thereof and abatements in the amounts of such
15 taxes as extended upon the collector's books. The ordinance
16 shall be in force upon its passage.

17 (Source: P.A. 85-1418; 86-1477; revised 7-17-24.)

18 (105 ILCS 5/34-22.10) (from Ch. 122, par. 34-22.10)

19 Sec. 34-22.10. Issuance of bonds. For the sole purpose of
20 purchasing or otherwise acquiring school buildings and related
21 property and facilities for an agricultural science school
22 pursuant to an agreement entered into pursuant to subparagraph
23 (7) of Section 34-21.1, the board may incur an indebtedness
24 and issue bonds therefor in an amount or amounts not to exceed
25 in the aggregate \$20,000,000 in addition to the bonds

1 authorized under Sections 34-22.1, 34-22.2, 34-22.3, 34-22.4,
2 34-22.5, 34-22.6u and 34-22.7. Bonds authorized under this
3 Section may also be issued for the purposes of paying interest
4 on such bonds, establishing reserves to secure such bonds and
5 paying the costs of issuance of such bonds.

6 In connection with the issuance of its bonds, the board
7 may enter into arrangements to provide additional security and
8 liquidity for the bonds. These may include, without
9 limitation, municipal bond insurance, letters of credit, lines
10 of credit by which the board may borrow funds to pay or redeem
11 its bondsu and purchase or remarketing arrangements for
12 assuring the ability of owners of the board's bonds to sell or
13 to have redeemed their bonds. The board may enter into
14 contracts and may agree to pay fees to persons providing such
15 arrangements, including from bond proceeds but only under
16 circumstances in which the total interest paid or to be paid on
17 the bonds, together with the fees for the arrangements (being
18 treated as if interest), would not, taken together, cause the
19 bonds to bear interest, calculated to their absolute maturity,
20 at a rate in excess of the maximum rate allowed by law.

21 The Board may use proceeds of the sale of bonds authorized
22 under this Section to pay the cost of obtaining such municipal
23 bond insurance, letter of creditu or other credit facilities.
24 Bonds may also be issued under this Section to pay the cost of
25 refunding any bonds issued under this Section, including prior
26 to their maturity. The bonds shall bear interest at a rate or

1 rates not to exceed the maximum annual rate provided for in
2 Section 2 of the Bond Authorization Act ~~"An Act to authorize~~
3 ~~public corporations to issue bonds, other evidences of~~
4 ~~indebtedness and tax anticipation warrants subject to interest~~
5 ~~rate limitations set forth therein", approved May 26, 1970, as~~
6 ~~now or hereafter amended,~~ and if issued at such maximum
7 annual rate shall be sold for not less than par and accrued
8 interest. If any of the bonds are issued to bear interest at a
9 rate of less than such maximum annual rate the minimum price at
10 which they may be sold shall be such that the interest cost to
11 the board on the proceeds of the bonds shall not exceed such
12 maximum annual rate computed to stated maturity according to
13 standard tables of bond values. The resolution of the board
14 authorizing the issuance of its bonds may provide that
15 interest rates may vary from time to time depending upon
16 criteria established by the board, which may include, without
17 limitation, a variation in interest rates as may be necessary
18 to cause bonds to be remarketable from time to time at a price
19 equal to their principal amount, and may provide for
20 appointment of a national banking association, bank, trust
21 company, investment banker or other financial institution to
22 serve as a remarketing agent in that connection. The
23 resolution of the board authorizing the issuance of its bonds
24 may provide that alternative interest rates or provisions will
25 apply during such times as the bonds are held by a person
26 providing a letter of credit or other credit enhancement

1 arrangement for those bonds.

2 Whenever the board desires to issue bonds as authorized in
3 this Section, it shall adopt a resolution designating the
4 purpose for which the proceeds of the bonds are to be expended
5 and fixing the amount of the bonds proposed to be issued, the
6 maturity or maturities thereof, and optional provisions, if
7 any, the rate of interest thereon, and the amount of taxes to
8 be levied annually for the purpose of paying the interest upon
9 and the principal, whether due at maturity or upon sinking
10 fund installment dates, of such bonds.

11 Said bonds shall be issued in the corporate name of the
12 school district. They shall be signed by the president and
13 secretary of said board. They shall be sold upon such terms as
14 may be approved by the board after advertisement for bids as
15 ordered by and under the direction of the board, and the
16 proceeds thereof shall be received by the city treasurer, as
17 school treasurer, and expended by the board for the purposes
18 provided in the bond resolution.

19 Before or at the time of issuing any bonds authorized in
20 this Section, the board shall, by resolution, provide for the
21 levy and collection of a direct annual tax upon all the taxable
22 property of such school district sufficient to pay and
23 discharge the principal thereof at maturity, or upon sinking
24 fund installment dates, and to pay the interest thereon as it
25 falls due. Such tax shall be levied and collected in like
26 manner with the other taxes of such school district and shall

1 be in addition to and exclusive of the maximum of all other
2 taxes which such board is now, or may hereafter be, authorized
3 by law to levy for any and all school purposes. Upon the filing
4 in the office of the county clerk of the county wherein such
5 school district is located of a duly certified copy of any such
6 resolution, it shall be the duty of such county clerk to extend
7 the tax therein provided for, including an amount to cover
8 loss and cost of collecting said taxes and also deferred
9 collections thereof and abatements in the amounts of such
10 taxes as extended upon the collector's books. The resolution
11 shall be in force upon its passage.

12 (Source: P.A. 86-930; revised 7-17-24.)

13 (105 ILCS 5/34A-502) (from Ch. 122, par. 34A-502)

14 Sec. 34A-502. Terms of Bonds.

15 (a) Whenever the Authority desires or is required to issue
16 Bonds as provided in this Article, it shall adopt a resolution
17 designating the amount of the Bonds to be issued, the purposes
18 for which the proceeds of the Bonds are to be used and the
19 manner in which such proceeds shall be held pending the
20 application thereof. The Bonds shall be issued in the
21 corporate name of the Authority, shall bear such date or
22 dates, and shall mature at such time or times not exceeding 30
23 years from their date as such resolution may provide;
24 provided, however, that Bonds issued on or after July 1, 1993
25 shall mature on or before June 1, 2009. The Bonds may be issued

1 as serial bonds payable in installments or as term bonds with
2 sinking fund installments or as a combination thereof as the
3 Authority may determine in such resolution. The Bonds shall be
4 in such denominations of \$1,000 or integral multiples thereof.
5 The Bonds shall be in such form, either coupon or registered,
6 carry such registration privileges, be executed in such
7 manner, be payable at such place or places, and be subject to
8 such terms of redemption at such redemption prices, including
9 premium, as such resolution may provide. The Bonds shall be
10 sold by the Authority at public sale. The Bonds shall be sold
11 to the highest and best bidders upon sealed bids. The
12 Authority shall, from time to time as Bonds are to be sold,
13 advertise in at least 2 daily newspapers, one of which is
14 published in the City of Springfield and one in the City of
15 Chicago, for proposals to purchase Bonds. Each of such
16 advertisements for proposals shall be published at least 10
17 ~~ten~~ days prior to the date of the opening of the bids. The
18 Authority may reserve the right to reject any and all bids.

19 (b) Bonds issued prior to December 31, 1980 shall bear
20 interest at such rate or rates and at such price or prices as
21 the Authority may approve in the resolution authorizing the
22 issuance of Bonds. Bonds issued after December 31, 1980 shall
23 bear interest at a rate or rates not to exceed the maximum
24 annual rate provided for in Section 2 of the Bond
25 Authorization Act ~~"An Act to authorize public corporations to~~
26 ~~issue bonds, other evidences of indebtedness and tax~~

1 ~~anticipation warrants subject to interest rate limitations set~~
2 ~~forth therein", approved May 26, 1970, as amended, and, if~~
3 issued at such maximum annual rate, shall be sold for not less
4 than par and accrued interest. If any of the Bonds are issued
5 to bear interest at a rate of less than such maximum annual
6 rate the minimum price at which they may be sold shall be such
7 that the interest cost to the Authority on the proceeds of the
8 Bonds shall not exceed such maximum annual rate computed to
9 stated maturity according to standard tables of bond values.

10 (c) In connection with the issuance of its Bonds, the
11 Authority may enter into arrangements to provide additional
12 security and liquidity for the Bonds. These may include,
13 without limitation, municipal bond insurance, letters of
14 credit, lines of credit by which the Authority may borrow
15 funds to pay or redeem its Bonds, and purchase or remarketing
16 arrangements for assuring the ability of owners of the
17 Authority's Bonds to sell or to have redeemed their Bonds. The
18 Authority may enter into contracts and may agree to pay fees to
19 persons providing such arrangements, including from Bond
20 proceeds but only under circumstances in which the total
21 interest paid or to be paid on the Bonds, together with the
22 fees for the arrangements (being treated as if interest),
23 would not, taken together, cause the Bonds to bear interest,
24 calculated to their absolute maturity, at a rate in excess of
25 the maximum rate allowed by law.

26 The resolution of the Authority authorizing the issuance

1 of its Bonds may provide that interest rates may vary from time
2 to time depending upon criteria established by the Authority,
3 which may include, without limitation, a variation in interest
4 rates as may be necessary to cause Bonds to be remarketable
5 from time to time at a price equal to their principal amount,
6 and may provide for appointment of a national banking
7 association, bank, trust company, investment banker, or other
8 financial institution to serve as a remarketing agent in that
9 connection. The resolution of the Authority authorizing the
10 issuance of its Bonds may provide that alternative interest
11 rates or provisions will apply during such times as the Bonds
12 are held by a person providing a letter of credit or other
13 credit enhancement arrangement for those Bonds.

14 (Source: P.A. 88-511; revised 7-17-24.)

15 Section 620. The Critical Health Problems and
16 Comprehensive Health Education Act is amended by changing
17 Section 3 as follows:

18 (105 ILCS 110/3)

19 Sec. 3. Comprehensive Health Education Program.

20 (a) The program established under this Act shall include,
21 but not be limited to, the following major educational areas
22 as a basis for curricula in all elementary and secondary
23 schools in this State: human ecology and health; human growth
24 and development; the emotional, psychological, physiological,

1 hygienic, and social responsibilities of family life,
2 including sexual abstinence until marriage; the prevention and
3 control of disease, including instruction in grades 6 through
4 12 on the prevention, transmission, and spread of AIDS;
5 age-appropriate sexual abuse and assault awareness and
6 prevention education in grades pre-kindergarten through 12;
7 public and environmental health; consumer health; safety
8 education and disaster preparedness; mental health and
9 illness; personal health habits; alcohol and drug use and
10 abuse, including the use and abuse of fentanyl, and the
11 medical and legal ramifications of alcohol, drug, and tobacco
12 use; abuse during pregnancy; evidence-based and medically
13 accurate information regarding sexual abstinence; tobacco and
14 e-cigarettes and other vapor devices; nutrition; and dental
15 health. The instruction on mental health and illness must
16 evaluate the multiple dimensions of health by reviewing the
17 relationship between physical and mental health to enhance
18 student understanding, attitudes, and behaviors that promote
19 health, well-being, and human dignity and must include how and
20 where to find mental health resources and specialized
21 treatment in the State. The program shall also provide course
22 material and instruction to advise pupils of the Abandoned
23 Newborn Infant Protection Act. The program shall include
24 information about cancer, including, without limitation, types
25 of cancer, signs and symptoms, risk factors, the importance of
26 early prevention and detection, and information on where to go

1 for help. Notwithstanding the above educational areas, the
2 following areas may also be included as a basis for curricula
3 in all elementary and secondary schools in this State: basic
4 first aid (including, but not limited to, cardiopulmonary
5 resuscitation and the Heimlich maneuver), heart disease,
6 diabetes, stroke, the prevention of child abuse, neglect, and
7 suicide, and teen dating violence in grades 7 through 12.
8 Beginning with the 2014-2015 school year, training on how to
9 properly administer cardiopulmonary resuscitation (which
10 training must be in accordance with standards of the American
11 Red Cross, the American Heart Association, or another
12 nationally recognized certifying organization) and how to use
13 an automated external defibrillator shall be included as a
14 basis for curricula in all secondary schools in this State.

15 (b) Beginning with the 2024-2025 school year in grades 9
16 through 12, the program shall include instruction, study, and
17 discussion on the dangers of allergies. Information for the
18 instruction, study, and discussion shall come from information
19 provided by the Department of Public Health and the federal
20 Centers for Disease Control and Prevention. This instruction,
21 study, and discussion shall include, at a minimum:

22 (1) recognizing the signs and symptoms of an allergic
23 reaction, including anaphylaxis;

24 (2) the steps to take to prevent exposure to
25 allergens; and

26 (3) safe emergency epinephrine administration.

1 (c) No later than 30 days after the first day of each
2 school year, the school board of each public elementary and
3 secondary school in the State shall provide all teachers,
4 administrators, and other school personnel, as determined by
5 school officials, with information regarding emergency
6 procedures and life-saving techniques, including, without
7 limitation, the Heimlich maneuver, hands-only cardiopulmonary
8 resuscitation, and use of the school district's automated
9 external defibrillator. The information shall be in accordance
10 with standards of the American Red Cross, the American Heart
11 Association, or another nationally recognized certifying
12 organization. A school board may use the services of
13 non-governmental entities whose personnel have expertise in
14 life-saving techniques to instruct teachers, administrators,
15 and other school personnel in these techniques. Each school
16 board is encouraged to have in its employ, or on its volunteer
17 staff, at least one person who is certified, by the American
18 Red Cross or by another qualified certifying agency, as
19 qualified to administer first aid and cardiopulmonary
20 resuscitation. In addition, each school board is authorized to
21 allocate appropriate portions of its institute or inservice
22 days to conduct training programs for teachers and other
23 school personnel who have expressed an interest in becoming
24 certified to administer emergency first aid or cardiopulmonary
25 resuscitation. School boards are urged to encourage their
26 teachers and other school personnel who coach school athletic

1 programs and other extracurricular school activities to
2 acquire, develop, and maintain the knowledge and skills
3 necessary to properly administer first aid and cardiopulmonary
4 resuscitation in accordance with standards and requirements
5 established by the American Red Cross or another qualified
6 certifying agency. Subject to appropriation, the State Board
7 of Education shall establish and administer a matching grant
8 program to pay for half of the cost that a school district
9 incurs in training those teachers and other school personnel
10 who express an interest in becoming qualified to administer
11 first aid or cardiopulmonary resuscitation (which training
12 must be in accordance with standards of the American Red
13 Cross, the American Heart Association, or another nationally
14 recognized certifying organization). A school district that
15 applies for a grant must demonstrate that it has funds to pay
16 half of the cost of the training for which matching grant money
17 is sought. The State Board of Education shall award the grants
18 on a first-come, first-serve basis.

19 (d) No pupil shall be required to take or participate in
20 any class or course on AIDS or family life instruction or to
21 receive training on how to properly administer cardiopulmonary
22 resuscitation or how to use an automated external
23 defibrillator if his or her parent or guardian submits written
24 objection thereto, and refusal to take or participate in the
25 course or program or the training shall not be reason for
26 suspension or expulsion of the pupil.

1 (e) Curricula developed under programs established in
2 accordance with this Act in the major educational area of
3 alcohol and drug use and abuse shall include classroom
4 instruction in grades 5 through 12, shall be age and
5 developmentally appropriate, and may include the information
6 contained in the Substance Use Prevention and Recovery
7 Instruction Resource Guide under Section 22-81 of the School
8 Code, as applicable. The instruction, which shall include
9 matters relating to both the physical and legal effects and
10 ramifications of drug and substance abuse, shall be integrated
11 into existing curricula; and the State Board of Education
12 shall determine how to develop and make available to all
13 elementary and secondary schools in this State instructional
14 materials and guidelines that will assist the schools in
15 incorporating the instruction into their existing curricula.
16 In addition, school districts may offer, as part of existing
17 curricula during the school day or as part of an after-school
18 program, support services and instruction for pupils or pupils
19 whose parent, parents, or guardians are chemically dependent.

20 Beginning with the 2024-2025 school year, the program
21 shall include instruction, study, and discussion on the
22 dangers of fentanyl in grades 6 through 12. Information for
23 the instruction, study, and discussion on the dangers of
24 fentanyl shall be age and developmentally appropriate and may
25 include information contained in the Substance Use Prevention
26 and Recovery Instruction Resource Guide under Section 22-81 of

1 the School Code, as applicable. The instruction, study, and
2 discussion on the dangers of fentanyl in grades 9 through 12
3 shall include, at a minimum, all of the following:

4 (1) Information on fentanyl itself, including an
5 explanation of the differences between synthetic and
6 nonsynthetic opioids and illicit drugs, the variations of
7 fentanyl itself, and the differences between the legal and
8 illegal uses of fentanyl.

9 (2) The side effects and the risk factors of using
10 fentanyl, along with information comparing the lethal
11 amounts of fentanyl to other drugs. Information on the
12 risk factors may include, but is not limited to:

13 (A) the lethal dose of fentanyl;

14 (B) how often fentanyl is placed in drugs without
15 a person's knowledge;

16 (C) an explanation of what fentanyl does to a
17 person's body and the severity of fentanyl's addictive
18 properties; and

19 (D) how the consumption of fentanyl can lead to
20 hypoxia, as well as an explanation of what hypoxia
21 precisely does to a person's body.

22 (3) Details about the process of lacing fentanyl in
23 other drugs and why drugs get laced with fentanyl.

24 (4) Details about how to detect fentanyl in drugs and
25 how to save someone from an overdose of fentanyl, which
26 shall include:

1 (A) how to buy and use fentanyl test strips;

2 (B) how to buy and use naloxone, either through a
3 nasal spray or an injection; and

4 (C) how to detect if someone is overdosing on
5 fentanyl.

6 Students in grades 9 through 12 shall be assessed on the
7 instruction, study, and discussion on the dangers of fentanyl.

8 The assessment may include, but is not limited to:

9 (i) the differences between synthetic and nonsynthetic
10 drugs;

11 (ii) hypoxia;

12 (iii) the effects of fentanyl on a person's body;

13 (iv) the lethal dose of fentanyl; and

14 (v) how to detect and prevent overdoses.

15 The instruction, study, and discussion on the dangers of
16 fentanyl may be taught by a licensed educator, school nurse,
17 school social worker, law enforcement officer, or school
18 counselor.

19 (Source: P.A. 102-464, eff. 8-20-21; 102-558, eff. 8-20-21;
20 102-1034, eff. 1-1-23; 103-212, eff. 1-1-24; 103-365, eff.
21 1-1-24; 103-605, eff. 7-1-24; 103-608, eff. 1-1-25; 103-810,
22 eff. 8-9-24; revised 11-26-24.)

23 Section 625. The School Construction Law is amended by
24 changing Section 5-300 as follows:

1 (105 ILCS 230/5-300)

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

3 Sec. 5-300. Early childhood construction grants.

4 (a) The Capital Development Board is authorized to make
5 grants to public school districts and not-for-profit entities
6 for early childhood construction projects. These grants shall
7 be paid out of moneys appropriated for that purpose from the
8 School Construction Fund, the Build Illinois Bond Fund, or the
9 Rebuild Illinois Projects Fund. No grants may be awarded to
10 entities providing services within private residences. A
11 not-for-profit early childhood entity that rents or leases
12 from another not-for-profit entity shall be considered an
13 eligible entity under this Section.

14 A public school district or other eligible entity must
15 provide local matching funds in the following manner:

16 (1) A public school district assigned to Tier 1 under
17 Section 18-8.15 of the School Code or any other eligible
18 entity in an area encompassed by that district must
19 provide local matching funds in an amount equal to 3% of
20 the grant awarded under this Section.

21 (2) A public school district assigned to Tier 2 under
22 Section 18-8.15 of the School Code or any other eligible
23 entity in an area encompassed by that district must
24 provide local matching funds in an amount equal to 7.5% of
25 the grant awarded under this Section.

26 (3) A public school district assigned to Tier 3 under

1 Section 18-8.15 of the School Code or any other eligible
2 entity in an area encompassed by that district must
3 provide local matching funds in an amount equal to 8.75%
4 of the grant awarded under this Section.

5 (4) A public school district assigned to Tier 4 under
6 Section 18-8.15 of the School Code or any other eligible
7 entity in an area encompassed by that district must
8 provide local matching funds in an amount equal to 10% of
9 the grant awarded under this Section.

10 A public school district or other eligible entity has no
11 entitlement to a grant under this Section.

12 (b) The Capital Development Board shall adopt rules to
13 implement this Section. These rules need not be the same as the
14 rules for school construction project grants or school
15 maintenance project grants. The rules may specify:

16 (1) the manner of applying for grants;

17 (2) project eligibility requirements;

18 (3) restrictions on the use of grant moneys;

19 (4) the manner in which school districts and other
20 eligible entities must account for the use of grant
21 moneys;

22 (5) requirements that new or improved facilities be
23 used for early childhood and other related programs for a
24 period of at least 10 years;

25 (5.5) additional eligibility requirements for each
26 type of applicant; and

1 (6) any other provision that the Capital Development
2 Board determines to be necessary or useful for the
3 administration of this Section.

4 (b-5) When grants are made to non-profit corporations for
5 the acquisition or construction of new facilities, the Capital
6 Development Board or any State agency it so designates shall
7 hold title to or place a lien on the facility for a period of
8 10 years after the date of the grant award, after which title
9 to the facility shall be transferred to the non-profit
10 corporation or the lien shall be removed, provided that the
11 non-profit corporation has complied with the terms of its
12 grant agreement. When grants are made to non-profit
13 corporations for the purpose of renovation or rehabilitation,
14 if the non-profit corporation does not comply with item (5) of
15 subsection (b) of this Section, the Capital Development Board
16 or any State agency it so designates shall recover the grant
17 pursuant to the procedures outlined in the Illinois Grant
18 Funds Recovery Act.

19 (c) The Capital Development Board, in consultation with
20 the State Board of Education, shall establish standards for
21 the determination of priority needs concerning early childhood
22 projects based on projects located in communities in the State
23 with the greatest underserved population of young children,
24 utilizing Census data and other reliable local early childhood
25 service data.

26 (d) In each school year in which early childhood

1 construction project grants are awarded, 20% of the total
2 amount awarded shall be awarded to a school district with a
3 population of more than 500,000, provided that the school
4 district complies with the requirements of this Section and
5 the rules adopted under this Section.

6 (e) This Section is repealed on July 1, 2026.

7 (Source: P.A. 102-16, eff. 6-17-21; 103-8, eff. 6-7-23;
8 103-594, eff. 6-25-24; 103-759, eff. 8-2-24; revised 8-12-24.)

9 Section 630. The Early Childhood Access Consortium for
10 Equity Act is amended by changing Section 25 as follows:

11 (110 ILCS 28/25)

12 Sec. 25. Advisory committee; membership.

13 (a) The Board of Higher Education, the Illinois Community
14 College Board, the State Board of Education, the Department of
15 Human Services, and the Department of Early Childhood shall
16 jointly convene a Consortium advisory committee to provide
17 guidance on the operation of the Consortium.

18 (b) Membership on the advisory committee shall be
19 comprised of employers and experts appointed by the Board of
20 Higher Education, the Illinois Community College Board, the
21 Department of Early Childhood, the Department of Human
22 Services, and the State Board of Education. Membership shall
23 also include all of the following members:

24 (1) An employer from a community-based child care

1 provider, appointed by the Department of Human Services.

2 (2) An employer from a for-profit child care provider,
3 appointed by the Department of Human Services.

4 (3) An employer from a nonprofit child care provider,
5 appointed by the Department of Human Services.

6 (4) A provider of family child care, appointed by the
7 Department of Human Services.

8 (5) An employer located in southern Illinois,
9 appointed by the Department of Early Childhood.

10 (6) An employer located in central Illinois, appointed
11 by the Department of Early Childhood.

12 (7) At least one member who represents an urban school
13 district, appointed by the State Board of Education.

14 (8) At least one member who represents a suburban
15 school district, appointed by the State Board of
16 Education.

17 (9) At least one member who represents a rural school
18 district, appointed by the State Board of Education.

19 (10) At least one member who represents a school
20 district in a city with a population of 500,000 or more,
21 appointed by the State Board of Education.

22 (11) Two early childhood advocates with statewide
23 expertise in early childhood workforce issues, appointed
24 by the Department of Early Childhood.

25 (12) The Chairperson or Vice-Chairperson and the
26 Minority Spokesperson or a designee of the Senate

1 Committee on Higher Education.

2 (13) The Chairperson or Vice-Chairperson and the
3 Minority Spokesperson or a designee of the House Committee
4 on Higher Education.

5 (14) One member representing the Illinois Community
6 College Board, who shall serve as co-chairperson,
7 appointed by the Illinois Community College Board.

8 (15) One member representing the Board of Higher
9 Education, who shall serve as co-chairperson, appointed by
10 the Board of Higher Education.

11 (16) One member representing the Illinois Student
12 Assistance Commission, appointed by the Illinois Student
13 Assistance Commission.

14 (17) One member representing the State Board of
15 Education, who shall serve as co-chairperson, appointed by
16 the State Board of Education.

17 (18) One member representing the Department of Early
18 Childhood, who shall serve as co-chairperson, appointed by
19 the Department of Early Childhood.

20 (19) One member representing the Department of Human
21 Services, who shall serve as co-chairperson, appointed by
22 the Department of Human Services.

23 (20) One member representing INCCRRA, appointed by the
24 Department of Early Childhood.

25 (21) One member representing the Department of
26 Children and Family Services, appointed by the Department

1 of Children and Family Services.

2 (22) One member representing an organization that
3 advocates on behalf of community college trustees,
4 appointed by the Illinois Community College Board.

5 (23) One member of a union representing child care and
6 early childhood providers, appointed by the Department of
7 Human Services.

8 (24) Two members of unions representing higher
9 education faculty, appointed by the Board of Higher
10 Education.

11 (25) A representative from the College of Education of
12 an urban public university, appointed by the Board of
13 Higher Education.

14 (26) A representative from the College of Education of
15 a suburban public university, appointed by the Board of
16 Higher Education.

17 (27) A representative from the College of Education of
18 a rural public university, appointed by the Board of
19 Higher Education.

20 (28) A representative from the College of Education of
21 a private university, appointed by the Board of Higher
22 Education.

23 (29) A representative of an urban community college,
24 appointed by the Illinois Community College Board.

25 (30) A representative of a suburban community college,
26 appointed by the Illinois Community College Board.

1 (31) A representative of a rural community college,
2 appointed by the Illinois Community College Board.

3 (c) The advisory committee shall meet at least twice a
4 year. The committee meetings shall be open to the public in
5 accordance with the provisions of the Open Meetings Act.

6 (d) Except for the co-chairpersons of the advisory
7 committee, the initial terms for advisory committee members
8 after June 5, 2024 (the effective date of Public Act 103-588)
9 ~~this amendatory Act of the 103rd General Assembly~~ shall be set
10 by lottery at the first meeting after June 5, 2024 (the
11 effective date of Public Act 103-588) ~~this amendatory Act of~~
12 ~~the 103rd General Assembly~~ as follows:

13 (1) One-third of members shall serve a one-year ~~1-year~~
14 term.

15 (2) One-third of members shall serve a 2-year term.

16 (3) One-third of members shall serve a 3-year term.

17 (e) The initial term of co-chairpersons of the advisory
18 committee shall be for 3 years.

19 (f) After the initial term, each subsequent term for the
20 members of the advisory committee shall be for 3 years or until
21 a successor is appointed.

22 (g) The members of the advisory committee shall serve
23 without compensation, but shall be entitled to reimbursement
24 for all necessary expenses incurred in the performance of
25 their official duties as members of the advisory committee
26 from funds appropriated for that purpose.

1 (Source: P.A. 102-174, eff. 7-28-21; 103-588, eff. 6-5-24;
2 103-594, eff. 6-25-24; revised 7-25-24.)

3 Section 635. The Postsecondary and Workforce Readiness Act
4 is amended by changing Section 85 as follows:

5 (110 ILCS 148/85)

6 Sec. 85. Statewide planning and supports for College and
7 Career Pathway Endorsement programs.

8 (a) By no later than June 30, 2017, the IPIC Agencies shall
9 develop and adopt a comprehensive interagency plan for
10 supporting the development of College and Career Pathway
11 Endorsement programs throughout the State. Thereafter, the
12 plan shall be re-assessed and updated at least once every 5
13 years. The plan shall:

14 (1) designate priority, State-level industry sectors
15 consistent with those identified through federal and State
16 workforce and economic development planning processes;

17 (2) articulate a strategy for supporting College and
18 Career Pathway Endorsement programs that includes State
19 and federal funding, business and philanthropic
20 investments, and local investments;

21 (3) consider the need for school districts and
22 postsecondary institutions to phase in endorsement
23 programs and the elements specified in subsection (d) of
24 Section 80 of this Act over multiple years; and

1 (4) address how College and Career Pathway Endorsement
2 programs articulate to postsecondary institution degree
3 programs.

4 (b) In accordance with the interagency plan developed
5 pursuant to subsection (a) of this Section and within the
6 limits of available public and private resources, the IPIC
7 Agencies shall establish a public-private steering committee
8 for each priority State-level industry sector that includes
9 representatives from one or more business-led, sector-based
10 partnerships. By no later than June 30, 2018, each steering
11 committee shall recommend to the IPIC Agencies a sequence of
12 minimum career competencies for particular occupational
13 pathways within that sector that students should attain by
14 high school graduation as part of a College and Career Pathway
15 Endorsement program. The IPIC Agencies shall establish methods
16 to recognize and incentivize College and Career Pathway
17 Endorsement programs that:

18 (1) address a priority State-level industry sector;

19 (2) are developed jointly by school districts,
20 community colleges, Local Workforce Development Boards,
21 and employers; and

22 (3) align to sequences of minimum career competencies
23 defined pursuant to this subsection (b), with any regional
24 modifications appropriate for local economic development
25 objectives.

26 (c) In accordance with the interagency plan developed

1 pursuant to subsection (a) of this Section and within the
2 limits of available public and private resources, the IPIC
3 Agencies shall provide all of the following supports for
4 College and Career Pathway Endorsement programs ~~program~~:

5 (1) Provide guidance documents for implementation of
6 each of the various elements of College and Career Pathway
7 Endorsement programs.

8 (2) Provide or designate one or more web-based tools
9 to support College and Career Pathway Endorsement
10 programs, including a professional learning portfolio,
11 Professional Skills Assessment, and mentoring platform.

12 (3) Make available a statewide insurance policy for
13 appropriate types of Supervised Career Development
14 Experiences.

15 (4) Provide or designate one or more model
16 instructional units that provide an orientation to all
17 career cluster areas.

18 (5) Coordinate with business-led, sector-based
19 partnerships to:

20 (A) designate available curricular and
21 instructional resources that school districts can
22 voluntarily select to address requirements for College
23 and Career Pathway Endorsement programs;

24 (B) designate stackable industry-based
25 certifications, the completion of which demonstrates
26 mastery of specific career competencies and that are

1 widely valued by employers within a particular sector;

2 (C) deliver or support sector-oriented
3 professional development, Career Exploration
4 Activities, Intensive Career Exploration Experiences,
5 Team-based Challenges, and Supervised Career
6 Development Experiences; and

7 (D) develop recognition and incentives for school
8 districts implementing and students attaining College
9 and Career Pathway Endorsements that align to the
10 sequence of minimum career competencies defined
11 pursuant to subsection (b) of this Section.

12 (d) To support articulation of College and Career Pathway
13 Endorsement programs into higher education, by no later than
14 June 30, 2018, the ICCB and IBHE shall jointly adopt, in
15 consultation with postsecondary institutions, requirements for
16 postsecondary institutions to define first-year course
17 schedules and degree programs with Endorsement areas to
18 support the successful transition of Endorsement recipients
19 into related degree programs. These requirements shall take
20 effect in the 2020-2021 school year.

21 (Source: P.A. 99-674, eff. 7-29-16; revised 7-19-24.)

22 Section 640. The Public Higher Education Act is amended by
23 setting forth and renumbering multiple versions of Section 15
24 as follows:

(110 ILCS 167/15)

Sec. 15. National Guard and reservist classwork policy. The governing board of each public institution of higher education shall adopt a policy to allow a student who is a member of the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States or any reserve component of the Armed Forces of the United States to submit classwork and complete any other class assignments missed due to the student participating in a drill or other military obligation required as a member of the National Guard or the reserve component.

(Source: P.A. 103-871, eff. 1-1-25.)

(110 ILCS 167/16)

Sec. 16 ~~15~~. Admission based on legacy status or donor relation prohibited.

(a) In this Section:

"Alumnus" means a graduate of a public institution of higher education.

"Familial relationship" means an individual's father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother,

1 or half sister; the father, mother, grandfather, or
2 grandmother of the individual's spouse; or the individual's
3 fiance or fiancée.

4 "Legacy status" means the familial relationship of an
5 individual applying for admission to a public institution of
6 higher education to an alumnus or former or current attendee
7 of the public institution of higher education.

8 (b) In determining admission to a public institution of
9 higher education, the public institution of higher education
10 may not consider an applicant's legacy status or the
11 applicant's familial relationship to any past, current, or
12 prospective donor of something of value to the public
13 institution of higher education as a factor in admitting the
14 applicant.

15 (Source: P.A. 103-877, eff. 8-9-24; revised 9-20-24.)

16 (110 ILCS 167/17)

17 Sec. 17 ~~15~~. Transcript evaluation fee waivers.

18 (a) In this Section, "refugee" means a person who has
19 entered the United States on a refugee status from Iraq or
20 Afghanistan.

21 (b) Beginning January 1, 2025, each public institution of
22 higher education shall pay on behalf of a refugee or reimburse
23 a refugee for payment of any transcript evaluation fees that
24 are required by the public institution of higher education to
25 be paid during the admission process.

1 (Source: P.A. 103-913, eff. 8-9-24; revised 9-20-24.)

2 Section 645. The Board of Higher Education Act is amended
3 by changing Section 8 as follows:

4 (110 ILCS 205/8) (from Ch. 144, par. 188)

5 Sec. 8. The Board of Trustees of the University of
6 Illinois, the Board of Trustees of Southern Illinois
7 University, the Board of Trustees of Chicago State University,
8 the Board of Trustees of Eastern Illinois University, the
9 Board of Trustees of Governors State University, the Board of
10 Trustees of Illinois State University, the Board of Trustees
11 of Northeastern Illinois University, the Board of Trustees of
12 Northern Illinois University, and the Board of Trustees of
13 Western Illinois University shall submit to the Board not
14 later than the 15th day of November of each year their ~~its~~
15 budget proposals for the operation and capital needs of the
16 institutions under their ~~its~~ governance or supervision for the
17 ensuing fiscal year. The Illinois Community College Board
18 shall submit to the Board by December 15 of each year its
19 budget proposal for the operation and capital needs of the
20 institutions under its governance or supervision for the
21 ensuing fiscal year. Each budget proposal shall conform to the
22 procedures developed by the Board in the design of an
23 information system for State universities and colleges.

24 In order to maintain a cohesive system of higher

1 education, the Board and its staff shall communicate on a
2 regular basis with all public university presidents. They
3 shall meet at least semiannually to achieve economies of scale
4 where possible and provide the most innovative and efficient
5 programs and services.

6 The Board, in the analysis of formulating the annual
7 budget request, shall consider rates of tuition and fees and
8 undergraduate tuition and fee waiver programs at the State
9 universities and colleges. The Board shall also consider the
10 current and projected utilization of the total physical plant
11 of each campus of a university or college in approving the
12 capital budget for any new building or facility.

13 The Board of Higher Education shall submit to the
14 Governor, to the General Assembly, and to the appropriate
15 budget agencies of the Governor and General Assembly its
16 analysis and recommendations on such budget proposals.

17 The Board is directed to form a broad-based group of
18 individuals representing the Office of the Governor, the
19 General Assembly, public institutions of higher education,
20 State agencies, business and industry, statewide organizations
21 representing faculty and staff, and others as the Board shall
22 deem appropriate to devise a system for allocating State
23 resources to public institutions of higher education based
24 upon performance in achieving State goals related to student
25 success and certificate and degree completion.

26 Beginning in Fiscal Year 2013, the Board of Higher

1 Education budget recommendations to the Governor and the
2 General Assembly shall include allocations to public
3 institutions of higher education based upon performance
4 metrics designed to promote and measure student success in
5 degree and certificate completion. Public university metrics
6 must be adopted by the Board by rule, and public community
7 college metrics must be adopted by the Illinois Community
8 College Board by rule. These metrics must be developed and
9 promulgated in accordance with the following principles:

10 (1) The metrics must be developed in consultation with
11 public institutions of higher education, as well as other
12 State educational agencies and other higher education
13 organizations, associations, interests, and stakeholders
14 as deemed appropriate by the Board.

15 (2) The metrics shall include provisions for
16 recognizing the demands on and rewarding the performance
17 of institutions in advancing the success of students who
18 are academically or financially at risk, including
19 first-generation students, low-income students, and
20 students traditionally underrepresented in higher
21 education, as specified in Section 9.16 of this Act.

22 (3) The metrics shall recognize and account for the
23 differentiated missions of institutions and sectors of
24 higher education.

25 (4) The metrics shall focus on the fundamental goal of
26 increasing completion of college courses, certificates,

1 and degrees. Performance metrics shall recognize the
2 unique and broad mission of public community colleges
3 through consideration of additional factors, including,
4 but not limited to, enrollment, progress through key
5 academic milestones, transfer to a baccalaureate
6 institution, and degree completion.

7 (5) The metrics must be designed to maintain the
8 quality of degrees, certificates, courses, and programs.
9 In devising performance metrics, the Board may be guided by
10 the report of the Higher Education Finance Study Commission.

11 Each State university must submit its plan for capital
12 improvements of non-instructional facilities to the Board for
13 approval before final commitments are made if the total cost
14 of the project as approved by the institution's board of
15 control is in excess of \$2 million. Non-instructional uses
16 shall include, but not be limited to, dormitories, union
17 buildings, field houses, stadium, other recreational
18 facilities, and parking lots. The Board shall determine
19 whether or not any project submitted for approval is
20 consistent with the strategic plan for higher education and
21 with instructional buildings that are provided for therein. If
22 the project is found by a majority of the Board not to be
23 consistent, such capital improvement shall not be constructed.
24 (Source: P.A. 102-1046, eff. 6-7-22; 103-940, eff. 8-9-24;
25 revised 8-23-24.)

1 Section 650. The University of Illinois Act is amended by
2 changing Section 90 and by setting forth and renumbering
3 multiple versions of Section 180 as follows:

4 (110 ILCS 305/90)

5 Sec. 90. Employment contract limitations. This Section
6 applies to the employment contracts of the president or all
7 chancellors of the University entered into, amended, renewed,
8 or extended after January 1, 2017 (the effective date of
9 Public Act 99-694) ~~this amendatory Act of the 99th General~~
10 ~~Assembly~~. This Section does not apply to collective bargaining
11 agreements. With respect to employment contracts entered into
12 with the president or all chancellors of the University:

13 (1) Severance under the contract may not exceed one
14 year's ~~year~~ salary and applicable benefits.

15 (2) A contract with a determinate start and end date
16 may not exceed 4 years.

17 (3) The contract may not include any automatic
18 rollover clauses.

19 (4) Severance payments or contract buyouts may be
20 placed in an escrow account if there are pending criminal
21 charges against the president or all chancellors of the
22 University related to their employment.

23 (5) Final action on the formation, renewal, extension,
24 or termination of the employment contracts of the
25 president or all chancellors of the University must be

1 made during an open meeting of the Board of Trustees.

2 (6) Public notice, compliant with the provisions of
3 the Open Meetings Act, must be given prior to final action
4 on the formation, renewal, extension, or termination of
5 the employment contracts of the president or all
6 chancellors of the University and must include a copy of
7 the Board item or other documentation providing, at a
8 minimum, a description of the proposed principal financial
9 components of the president's or all chancellors'
10 appointments.

11 (7) Any performance-based bonus or incentive-based
12 compensation to the president or all chancellors of the
13 University must be approved by the Board in an open
14 meeting. The performance upon which the bonus is based
15 must be made available to the public no less than 48 hours
16 before Board approval of the performance-based bonus or
17 incentive-based compensation.

18 (8) Board minutes, board packets, and annual
19 performance reviews concerning the president or all
20 chancellors of the University must be made available to
21 the public on the University's Internet website.

22 (Source: P.A. 99-694, eff. 1-1-17; revised 7-17-24.)

23 (110 ILCS 305/180)

24 Sec. 180. Innovation center. The Board of Trustees,
25 directly or in cooperation with the University of Illinois at

1 Springfield Innovation Center partners, which shall consist of
2 other institutions of higher education, not-for-profit
3 organizations, businesses, and local governments, may finance,
4 design, construct, enlarge, improve, equip, complete, operate,
5 control, and manage a University of Illinois at Springfield
6 Innovation Center (UIS Innovation Center), which is a facility
7 or facilities dedicated to fostering and supporting innovation
8 in academics, entrepreneurship, workforce development, policy
9 development, and non-profit or philanthropic activities.
10 Notwithstanding any other provision of law, the UIS Innovation
11 Center (1) may be located on land owned by the Board of
12 Trustees or a University of Illinois at Springfield Innovation
13 Center partner; and (2) shall have costs incurred in
14 connection with the design, construction, enlargement,
15 improvement, equipping, and completion of the business
16 incubation and innovation facilities paid with funds
17 appropriated to the Capital Development Board from the Build
18 Illinois Bond Fund for a grant to the Board of Trustees for the
19 UIS Innovation Center. If the UIS Innovation Center is located
20 on land owned by a University of Illinois at Springfield
21 Innovation Center partner, the Board of Trustees must have an
22 ownership interest in the facility or facilities or a portion
23 thereof. An ownership interest shall bear a reasonable
24 relationship to the proportional share of the costs paid by
25 such grant funds for a term equal to at least the useful life
26 of the innovation facilities.

1 (Source: P.A. 103-588, eff. 6-5-24.)

2 (110 ILCS 305/185)

3 Sec. 185 ~~180~~. Winter weather emergency closure;
4 educational support services pay. If a campus is closed due to
5 a city, county, or State declaration of a winter weather
6 emergency, the Board of Trustees shall pay to its employees
7 who provide educational support services to the campus,
8 including, but not limited to, custodial employees, building
9 maintenance employees, transportation employees, food service
10 providers, classroom assistants, or administrative staff,
11 their daily, regular rate of pay and benefits rendered for the
12 campus closure if the closure precludes them from performing
13 their regularly scheduled duties and the employee would have
14 reported for work but for the closure; however, this
15 requirement does not apply if the day is rescheduled and the
16 employee will be paid the employee's daily, regular rate of
17 pay and benefits for the rescheduled day when services are
18 rendered.

19 (Source: P.A. 103-749, eff. 1-1-25; revised 12-3-24.)

20 (110 ILCS 305/190)

21 Sec. 190 ~~180~~. Enrollment reporting.

22 (a) The Board of Trustees shall report to the Board of
23 Higher Education by the 15th business day after the start of
24 the academic year all of the following student enrollment

1 data:

2 (1) The number of students enrolled at the start of
3 the previous academic year.

4 (2) The number of students enrolled full time at the
5 start of the previous academic year.

6 (3) The number of students enrolled at the start of
7 the current academic year.

8 (4) The number of students enrolled full time at the
9 start of the current academic year.

10 (5) The number of students enrolled in online learning
11 at the start of the previous academic year.

12 (6) The number of students enrolled in in-person
13 learning at the start of the previous academic year.

14 (7) The number of students enrolled in online learning
15 at the start of the current academic year.

16 (8) The number of students enrolled in in-person
17 learning at the start of the current academic year.

18 (9) The rolling average number of students enrolled
19 over the previous 5 academic years.

20 (b) The Board of Higher Education shall post the student
21 enrollment data reported under subsection (a) on its Internet
22 website.

23 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

24 Section 655. The Southern Illinois University Management
25 Act is amended by changing Section 75 and by setting forth and

renumbering multiple versions of Section 155 as follows:

(110 ILCS 520/75)

Sec. 75. Employment contract limitations. This Section applies to the employment contracts of the president or all chancellors of the University entered into, amended, renewed, or extended after January 1, 2017 (the effective date of Public Act 99-694) ~~this amendatory Act of the 99th General Assembly~~. This Section does not apply to collective bargaining agreements. With respect to employment contracts entered into with the president or all chancellors of the University:

(1) Severance under the contract may not exceed one year's ~~year~~ salary and applicable benefits.

(2) A contract with a determinate start and end date may not exceed 4 years.

(3) The contract may not include any automatic rollover clauses.

(4) Severance payments or contract buyouts may be placed in an escrow account if there are pending criminal charges against the president or all chancellors of the University related to their employment.

(5) Final action on the formation, renewal, extension, or termination of the employment contracts of the president or all chancellors of the University must be made during an open meeting of the Board.

(6) Public notice, compliant with the provisions of

1 the Open Meetings Act, must be given prior to final action
2 on the formation, renewal, extension, or termination of
3 the employment contracts of the president or all
4 chancellors of the University and must include a copy of
5 the Board item or other documentation providing, at a
6 minimum, a description of the proposed principal financial
7 components of the president's or all chancellors'
8 appointments.

9 (7) Any performance-based bonus or incentive-based
10 compensation to the president or all chancellors of the
11 University must be approved by the Board in an open
12 meeting. The performance upon which the bonus is based
13 must be made available to the public no less than 48 hours
14 before Board approval of the performance-based bonus or
15 incentive-based compensation.

16 (8) Board minutes, board packets, and annual
17 performance reviews concerning the president or all
18 chancellors of the University must be made available to
19 the public on the University's Internet website.

20 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

21 (110 ILCS 520/155)

22 Sec. 155. Winter weather emergency closure; educational
23 support services pay. If a campus is closed due to a city,
24 county, or State declaration of a winter weather emergency,
25 the Board shall pay to its employees who provide educational

1 support services to the campus, including, but not limited to,
2 custodial employees, building maintenance employees,
3 transportation employees, food service providers, classroom
4 assistants, or administrative staff, their daily, regular rate
5 of pay and benefits rendered for the campus closure if the
6 closure precludes them from performing their regularly
7 scheduled duties and the employee would have reported for work
8 but for the closure; however, this requirement does not apply
9 if the day is rescheduled and the employee will be paid the
10 employee's daily, regular rate of pay and benefits for the
11 rescheduled day when services are rendered.

12 (Source: P.A. 103-749, eff. 1-1-25.)

13 (110 ILCS 520/160)

14 Sec. 160 ~~155~~. Enrollment reporting.

15 (a) The Board shall report to the Board of Higher
16 Education by the 15th business day after the start of the
17 academic year all of the following student enrollment data:

18 (1) The number of students enrolled at the start of
19 the previous academic year.

20 (2) The number of students enrolled full time at the
21 start of the previous academic year.

22 (3) The number of students enrolled at the start of
23 the current academic year.

24 (4) The number of students enrolled full time at the
25 start of the current academic year.

1 (5) The number of students enrolled in online learning
2 at the start of the previous academic year.

3 (6) The number of students enrolled in in-person
4 learning at the start of the previous academic year.

5 (7) The number of students enrolled in online learning
6 at the start of the current academic year.

7 (8) The number of students enrolled in in-person
8 learning at the start of the current academic year.

9 (9) The rolling average number of students enrolled
10 over the previous 5 academic years.

11 (b) The Board of Higher Education shall post the student
12 enrollment data reported under subsection (a) on its Internet
13 website.

14 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

15 Section 660. The Chicago State University Law is amended
16 by changing Section 5-185 and by setting forth and renumbering
17 multiple versions of Section 5-265 as follows:

18 (110 ILCS 660/5-185)

19 Sec. 5-185. Employment contract limitations. This Section
20 applies to the employment contracts of the president or all
21 chancellors of the University entered into, amended, renewed,
22 or extended after January 1, 2017 (the effective date of
23 Public Act 99-694) ~~this amendatory Act of the 99th General~~
24 ~~Assembly~~. This Section does not apply to collective bargaining

1 agreements. With respect to employment contracts entered into
2 with the president or all chancellors of the University:

3 (1) Severance under the contract may not exceed one
4 year's ~~year~~ salary and applicable benefits.

5 (2) A contract with a determinate start and end date
6 may not exceed 4 years.

7 (3) The contract may not include any automatic
8 rollover clauses.

9 (4) Severance payments or contract buyouts may be
10 placed in an escrow account if there are pending criminal
11 charges against the president or all chancellors of the
12 University related to their employment.

13 (5) Final action on the formation, renewal, extension,
14 or termination of the employment contracts of the
15 president or all chancellors of the University must be
16 made during an open meeting of the Board.

17 (6) Public notice, compliant with the provisions of
18 the Open Meetings Act, must be given prior to final action
19 on the formation, renewal, extension, or termination of
20 the employment contracts of the president or all
21 chancellors of the University and must include a copy of
22 the Board item or other documentation providing, at a
23 minimum, a description of the proposed principal financial
24 components of the president's or all chancellors'
25 appointments.

26 (7) Any performance-based bonus or incentive-based

1 compensation to the president or all chancellors of the
2 University must be approved by the Board in an open
3 meeting. The performance upon which the bonus is based
4 must be made available to the public no less than 48 hours
5 before Board approval of the performance-based bonus or
6 incentive-based compensation.

7 (8) Board minutes, board packets, and annual
8 performance reviews concerning the president or all
9 chancellors of the University must be made available to
10 the public on the University's Internet website.

11 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

12 (110 ILCS 660/5-265)

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

1 employee's daily, regular rate of pay and benefits for the
2 rescheduled day when services are rendered.

3 (Source: P.A. 103-749, eff. 1-1-25.)

4 (110 ILCS 660/5-270)

5 Sec. 5-270 ~~5-265~~. Enrollment reporting.

6 (a) The Board shall report to the Board of Higher
7 Education by the 15th business day after the start of the
8 academic year all of the following student enrollment data:

9 (1) The number of students enrolled at the start of
10 the previous academic year.

11 (2) The number of students enrolled full time at the
12 start of the previous academic year.

13 (3) The number of students enrolled at the start of
14 the current academic year.

15 (4) The number of students enrolled full time at the
16 start of the current academic year.

17 (5) The number of students enrolled in online learning
18 at the start of the previous academic year.

19 (6) The number of students enrolled in in-person
20 learning at the start of the previous academic year.

21 (7) The number of students enrolled in online learning
22 at the start of the current academic year.

23 (8) The number of students enrolled in in-person
24 learning at the start of the current academic year.

25 (9) The rolling average number of students enrolled

1 over the previous 5 academic years.

2 (b) The Board of Higher Education shall post the student
3 enrollment data reported under subsection (a) on its Internet
4 website.

5 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

6 Section 665. The Eastern Illinois University Law is
7 amended by changing Section 10-185 and by setting forth and
8 multiple versions of Section 10-270 as follows:

9 (110 ILCS 665/10-185)

10 Sec. 10-185. Employment contract limitations. This Section
11 applies to the employment contracts of the president or all
12 chancellors of the University entered into, amended, renewed,
13 or extended after January 1, 2017 (the effective date of
14 Public Act 99-694) ~~this amendatory Act of the 99th General~~
15 ~~Assembly~~. This Section does not apply to collective bargaining
16 agreements. With respect to employment contracts entered into
17 with the president or all chancellors of the University:

18 (1) Severance under the contract may not exceed one
19 year's ~~year~~ salary and applicable benefits.

20 (2) A contract with a determinate start and end date
21 may not exceed 4 years.

22 (3) The contract may not include any automatic
23 rollover clauses.

24 (4) Severance payments or contract buyouts may be

1 placed in an escrow account if there are pending criminal
2 charges against the president or all chancellors of the
3 University related to their employment.

4 (5) Final action on the formation, renewal, extension,
5 or termination of the employment contracts of the
6 president or all chancellors of the University must be
7 made during an open meeting of the Board.

8 (6) Public notice, compliant with the provisions of
9 the Open Meetings Act, must be given prior to final action
10 on the formation, renewal, extension, or termination of
11 the employment contracts of the president or all
12 chancellors of the University and must include a copy of
13 the Board item or other documentation providing, at a
14 minimum, a description of the proposed principal financial
15 components of the president's or all chancellors'
16 appointments.

17 (7) Any performance-based bonus or incentive-based
18 compensation to the president or all chancellors of the
19 University must be approved by the Board in an open
20 meeting. The performance upon which the bonus is based
21 must be made available to the public no less than 48 hours
22 before Board approval of the performance-based bonus or
23 incentive-based compensation.

24 (8) Board minutes, board packets, and annual
25 performance reviews concerning the president or all
26 chancellors of the University must be made available to

1 the public on the University's Internet website.

2 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

3 (110 ILCS 665/10-270)

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

19 (Source: P.A. 103-749, eff. 1-1-25.)

20 (110 ILCS 665/10-275)

21 Sec. 10-275 ~~10-270~~. Enrollment reporting.

22 (a) The Board shall report to the Board of Higher
23 Education by the 15th business day after the start of the
24 academic year all of the following student enrollment data:

1 (1) The number of students enrolled at the start of
2 the previous academic year.

3 (2) The number of students enrolled full time at the
4 start of the previous academic year.

5 (3) The number of students enrolled at the start of
6 the current academic year.

7 (4) The number of students enrolled full time at the
8 start of the current academic year.

9 (5) The number of students enrolled in online learning
10 at the start of the previous academic year.

11 (6) The number of students enrolled in in-person
12 learning at the start of the previous academic year.

13 (7) The number of students enrolled in online learning
14 at the start of the current academic year.

15 (8) The number of students enrolled in in-person
16 learning at the start of the current academic year.

17 (9) The rolling average number of students enrolled
18 over the previous 5 academic years.

19 (b) The Board of Higher Education shall post the student
20 enrollment data reported under subsection (a) on its Internet
21 website.

22 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

23 Section 670. The Governors State University Law is amended
24 by changing Section 15-185 and by setting forth and
25 renumbering multiple versions of Section 15-265 as follows:

1 (110 ILCS 670/15-185)

2 Sec. 15-185. Employment contract limitations. This Section
3 applies to the employment contracts of the president or all
4 chancellors of the University entered into, amended, renewed,
5 or extended after January 1, 2017 (the effective date of
6 Public Act 99-694) ~~this amendatory Act of the 99th General~~
7 ~~Assembly~~. This Section does not apply to collective bargaining
8 agreements. With respect to employment contracts entered into
9 with the president or all chancellors of the University:

10 (1) Severance under the contract may not exceed one
11 year's ~~year~~ salary and applicable benefits.

12 (2) A contract with a determinate start and end date
13 may not exceed 4 years.

14 (3) The contract may not include any automatic
15 rollover clauses.

16 (4) Severance payments or contract buyouts may be
17 placed in an escrow account if there are pending criminal
18 charges against the president or all chancellors of the
19 University related to their employment.

20 (5) Final action on the formation, renewal, extension,
21 or termination of the employment contracts of the
22 president or all chancellors of the University must be
23 made during an open meeting of the Board.

24 (6) Public notice, compliant with the provisions of
25 the Open Meetings Act, must be given prior to final action

1 on the formation, renewal, extension, or termination of
2 the employment contracts of the president or all
3 chancellors of the University and must include a copy of
4 the Board item or other documentation providing, at a
5 minimum, a description of the proposed principal financial
6 components of the president's or all chancellors'
7 appointments.

8 (7) Any performance-based bonus or incentive-based
9 compensation to the president or all chancellors of the
10 University must be approved by the Board in an open
11 meeting. The performance upon which the bonus is based
12 must be made available to the public no less than 48 hours
13 before Board approval of the performance-based bonus or
14 incentive-based compensation.

15 (8) Board minutes, board packets, and annual
16 performance reviews concerning the president or all
17 chancellors of the University must be made available to
18 the public on the University's Internet website.

19 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

20 (110 ILCS 670/15-265)

21 Sec. 15-265. Winter weather emergency closure; educational
22 support services pay. If a campus is closed due to a city,
23 county, or State declaration of a winter weather emergency,
24 the Board shall pay to its employees who provide educational
25 support services to the campus, including, but not limited to,

1 custodial employees, building maintenance employees,
2 transportation employees, food service providers, classroom
3 assistants, or administrative staff, their daily, regular rate
4 of pay and benefits rendered for the campus closure if the
5 closure precludes them from performing their regularly
6 scheduled duties and the employee would have reported for work
7 but for the closure; however, this requirement does not apply
8 if the day is rescheduled and the employee will be paid the
9 employee's daily, regular rate of pay and benefits for the
10 rescheduled day when services are rendered.

11 (Source: P.A. 103-749, eff. 1-1-25.)

12 (110 ILCS 670/15-270)

13 Sec. 15-270 ~~15-265~~. Enrollment reporting.

14 (a) The Board shall report to the Board of Higher
15 Education by the 15th business day after the start of the
16 academic year all of the following student enrollment data:

17 (1) The number of students enrolled at the start of
18 the previous academic year.

19 (2) The number of students enrolled full time at the
20 start of the previous academic year.

21 (3) The number of students enrolled at the start of
22 the current academic year.

23 (4) The number of students enrolled full time at the
24 start of the current academic year.

25 (5) The number of students enrolled in online learning

1 at the start of the previous academic year.

2 (6) The number of students enrolled in in-person
3 learning at the start of the previous academic year.

4 (7) The number of students enrolled in online learning
5 at the start of the current academic year.

6 (8) The number of students enrolled in in-person
7 learning at the start of the current academic year.

8 (9) The rolling average number of students enrolled
9 over the previous 5 academic years.

10 (b) The Board of Higher Education shall post the student
11 enrollment data reported under subsection (a) on its Internet
12 website.

13 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

14 Section 675. The Illinois State University Law is amended
15 by changing Section 20-190 and by setting forth and
16 renumbering multiple versions of Section 20-275 as follows:

17 (110 ILCS 675/20-190)

18 Sec. 20-190. Employment contract limitations. This Section
19 applies to the employment contracts of the president or all
20 chancellors of the University entered into, amended, renewed,
21 or extended after January 1, 2017 (the effective date of
22 Public Act 99-694) ~~this amendatory Act of the 99th General~~
23 ~~Assembly~~. This Section does not apply to collective bargaining
24 agreements. With respect to employment contracts entered into

1 with the president or all chancellors of the University:

2 (1) Severance under the contract may not exceed one
3 year's ~~year~~ salary and applicable benefits.

4 (2) A contract with a determinate start and end date
5 may not exceed 4 years.

6 (3) The contract may not include any automatic
7 rollover clauses.

8 (4) Severance payments or contract buyouts may be
9 placed in an escrow account if there are pending criminal
10 charges against the president or all chancellors of the
11 University related to their employment.

12 (5) Final action on the formation, renewal, extension,
13 or termination of the employment contracts of the
14 president or all chancellors of the University must be
15 made during an open meeting of the Board.

16 (6) Public notice, compliant with the provisions of
17 the Open Meetings Act, must be given prior to final action
18 on the formation, renewal, extension, or termination of
19 the employment contracts of the president or all
20 chancellors of the University and must include a copy of
21 the Board item or other documentation providing, at a
22 minimum, a description of the proposed principal financial
23 components of the president's or all chancellors'
24 appointments.

25 (7) Any performance-based bonus or incentive-based
26 compensation to the president or all chancellors of the

1 University must be approved by the Board in an open
2 meeting. The performance upon which the bonus is based
3 must be made available to the public no less than 48 hours
4 before Board approval of the performance-based bonus or
5 incentive-based compensation.

6 (8) Board minutes, board packets, and annual
7 performance reviews concerning the president or all
8 chancellors of the University must be made available to
9 the public on the University's Internet website.

10 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

11 (110 ILCS 675/20-275)

12 Sec. 20-275. Winter weather emergency closure; educational
13 support services pay. If a campus is closed due to a city,
14 county, or State declaration of a winter weather emergency,
15 the Board shall pay to its employees who provide educational
16 support services to the campus, including, but not limited to,
17 custodial employees, building maintenance employees,
18 transportation employees, food service providers, classroom
19 assistants, or administrative staff, their daily, regular rate
20 of pay and benefits rendered for the campus closure if the
21 closure precludes them from performing their regularly
22 scheduled duties and the employee would have reported for work
23 but for the closure; however, this requirement does not apply
24 if the day is rescheduled and the employee will be paid the
25 employee's daily, regular rate of pay and benefits for the

1 rescheduled day when services are rendered.

2 (Source: P.A. 103-749, eff. 1-1-25.)

3 (110 ILCS 675/20-280)

4 Sec. 20-280 ~~20-275~~. Enrollment reporting.

5 (a) The Board shall report to the Board of Higher
6 Education by the 15th business day after the start of the
7 academic year all of the following student enrollment data:

8 (1) The number of students enrolled at the start of
9 the previous academic year.

10 (2) The number of students enrolled full time at the
11 start of the previous academic year.

12 (3) The number of students enrolled at the start of
13 the current academic year.

14 (4) The number of students enrolled full time at the
15 start of the current academic year.

16 (5) The number of students enrolled in online learning
17 at the start of the previous academic year.

18 (6) The number of students enrolled in in-person
19 learning at the start of the previous academic year.

20 (7) The number of students enrolled in online learning
21 at the start of the current academic year.

22 (8) The number of students enrolled in in-person
23 learning at the start of the current academic year.

24 (9) The rolling average number of students enrolled
25 over the previous 5 academic years.

1 (b) The Board of Higher Education shall post the student
2 enrollment data reported under subsection (a) on its Internet
3 website.

4 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

5 Section 680. The Northeastern Illinois University Law is
6 amended by changing Section 25-185 and by setting forth and
7 renumbering multiple versions of Section 25-270 as follows:

8 (110 ILCS 680/25-185)

9 Sec. 25-185. Employment contract limitations. This Section
10 applies to the employment contracts of the president or all
11 chancellors of the University entered into, amended, renewed,
12 or extended after January 1, 2017 (the effective date of
13 Public Act 99-694) ~~this amendatory Act of the 99th General~~
14 ~~Assembly~~. This Section does not apply to collective bargaining
15 agreements. With respect to employment contracts entered into
16 with the president or all chancellors of the University:

17 (1) Severance under the contract may not exceed one
18 year's ~~year~~ salary and applicable benefits.

19 (2) A contract with a determinate start and end date
20 may not exceed 4 years.

21 (3) The contract may not include any automatic
22 rollover clauses.

23 (4) Severance payments or contract buyouts may be
24 placed in an escrow account if there are pending criminal

1 charges against the president or all chancellors of the
2 University related to their employment.

3 (5) Final action on the formation, renewal, extension,
4 or termination of the employment contracts of the
5 president or all chancellors of the University must be
6 made during an open meeting of the Board.

7 (6) Public notice, compliant with the provisions of
8 the Open Meetings Act, must be given prior to final action
9 on the formation, renewal, extension, or termination of
10 the employment contracts of the president or all
11 chancellors of the University and must include a copy of
12 the Board item or other documentation providing, at a
13 minimum, a description of the proposed principal financial
14 components of the president's or all chancellors'
15 appointments.

16 (7) Any performance-based bonus or incentive-based
17 compensation to the president or all chancellors of the
18 University must be approved by the Board in an open
19 meeting. The performance upon which the bonus is based
20 must be made available to the public no less than 48 hours
21 before Board approval of the performance-based bonus or
22 incentive-based compensation.

23 (8) Board minutes, board packets, and annual
24 performance reviews concerning the president or all
25 chancellors of the University must be made available to
26 the public on the University's Internet website.

1 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

2 (110 ILCS 680/25-270)

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

18 (Source: P.A. 103-749, eff. 1-1-25.)

19 (110 ILCS 680/25-275)

20 Sec. 25-275 ~~25-270~~. Enrollment reporting.

21 (a) The Board shall report to the Board of Higher
22 Education by the 15th business day after the start of the
23 academic year all of the following student enrollment data:

24 (1) The number of students enrolled at the start of

1 the previous academic year.

2 (2) The number of students enrolled full time at the
3 start of the previous academic year.

4 (3) The number of students enrolled at the start of
5 the current academic year.

6 (4) The number of students enrolled full time at the
7 start of the current academic year.

8 (5) The number of students enrolled in online learning
9 at the start of the previous academic year.

10 (6) The number of students enrolled in in-person
11 learning at the start of the previous academic year.

12 (7) The number of students enrolled in online learning
13 at the start of the current academic year.

14 (8) The number of students enrolled in in-person
15 learning at the start of the current academic year.

16 (9) The rolling average number of students enrolled
17 over the previous 5 academic years.

18 (b) The Board of Higher Education shall post the student
19 enrollment data reported under subsection (a) on its Internet
20 website.

21 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

22 Section 685. The Northern Illinois University Law is
23 amended by changing Section 30-195 and by setting forth and
24 renumbering multiple versions of Section 30-280 as follows:

1 (110 ILCS 685/30-195)

2 Sec. 30-195. Employment contract limitations. This Section
3 applies to the employment contracts of the president or all
4 chancellors of the University entered into, amended, renewed,
5 or extended after January 1, 2017 (the effective date of
6 Public Act 99-694) ~~this amendatory Act of the 99th General~~
7 ~~Assembly~~. This Section does not apply to collective bargaining
8 agreements. With respect to employment contracts entered into
9 with the president or all chancellors of the University:

10 (1) Severance under the contract may not exceed one
11 year's ~~year~~ salary and applicable benefits.

12 (2) A contract with a determinate start and end date
13 may not exceed 4 years.

14 (3) The contract may not include any automatic
15 rollover clauses.

16 (4) Severance payments or contract buyouts may be
17 placed in an escrow account if there are pending criminal
18 charges against the president or all chancellors of the
19 University related to their employment.

20 (5) Final action on the formation, renewal, extension,
21 or termination of the employment contracts of the
22 president or all chancellors of the University must be
23 made during an open meeting of the Board.

24 (6) Public notice, compliant with the provisions of
25 the Open Meetings Act, must be given prior to final action
26 on the formation, renewal, extension, or termination of

1 the employment contracts of the president or all
2 chancellors of the University and must include a copy of
3 the Board item or other documentation providing, at a
4 minimum, a description of the proposed principal financial
5 components of the president's or all chancellors'
6 appointments.

7 (7) Any performance-based bonus or incentive-based
8 compensation to the president or all chancellors of the
9 University must be approved by the Board in an open
10 meeting. The performance upon which the bonus is based
11 must be made available to the public no less than 48 hours
12 before Board approval of the performance-based bonus or
13 incentive-based compensation.

14 (8) Board minutes, board packets, and annual
15 performance reviews concerning the president or all
16 chancellors of the University must be made available to
17 the public on the University's Internet website.

18 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

19 (110 ILCS 685/30-280)

20 Sec. 30-280. Winter weather emergency closure; educational
21 support services pay. If a campus is closed due to a city,
22 county, or State declaration of a winter weather emergency,
23 the Board shall pay to its employees who provide educational
24 support services to the campus, including, but not limited to,
25 custodial employees, building maintenance employees,

1 transportation employees, food service providers, classroom
2 assistants, or administrative staff, their daily, regular rate
3 of pay and benefits rendered for the campus closure if the
4 closure precludes them from performing their regularly
5 scheduled duties and the employee would have reported for work
6 but for the closure; however, this requirement does not apply
7 if the day is rescheduled and the employee will be paid the
8 employee's daily, regular rate of pay and benefits for the
9 rescheduled day when services are rendered.

10 (Source: P.A. 103-749, eff. 1-1-25.)

11 (110 ILCS 685/30-285)

12 Sec. 30-285 ~~30-280~~. Enrollment reporting.

13 (a) The Board shall report to the Board of Higher
14 Education by the 15th business day after the start of the
15 academic year all of the following student enrollment data:

16 (1) The number of students enrolled at the start of
17 the previous academic year.

18 (2) The number of students enrolled full time at the
19 start of the previous academic year.

20 (3) The number of students enrolled at the start of
21 the current academic year.

22 (4) The number of students enrolled full time at the
23 start of the current academic year.

24 (5) The number of students enrolled in online learning
25 at the start of the previous academic year.

1 (6) The number of students enrolled in in-person
2 learning at the start of the previous academic year.

3 (7) The number of students enrolled in online learning
4 at the start of the current academic year.

5 (8) The number of students enrolled in in-person
6 learning at the start of the current academic year.

7 (9) The rolling average number of students enrolled
8 over the previous 5 academic years.

9 (b) The Board of Higher Education shall post the student
10 enrollment data reported under subsection (a) on its Internet
11 website.

12 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

13 Section 690. The Western Illinois University Law is
14 amended by changing Sections 35-115 and 35-190 and by setting
15 forth and renumbering multiple versions of Section 35-275 as
16 follows:

17 (110 ILCS 690/35-115)

18 Sec. 35-115. Television station.

19 (a) The Board of Western Illinois University is
20 authorized, under applicable permit and license of the Federal
21 Communications ~~Communication~~ Commission, to construct and
22 operate an educational television station at or near Macomb,
23 Illinois with a translator at or near Moline, Illinois.

24 (b) The Board may apply on behalf of Western Illinois

1 University to the Department of Health, Education and Welfare
2 for funds, as authorized under the Educational Television
3 Facilities Act of 1962, to assist in the development of the
4 educational television program authorized in subsection (a).

5 (Source: P.A. 89-4, eff. 1-1-96; revised 10-23-24.)

6 (110 ILCS 690/35-190)

7 Sec. 35-190. Employment contract limitations. This Section
8 applies to the employment contracts of the president or all
9 chancellors of the University entered into, amended, renewed,
10 or extended after January 1, 2017 (the effective date of
11 Public Act 99-694) ~~this amendatory Act of the 99th General~~
12 ~~Assembly~~. This Section does not apply to collective bargaining
13 agreements. With respect to employment contracts entered into
14 with the president or all chancellors of the University:

15 (1) Severance under the contract may not exceed one
16 year's ~~year~~ salary and applicable benefits.

17 (2) A contract with a determinate start and end date
18 may not exceed 4 years.

19 (3) The contract may not include any automatic
20 rollover clauses.

21 (4) Severance payments or contract buyouts may be
22 placed in an escrow account if there are pending criminal
23 charges against the president or all chancellors of the
24 University related to their employment.

25 (5) Final action on the formation, renewal, extension,

1 or termination of the employment contracts of the
2 president or all chancellors of the University must be
3 made during an open meeting of the Board.

4 (6) Public notice, compliant with the provisions of
5 the Open Meetings Act, must be given prior to final action
6 on the formation, renewal, extension, or termination of
7 the employment contracts of the president or all
8 chancellors of the University and must include a copy of
9 the Board item or other documentation providing, at a
10 minimum, a description of the proposed principal financial
11 components of the president's or all chancellors'
12 appointments.

13 (7) Any performance-based bonus or incentive-based
14 compensation to the president or all chancellors of the
15 University must be approved by the Board in an open
16 meeting. The performance upon which the bonus is based
17 must be made available to the public no less than 48 hours
18 before Board approval of the performance-based bonus or
19 incentive-based compensation.

20 (8) Board minutes, board packets, and annual
21 performance reviews concerning the president or all
22 chancellors of the University must be made available to
23 the public on the University's Internet website.

24 (Source: P.A. 99-694, eff. 1-1-17; revised 7-19-24.)

25 (110 ILCS 690/35-275)

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

16 (Source: P.A. 103-749, eff. 1-1-25.)

17 (110 ILCS 690/35-280)

18 Sec. 35-280 ~~35-275~~. Enrollment reporting.

19 (a) The Board shall report to the Board of Higher
20 Education by the 15th business day after the start of the
21 academic year all of the following student enrollment data:

22 (1) The number of students enrolled at the start of
23 the previous academic year.

24 (2) The number of students enrolled full time at the
25 start of the previous academic year.

1 (3) The number of students enrolled at the start of
2 the current academic year.

3 (4) The number of students enrolled full time at the
4 start of the current academic year.

5 (5) The number of students enrolled in online learning
6 at the start of the previous academic year.

7 (6) The number of students enrolled in in-person
8 learning at the start of the previous academic year.

9 (7) The number of students enrolled in online learning
10 at the start of the current academic year.

11 (8) The number of students enrolled in in-person
12 learning at the start of the current academic year.

13 (9) The rolling average number of students enrolled
14 over the previous 5 academic years.

15 (b) The Board of Higher Education shall post the student
16 enrollment data reported under subsection (a) on its Internet
17 website.

18 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

19 Section 695. The Public Community College Act is amended
20 by changing Sections 3-20.3.01 and 3-65 and by setting forth
21 and renumbering multiple versions of Section 3-29.26 as
22 follows:

23 (110 ILCS 805/3-20.3.01) (from Ch. 122, par. 103-20.3.01)

24 Sec. 3-20.3.01. Whenever, as a result of any lawful order

1 of any agency, other than a local community college board,
2 having authority to enforce any law or regulation designed for
3 the protection, health, or safety of community college
4 students, employees, or visitors, or any law or regulation for
5 the protection and safety of the environment, pursuant to the
6 "Environmental Protection Act", any local community college
7 district, including any district to which Article VII of this
8 Act applies, is required to alter or repair any physical
9 facilities, or whenever any district determines that it is
10 necessary for energy conservation, health, or safety,
11 environmental protection or accessibility purposes that any
12 physical facilities should be altered or repaired and that
13 such alterations or repairs will be made with funds not
14 necessary for the completion of approved and recommended
15 projects for fire prevention and safety, or whenever after
16 September 11, 1984 (the effective date of Public Act 83-1366)
17 ~~this amendatory Act of 1984~~ any district, including any
18 district to which Article VII applies, provides for
19 alterations or repairs determined by the local community
20 college board to be necessary for health and safety,
21 environmental protection, accessibility or energy conservation
22 purposes, such district may, by proper resolution which
23 specifically identifies the project and which is adopted
24 pursuant to the provisions of the Open Meetings Act, levy a tax
25 for the purpose of paying for such alterations or repairs, or
26 survey by a licensed architect or engineer, upon the equalized

1 assessed value of all the taxable property of the district at a
2 rate not to exceed .05% per year for a period sufficient to
3 finance such alterations or repairs, upon the following
4 conditions:

5 (a) When in the judgment of the local community
6 college board of trustees there are not sufficient funds
7 available in the operations and maintenance fund of the
8 district to permanently pay for such alterations or
9 repairs so ordered, determined as necessary.

10 (b) When a certified estimate of a licensed architect
11 or engineer stating the estimated amount that is necessary
12 to make the alterations or repairs so ordered or
13 determined as necessary has been secured by the local
14 community college district.

15 The filing of a certified copy of the resolution or
16 ordinance levying the tax shall be the authority of the county
17 clerk or clerks to extend such tax; provided, however, that in
18 no event shall the extension for the current and preceding
19 years, if any, under this Section be greater than the amount so
20 approved, and interest on bonds issued pursuant to this
21 Section and in the event such current extension and preceding
22 extensions exceed such approval and interest, it shall be
23 reduced proportionately.

24 The county clerk of each of the counties in which any
25 community college district levying a tax under the authority
26 of this Section is located, in reducing raised levies, shall

1 not consider any such tax as a part of the general levy for
2 community college purposes and shall not include the same in
3 the limitation of any other tax rate which may be extended.
4 Such tax shall be levied and collected in like manner as all
5 other taxes of community college districts.

6 The tax rate limit hereinabove specified in this Section
7 may be increased to .10% upon the approval of a proposition to
8 effect such increase by a majority of the electors voting on
9 that proposition at a regular scheduled election. Such
10 proposition may be initiated by resolution of the local
11 community college board and shall be certified by the
12 secretary of the local community college board to the proper
13 election authorities for submission in accordance with the
14 general election law.

15 Each local community college district authorized to levy
16 any tax pursuant to this Section may also or in the alternative
17 by proper resolution or ordinance borrow money for such
18 specifically identified purposes not in excess of \$4,500,000
19 in the aggregate at any one time when in the judgment of the
20 local community college board of trustees there are not
21 sufficient funds available in the operations and maintenance
22 fund of the district to permanently pay for such alterations
23 or repairs so ordered or determined as necessary and a
24 certified estimate of a licensed architect or engineer stating
25 the estimated amount has been secured by the local community
26 college district, and as evidence of such indebtedness may

1 issue bonds without referendum. However, Community College
2 District No. 522 and Community College District No. 536 may or
3 in the alternative by proper resolution or ordinance borrow
4 money for such specifically identified purposes not in excess
5 of \$20,000,000 in the aggregate at any one time when in the
6 judgment of the community college board of trustees there are
7 not sufficient funds available in the operations and
8 maintenance fund of the district to permanently pay for such
9 alterations or repairs so ordered or determined as necessary
10 and a certified estimate of a licensed architect or engineer
11 stating the estimated amount has been secured by the community
12 college district, and as evidence of such indebtedness may
13 issue bonds without referendum. Such bonds shall bear interest
14 at a rate or rates authorized by the Bond Authorization Act ~~"An~~
15 ~~Act to authorize public corporations to issue bonds, other~~
16 ~~evidences of indebtedness and tax anticipation warrants~~
17 ~~subject to interest rate limitations set forth therein",~~
18 ~~approved May 26, 1970, as now or hereafter amended,~~ shall
19 mature within 20 years from date, and shall be signed by the
20 chairman, secretary, and treasurer of the local community
21 college board.

22 In order to authorize and issue such bonds the local
23 community college board shall adopt a resolution fixing the
24 amount of bonds, the date thereof, the maturities thereof and
25 rates of interest thereof, and the board by such resolution,
26 or in a district to which Article VII applies the city council

1 upon demand and under the direction of the board by ordinance,
2 shall provide for the levy and collection of a direct annual
3 tax upon all the taxable property in the local community
4 college district sufficient to pay the principal and interest
5 on such bonds to maturity. Upon the filing in the office of the
6 county clerk of each of the counties in which the community
7 college district is located of a certified copy of such
8 resolution or ordinance it is the duty of the county clerk or
9 clerks to extend the tax therefor without limit as to rate or
10 amount and in addition to and in excess of all other taxes
11 heretofore or hereafter authorized to be levied by such
12 community college district.

13 The State Board shall set through administrative rule
14 regulations and specifications for minimum requirements for
15 the construction, remodeling, or rehabilitation of heating,
16 ventilating, air conditioning, lighting, seating, water
17 supply, toilet, accessibility, fire safety, and any other
18 matter that will conserve, preserve, or provide for the
19 protection and the health or safety of individuals in or on
20 community college property and will conserve the integrity of
21 the physical facilities of the district.

22 This Section is cumulative and constitutes complete
23 authority for the issuance of bonds as provided in this
24 Section notwithstanding any other statute or law to the
25 contrary.

26 (Source: P.A. 99-143, eff. 7-27-15; 99-655, eff. 7-28-16;

revised 7-19-24.)

(110 ILCS 805/3-29.26)

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

(Source: P.A. 103-749, eff. 1-1-25.)

(110 ILCS 805/3-29.27)

Sec. 3-29.27 ~~3-29.26~~. Enrollment reporting.

(a) Annually, on or before October 1, each board shall report to the State Board all of the following student enrollment data:

1 (1) The number of students enrolled at the start of
2 the previous academic year.

3 (2) The number of students enrolled full time at the
4 start of the previous academic year.

5 (3) The number of students enrolled at the start of
6 the current academic year.

7 (4) The number of students enrolled full time at the
8 start of the current academic year.

9 (5) The number of students enrolled in online learning
10 at the start of the previous academic year.

11 (6) The number of students enrolled in in-person
12 learning at the start of the previous academic year.

13 (7) The number of students enrolled in online learning
14 at the start of the current academic year.

15 (8) The number of students enrolled in in-person
16 learning at the start of the current academic year.

17 (9) The rolling average number of students enrolled
18 over the previous 5 academic years.

19 (b) The State Board shall post the student enrollment data
20 reported under subsection (a) on its Internet website.

21 (Source: P.A. 103-1020, eff. 8-9-24; revised 9-24-24.)

22 (110 ILCS 805/3-65)

23 Sec. 3-65. Employment contract limitations.

24 (a) This Section applies to employment contracts entered
25 into, amended, renewed, or extended after September 22, 2015

1 ~~(the effective date of Public Act 99-482) ~~this amendatory Act~~~~
2 ~~of the 99th General Assembly.~~ This Section does not apply to
3 collective bargaining agreements.

4 (b) The following apply to any employment contract entered
5 into with an employee of the community college district:

6 (1) Severance under the contract may not exceed one
7 year's ~~year~~ salary and applicable benefits.

8 (2) A contract with a determinate start and end date
9 may not exceed 4 years.

10 (3) The contract may not include any automatic
11 rollover clauses, and all renewals or extensions of
12 contracts must be made during an open meeting of the
13 board.

14 (4) Public notice, in a form as determined by the
15 State Board, must be given of an employment contract
16 entered into, amended, renewed, or extended and must
17 include a complete description of the action to be taken,
18 as well the contract itself, including all addendums or
19 any other documents that change an initial contract.

20 (Source: P.A. 99-482, eff. 9-22-15; revised 7-19-24.)

21 Section 700. The Higher Education Student Assistance Act
22 is amended by changing Sections 50 and 52 and by setting forth
23 and renumbering multiple versions of Section 65.125 as
24 follows:

1 (110 ILCS 947/50)

2 Sec. 50. Minority Teachers of Illinois scholarship
3 program.

4 (a) As used in this Section:

5 "Eligible applicant" means a minority student who has
6 graduated from high school or has received a State of
7 Illinois High School Diploma and has maintained a
8 cumulative grade point average of no less than 2.5 on a 4.0
9 scale, and who by reason thereof is entitled to apply for
10 scholarships to be awarded under this Section.

11 "Minority student" means a student who is any of the
12 following:

13 (1) American Indian or Alaska Native (a person
14 having origins in any of the original peoples of North
15 and South America, including Central America, and who
16 maintains tribal affiliation or community attachment).

17 (2) Asian (a person having origins in any of the
18 original peoples of the Far East, Southeast Asia, or
19 the Indian subcontinent, including, but not limited
20 to, Cambodia, China, India, Japan, Korea, Malaysia,
21 Pakistan, the Philippine Islands, Thailand, and
22 Vietnam).

23 (3) Black or African American (a person having
24 origins in any of the black racial groups of Africa).

25 (4) Hispanic or Latino (a person of Cuban,
26 Mexican, Puerto Rican, South or Central American, or

1 other Spanish culture or origin, regardless of race).

2 (5) Native Hawaiian or Other Pacific Islander (a
3 person having origins in any of the original peoples
4 of Hawaii, Guam, Samoa, or other Pacific Islands).

5 "Qualified bilingual minority applicant" means a
6 qualified student who demonstrates proficiency in a
7 language other than English by (i) receiving a State Seal
8 of Biliteracy from the State Board of Education or (ii)
9 receiving a passing score on an educator licensure target
10 language proficiency test.

11 "Qualified student" means a person (i) who is a
12 resident of this State and a citizen or permanent resident
13 of the United States; (ii) who is a minority student, as
14 defined in this Section; (iii) who, as an eligible
15 applicant, has made a timely application for a minority
16 teaching scholarship under this Section; (iv) who is
17 enrolled on at least a half-time basis at a qualified
18 Illinois institution of higher learning; (v) who is
19 enrolled in a course of study leading to teacher
20 licensure, including alternative teacher licensure, or, if
21 the student is already licensed to teach, in a course of
22 study leading to an additional teaching endorsement or a
23 master's degree in an academic field in which he or she is
24 teaching or plans to teach or who has received one or more
25 College and Career Pathway Endorsements pursuant to
26 Section 80 of the Postsecondary and Workforce Readiness

1 Act and commits to enrolling in a course of study leading
2 to teacher licensure, including alternative teacher
3 licensure; (vi) who maintains a grade point average of no
4 less than 2.5 on a 4.0 scale; and (vii) who continues to
5 advance satisfactorily toward the attainment of a degree.

6 (b) In order to encourage academically talented Illinois
7 minority students to pursue teaching careers at the preschool
8 or elementary or secondary school level and to address and
9 alleviate the teacher shortage crisis in this State described
10 under the provisions of the Transitions in Education Act, each
11 qualified student shall be awarded a minority teacher
12 scholarship to any qualified Illinois institution of higher
13 learning. However, preference may be given to qualified
14 applicants enrolled at or above the junior level.

15 (c) Each minority teacher scholarship awarded under this
16 Section shall be in an amount sufficient to pay the tuition and
17 fees and room and board costs of the qualified Illinois
18 institution of higher learning at which the recipient is
19 enrolled, up to an annual maximum of \$5,000; except that in the
20 case of a recipient who does not reside on-campus at the
21 institution at which he or she is enrolled, the amount of the
22 scholarship shall be sufficient to pay tuition and fee
23 expenses and a commuter allowance, up to an annual maximum of
24 \$5,000. However, if at least \$2,850,000 is appropriated in a
25 given fiscal year for the Minority Teachers of Illinois
26 scholarship program, then, in each fiscal year thereafter,

1 each scholarship awarded under this Section shall be in an
2 amount sufficient to pay the tuition and fees and room and
3 board costs of the qualified Illinois institution of higher
4 learning at which the recipient is enrolled, up to an annual
5 maximum of \$7,500; except that in the case of a recipient who
6 does not reside on-campus at the institution at which he or she
7 is enrolled, the amount of the scholarship shall be sufficient
8 to pay tuition and fee expenses and a commuter allowance, up to
9 an annual maximum of \$7,500.

10 (d) The total amount of minority teacher scholarship
11 assistance awarded by the Commission under this Section to an
12 individual in any given fiscal year, when added to other
13 financial assistance awarded to that individual for that year,
14 shall not exceed the cost of attendance at the institution at
15 which the student is enrolled. If the amount of a minority
16 teacher scholarship to be awarded to a qualified student as
17 provided in subsection (c) of this Section exceeds the cost of
18 attendance at the institution at which the student is
19 enrolled, the minority teacher scholarship shall be reduced by
20 an amount equal to the amount by which the combined financial
21 assistance available to the student exceeds the cost of
22 attendance.

23 (e) The maximum number of academic terms for which a
24 qualified student can receive minority teacher scholarship
25 assistance shall be 8 semesters or 12 quarters.

26 (f) In any academic year for which an eligible applicant

1 under this Section accepts financial assistance through the
2 Paul Douglas Teacher Scholarship Program, as authorized by
3 Section 551 et seq. of the Higher Education Act of 1965, the
4 applicant shall not be eligible for scholarship assistance
5 awarded under this Section.

6 (g) All applications for minority teacher scholarships to
7 be awarded under this Section shall be made to the Commission
8 on forms which the Commission shall provide for eligible
9 applicants. The form of applications and the information
10 required to be set forth therein shall be determined by the
11 Commission, and the Commission shall require eligible
12 applicants to submit with their applications such supporting
13 documents or recommendations as the Commission deems
14 necessary.

15 (h) Subject to a separate appropriation for such purposes,
16 payment of any minority teacher scholarship awarded under this
17 Section shall be determined by the Commission. All scholarship
18 funds distributed in accordance with this subsection shall be
19 paid to the institution and used only for payment of the
20 tuition and fee and room and board expenses incurred by the
21 student in connection with his or her attendance at a
22 qualified Illinois institution of higher learning. Any
23 minority teacher scholarship awarded under this Section shall
24 be applicable to 2 semesters or 3 quarters of enrollment. If a
25 qualified student withdraws from enrollment prior to
26 completion of the first semester or quarter for which the

1 minority teacher scholarship is applicable, the school shall
2 refund to the Commission the full amount of the minority
3 teacher scholarship.

4 (i) The Commission shall administer the minority teacher
5 scholarship aid program established by this Section and shall
6 make all necessary and proper rules not inconsistent with this
7 Section for its effective implementation.

8 (j) When an appropriation to the Commission for a given
9 fiscal year is insufficient to provide scholarships to all
10 qualified students, the Commission shall allocate the
11 appropriation in accordance with this subsection. If funds are
12 insufficient to provide all qualified students with a
13 scholarship as authorized by this Section, the Commission
14 shall allocate the available scholarship funds for that fiscal
15 year to qualified students who submit a complete application
16 form on or before a date specified by the Commission based on
17 the following order of priority:

18 (1) To students who received a scholarship under this
19 Section in the prior academic year and who remain eligible
20 for a minority teacher scholarship under this Section.

21 (2) Except as otherwise provided in subsection (k), to
22 students who demonstrate financial need, as determined by
23 the Commission.

24 (k) Notwithstanding paragraph (2) of subsection (j), at
25 least 35% of the funds appropriated for scholarships awarded
26 under this Section in each fiscal year shall be reserved for

1 qualified male minority applicants, with priority being given
2 to qualified Black male applicants beginning with fiscal year
3 2023. If the Commission does not receive enough applications
4 from qualified male minorities on or before January 1 of each
5 fiscal year to award 35% of the funds appropriated for these
6 scholarships to qualified male minority applicants, then the
7 Commission may award a portion of the reserved funds to
8 qualified female minority applicants in accordance with
9 subsection (j).

10 Beginning with fiscal year 2023, if at least \$2,850,000
11 but less than \$4,200,000 is appropriated in a given fiscal
12 year for scholarships awarded under this Section, then at
13 least 10% of the funds appropriated shall be reserved for
14 qualified bilingual minority applicants, with priority being
15 given to qualified bilingual minority applicants who are
16 enrolled in an educator preparation program with a
17 concentration in bilingual, bicultural education. Beginning
18 with fiscal year 2023, if at least \$4,200,000 is appropriated
19 in a given fiscal year for the Minority Teachers of Illinois
20 scholarship program, then at least 30% of the funds
21 appropriated shall be reserved for qualified bilingual
22 minority applicants, with priority being given to qualified
23 bilingual minority applicants who are enrolled in an educator
24 preparation program with a concentration in bilingual,
25 bicultural education. Beginning with fiscal year 2023, if at
26 least \$2,850,000 is appropriated in a given fiscal year for

1 scholarships awarded under this Section but the Commission
2 does not receive enough applications from qualified bilingual
3 minority applicants on or before January 1 of that fiscal year
4 to award at least 10% of the funds appropriated to qualified
5 bilingual minority applicants, then the Commission may, in its
6 discretion, award a portion of the reserved funds to other
7 qualified students in accordance with subsection (j).

8 (1) Prior to receiving scholarship assistance for any
9 academic year, each recipient of a minority teacher
10 scholarship awarded under this Section shall be required by
11 the Commission to sign an agreement under which the recipient
12 pledges that, within the one-year period following the
13 termination of the program for which the recipient was awarded
14 a minority teacher scholarship, the recipient (i) shall begin
15 teaching for a period of not less than one year for each year
16 of scholarship assistance he or she was awarded under this
17 Section; (ii) shall fulfill this teaching obligation at a
18 nonprofit Illinois public, private, or parochial preschool,
19 elementary school, or secondary school at which no less than
20 30% of the enrolled students are minority students in the year
21 during which the recipient begins teaching at the school or
22 may instead, if the recipient received a scholarship as a
23 qualified bilingual minority applicant, fulfill this teaching
24 obligation in a program in transitional bilingual education
25 pursuant to Article 14C of the School Code or in a school in
26 which 20 or more English learner students in the same language

1 classification are enrolled; and (iii) shall, upon request by
2 the Commission, provide the Commission with evidence that he
3 or she is fulfilling or has fulfilled the terms of the teaching
4 agreement provided for in this subsection.

5 (m) If a recipient of a minority teacher scholarship
6 awarded under this Section fails to fulfill the teaching
7 obligation set forth in subsection (l) of this Section, the
8 Commission shall require the recipient to repay the amount of
9 the scholarships received, prorated according to the fraction
10 of the teaching obligation not completed, at a rate of
11 interest equal to 5%, and, if applicable, reasonable
12 collection fees. If a recipient who enters into repayment
13 under this subsection (m) subsequently, within 5 years of
14 entering repayment, begins to teach at a school meeting the
15 description under subsection (l) of this Section, the
16 Commission may reduce the amount owed by the recipient in
17 proportion to the amount of the teaching obligation completed.
18 The Commission is authorized to establish rules relating to
19 its collection activities for repayment of scholarships under
20 this Section. All repayments collected under this Section
21 shall be forwarded to the State Comptroller for deposit into
22 the State's General Revenue Fund.

23 (n) A recipient of minority teacher scholarship shall not
24 be considered in violation of the agreement entered into
25 pursuant to subsection (l) if the recipient (i) enrolls on a
26 full time basis as a graduate student in a course of study

1 related to the field of teaching at a qualified Illinois
2 institution of higher learning; (ii) is serving, not in excess
3 of 3 years, as a member of the armed services of the United
4 States; (iii) is a person with a temporary total disability
5 for a period of time not to exceed 3 years as established by
6 sworn affidavit of a qualified physician; (iv) is seeking and
7 unable to find full time employment as a teacher at an Illinois
8 public, private, or parochial preschool or elementary or
9 secondary school that satisfies the criteria set forth in
10 subsection (1) of this Section and is able to provide evidence
11 of that fact; (v) becomes a person with a permanent total
12 disability as established by sworn affidavit of a qualified
13 physician; (vi) is taking additional courses, on at least a
14 half-time basis, needed to obtain licensure as a teacher in
15 Illinois; or (vii) is fulfilling teaching requirements
16 associated with other programs administered by the Commission
17 and cannot concurrently fulfill them under this Section in a
18 period of time equal to the length of the teaching obligation.

19 (o) Scholarship recipients under this Section who withdraw
20 from a program of teacher education but remain enrolled in
21 school to continue their postsecondary studies in another
22 academic discipline shall not be required to commence
23 repayment of their Minority Teachers of Illinois scholarship
24 so long as they remain enrolled in school on a full-time basis
25 or if they can document for the Commission special
26 circumstances that warrant extension of repayment.

1 (p) If the Minority Teachers of Illinois scholarship
2 program does not expend at least 90% of the amount
3 appropriated for the program in a given fiscal year for 3
4 consecutive fiscal years and the Commission does not receive
5 enough applications from the groups identified in subsection
6 (k) on or before January 1 in each of those fiscal years to
7 meet the percentage reserved for those groups under subsection
8 (k), then up to 3% of amount appropriated for the program for
9 each of next 3 fiscal years shall be allocated to increasing
10 awareness of the program and for the recruitment of Black male
11 applicants. The Commission shall make a recommendation to the
12 General Assembly by January 1 of the year immediately
13 following the end of that third fiscal year regarding whether
14 the amount allocated to increasing awareness and recruitment
15 should continue.

16 (q) Each qualified Illinois institution of higher learning
17 that receives funds from the Minority Teachers of Illinois
18 scholarship program shall host an annual information session
19 at the institution about the program for teacher candidates of
20 color in accordance with rules adopted by the Commission.
21 Additionally, the institution shall ensure that each
22 scholarship recipient enrolled at the institution meets with
23 an academic advisor at least once per academic year to
24 facilitate on-time completion of the recipient's educator
25 preparation program.

26 (r) The changes made to this Section by Public Act 101-654

1 will first take effect with awards made for the 2022-2023
2 academic year.

3 (Source: P.A. 102-465, eff. 1-1-22; 102-813, eff. 5-13-22;
4 102-1100, eff. 1-1-23; 103-448, eff. 8-4-23; revised 7-19-24.)

5 (110 ILCS 947/52)

6 Sec. 52. Golden Apple Scholars of Illinois Program; Golden
7 Apple Foundation for Excellence in Teaching.

8 (a) In this Section, "Foundation" means the Golden Apple
9 Foundation for Excellence in Teaching, a registered 501(c)(3)
10 not-for-profit corporation.

11 (a-2) In order to encourage academically talented Illinois
12 students, especially minority students, to pursue teaching
13 careers, especially in teacher shortage disciplines (which
14 shall be defined to include early childhood education) or at
15 hard-to-staff schools (as defined by the Commission in
16 consultation with the State Board of Education), to provide
17 those students with the crucial mentoring, guidance, and
18 in-service support that will significantly increase the
19 likelihood that they will complete their full teaching
20 commitments and elect to continue teaching in targeted
21 disciplines and hard-to-staff schools, and to ensure that
22 students in this State will continue to have access to a pool
23 of highly qualified ~~highly-qualified~~ teachers, each qualified
24 student shall be awarded a Golden Apple Scholars of Illinois
25 Program scholarship to any Illinois institution of higher

1 learning. The Commission shall administer the Golden Apple
2 Scholars of Illinois Program, which shall be managed by the
3 Foundation pursuant to the terms of a grant agreement meeting
4 the requirements of Section 4 of the Illinois Grant Funds
5 Recovery Act.

6 (a-3) For purposes of this Section, a qualified student
7 shall be a student who meets the following qualifications:

8 (1) is a resident of this State and a citizen or
9 eligible noncitizen of the United States;

10 (2) is a high school graduate or a person who has
11 received a State of Illinois High School Diploma;

12 (3) is enrolled or accepted, on at least a half-time
13 basis, at an institution of higher learning;

14 (4) is pursuing a postsecondary course of study
15 leading to initial certification or pursuing additional
16 course work needed to gain State Board of Education
17 approval to teach, including alternative teacher
18 licensure; and

19 (5) is a participant in programs managed by and is
20 approved to receive a scholarship from the Foundation.

21 (a-5) (Blank).

22 (b) (Blank).

23 (b-5) Funds designated for the Golden Apple Scholars of
24 Illinois Program shall be used by the Commission for the
25 payment of scholarship assistance under this Section or for
26 the award of grant funds, subject to the Illinois Grant Funds

1 Recovery Act, to the Foundation. Subject to appropriation,
2 awards of grant funds to the Foundation shall be made on an
3 annual basis and following an application for grant funds by
4 the Foundation.

5 (b-10) Each year, the Foundation shall include in its
6 application to the Commission for grant funds an estimate of
7 the amount of scholarship assistance to be provided to
8 qualified students during the grant period. Any amount of
9 appropriated funds exceeding the estimated amount of
10 scholarship assistance may be awarded by the Commission to the
11 Foundation for management expenses expected to be incurred by
12 the Foundation in providing the mentoring, guidance, and
13 in-service supports that will increase the likelihood that
14 qualified students will complete their teaching commitments
15 and elect to continue teaching in hard-to-staff schools. If
16 the estimate of the amount of scholarship assistance described
17 in the Foundation's application is less than the actual amount
18 required for the award of scholarship assistance to qualified
19 students, the Foundation shall be responsible for using
20 awarded grant funds to ensure all qualified students receive
21 scholarship assistance under this Section.

22 (b-15) All grant funds not expended or legally obligated
23 within the time specified in a grant agreement between the
24 Foundation and the Commission shall be returned to the
25 Commission within 45 days. Any funds legally obligated by the
26 end of a grant agreement shall be liquidated within 45 days or

1 otherwise returned to the Commission within 90 days after the
2 end of the grant agreement that resulted in the award of grant
3 funds.

4 (c) Each scholarship awarded under this Section shall be
5 in an amount sufficient to pay the tuition and fees and room
6 and board costs of the Illinois institution of higher learning
7 at which the recipient is enrolled, up to an annual maximum of
8 \$5,000; except that, in the case of a recipient who does not
9 reside on campus at the institution of higher learning at
10 which he or she is enrolled, the amount of the scholarship
11 shall be sufficient to pay tuition and fee expenses and a
12 commuter allowance, up to an annual maximum of \$5,000. All
13 scholarship funds distributed in accordance with this Section
14 shall be paid to the institution on behalf of recipients.

15 (d) The total amount of scholarship assistance awarded by
16 the Commission under this Section to an individual in any
17 given fiscal year, when added to other financial assistance
18 awarded to that individual for that year, shall not exceed the
19 cost of attendance at the institution of higher learning at
20 which the student is enrolled. In any academic year for which a
21 qualified student under this Section accepts financial
22 assistance through any other teacher scholarship program
23 administered by the Commission, a qualified student shall not
24 be eligible for scholarship assistance awarded under this
25 Section.

26 (e) A recipient may receive up to 8 semesters or 12

1 quarters of scholarship assistance under this Section.
2 Scholarship funds are applicable toward 2 semesters or 3
3 quarters of enrollment each academic year.

4 (f) All applications for scholarship assistance to be
5 awarded under this Section shall be made to the Foundation in a
6 form determined by the Foundation. Each year, the Foundation
7 shall notify the Commission of the individuals awarded
8 scholarship assistance under this Section. Each year, at least
9 30% of the Golden Apple Scholars of Illinois Program
10 scholarships shall be awarded to students residing in counties
11 having a population of less than 500,000.

12 (g) (Blank).

13 (h) The Commission shall administer the payment of
14 scholarship assistance provided through the Golden Apple
15 Scholars of Illinois Program and shall make all necessary and
16 proper rules not inconsistent with this Section for the
17 effective implementation of this Section.

18 (i) Prior to receiving scholarship assistance for any
19 academic year, each recipient of a scholarship awarded under
20 this Section shall be required by the Foundation to sign an
21 agreement under which the recipient pledges that, within the
22 2-year period following the termination of the academic
23 program for which the recipient was awarded a scholarship, the
24 recipient: (i) shall begin teaching for a period of not less
25 than 5 years, (ii) shall fulfill this teaching obligation at a
26 nonprofit Illinois public, private, or parochial preschool or

1 an Illinois public elementary or secondary school that
2 qualifies for teacher loan cancellation under Section
3 465(a)(2)(A) of the federal Higher Education Act of 1965 (20
4 U.S.C. 1087ee(a)(2)(A)) or other Illinois schools deemed
5 eligible for fulfilling the teaching commitment as designated
6 by the Foundation, and (iii) shall, upon request of the
7 Foundation, provide the Foundation with evidence that he or
8 she is fulfilling or has fulfilled the terms of the teaching
9 agreement provided for in this subsection. Upon request, the
10 Foundation shall provide evidence of teacher fulfillment to
11 the Commission.

12 (j) If a recipient of a scholarship awarded under this
13 Section fails to fulfill the teaching obligation set forth in
14 subsection (i) of this Section, the Commission shall require
15 the recipient to repay the amount of the scholarships
16 received, prorated according to the fraction of the teaching
17 obligation not completed, plus interest at a rate of 5% and, if
18 applicable, reasonable collection fees. If a recipient who
19 enters into repayment under this subsection (j) subsequently,
20 within 5 years of entering repayment, begins to teach at a
21 school meeting the description under subsection (i) of this
22 Section, the Commission may reduce the amount owed by the
23 recipient in proportion to the amount of the teaching
24 obligation completed. Reduction of the amount owed shall not
25 be construed as reinstatement in the Golden Apple Scholars
26 program. Reinstatement in the program shall be solely at the

1 discretion of the Golden Apple Foundation on terms determined
2 by the Foundation. Payments received by the Commission under
3 this subsection (j) shall be remitted to the State Comptroller
4 for deposit into the General Revenue Fund, except that that
5 portion of a recipient's repayment that equals the amount in
6 expenses that the Commission has reasonably incurred in
7 attempting collection from that recipient shall be remitted to
8 the State Comptroller for deposit into the ISAC Accounts
9 Receivable Fund, a special fund in the State treasury.

10 (k) A recipient of a scholarship awarded by the Foundation
11 under this Section shall not be considered to have failed to
12 fulfill the teaching obligations of the agreement entered into
13 pursuant to subsection (i) if the recipient (i) enrolls on a
14 full-time basis as a graduate student in a course of study
15 related to the field of teaching at an institution of higher
16 learning; (ii) is serving as a member of the armed services of
17 the United States; (iii) is a person with a temporary total
18 disability, as established by sworn affidavit of a qualified
19 physician; (iv) is seeking and unable to find full-time
20 employment as a teacher at a school that satisfies the
21 criteria set forth in subsection (i) and is able to provide
22 evidence of that fact; (v) is taking additional courses, on at
23 least a half-time basis, needed to obtain certification as a
24 teacher in Illinois; (vi) is fulfilling teaching requirements
25 associated with other programs administered by the Commission
26 and cannot concurrently fulfill them under this Section in a

1 period of time equal to the length of the teaching obligation;
2 or (vii) is participating in a program established under
3 Executive Order 10924 of the President of the United States or
4 the federal National Community Service Act of 1990 (42 U.S.C.
5 12501 et seq.). Any such extension of the period during which
6 the teaching requirement must be fulfilled shall be subject to
7 limitations of duration as established by the Commission.

8 (l) A recipient who fails to fulfill the teaching
9 obligations of the agreement entered into pursuant to
10 subsection (i) of this Section shall repay the amount of
11 scholarship assistance awarded to them under this Section
12 within 10 years.

13 (m) Annually, at a time determined by the Commission in
14 consultation with the Foundation, the Foundation shall submit
15 a report to assist the Commission in monitoring the
16 Foundation's performance of grant activities. The report shall
17 describe the following:

18 (1) the Foundation's anticipated expenditures for the
19 next fiscal year;

20 (2) the number of qualified students receiving
21 scholarship assistance at each institution of higher
22 learning where a qualified student was enrolled under this
23 Section during the previous fiscal year;

24 (3) the total monetary value of scholarship funds paid
25 to each institution of higher learning at which a
26 qualified student was enrolled during the previous fiscal

1 year;

2 (4) the number of scholarship recipients who completed
3 a baccalaureate degree during the previous fiscal year;

4 (5) the number of scholarship recipients who fulfilled
5 their teaching obligation during the previous fiscal year;

6 (6) the number of scholarship recipients who failed to
7 fulfill their teaching obligation during the previous
8 fiscal year;

9 (7) the number of scholarship recipients granted an
10 extension described in subsection (k) of this Section
11 during the previous fiscal year;

12 (8) the number of scholarship recipients required to
13 repay scholarship assistance in accordance with subsection
14 (j) of this Section during the previous fiscal year;

15 (9) the number of scholarship recipients who
16 successfully repaid scholarship assistance in full during
17 the previous fiscal year;

18 (10) the number of scholarship recipients who
19 defaulted on their obligation to repay scholarship
20 assistance during the previous fiscal year;

21 (11) the amount of scholarship assistance subject to
22 collection in accordance with subsection (j) of this
23 Section at the end of the previous fiscal year;

24 (12) the amount of collected funds to be remitted to
25 the Comptroller in accordance with subsection (j) of this
26 Section at the end of the previous fiscal year; and

1 (13) other information that the Commission may
2 reasonably request.

3 (n) Nothing in this Section shall affect the rights of the
4 Commission to collect moneys owed to it by recipients of
5 scholarship assistance through the Illinois Future Teacher
6 Corps Program, repealed by Public Act 98-533.

7 (o) The Auditor General shall prepare an annual audit of
8 the operations and finances of the Golden Apple Scholars of
9 Illinois Program. This audit shall be provided to the
10 Governor, General Assembly, and the Commission.

11 (p) The suspension of grant making authority found in
12 Section 4.2 of the Illinois Grant Funds Recovery Act shall not
13 apply to grants made pursuant to this Section.

14 (Source: P.A. 102-1071, eff. 6-10-22; 102-1100, eff. 1-1-23;
15 103-154, eff. 6-30-23; 103-448, eff. 8-4-23; revised
16 10-16-24.)

17 (110 ILCS 947/65.125)

18 Sec. 65.125. Early Childhood Access Consortium for Equity
19 Scholarship Program.

20 (a) As used in this Section, "incumbent workforce" has the
21 meaning ascribed to that term in the Early Childhood Access
22 Consortium for Equity Act.

23 (b) Subject to appropriation, the Commission shall
24 implement and administer an early childhood educator
25 scholarship program, to be known as the Early Childhood Access

1 Consortium for Equity Scholarship Program. Under the Program,
2 the Commission shall annually award scholarships to early
3 childhood education students enrolled in institutions of
4 higher education participating in the Early Childhood Access
5 Consortium for Equity under the Early Childhood Access
6 Consortium for Equity Act with preference given to members of
7 the incumbent workforce.

8 (c) To ensure alignment with Consortium goals and changing
9 workforce needs, the Commission shall work in partnership with
10 the Board of Higher Education and the Illinois Community
11 College Board in program design, and the Board of Higher
12 Education and the Illinois Community College Board shall
13 solicit feedback from the Consortium advisory committee
14 established under Section 25 of the Early Childhood Access
15 Consortium for Equity Act.

16 (d) In awarding a scholarship under this Section, the
17 Commission may give preference to applicants who received a
18 scholarship under this Section during the prior academic year,
19 to applicants with financial need, or both.

20 (e) Prior to receiving scholarship assistance for any
21 academic year, each recipient of a scholarship awarded under
22 this Section shall be required by the Commission to sign an
23 agreement under which the recipient pledges to continue or
24 return to teaching or direct services in the early childhood
25 care and education field in this State after they complete
26 their program of study.

1 (f) The Commission may adopt any rules necessary to
2 implement and administer the Program.

3 (Source: P.A. 103-588, eff. 6-5-24.)

4 (110 ILCS 947/65.130)

5 Sec. 65.130 ~~65.125~~. Journalism Student Scholarship
6 Program.

7 (a) As used in this Section, "local news organization" has
8 the meaning given to that term in the Strengthening Community
9 Media Act.

10 (b) In order to encourage academically talented Illinois
11 students to pursue careers in journalism, especially in
12 underserved areas of the State, and to provide those students
13 with financial assistance to increase the likelihood that they
14 will complete their full academic commitment and elect to
15 remain in Illinois to pursue a career in journalism, subject
16 to appropriation, not sooner than the 2025-2026 academic year,
17 the Commission shall implement and administer the Journalism
18 Student Scholarship Program. The Commission shall annually
19 award scholarships to persons preparing to work in Illinois,
20 with preference given to those preparing to work in
21 underserved areas. These scholarships shall be awarded to
22 individuals who make application to the Commission and agree
23 to sign an agreement under which the recipient pledges that,
24 within the 2-year period following the termination of the
25 academic program for which the recipient was awarded a

1 scholarship, the recipient shall:

2 (1) begin working in journalism in this State for a
3 period of not less than 2 years;

4 (2) fulfill this obligation at local news
5 organization; and

6 (3) upon request of the Commission, provide the
7 Commission with evidence that the recipient is fulfilling
8 or has fulfilled the terms of the teaching agreement
9 provided for in this subsection.

10 (c) An eligible student is a student who meets the
11 following qualifications:

12 (1) is a resident of this State and a citizen or
13 eligible noncitizen of the United States;

14 (2) is a high school graduate or a person who has
15 received an Illinois high school diploma;

16 (3) is enrolled or accepted, on at least a half-time
17 basis, at an institution of higher learning; and

18 (4) is pursuing a postsecondary course of study
19 leading to a career in journalism or a similar field.

20 (d) Each scholarship shall be used by the recipient for
21 the payment of tuition and fees at an institution of higher
22 learning.

23 (e) The Commission shall administer the Program and shall
24 adopt all necessary and proper rules not inconsistent with
25 this Section for its effective implementation.

26 (Source: P.A. 103-1021, eff. 1-1-25; revised 12-3-24.)

1 Section 705. The Student Loan Servicing Rights Act is
2 amended by changing Section 5-70 as follows:

3 (110 ILCS 992/5-70)

4 Sec. 5-70. Cosigner release rights.

5 (a) A servicer may not impose any restriction that
6 permanently bars a borrower from qualifying for cosigner
7 release, including restricting the number of times a borrower
8 may apply for cosigner release.

9 (b) A servicer may not impose any negative consequences on
10 a borrower or cosigner during the 60 days following the
11 issuance of the notice required pursuant to subsection (c) of
12 Section 5-50 of this Act or until the servicer makes a final
13 determination about a borrower's cosigner release application,
14 whichever occurs later. As used in this subsection (b),
15 "negative consequences" includes the imposition of additional
16 eligibility criteria, negative credit reporting, lost
17 eligibility or cosigner release, late fees, interest
18 capitalization, or other financial injury.

19 (c) For any private education loan issued on or after
20 August 2, 2024 (the effective date of Public Act 103-748) ~~this~~
21 ~~amendatory Act of the 103rd General Assembly~~, a servicer may
22 not require proof of more than 12 consecutive, on-time
23 payments as part of the criteria for cosigner release. A
24 borrower who has paid the equivalent of 12 months of principal

1 and interest payments within any 12-month period is deemed to
2 have satisfied the consecutive, on-time payment requirement
3 even if the borrower has not made payments monthly during the
4 12-month period. If a borrower or cosigner requests a change
5 in terms that restarts the count of consecutive, on-time
6 payments required for cosigner release, the servicer shall
7 notify the borrower and cosigner in writing of the impact of
8 the change and provide the borrower and cosigner with the
9 right to withdraw or reverse the request to avoid the impact.

10 (d) A borrower may request an appeal of a servicer's
11 determination to deny a request for cosigner release, and the
12 servicer shall permit the borrower to submit additional
13 documentation evidencing the borrower's ability, willingness,
14 and stability to meet the payment obligations. The borrower
15 may request that another employee of the servicer review the
16 cosigner release determination.

17 (e) A servicer shall establish and maintain a
18 comprehensive record management system reasonably designed to
19 ensure the accuracy, integrity, and completeness of
20 information about cosigner release applications and to ensure
21 compliance with applicable State and federal laws. The system
22 must include the number of cosigner release ~~cosigner release~~
23 applications received, the approval and denial rate, and the
24 primary reasons for any denial.

25 (Source: P.A. 103-748, eff. 8-2-24; revised 10-21-24.)

1 Section 710. The Workforce Development through Charitable
2 Loan Repayment Act is amended by changing Section 10-1 as
3 follows:

4 (110 ILCS 998/10-1)

5 Sec. 10-1. Short title. This Article ~~Act~~ may be cited as
6 the Workforce Development through Charitable Loan Repayment
7 Act. References in this Article to "this Act" mean this
8 Article.

9 (Source: P.A. 103-592, eff. 6-7-24; revised 10-23-24.)

10 Section 715. The Illinois Educational Labor Relations Act
11 is amended by changing Section 5 as follows:

12 (115 ILCS 5/5) (from Ch. 48, par. 1705)

13 Sec. 5. Illinois Educational Labor Relations Board.

14 (a) There is hereby created the Illinois Educational Labor
15 Relations Board.

16 (a-5) Until July 1, 2003 or when all of the new members to
17 be initially appointed under Public Act 93-509 ~~this amendatory~~
18 ~~Act of the 93rd General Assembly~~ have been appointed by the
19 Governor, whichever occurs later, the Illinois Educational
20 Labor Relations Board shall consist of 7 members, no more than
21 4 of whom may be of the same political party, who are residents
22 of Illinois appointed by the Governor with the advice and
23 consent of the Senate.

1 The term of each appointed member of the Board who is in
2 office on June 30, 2003 shall terminate at the close of
3 business on that date or when all of the new members to be
4 initially appointed under Public Act 93-509 ~~this amendatory~~
5 ~~Act of the 93rd General Assembly~~ have been appointed by the
6 Governor, whichever occurs later.

7 (b) Beginning on July 1, 2003 or when all of the new
8 members to be initially appointed under this amendatory Act of
9 the 93rd General Assembly have been appointed by the Governor,
10 whichever occurs later, the Illinois Educational Labor
11 Relations Board shall consist of 5 members appointed by the
12 Governor with the advice and consent of the Senate. No more
13 than 3 members may be of the same political party.

14 The Governor shall appoint to the Board only persons who
15 are residents of Illinois and have had a minimum of 5 years of
16 experience directly related to labor and employment relations
17 in representing educational employers or educational employees
18 in collective bargaining matters. One appointed member shall
19 be designated at the time of his or her appointment to serve as
20 chairman.

21 Of the initial members appointed pursuant to Public Act
22 93-509 ~~this amendatory Act of the 93rd General Assembly~~, 2
23 shall be designated at the time of appointment to serve a term
24 of 6 years, 2 shall be designated at the time of appointment to
25 serve a term of 4 years, and the other shall be designated at
26 the time of his or her appointment to serve a term of 4 years,

1 with each to serve until his or her successor is appointed and
2 qualified.

3 Each subsequent member shall be appointed in like manner
4 for a term of 6 years and until his or her successor is
5 appointed and qualified. Each member of the Board is eligible
6 for reappointment. Vacancies shall be filled in the same
7 manner as original appointments for the balance of the
8 unexpired term.

9 (c) The chairman shall be paid \$50,000 per year, or an
10 amount set by the Compensation Review Board, whichever is
11 greater. Other members of the Board shall each be paid \$45,000
12 per year, or an amount set by the Compensation Review Board,
13 whichever is greater. They shall be entitled to reimbursement
14 for necessary traveling and other official expenditures
15 necessitated by their official duties.

16 Each member shall devote his entire time to the duties of
17 the office, and shall hold no other office or position of
18 profit, nor engage in any other business, employment, or
19 vocation.

20 (d) Three members of the Board constitute a quorum and a
21 vacancy on the Board does not impair the right of the remaining
22 members to exercise all of the powers of the Board.

23 (e) Any member of the Board may be removed by the Governor,
24 upon notice, for neglect of duty or malfeasance in office, but
25 for no other cause.

26 (f) The Board may appoint or employ an executive director,

1 attorneys, hearing officers, and such other employees as it
2 deems necessary to perform its functions, except that the
3 Board shall employ a minimum of 8 attorneys and 5
4 investigators. The Board shall prescribe the duties and
5 qualifications of such persons appointed and, subject to the
6 annual appropriation, fix their compensation and provide for
7 reimbursement of actual and necessary expenses incurred in the
8 performance of their duties.

9 (g) The Board may promulgate rules and regulations which
10 allow parties in proceedings before the Board to be
11 represented by counsel or any other person knowledgeable in
12 the matters under consideration.

13 (h) To accomplish the objectives and to carry out the
14 duties prescribed by this Act, the Board may subpoena
15 witnesses, subpoena the production of books, papers, records,
16 and documents which may be needed as evidence on any matter
17 under inquiry and may administer oaths and affirmations.

18 In cases of neglect or refusal to obey a subpoena issued to
19 any person, the circuit court in the county in which the
20 investigation or the public hearing is taking place, upon
21 application by the Board, may issue an order requiring such
22 person to appear before the Board or any member or agent of the
23 Board to produce evidence or give testimony. A failure to obey
24 such order may be punished by the court as in civil contempt.

25 Any subpoena, notice of hearing, or other process or
26 notice of the Board issued under the provisions of this Act may

1 be served by one of the methods permitted in the Board's rules.

2 (i) The Board shall adopt, promulgate, amend, or rescind
3 rules and regulations in accordance with the Illinois
4 Administrative Procedure Act as it deems necessary and
5 feasible to carry out this Act.

6 (j) The Board at the end of every State fiscal year shall
7 make a report in writing to the Governor and the General
8 Assembly, stating in detail the work it has done to carry out
9 the policy of the Act in hearing and deciding cases and
10 otherwise. The Board's report shall include:

11 (1) the number of unfair labor practice charges filed
12 during the fiscal year;

13 (2) the number of unfair labor practice charges
14 resolved during the fiscal year;

15 (3) the total number of unfair labor charges pending
16 before the Board at the end of the fiscal year;

17 (4) the number of unfair labor charge cases at the end
18 of the fiscal year that have been pending before the Board
19 between 1 and 100 days, 101 and 150 days, 151 and 200 days,
20 201 and 250 days, 251 and 300 days, 301 and 350 days, 351
21 and 400 days, 401 and 450 days, 451 and 500 days, 501 and
22 550 days, 551 and 600 days, 601 and 650 days, 651 and 700
23 days, and over 701 days;

24 (5) the number of representation cases and unit
25 clarification cases filed during the fiscal year;

26 (6) the number of representation cases and unit

1 clarification cases resolved during the fiscal year;

2 (7) the total number of representation cases and unit
3 clarification cases pending before the Board at the end of
4 the fiscal year;

5 (8) the number of representation cases and unit
6 clarification cases at the end of the fiscal year that
7 have been pending before the Board between 1 and 120 days,
8 121 and 180 days, and over 180 days; and

9 (9) the Board's progress in meeting the timeliness
10 goals established pursuant to the criteria in Section 15
11 of this Act; the report shall include, but is not limited
12 to:

13 (A) the average number of days taken to complete
14 investigations and issue complaints, dismissals, or
15 deferrals;

16 (B) the average number of days taken for the Board
17 to issue decisions on appeals of dismissals or
18 deferrals;

19 (C) the average number of days taken to schedule a
20 hearing on complaints once issued;

21 (D) the average number of days taken to issue a
22 recommended decision and order once the record is
23 closed;

24 (E) the average number of days taken for the Board
25 to issue final decisions on recommended decisions when
26 ~~where~~ exceptions have been filed;

1 (F) the average number of days taken for the Board
2 to issue final decisions ~~decision~~ on recommended
3 decisions when no exceptions have been filed; and

4 (G) in cases where the Board was unable to meet the
5 timeliness goals established in Section 15, an
6 explanation as to why the goal was not met.

7 (Source: P.A. 102-797, eff. 1-1-23; 103-856, eff. 1-1-25;
8 revised 11-22-24.)

9 Section 720. The Illinois Banking Act is amended by
10 changing Section 2 as follows:

11 (205 ILCS 5/2) (from Ch. 17, par. 302)

12 Sec. 2. General definitions. In this Act, unless the
13 context otherwise requires, the following words and phrases
14 shall have the following meanings:

15 "Accommodation party" shall have the meaning ascribed to
16 that term in Section 3-419 of the Uniform Commercial Code.

17 "Action" in the sense of a judicial proceeding includes
18 recoupments, counterclaims, set-off, and any other proceeding
19 in which rights are determined.

20 "Affiliate facility" of a bank means a main banking
21 premises or branch of another commonly owned bank. The main
22 banking premises or any branch of a bank may be an "affiliate
23 facility" with respect to one or more other commonly owned
24 banks.

1 "Appropriate federal banking agency" means the Federal
2 Deposit Insurance Corporation, the Federal Reserve Bank of
3 Chicago, or the Federal Reserve Bank of St. Louis, as
4 determined by federal law.

5 "Bank" means any person doing a banking business whether
6 subject to the laws of this or any other jurisdiction.

7 A "banking house", "branch", "branch bank", or "branch
8 office" shall mean any place of business of a bank at which
9 deposits are received, checks paid, or loans made, but shall
10 not include any place at which only records thereof are made,
11 posted, or kept. A place of business at which deposits are
12 received, checks paid, or loans made shall not be deemed to be
13 a branch, branch bank, or branch office if the place of
14 business is adjacent to and connected with the main banking
15 premises, or if it is separated from the main banking premises
16 by not more than an alley; provided always that (i) if the
17 place of business is separated by an alley from the main
18 banking premises there is a connection between the two by
19 public or private way or by subterranean or overhead passage,
20 and (ii) if the place of business is in a building not wholly
21 occupied by the bank, the place of business shall not be within
22 any office or room in which any other business or service of
23 any kind or nature other than the business of the bank is
24 conducted or carried on. A place of business at which deposits
25 are received, checks paid, or loans made shall not be deemed to
26 be a branch, branch bank, or branch office (i) of any bank if

1 the place is a terminal established and maintained in
2 accordance with paragraph (17) of Section 5 of this Act, or
3 (ii) of a commonly owned bank by virtue of transactions
4 conducted at that place on behalf of the other commonly owned
5 bank under paragraph (23) of Section 5 of this Act if the place
6 is an affiliate facility with respect to the other bank.

7 "Branch of an out-of-state bank" means a branch
8 established or maintained in Illinois by an out-of-state bank
9 as a result of a merger between an Illinois bank and the
10 out-of-state bank that occurs on or after May 31, 1997, or any
11 branch established by the out-of-state bank following the
12 merger.

13 "Bylaws" means the bylaws of a bank that are adopted by the
14 bank's board of directors or shareholders for the regulation
15 and management of the bank's affairs. If the bank operates as a
16 limited liability company, however, "bylaws" means the
17 operating agreement of the bank.

18 "Call report fee" means the fee to be paid to the
19 Commissioner by each State bank pursuant to paragraph (a) of
20 subsection (3) of Section 48 of this Act.

21 "Capital" includes the aggregate of outstanding capital
22 stock and preferred stock.

23 "Cash flow reserve account" means the account within the
24 books and records of the Commissioner of Banks and Real Estate
25 used to record funds designated to maintain a reasonable Bank
26 and Trust Company Fund operating balance to meet agency

1 obligations on a timely basis.

2 "Charter" includes the original charter and all amendments
3 thereto and articles of merger or consolidation.

4 "Commissioner" means the Commissioner of Banks and Real
5 Estate, except that beginning on April 6, 2009 (the effective
6 date of Public Act 95-1047), all references in this Act to the
7 Commissioner of Banks and Real Estate are deemed, in
8 appropriate contexts, to be references to the Secretary of
9 Financial and Professional Regulation.

10 "Commonly owned banks" means 2 or more banks that each
11 qualify as a bank subsidiary of the same bank holding company
12 pursuant to Section 18 of the Federal Deposit Insurance Act;
13 "commonly owned bank" refers to one of a group of commonly
14 owned banks but only with respect to one or more of the other
15 banks in the same group.

16 "Community" means a city, village, or incorporated town
17 and also includes the area served by the banking offices of a
18 bank, but need not be limited or expanded to conform to the
19 geographic boundaries of units of local government.

20 "Company" means a corporation, limited liability company,
21 partnership, business trust, association, or similar
22 organization and, unless specifically excluded, includes a
23 "State bank" and a "bank".

24 "Consolidating bank" means a party to a consolidation.

25 "Consolidation" takes place when 2 or more banks, or a
26 trust company and a bank, are extinguished and by the same

1 process a new bank is created, taking over the assets and
2 assuming the liabilities of the banks or trust company passing
3 out of existence.

4 "Continuing bank" means a merging bank, the charter of
5 which becomes the charter of the resulting bank.

6 "Converting bank" means a State bank converting to become
7 a national bank, or a national bank converting to become a
8 State bank.

9 "Converting trust company" means a trust company
10 converting to become a State bank.

11 "Court" means a court of competent jurisdiction.

12 "Director" means a member of the board of directors of a
13 bank. In the case of a manager-managed limited liability
14 company, however, "director" means a manager of the bank and,
15 in the case of a member-managed limited liability company,
16 "director" means a member of the bank. The term "director"
17 does not include an advisory director, honorary director,
18 director emeritus, or similar person, unless the person is
19 otherwise performing functions similar to those of a member of
20 the board of directors.

21 "Director of Banking" means the Director of the Division
22 of Banking of the Department of Financial and Professional
23 Regulation.

24 "Eligible depository institution" means an insured savings
25 association that is in default, an insured savings association
26 that is in danger of default, a State or national bank that is

1 in default or a State or national bank that is in danger of
2 default, as those terms are defined in this Section, or a new
3 bank as that term is defined in Section 11(m) of the Federal
4 Deposit Insurance Act or a bridge bank as that term is defined
5 in Section 11(n) of the Federal Deposit Insurance Act or a new
6 federal savings association authorized under Section
7 11(d)(2)(f) of the Federal Deposit Insurance Act.

8 "Fiduciary" means trustee, agent, executor, administrator,
9 committee, guardian for a minor or for a person under legal
10 disability, receiver, trustee in bankruptcy, assignee for
11 creditors, or any holder of similar position of trust.

12 "Financial institution" means a bank, savings bank,
13 savings and loan association, credit union, or any licensee
14 under the Consumer Installment Loan Act or the Sales Finance
15 Agency Act and, for purposes of Section 48.3, any proprietary
16 network, funds transfer corporation, or other entity providing
17 electronic funds transfer services, or any corporate
18 fiduciary, its subsidiaries, affiliates, parent company, or
19 contractual service provider that is examined by the
20 Commissioner. For purposes of Section 5c and subsection (b) of
21 Section 13 of this Act, "financial institution" includes any
22 proprietary network, funds transfer corporation, or other
23 entity providing electronic funds transfer services, and any
24 corporate fiduciary.

25 "Foundation" means the Illinois Bank Examiners' Education
26 Foundation.

1 "General obligation" means a bond, note, debenture,
2 security, or other instrument evidencing an obligation of the
3 government entity that is the issuer that is supported by the
4 full available resources of the issuer, the principal and
5 interest of which is payable in whole or in part by taxation.

6 "Guarantee" means an undertaking or promise to answer for
7 payment of another's debt or performance of another's duty,
8 liability, or obligation whether "payment guaranteed" or
9 "collection guaranteed".

10 "In danger of default" means a State or national bank, a
11 federally chartered insured savings association, or an
12 Illinois state chartered insured savings association with
13 respect to which the Commissioner or the appropriate federal
14 banking agency has advised the Federal Deposit Insurance
15 Corporation that:

16 (1) in the opinion of the Commissioner or the
17 appropriate federal banking agency,

18 (A) the State or national bank or insured savings
19 association is not likely to be able to meet the
20 demands of the State or national bank's or savings
21 association's obligations in the normal course of
22 business; and

23 (B) there is no reasonable prospect that the State
24 or national bank or insured savings association will
25 be able to meet those demands or pay those obligations
26 without federal assistance; or

1 (2) in the opinion of the Commissioner or the
2 appropriate federal banking agency,

3 (A) the State or national bank or insured savings
4 association has incurred or is likely to incur losses
5 that will deplete all or substantially all of its
6 capital; and

7 (B) there is no reasonable prospect that the
8 capital of the State or national bank or insured
9 savings association will be replenished without
10 federal assistance.

11 "In default" means, with respect to a State or national
12 bank or an insured savings association, any adjudication or
13 other official determination by any court of competent
14 jurisdiction, the Commissioner, the appropriate federal
15 banking agency, or other public authority pursuant to which a
16 conservator, receiver, or other legal custodian is appointed
17 for a State or national bank or an insured savings
18 association.

19 "Insured savings association" means any federal savings
20 association chartered under Section 5 of the federal Home
21 Owners' Loan Act and any State savings association chartered
22 under the Illinois Savings and Loan Act of 1985 or a
23 predecessor Illinois statute, the deposits of which are
24 insured by the Federal Deposit Insurance Corporation. The term
25 also includes a savings bank organized or operating under the
26 Savings Bank Act.

1 "Insured savings association in recovery" means an insured
2 savings association that is not an eligible depository
3 institution and that does not meet the minimum capital
4 requirements applicable with respect to the insured savings
5 association.

6 "Issuer" means for purposes of Section 33 every person who
7 shall have issued or proposed to issue any security; except
8 that (1) with respect to certificates of deposit, voting trust
9 certificates, collateral-trust certificates, and certificates
10 of interest or shares in an unincorporated investment trust
11 not having a board of directors (or persons performing similar
12 functions), "issuer" means the person or persons performing
13 the acts and assuming the duties of depositor or manager
14 pursuant to the provisions of the trust, agreement, or
15 instrument under which the securities are issued; (2) with
16 respect to trusts other than those specified in clause (1)
17 above, where the trustee is a corporation authorized to accept
18 and execute trusts, "issuer" means the entrusters, depositors,
19 or creators of the trust and any manager or committee charged
20 with the general direction of the affairs of the trust
21 pursuant to the provisions of the agreement or instrument
22 creating the trust; and (3) with respect to equipment trust
23 certificates or like securities, "issuer" means the person to
24 whom the equipment or property is or is to be leased or
25 conditionally sold.

26 "Letter of credit" and "customer" shall have the meanings

1 ascribed to those terms in Section 5-102 of the Uniform
2 Commercial Code.

3 "Main banking premises" means the location that is
4 designated in a bank's charter as its main office.

5 "Maker or obligor" means for purposes of Section 33 the
6 issuer of a security, the promisor in a debenture or other debt
7 security, or the mortgagor or grantor of a trust deed or
8 similar conveyance of a security interest in real or personal
9 property.

10 "Merged bank" means a merging bank that is not the
11 continuing, resulting, or surviving bank in a consolidation or
12 merger.

13 "Merger" includes consolidation.

14 "Merging bank" means a party to a bank merger.

15 "Merging trust company" means a trust company party to a
16 merger with a State bank.

17 "Mid-tier bank holding company" means a corporation that
18 (a) owns 100% of the issued and outstanding shares of each
19 class of stock of a State bank, (b) has no other subsidiaries,
20 and (c) 100% of the issued and outstanding shares of the
21 corporation are owned by a parent bank holding company.

22 "Municipality" means any municipality, political
23 subdivision, school district, taxing district, or agency.

24 "National bank" means a national banking association
25 located in this State and after May 31, 1997, means a national
26 banking association without regard to its location.

1 "Out-of-state bank" means a bank chartered under the laws
2 of a state other than Illinois, a territory of the United
3 States, or the District of Columbia.

4 "Parent bank holding company" means a corporation that is
5 a bank holding company as that term is defined in the Illinois
6 Bank Holding Company Act of 1957 and owns 100% of the issued
7 and outstanding shares of a mid-tier bank holding company.

8 "Person" means an individual, corporation, limited
9 liability company, partnership, joint venture, trust, estate,
10 or unincorporated association.

11 "Public agency" means the State of Illinois, the various
12 counties, townships, cities, towns, villages, school
13 districts, educational service regions, special road
14 districts, public water supply districts, fire protection
15 districts, drainage districts, levee districts, sewer
16 districts, housing authorities, the Illinois Bank Examiners'
17 Education Foundation, the Chicago Park District, and all other
18 political corporations or subdivisions of the State of
19 Illinois, whether now or hereafter created, whether herein
20 specifically mentioned or not, and shall also include any
21 other state or any political corporation or subdivision of
22 another state.

23 "Public funds" or "public money" means current operating
24 funds, special funds, interest and sinking funds, and funds of
25 any kind or character belonging to, in the custody of, or
26 subject to the control or regulation of the United States or a

1 public agency. "Public funds" or "public money" shall include
2 funds held by any of the officers, agents, or employees of the
3 United States or of a public agency in the course of their
4 official duties and, with respect to public money of the
5 United States, shall include Postal Savings funds.

6 "Published" means, unless the context requires otherwise,
7 the publishing of the notice or instrument referred to in some
8 newspaper of general circulation in the community in which the
9 bank is located at least once each week for 3 successive weeks.
10 Publishing shall be accomplished by, and at the expense of,
11 the bank required to publish. Where publishing is required,
12 the bank shall submit to the Commissioner that evidence of the
13 publication as the Commissioner shall deem appropriate.

14 "Qualified financial contract" means any security
15 contract, commodity contract, forward contract, including spot
16 and forward foreign exchange contracts, repurchase agreement,
17 swap agreement, and any similar agreement, any option to enter
18 into any such agreement, including any combination of the
19 foregoing, and any master agreement for such agreements. A
20 master agreement, together with all supplements thereto, shall
21 be treated as one qualified financial contract. The contract,
22 option, agreement, or combination of contracts, options, or
23 agreements shall be reflected upon the books, accounts, or
24 records of the bank, or a party to the contract shall provide
25 documentary evidence of such agreement.

26 "Recorded" means the filing or recording of the notice or

1 instrument referred to in the office of the Recorder of the
2 county wherein the bank is located.

3 "Resulting bank" means the bank resulting from a merger or
4 conversion.

5 "Secretary" means the Secretary of Financial and
6 Professional Regulation, or a person authorized by the
7 Secretary or by this Act to act in the Secretary's stead.

8 "Securities" means stocks, bonds, debentures, notes, or
9 other similar obligations.

10 "Stand-by letter of credit" means a letter of credit under
11 which drafts are payable upon the condition the customer has
12 defaulted in performance of a duty, liability, or obligation.

13 "State bank" means any banking corporation that has a
14 banking charter issued by the Commissioner under this Act.

15 "State Banking Board" means the State Banking Board of
16 Illinois.

17 "Subsidiary" with respect to a specified company means a
18 company that is controlled by the specified company. For
19 purposes of paragraphs (8) and (12) of Section 5 of this Act,
20 "control" means the exercise of operational or managerial
21 control of a corporation by the bank, either alone or together
22 with other affiliates of the bank.

23 "Surplus" means the aggregate of (i) amounts paid in
24 excess of the par value of capital stock and preferred stock;
25 (ii) amounts contributed other than for capital stock and
26 preferred stock and allocated to the surplus account; and

1 (iii) amounts transferred from undivided profits.

2 "Tier 1 Capital" and "Tier 2 Capital" have the meanings
3 assigned to those terms in regulations promulgated for the
4 appropriate federal banking agency of a state bank, as those
5 regulations are now or hereafter amended.

6 "Trust company" means a limited liability company or
7 corporation incorporated in this State for the purpose of
8 accepting and executing trusts.

9 "Undivided profits" means undistributed earnings less
10 discretionary transfers to surplus.

11 "Unimpaired capital and unimpaired surplus", for the
12 purposes of paragraph (21) of Section 5 and Sections 32, 33,
13 34, 35.1, 35.2, and 47 of this Act means the sum of the state
14 bank's Tier 1 Capital and Tier 2 Capital plus such other
15 shareholder equity as may be included by regulation of the
16 Commissioner. Unimpaired capital and unimpaired surplus shall
17 be calculated on the basis of the date of the last quarterly
18 call report filed with the Commissioner preceding the date of
19 the transaction for which the calculation is made, provided
20 that: (i) when a material event occurs after the date of the
21 last quarterly call report filed with the Commissioner that
22 reduces or increases the bank's unimpaired capital and
23 unimpaired surplus by 10% or more, then the unimpaired capital
24 and unimpaired surplus shall be calculated from the date of
25 the material event for a transaction conducted after the date
26 of the material event; and (ii) if the Commissioner determines

1 for safety and soundness reasons that a state bank should
2 calculate unimpaired capital and unimpaired surplus more
3 frequently than provided by this paragraph, the Commissioner
4 may by written notice direct the bank to calculate unimpaired
5 capital and unimpaired surplus at a more frequent interval. In
6 the case of a state bank newly chartered under Section 13 or a
7 state bank resulting from a merger, consolidation, or
8 conversion under Sections 21 through 26 for which no preceding
9 quarterly call report has been filed with the Commissioner,
10 unimpaired capital and unimpaired surplus shall be calculated
11 for the first calendar quarter on the basis of the effective
12 date of the charter, merger, consolidation, or conversion.

13 (Source: P.A. 95-924, eff. 8-26-08; 95-1047, eff. 4-6-09;
14 96-1000, eff. 7-2-10; 96-1163, eff. 1-1-11; revised 8-6-24.)

15 Section 725. The Assisted Living and Shared Housing Act is
16 amended by changing Section 10 as follows:

17 (210 ILCS 9/10)

18 (Text of Section before amendment by P.A. 103-844)

19 Sec. 10. Definitions. For purposes of this Act:

20 "Activities of daily living" means eating, dressing,
21 bathing, toileting, transferring, or personal hygiene.

22 "Assisted living establishment" or "establishment" means a
23 home, building, residence, or any other place where sleeping
24 accommodations are provided for at least 3 unrelated adults,

1 at least 80% of whom are 55 years of age or older and where the
2 following are provided consistent with the purposes of this
3 Act:

4 (1) services consistent with a social model that is
5 based on the premise that the resident's unit in assisted
6 living and shared housing is his or her own home;

7 (2) community-based residential care for persons who
8 need assistance with activities of daily living, including
9 personal, supportive, and intermittent health-related
10 services available 24 hours per day, if needed, to meet
11 the scheduled and unscheduled needs of a resident;

12 (3) mandatory services, whether provided directly by
13 the establishment or by another entity arranged for by the
14 establishment, with the consent of the resident or
15 resident's representative; and

16 (4) a physical environment that is a homelike setting
17 that includes the following and such other elements as
18 established by the Department: individual living units
19 each of which shall accommodate small kitchen appliances
20 and contain private bathing, washing, and toilet
21 facilities, or private washing and toilet facilities with
22 a common bathing room readily accessible to each resident.
23 Units shall be maintained for single occupancy except in
24 cases in which 2 residents choose to share a unit.
25 Sufficient common space shall exist to permit individual
26 and group activities.

1 "Assisted living establishment" or "establishment" does
2 not mean any of the following:

3 (1) A home, institution, or similar place operated by
4 the federal government or the State of Illinois.

5 (2) A long term care facility licensed under the
6 Nursing Home Care Act, a facility licensed under the
7 Specialized Mental Health Rehabilitation Act of 2013, a
8 facility licensed under the ID/DD Community Care Act, or a
9 facility licensed under the MC/DD Act. However, a facility
10 licensed under any of those Acts may convert distinct
11 parts of the facility to assisted living. If the facility
12 elects to do so, the facility shall retain the Certificate
13 of Need for its nursing and sheltered care beds that were
14 converted.

15 (3) A hospital, sanitarium, or other institution, the
16 principal activity or business of which is the diagnosis,
17 care, and treatment of human illness and that is required
18 to be licensed under the Hospital Licensing Act.

19 (4) A facility for child care as defined in the Child
20 Care Act of 1969.

21 (5) A community living facility as defined in the
22 Community Living Facilities Licensing Act.

23 (6) A nursing home or sanitarium operated solely by
24 and for persons who rely exclusively upon treatment by
25 spiritual means through prayer in accordance with the
26 creed or tenants of a well-recognized church or religious

1 denomination.

2 (7) A facility licensed by the Department of Human
3 Services as a community-integrated living arrangement as
4 defined in the Community-Integrated Living Arrangements
5 Licensure and Certification Act.

6 (8) A supportive residence licensed under the
7 Supportive Residences Licensing Act.

8 (9) The portion of a life care facility as defined in
9 the Life Care Facilities Act not licensed as an assisted
10 living establishment under this Act; a life care facility
11 may apply under this Act to convert sections of the
12 community to assisted living.

13 (10) A free-standing hospice facility licensed under
14 the Hospice Program Licensing Act.

15 (11) A shared housing establishment.

16 (12) A supportive living facility as described in
17 Section 5-5.01a of the Illinois Public Aid Code.

18 "Certified medication aide" means a person who has met the
19 qualifications for certification under Section 79 and assists
20 with medication administration while under the supervision of
21 a registered professional nurse as authorized by Section 50-75
22 of the Nurse Practice Act in an assisted living establishment.

23 "Department" means the Department of Public Health.

24 "Director" means the Director of Public Health.

25 "Emergency situation" means imminent danger of death or
26 serious physical harm to a resident of an establishment.

1 "License" means any of the following types of licenses
2 issued to an applicant or licensee by the Department:

3 (1) "Probationary license" means a license issued to
4 an applicant or licensee that has not held a license under
5 this Act prior to its application or pursuant to a license
6 transfer in accordance with Section 50 of this Act.

7 (2) "Regular license" means a license issued by the
8 Department to an applicant or licensee that is in
9 substantial compliance with this Act and any rules
10 promulgated under this Act.

11 "Licensee" means a person, agency, association,
12 corporation, partnership, or organization that has been issued
13 a license to operate an assisted living or shared housing
14 establishment.

15 "Licensed health care professional" means a registered
16 professional nurse, an advanced practice registered nurse, a
17 physician assistant, and a licensed practical nurse.

18 "Mandatory services" include the following:

19 (1) 3 meals per day available to the residents
20 prepared by the establishment or an outside contractor;

21 (2) housekeeping services including, but not limited
22 to, vacuuming, dusting, and cleaning the resident's unit;

23 (3) personal laundry and linen services available to
24 the residents provided or arranged for by the
25 establishment;

26 (4) security provided 24 hours each day including, but

1 not limited to, locked entrances or building or contract
2 security personnel;

3 (5) an emergency communication response system, which
4 is a procedure in place 24 hours each day by which a
5 resident can notify building management, an emergency
6 response vendor, or others able to respond to his or her
7 need for assistance; and

8 (6) assistance with activities of daily living as
9 required by each resident.

10 "Negotiated risk" is the process by which a resident, or
11 his or her representative, may formally negotiate with
12 providers what risks each are willing and unwilling to assume
13 in service provision and the resident's living environment.
14 The provider assures that the resident and the resident's
15 representative, if any, are informed of the risks of these
16 decisions and of the potential consequences of assuming these
17 risks.

18 "Owner" means the individual, partnership, corporation,
19 association, or other person who owns an assisted living or
20 shared housing establishment. In the event an assisted living
21 or shared housing establishment is operated by a person who
22 leases or manages the physical plant, which is owned by
23 another person, "owner" means the person who operates the
24 assisted living or shared housing establishment, except that
25 if the person who owns the physical plant is an affiliate of
26 the person who operates the assisted living or shared housing

1 establishment and has significant control over the day to day
2 operations of the assisted living or shared housing
3 establishment, the person who owns the physical plant shall
4 incur jointly and severally with the owner all liabilities
5 imposed on an owner under this Act.

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

9 "Program" means the Certified Medication Aide Program.

10 "Qualified establishment" means an assisted living and
11 shared housing establishment licensed by the Department of
12 Public Health.

13 "Resident" means a person residing in an assisted living
14 or shared housing establishment.

15 "Resident's representative" means a person, other than the
16 owner, agent, or employee of an establishment or of the health
17 care provider unless related to the resident, designated in
18 writing by a resident to be his or her representative. This
19 designation may be accomplished through the Illinois Power of
20 Attorney Act, pursuant to the guardianship process under the
21 Probate Act of 1975, or pursuant to an executed designation of
22 representative form specified by the Department.

23 "Self" means the individual or the individual's designated
24 representative.

25 "Shared housing establishment" or "establishment" means a
26 publicly or privately operated free-standing residence for 16

1 or fewer persons, at least 80% of whom are 55 years of age or
2 older and who are unrelated to the owners and one manager of
3 the residence, where the following are provided:

4 (1) services consistent with a social model that is
5 based on the premise that the resident's unit is his or her
6 own home;

7 (2) community-based residential care for persons who
8 need assistance with activities of daily living, including
9 housing and personal, supportive, and intermittent
10 health-related services available 24 hours per day, if
11 needed, to meet the scheduled and unscheduled needs of a
12 resident; and

13 (3) mandatory services, whether provided directly by
14 the establishment or by another entity arranged for by the
15 establishment, with the consent of the resident or the
16 resident's representative.

17 "Shared housing establishment" or "establishment" does not
18 mean any of the following:

19 (1) A home, institution, or similar place operated by
20 the federal government or the State of Illinois.

21 (2) A long term care facility licensed under the
22 Nursing Home Care Act, a facility licensed under the
23 Specialized Mental Health Rehabilitation Act of 2013, a
24 facility licensed under the ID/DD Community Care Act, or a
25 facility licensed under the MC/DD Act. A facility licensed
26 under any of those Acts may, however, convert sections of

1 the facility to assisted living. If the facility elects to
2 do so, the facility shall retain the Certificate of Need
3 for its nursing beds that were converted.

4 (3) A hospital, sanitarium, or other institution, the
5 principal activity or business of which is the diagnosis,
6 care, and treatment of human illness and that is required
7 to be licensed under the Hospital Licensing Act.

8 (4) A facility for child care as defined in the Child
9 Care Act of 1969.

10 (5) A community living facility as defined in the
11 Community Living Facilities Licensing Act.

12 (6) A nursing home or sanitarium operated solely by
13 and for persons who rely exclusively upon treatment by
14 spiritual means through prayer in accordance with the
15 creed or tenants of a well-recognized church or religious
16 denomination.

17 (7) A facility licensed by the Department of Human
18 Services as a community-integrated living arrangement as
19 defined in the Community-Integrated Living Arrangements
20 Licensure and Certification Act.

21 (8) A supportive residence licensed under the
22 Supportive Residences Licensing Act.

23 (9) A life care facility as defined in the Life Care
24 Facilities Act; a life care facility may apply under this
25 Act to convert sections of the community to assisted
26 living.

1 (10) A free-standing hospice facility licensed under
2 the Hospice Program Licensing Act.

3 (11) An assisted living establishment.

4 (12) A supportive living facility as described in
5 Section 5-5.01a of the Illinois Public Aid Code.

6 "Total assistance" means that staff or another individual
7 performs the entire activity of daily living without
8 participation by the resident.

9 (Source: P.A. 103-886, eff. 8-9-24.)

10 (Text of Section after amendment by P.A. 103-844)

11 Sec. 10. Definitions. For purposes of this Act:

12 "Activities of daily living" means eating, dressing,
13 bathing, toileting, transferring, or personal hygiene.

14 "Assisted living establishment" or "establishment" means a
15 home, building, residence, or any other place where sleeping
16 accommodations are provided for at least 3 unrelated adults,
17 at least 80% of whom are 55 years of age or older and where the
18 following are provided consistent with the purposes of this
19 Act:

20 (1) services consistent with a social model that is
21 based on the premise that the resident's unit in assisted
22 living and shared housing is his or her own home;

23 (2) community-based residential care for persons who
24 need assistance with activities of daily living, including
25 personal, supportive, and intermittent health-related

1 services available 24 hours per day, if needed, to meet
2 the scheduled and unscheduled needs of a resident;

3 (3) mandatory services, whether provided directly by
4 the establishment or by another entity arranged for by the
5 establishment, with the consent of the resident or
6 resident's representative; and

7 (4) a physical environment that is a homelike setting
8 that includes the following and such other elements as
9 established by the Department: individual living units
10 each of which shall accommodate small kitchen appliances
11 and contain private bathing, washing, and toilet
12 facilities, or private washing and toilet facilities with
13 a common bathing room readily accessible to each resident.
14 Units shall be maintained for single occupancy except in
15 cases in which 2 residents choose to share a unit.
16 Sufficient common space shall exist to permit individual
17 and group activities.

18 "Assisted living establishment" or "establishment" does
19 not mean any of the following:

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21 the federal government or the State of Illinois.

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23 Nursing Home Care Act, a facility licensed under the
24 Specialized Mental Health Rehabilitation Act of 2013, a
25 facility licensed under the ID/DD Community Care Act, or a
26 facility licensed under the MC/DD Act. However, a facility

1 licensed under any of those Acts may convert distinct
2 parts of the facility to assisted living. If the facility
3 elects to do so, the facility shall retain the Certificate
4 of Need for its nursing and sheltered care beds that were
5 converted.

6 (3) A hospital, sanitarium, or other institution, the
7 principal activity or business of which is the diagnosis,
8 care, and treatment of human illness and that is required
9 to be licensed under the Hospital Licensing Act.

10 (4) A facility for child care as defined in the Child
11 Care Act of 1969.

12 (5) A community living facility as defined in the
13 Community Living Facilities Licensing Act.

14 (6) A nursing home or sanitarium operated solely by
15 and for persons who rely exclusively upon treatment by
16 spiritual means through prayer in accordance with the
17 creed or tenants of a well-recognized church or religious
18 denomination.

19 (7) A facility licensed by the Department of Human
20 Services as a community-integrated living arrangement as
21 defined in the Community-Integrated Living Arrangements
22 Licensure and Certification Act.

23 (8) A supportive residence licensed under the
24 Supportive Residences Licensing Act.

25 (9) The portion of a life care facility as defined in
26 the Life Care Facilities Act not licensed as an assisted

1 living establishment under this Act; a life care facility
2 may apply under this Act to convert sections of the
3 community to assisted living.

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5 the Hospice Program Licensing Act.

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8 Section 5-5.01a of the Illinois Public Aid Code.

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10 qualifications for certification under Section 79 and assists
11 with medication administration while under the supervision of
12 a registered professional nurse as authorized by Section 50-75
13 of the Nurse Practice Act in an assisted living establishment.

14 "Department" means the Department of Public Health.

15 "Director" means the Director of Public Health.

16 "Emergency situation" means imminent danger of death or
17 serious physical harm to a resident of an establishment.

18 "Infection control committee" means persons, including an
19 infection preventionist, who develop and implement policies
20 governing control of infections and communicable diseases and
21 are qualified through education, training, experience, or
22 certification or a combination of such qualifications.

23 "Infection preventionist" means a registered nurse who
24 develops and implements policies governing control of
25 infections and communicable diseases and is qualified through
26 education, training, experience, or certification or a

1 combination of such qualifications.

2 "License" means any of the following types of licenses
3 issued to an applicant or licensee by the Department:

4 (1) "Probationary license" means a license issued to
5 an applicant or licensee that has not held a license under
6 this Act prior to its application or pursuant to a license
7 transfer in accordance with Section 50 of this Act.

8 (2) "Regular license" means a license issued by the
9 Department to an applicant or licensee that is in
10 substantial compliance with this Act and any rules
11 promulgated under this Act.

12 "Licensee" means a person, agency, association,
13 corporation, partnership, or organization that has been issued
14 a license to operate an assisted living or shared housing
15 establishment.

16 "Licensed health care professional" means a registered
17 professional nurse, an advanced practice registered nurse, a
18 physician assistant, and a licensed practical nurse.

19 "Mandatory services" include the following:

20 (1) 3 meals per day available to the residents
21 prepared by the establishment or an outside contractor;

22 (2) housekeeping services including, but not limited
23 to, vacuuming, dusting, and cleaning the resident's unit;

24 (3) personal laundry and linen services available to
25 the residents provided or arranged for by the
26 establishment;

1 (4) security provided 24 hours each day including, but
2 not limited to, locked entrances or building or contract
3 security personnel;

4 (5) an emergency communication response system, which
5 is a procedure in place 24 hours each day by which a
6 resident can notify building management, an emergency
7 response vendor, or others able to respond to his or her
8 need for assistance; and

9 (6) assistance with activities of daily living as
10 required by each resident.

11 "Negotiated risk" is the process by which a resident, or
12 his or her representative, may formally negotiate with
13 providers what risks each are willing and unwilling to assume
14 in service provision and the resident's living environment.
15 The provider assures that the resident and the resident's
16 representative, if any, are informed of the risks of these
17 decisions and of the potential consequences of assuming these
18 risks.

19 "Owner" means the individual, partnership, corporation,
20 association, or other person who owns an assisted living or
21 shared housing establishment. In the event an assisted living
22 or shared housing establishment is operated by a person who
23 leases or manages the physical plant, which is owned by
24 another person, "owner" means the person who operates the
25 assisted living or shared housing establishment, except that
26 if the person who owns the physical plant is an affiliate of

1 the person who operates the assisted living or shared housing
2 establishment and has significant control over the day to day
3 operations of the assisted living or shared housing
4 establishment, the person who owns the physical plant shall
5 incur jointly and severally with the owner all liabilities
6 imposed on an owner under this Act.

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

10 "Program" means the Certified Medication Aide Program.

11 "Qualified establishment" means an assisted living and
12 shared housing establishment licensed by the Department of
13 Public Health.

14 "Resident" means a person residing in an assisted living
15 or shared housing establishment.

16 "Resident's representative" means a person, other than the
17 owner, agent, or employee of an establishment or of the health
18 care provider unless related to the resident, designated in
19 writing by a resident to be his or her representative. This
20 designation may be accomplished through the Illinois Power of
21 Attorney Act, pursuant to the guardianship process under the
22 Probate Act of 1975, or pursuant to an executed designation of
23 representative form specified by the Department.

24 "Self" means the individual or the individual's designated
25 representative.

26 "Shared housing establishment" or "establishment" means a

1 publicly or privately operated free-standing residence for 16
2 or fewer persons, at least 80% of whom are 55 years of age or
3 older and who are unrelated to the owners and one manager of
4 the residence, where the following are provided:

5 (1) services consistent with a social model that is
6 based on the premise that the resident's unit is his or her
7 own home;

8 (2) community-based residential care for persons who
9 need assistance with activities of daily living, including
10 housing and personal, supportive, and intermittent
11 health-related services available 24 hours per day, if
12 needed, to meet the scheduled and unscheduled needs of a
13 resident; and

14 (3) mandatory services, whether provided directly by
15 the establishment or by another entity arranged for by the
16 establishment, with the consent of the resident or the
17 resident's representative.

18 "Shared housing establishment" or "establishment" does not
19 mean any of the following:

20 (1) A home, institution, or similar place operated by
21 the federal government or the State of Illinois.

22 (2) A long term care facility licensed under the
23 Nursing Home Care Act, a facility licensed under the
24 Specialized Mental Health Rehabilitation Act of 2013, a
25 facility licensed under the ID/DD Community Care Act, or a
26 facility licensed under the MC/DD Act. A facility licensed

1 under any of those Acts may, however, convert sections of
2 the facility to assisted living. If the facility elects to
3 do so, the facility shall retain the Certificate of Need
4 for its nursing beds that were converted.

5 (3) A hospital, sanitarium, or other institution, the
6 principal activity or business of which is the diagnosis,
7 care, and treatment of human illness and that is required
8 to be licensed under the Hospital Licensing Act.

9 (4) A facility for child care as defined in the Child
10 Care Act of 1969.

11 (5) A community living facility as defined in the
12 Community Living Facilities Licensing Act.

13 (6) A nursing home or sanitarium operated solely by
14 and for persons who rely exclusively upon treatment by
15 spiritual means through prayer in accordance with the
16 creed or tenants of a well-recognized church or religious
17 denomination.

18 (7) A facility licensed by the Department of Human
19 Services as a community-integrated living arrangement as
20 defined in the Community-Integrated Living Arrangements
21 Licensure and Certification Act.

22 (8) A supportive residence licensed under the
23 Supportive Residences Licensing Act.

24 (9) A life care facility as defined in the Life Care
25 Facilities Act; a life care facility may apply under this
26 Act to convert sections of the community to assisted

1 living.

2 (10) A free-standing hospice facility licensed under
3 the Hospice Program Licensing Act.

4 (11) An assisted living establishment.

5 (12) A supportive living facility as described in
6 Section 5-5.01a of the Illinois Public Aid Code.

7 "Total assistance" means that staff or another individual
8 performs the entire activity of daily living without
9 participation by the resident.

10 (Source: P.A. 103-844, eff. 7-1-25; 103-886, eff. 8-9-24;
11 revised 10-7-24.)

12 Section 730. The MC/DD Act is amended by changing Section
13 3-801.1 as follows:

14 (210 ILCS 46/3-801.1)

15 Sec. 3-801.1. Access to records of resident with
16 developmental disabilities. Notwithstanding the other
17 provisions of this Act to the contrary, the agency designated
18 by the Governor under Section 1 of the Protection and Advocacy
19 for Persons with Developmental Disabilities Act ~~"An Act in~~
20 ~~relation to the protection and advocacy of the rights of~~
21 ~~persons with developmental disabilities, and amending Acts~~
22 ~~therein named", enacted by the 84th General Assembly,~~ shall
23 have access to the records of a person with developmental
24 disabilities who resides in a facility, subject to the

1 limitations of this Act. The agency shall also have access for
2 the purpose of inspection and copying, to the records of a
3 person with developmental disabilities who resides in any such
4 facility if (1) a complaint is received by such agency from or
5 on behalf of the person with a developmental disability, and
6 (2) such person does not have a guardian or the State or the
7 designee of the State is the guardian of such person. The
8 designated agency shall provide written notice to the person
9 with developmental disabilities and the State guardian of the
10 nature of the complaint based upon which the designated agency
11 has gained access to the records. No record or the contents of
12 any record shall be redisclosed by the designated agency
13 unless the person with developmental disabilities and the
14 State guardian are provided 7 days' advance written notice,
15 except in emergency situations, of the designated agency's
16 intent to redisclose such record, during which time the person
17 with developmental disabilities or the State guardian may seek
18 to judicially enjoin the designated agency's redisclosure of
19 such record on the grounds that such redisclosure is contrary
20 to the interests of the person with developmental
21 disabilities. If a person with developmental disabilities
22 resides in such a facility and has a guardian other than the
23 State or the designee of the State, the facility director
24 shall disclose the guardian's name, address, and telephone
25 number to the designated agency at the agency's request.

26 Upon request, the designated agency shall be entitled to

1 inspect and copy any records or other materials which may
2 further the agency's investigation of problems affecting
3 numbers of persons with developmental disabilities. When
4 required by law any personally identifiable information of
5 persons with a developmental disability shall be removed from
6 the records. However, the designated agency may not inspect or
7 copy any records or other materials when the removal of
8 personally identifiable information imposes an unreasonable
9 burden on the facility. For the purposes of this Section,
10 "developmental disability" means "developmental disability" as
11 defined in Section 1-106 of the Mental Health and
12 Developmental Disabilities Code.

13 (Source: P.A. 102-972, eff. 1-1-23; revised 7-19-24.)

14 Section 735. The Emergency Medical Services (EMS) Systems
15 Act is amended by changing Sections 3.40 and 3.117 as follows:

16 (210 ILCS 50/3.40)

17 Sec. 3.40. EMS System Participation Suspensions and Due
18 Process.

19 (a) An EMS Medical Director may suspend from participation
20 within the System any EMS personnel, EMS Lead Instructor (LI),
21 individual, individual provider, or other participant
22 considered not to be meeting the requirements of the Program
23 Plan of that approved EMS System. An EMS Medical Director must
24 submit a suspension order to the Department describing which

1 requirements of the Program Plan were not met and the
2 suspension's duration. The Department shall review and confirm
3 receipt of the suspension order, request additional
4 information, or initiate an investigation. The Department
5 shall incorporate the duration of that suspension into any
6 further action taken by the Department to suspend, revoke, or
7 refuse to issue or renew the license of the individual or
8 entity for any violation of this Act or the Program Plan
9 arising from the same conduct for which the suspension order
10 was issued if the suspended party has neither requested a
11 Department hearing on the suspension nor worked as a provider
12 in any other System during the term of the suspension.

13 (b) Prior to suspending any individual or entity, an EMS
14 Medical Director shall provide an opportunity for a hearing
15 before the local System review board in accordance with
16 subsection (f) and the rules promulgated by the Department.

17 (1) If the local System review board affirms or
18 modifies the EMS Medical Director's suspension order, the
19 individual or entity shall have the opportunity for a
20 review of the local board's decision by the State EMS
21 Disciplinary Review Board, pursuant to Section 3.45 of
22 this Act.

23 (2) If the local System review board reverses or
24 modifies the EMS Medical Director's order, the EMS Medical
25 Director shall have the opportunity for a review of the
26 local board's decision by the State EMS Disciplinary

1 Review Board, pursuant to Section 3.45 of this Act.

2 (3) The suspension shall commence only upon the
3 occurrence of one of the following:

4 (A) the individual or entity has waived the
5 opportunity for a hearing before the local System
6 review board;

7 (B) the order has been affirmed or modified by the
8 local system review board and the individual or entity
9 has waived the opportunity for review by the State
10 Board; or

11 (C) the order has been affirmed or modified by the
12 local system review board, and the local board's
13 decision has been affirmed or modified by the State
14 Board.

15 (c) An individual interviewed or investigated by the local
16 system review board or the Department shall have the right to a
17 union representative and legal counsel of the individual's
18 choosing present at any interview. The union representative
19 must comply with any confidentiality requirements and
20 requirements for the protection of any patient information
21 presented during the proceeding.

22 (d) An EMS Medical Director may immediately suspend an
23 EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, PHPA,
24 PHAPRN, or other individual or entity if he or she finds that
25 the continuation in practice by the individual or entity would
26 constitute an imminent danger to the public. The suspended

1 individual or entity shall be issued an immediate verbal
2 notification followed by a written suspension order by the EMS
3 Medical Director which states the length, terms, and basis for
4 the suspension.

5 (1) Within 24 hours following the commencement of the
6 suspension, the EMS Medical Director shall deliver to the
7 Department, by messenger, telefax, or other
8 Department-approved electronic communication, a copy of
9 the suspension order and copies of any written materials
10 which relate to the EMS Medical Director's decision to
11 suspend the individual or entity. All medical and
12 patient-specific information, including Department
13 findings with respect to the quality of care rendered,
14 shall be strictly confidential pursuant to the Medical
15 Studies Act (Part 21 of Article VIII of the Code of Civil
16 Procedure).

17 (2) Within 24 hours following the commencement of the
18 suspension, the suspended individual or entity may deliver
19 to the Department, by messenger, telefax, or other
20 Department-approved electronic communication, a written
21 response to the suspension order and copies of any written
22 materials which the individual or entity feels are
23 appropriate. All medical and patient-specific information,
24 including Department findings with respect to the quality
25 of care rendered, shall be strictly confidential pursuant
26 to the Medical Studies Act.

1 (3) Within 24 hours following receipt of the EMS
2 Medical Director's suspension order or the individual or
3 entity's written response, whichever is later, the
4 Director or the Director's designee shall determine
5 whether the suspension should be stayed pending an
6 opportunity for a hearing or review in accordance with
7 this Act, or whether the suspension should continue during
8 the course of that hearing or review. When an immediate
9 suspension order is not stayed, the Director or the
10 Director's designee within the Department shall identify
11 if that suspension shall immediately apply to statewide
12 participation only in situations when a licensee has been
13 charged with a crime while performing the licensee's
14 official duties as an EMR, EMD, EMT, EMT-I, A-EMT,
15 Paramedic, ECRN, TNS, PHRN, LI, PHPA, or PHAPRN and the
16 licensee's continuation to practice poses the possibility
17 of imminent harm to the public based upon ~~off~~ factual
18 evidence provided to the Department. The determination to
19 issue an immediate statewide suspension shall not deny the
20 right to due process to a licensee. The Director or the
21 Director's designee shall issue this determination to the
22 EMS Medical Director, who shall immediately notify the
23 suspended individual or entity. The suspension shall
24 remain in effect during this period of review by the
25 Director or the Director's designee.

26 (e) Upon issuance of a suspension order for reasons

1 directly related to medical care, the EMS Medical Director
2 shall also provide the individual or entity with the
3 opportunity for a hearing before the local System review
4 board, in accordance with subsection (f) and the rules
5 promulgated by the Department.

6 (1) If the local System review board affirms or
7 modifies the EMS Medical Director's suspension order, the
8 individual or entity shall have the opportunity for a
9 review of the local board's decision by the State EMS
10 Disciplinary Review Board, pursuant to Section 3.45 of
11 this Act.

12 (2) If the local System review board reverses or
13 modifies the EMS Medical Director's suspension order, the
14 EMS Medical Director shall have the opportunity for a
15 review of the local board's decision by the State EMS
16 Disciplinary Review Board, pursuant to Section 3.45 of
17 this Act.

18 (3) The suspended individual or entity may elect to
19 bypass the local System review board and seek direct
20 review of the EMS Medical Director's suspension order by
21 the State EMS Disciplinary Review Board.

22 (f) The Resource Hospital shall designate a local System
23 review board in accordance with the rules of the Department,
24 for the purpose of providing a hearing to any individual or
25 entity participating within the System who is suspended from
26 participation by the EMS Medical Director. The EMS Medical

1 Director shall arrange for a certified shorthand reporter to
2 make a stenographic record of that hearing and thereafter
3 prepare a transcript of the proceedings. The EMS Medical
4 Director shall inform the individual of the individual's right
5 to have a union representative and legal counsel of the
6 individual's choosing present at any interview. The union
7 representative must comply with any confidentiality
8 requirements and requirements for the protection of any
9 patient information presented during the proceeding. The
10 transcript, all documents or materials received as evidence
11 during the hearing and the local System review board's written
12 decision shall be retained in the custody of the EMS system.
13 The System shall implement a decision of the local System
14 review board unless that decision has been appealed to the
15 State Emergency Medical Services Disciplinary Review Board in
16 accordance with this Act and the rules of the Department.

17 (g) The Resource Hospital shall implement a decision of
18 the State Emergency Medical Services Disciplinary Review Board
19 which has been rendered in accordance with this Act and the
20 rules of the Department.

21 (Source: P.A. 103-521, eff. 1-1-24; 103-779, eff. 8-2-24;
22 revised 10-21-24.)

23 (210 ILCS 50/3.117)

24 Sec. 3.117. Hospital designations.

25 (a) The Department shall attempt to designate Primary

1 Stroke Centers in all areas of the State.

2 (1) The Department shall designate as many certified
3 Primary Stroke Centers as apply for that designation
4 provided they are certified by a nationally recognized
5 certifying body, approved by the Department, and
6 certification criteria are consistent with the most
7 current nationally recognized, evidence-based stroke
8 guidelines related to reducing the occurrence,
9 disabilities, and death associated with stroke.

10 (2) A hospital certified as a Primary Stroke Center by
11 a nationally recognized certifying body approved by the
12 Department, shall send a copy of the Certificate and
13 annual fee to the Department and shall be deemed, within
14 30 business days of its receipt by the Department, to be a
15 State-designated Primary Stroke Center.

16 (3) A center designated as a Primary Stroke Center
17 shall pay an annual fee as determined by the Department
18 that shall be no less than \$100 and no greater than \$500.
19 All fees shall be deposited into the Stroke Data
20 Collection Fund.

21 (3.5) With respect to a hospital that is a designated
22 Primary Stroke Center, the Department shall have the
23 authority and responsibility to do the following:

24 (A) Suspend or revoke a hospital's Primary Stroke
25 Center designation upon receiving notice that the
26 hospital's Primary Stroke Center certification has

1 lapsed or has been revoked by the State recognized
2 certifying body.

3 (B) Suspend a hospital's Primary Stroke Center
4 designation, in extreme circumstances where patients
5 may be at risk for immediate harm or death, until such
6 time as the certifying body investigates and makes a
7 final determination regarding certification.

8 (C) Restore any previously suspended or revoked
9 Department designation upon notice to the Department
10 that the certifying body has confirmed or restored the
11 Primary Stroke Center certification of that previously
12 designated hospital.

13 (D) Suspend a hospital's Primary Stroke Center
14 designation at the request of a hospital seeking to
15 suspend its own Department designation.

16 (4) Primary Stroke Center designation shall remain
17 valid at all times while the hospital maintains its
18 certification as a Primary Stroke Center, in good
19 standing, with the certifying body. The duration of a
20 Primary Stroke Center designation shall coincide with the
21 duration of its Primary Stroke Center certification. Each
22 designated Primary Stroke Center shall have its
23 designation automatically renewed upon the Department's
24 receipt of a copy of the accrediting body's certification
25 renewal.

26 (5) A hospital that no longer meets nationally

1 recognized, evidence-based standards for Primary Stroke
2 Centers, or loses its Primary Stroke Center certification,
3 shall notify the Department and the Regional EMS Advisory
4 Committee within 5 business days.

5 (a-5) The Department shall attempt to designate
6 Comprehensive Stroke Centers in all areas of the State.

7 (1) The Department shall designate as many certified
8 Comprehensive Stroke Centers as apply for that
9 designation, provided that the Comprehensive Stroke
10 Centers are certified by a nationally recognized
11 certifying body approved by the Department, and provided
12 that the certifying body's certification criteria are
13 consistent with the most current nationally recognized and
14 evidence-based stroke guidelines for reducing the
15 occurrence of stroke and the disabilities and death
16 associated with stroke.

17 (2) A hospital certified as a Comprehensive Stroke
18 Center shall send a copy of the Certificate and annual fee
19 to the Department and shall be deemed, within 30 business
20 days of its receipt by the Department, to be a
21 State-designated Comprehensive Stroke Center.

22 (3) A hospital designated as a Comprehensive Stroke
23 Center shall pay an annual fee as determined by the
24 Department that shall be no less than \$100 and no greater
25 than \$500. All fees shall be deposited into the Stroke
26 Data Collection Fund.

1 (4) With respect to a hospital that is a designated
2 Comprehensive Stroke Center, the Department shall have the
3 authority and responsibility to do the following:

4 (A) Suspend or revoke the hospital's Comprehensive
5 Stroke Center designation upon receiving notice that
6 the hospital's Comprehensive Stroke Center
7 certification has lapsed or has been revoked by the
8 State recognized certifying body.

9 (B) Suspend the hospital's Comprehensive Stroke
10 Center designation, in extreme circumstances in which
11 patients may be at risk for immediate harm or death,
12 until such time as the certifying body investigates
13 and makes a final determination regarding
14 certification.

15 (C) Restore any previously suspended or revoked
16 Department designation upon notice to the Department
17 that the certifying body has confirmed or restored the
18 Comprehensive Stroke Center certification of that
19 previously designated hospital.

20 (D) Suspend the hospital's Comprehensive Stroke
21 Center designation at the request of a hospital
22 seeking to suspend its own Department designation.

23 (5) Comprehensive Stroke Center designation shall
24 remain valid at all times while the hospital maintains its
25 certification as a Comprehensive Stroke Center, in good
26 standing, with the certifying body. The duration of a

1 Comprehensive Stroke Center designation shall coincide
2 with the duration of its Comprehensive Stroke Center
3 certification. Each designated Comprehensive Stroke Center
4 shall have its designation automatically renewed upon the
5 Department's receipt of a copy of the certifying body's
6 certification renewal.

7 (6) A hospital that no longer meets nationally
8 recognized, evidence-based standards for Comprehensive
9 Stroke Centers, or loses its Comprehensive Stroke Center
10 certification, shall notify the Department and the
11 Regional EMS Advisory Committee within 5 business days.

12 (a-7) ~~(a-5)~~ The Department shall attempt to designate
13 Thrombectomy Capable Stroke Centers, Thrombectomy Ready Stroke
14 Centers, and Primary Stroke Centers Plus in all areas of the
15 State according to the following requirements:

16 (1) The Department shall designate as many certified
17 Thrombectomy Capable Stroke Centers, Thrombectomy Ready
18 Stroke Centers, and Primary Stroke Centers Plus as apply
19 for that designation, provided that the body certifying
20 the facility uses certification criteria consistent with
21 the most current nationally recognized and evidence-based
22 stroke guidelines for reducing the occurrence of strokes
23 and the disabilities and death associated with strokes.

24 (2) A Thrombectomy Capable Stroke Center, Thrombectomy
25 Ready Stroke Center, or Primary Stroke Center Plus shall
26 send a copy of the certificate of its designation and

1 annual fee to the Department and shall be deemed, within
2 30 business days after its receipt by the Department, to
3 be a State-designated Thrombectomy Capable Stroke Center,
4 Thrombectomy Ready Stroke Center, or Primary Stroke Center
5 Plus.

6 (3) A Thrombectomy Capable Stroke Center, Thrombectomy
7 Ready Stroke Center, or Primary Stroke Center Plus shall
8 pay an annual fee as determined by the Department that
9 shall be no less than \$100 and no greater than \$500. All
10 fees collected under this paragraph shall be deposited
11 into the Stroke Data Collection Fund.

12 (4) With respect to a Thrombectomy Capable Stroke
13 Center, Thrombectomy Ready Stroke Center, or Primary
14 Stroke Center Plus, the Department shall:

15 (A) suspend or revoke the Thrombectomy Capable
16 Stroke Center, Thrombectomy Ready Stroke Center, or
17 Primary Stroke Center Plus designation upon receiving
18 notice that the Thrombectomy Capable Stroke Center's,
19 Thrombectomy Ready Stroke Center's, or Primary Stroke
20 Center Plus's certification has lapsed or has been
21 revoked by its certifying body;

22 (B) in extreme circumstances in which patients may
23 be at risk for immediate harm or death, suspend the
24 Thrombectomy Capable Stroke Center's, Thrombectomy
25 Ready Stroke Center's, or Primary Stroke Center Plus's
26 designation until its certifying body investigates the

1 circumstances and makes a final determination
2 regarding its certification;

3 (C) restore any previously suspended or revoked
4 Department designation upon notice to the Department
5 that the certifying body has confirmed or restored the
6 Thrombectomy Capable Stroke Center's, Thrombectomy
7 Ready Stroke Center's, or Primary Stroke Center Plus's
8 certification; and

9 (D) suspend the Thrombectomy Capable Stroke
10 Center's, Thrombectomy Ready Stroke Center's, or
11 Primary Stroke Center Plus's designation at the
12 request of a facility seeking to suspend its own
13 Department designation.

14 (5) A Thrombectomy Capable Stroke Center, Thrombectomy
15 Ready Stroke Center, or Primary Stroke Center Plus
16 designation shall remain valid at all times while the
17 facility maintains its certification as a Thrombectomy
18 Capable Stroke Center, Thrombectomy Ready Stroke Center,
19 or Primary Stroke Center Plus and is in good standing with
20 the certifying body. The duration of a Thrombectomy
21 Capable Stroke Center, Thrombectomy Ready Stroke Center,
22 or Primary Stroke Center Plus designation shall be the
23 same as the duration of its Thrombectomy Capable Stroke
24 Center, Thrombectomy Ready Stroke Center, or Primary
25 Stroke Center Plus certification. Each designated
26 Thrombectomy Capable Stroke Center, Thrombectomy Ready

1 Stroke Center, or Primary Stroke Center Plus shall have
2 its designation automatically renewed upon the
3 Department's receipt of a copy of the certifying body's
4 renewal of the certification.

5 (6) A hospital that no longer meets the criteria for
6 Thrombectomy Capable Stroke Centers, Thrombectomy Ready
7 Stroke Centers, or Primary Stroke Centers Plus, or loses
8 its Thrombectomy Capable Stroke Center, Thrombectomy Ready
9 Stroke Center, or Primary Stroke Center Plus
10 certification, shall notify the Department and the
11 Regional EMS Advisory Committee of the situation within 5
12 business days after being made aware of it.

13 (b) Beginning on the first day of the month that begins 12
14 months after the adoption of rules authorized by this
15 subsection, the Department shall attempt to designate
16 hospitals as Acute Stroke-Ready Hospitals in all areas of the
17 State. Designation may be approved by the Department after a
18 hospital has been certified as an Acute Stroke-Ready Hospital
19 or through application and designation by the Department. For
20 any hospital that is designated as an Emergent Stroke Ready
21 Hospital at the time that the Department begins the
22 designation of Acute Stroke-Ready Hospitals, the Emergent
23 Stroke Ready designation shall remain intact for the duration
24 of the 12-month period until that designation expires. Until
25 the Department begins the designation of hospitals as Acute
26 Stroke-Ready Hospitals, hospitals may achieve Emergent Stroke

1 Ready Hospital designation utilizing the processes and
2 criteria provided in Public Act 96-514.

3 (1) (Blank).

4 (2) Hospitals may apply for, and receive, Acute
5 Stroke-Ready Hospital designation from the Department,
6 provided that the hospital attests, on a form developed by
7 the Department in consultation with the State Stroke
8 Advisory Subcommittee, that it meets, and will continue to
9 meet, the criteria for Acute Stroke-Ready Hospital
10 designation and pays an annual fee.

11 A hospital designated as an Acute Stroke-Ready
12 Hospital shall pay an annual fee as determined by the
13 Department that shall be no less than \$100 and no greater
14 than \$500. All fees shall be deposited into the Stroke
15 Data Collection Fund.

16 (2.5) A hospital may apply for, and receive, Acute
17 Stroke-Ready Hospital designation from the Department,
18 provided that the hospital provides proof of current Acute
19 Stroke-Ready Hospital certification and the hospital pays
20 an annual fee.

21 (A) Acute Stroke-Ready Hospital designation shall
22 remain valid at all times while the hospital maintains
23 its certification as an Acute Stroke-Ready Hospital,
24 in good standing, with the certifying body.

25 (B) The duration of an Acute Stroke-Ready Hospital
26 designation shall coincide with the duration of its

1 Acute Stroke-Ready Hospital certification.

2 (C) Each designated Acute Stroke-Ready Hospital
3 shall have its designation automatically renewed upon
4 the Department's receipt of a copy of the certifying
5 body's certification renewal and Application for
6 Stroke Center Designation form.

7 (D) A hospital must submit a copy of its
8 certification renewal from the certifying body as soon
9 as practical but no later than 30 business days after
10 that certification is received by the hospital. Upon
11 the Department's receipt of the renewal certification,
12 the Department shall renew the hospital's Acute
13 Stroke-Ready Hospital designation.

14 (E) A hospital designated as an Acute Stroke-Ready
15 Hospital shall pay an annual fee as determined by the
16 Department that shall be no less than \$100 and no
17 greater than \$500. All fees shall be deposited into
18 the Stroke Data Collection Fund.

19 (3) Hospitals seeking Acute Stroke-Ready Hospital
20 designation that do not have certification shall develop
21 policies and procedures that are consistent with
22 nationally recognized, evidence-based protocols for the
23 provision of emergent stroke care. Hospital policies
24 relating to emergent stroke care and stroke patient
25 outcomes shall be reviewed at least annually, or more
26 often as needed, by a hospital committee that oversees

1 quality improvement. Adjustments shall be made as
2 necessary to advance the quality of stroke care delivered.
3 Criteria for Acute Stroke-Ready Hospital designation of
4 hospitals shall be limited to the ability of a hospital
5 to:

6 (A) create written acute care protocols related to
7 emergent stroke care;

8 (A-5) participate in the data collection system
9 provided in Section 3.118, if available;

10 (B) maintain a written transfer agreement with one
11 or more hospitals that have neurosurgical expertise;

12 (C) designate a Clinical Director of Stroke Care
13 who shall be a clinical member of the hospital staff
14 with training or experience, as defined by the
15 facility, in the care of patients with cerebrovascular
16 disease. This training or experience may include, but
17 is not limited to, completion of a fellowship or other
18 specialized training in the area of cerebrovascular
19 disease, attendance at national courses, or prior
20 experience in neuroscience intensive care units. The
21 Clinical Director of Stroke Care may be a neurologist,
22 neurosurgeon, emergency medicine physician, internist,
23 radiologist, advanced practice registered nurse, or
24 physician ~~physician's~~ assistant;

25 (C-5) provide rapid access to an acute stroke
26 team, as defined by the facility, that considers and

1 reflects nationally recognized, evidence-based
2 protocols or guidelines;

3 (D) administer thrombolytic therapy, or
4 subsequently developed medical therapies that meet
5 nationally recognized, evidence-based stroke
6 guidelines;

7 (E) conduct brain image tests at all times;

8 (F) conduct blood coagulation studies at all
9 times;

10 (G) maintain a log of stroke patients, which shall
11 be available for review upon request by the Department
12 or any hospital that has a written transfer agreement
13 with the Acute Stroke-Ready Hospital;

14 (H) admit stroke patients to a unit that can
15 provide appropriate care that considers and reflects
16 nationally recognized, evidence-based protocols or
17 guidelines or transfer stroke patients to an Acute
18 Stroke-Ready Hospital, Primary Stroke Center, or
19 Comprehensive Stroke Center, or another facility that
20 can provide the appropriate care that considers and
21 reflects nationally recognized, evidence-based
22 protocols or guidelines; and

23 (I) demonstrate compliance with nationally
24 recognized quality indicators.

25 (4) With respect to Acute Stroke-Ready Hospital
26 designation, the Department shall have the authority and

1 responsibility to do the following:

2 (A) Require hospitals applying for Acute
3 Stroke-Ready Hospital designation to attest, on a form
4 developed by the Department in consultation with the
5 State Stroke Advisory Subcommittee, that the hospital
6 meets, and will continue to meet, the criteria for an
7 Acute Stroke-Ready Hospital.

8 (A-5) Require hospitals applying for Acute
9 Stroke-Ready Hospital designation via national Acute
10 Stroke-Ready Hospital certification to provide proof
11 of current Acute Stroke-Ready Hospital certification,
12 in good standing.

13 The Department shall require a hospital that is
14 already certified as an Acute Stroke-Ready Hospital to
15 send a copy of the Certificate to the Department.

16 Within 30 business days of the Department's
17 receipt of a hospital's Acute Stroke-Ready Certificate
18 and Application for Stroke Center Designation form
19 that indicates that the hospital is a certified Acute
20 Stroke-Ready Hospital, in good standing, the hospital
21 shall be deemed a State-designated Acute Stroke-Ready
22 Hospital. The Department shall send a designation
23 notice to each hospital that it designates as an Acute
24 Stroke-Ready Hospital and shall add the names of
25 designated Acute Stroke-Ready Hospitals to the website
26 listing immediately upon designation. The Department

1 shall immediately remove the name of a hospital from
2 the website listing when a hospital loses its
3 designation after notice and, if requested by the
4 hospital, a hearing.

5 The Department shall develop an Application for
6 Stroke Center Designation form that contains a
7 statement that "The above named facility meets the
8 requirements for Acute Stroke-Ready Hospital
9 Designation as provided in Section 3.117 of the
10 Emergency Medical Services (EMS) Systems Act" and
11 shall instruct the applicant facility to provide: the
12 hospital name and address; the hospital CEO or
13 Administrator's typed name and signature; the hospital
14 Clinical Director of Stroke Care's typed name and
15 signature; and a contact person's typed name, email
16 address, and phone number.

17 The Application for Stroke Center Designation form
18 shall contain a statement that instructs the hospital
19 to "Provide proof of current Acute Stroke-Ready
20 Hospital certification from a nationally recognized
21 certifying body approved by the Department".

22 (B) Designate a hospital as an Acute Stroke-Ready
23 Hospital no more than 30 business days after receipt
24 of an attestation that meets the requirements for
25 attestation, unless the Department, within 30 days of
26 receipt of the attestation, chooses to conduct an

1 onsite survey prior to designation. If the Department
2 chooses to conduct an onsite survey prior to
3 designation, then the onsite survey shall be conducted
4 within 90 days of receipt of the attestation.

5 (C) Require annual written attestation, on a form
6 developed by the Department in consultation with the
7 State Stroke Advisory Subcommittee, by Acute
8 Stroke-Ready Hospitals to indicate compliance with
9 Acute Stroke-Ready Hospital criteria, as described in
10 this Section, and automatically renew Acute
11 Stroke-Ready Hospital designation of the hospital.

12 (D) Issue an Emergency Suspension of Acute
13 Stroke-Ready Hospital designation when the Director,
14 or his or her designee, has determined that the
15 hospital no longer meets the Acute Stroke-Ready
16 Hospital criteria and an immediate and serious danger
17 to the public health, safety, and welfare exists. If
18 the Acute Stroke-Ready Hospital fails to eliminate the
19 violation immediately or within a fixed period of
20 time, not exceeding 10 days, as determined by the
21 Director, the Director may immediately revoke the
22 Acute Stroke-Ready Hospital designation. The Acute
23 Stroke-Ready Hospital may appeal the revocation within
24 15 business days after receiving the Director's
25 revocation order, by requesting an administrative
26 hearing.

1 (E) After notice and an opportunity for an
2 administrative hearing, suspend, revoke, or refuse to
3 renew an Acute Stroke-Ready Hospital designation, when
4 the Department finds the hospital is not in
5 substantial compliance with current Acute Stroke-Ready
6 Hospital criteria.

7 (c) The Department shall consult with the State Stroke
8 Advisory Subcommittee for developing the designation,
9 re-designation, and de-designation processes for Comprehensive
10 Stroke Centers, Thrombectomy Capable Stroke Centers,
11 Thrombectomy Ready Stroke Centers, Primary Stroke Centers
12 Plus, Primary Stroke Centers, and Acute Stroke-Ready
13 Hospitals.

14 (d) The Department shall consult with the State Stroke
15 Advisory Subcommittee as subject matter experts at least
16 annually regarding stroke standards of care.

17 (Source: P.A. 102-687, eff. 12-17-21; 103-149, eff. 1-1-24;
18 revised 7-19-24.)

19 Section 740. The Hospital Licensing Act is amended by
20 setting forth and renumbering multiple versions of Section
21 11.9 as follows:

22 (210 ILCS 85/11.9)

23 Sec. 11.9. Maternal milk donation education.

24 (a) To ensure an adequate supply of pasteurized donor

1 human milk for premature infants in Illinois, a hospital with
2 licensed obstetric beds shall provide information and
3 instructional materials to parents of each newborn, upon
4 discharge from the hospital, regarding the option to
5 voluntarily donate milk to nonprofit milk banks that are
6 accredited by the Human Milk Banking Association of North
7 America or its successor organization. The materials shall be
8 provided free of charge and shall include general information
9 regarding nonprofit milk banking practices and contact
10 information for area nonprofit milk banks that are accredited
11 by the Human Milk Banking Association of North America.

12 (b) The information and instructional materials described
13 in subsection (a) may be provided electronically.

14 (c) Nothing in this Section prohibits a hospital from
15 obtaining free and suitable information on voluntary milk
16 donation from the Human Milk Banking Association of North
17 America, its successor organization, or its accredited
18 members.

19 (Source: P.A. 103-160, eff. 1-1-24; 103-605, eff. 7-1-24.)

20 (210 ILCS 85/11.10)

21 (This Section may contain text from a Public Act with a
22 delayed effective date)

23 Sec. 11.10 ~~11.9~~. Certificate of birth resulting in
24 stillbirth; notification. This Section may be referred to as
25 Liam's Law.

1 A hospital having custody of a fetus following a
2 spontaneous fetal death occurring during or after a gestation
3 period of at least 20 completed weeks must notify the
4 gestational parent of the parent's right to receive a
5 certificate of birth resulting in stillbirth as described in
6 Section 20.5 of the Vital Records Act. The Department of
7 Public Health shall develop language on a form to be used for
8 notification under this Section and hospitals shall provide
9 the form to the gestational parent. This section of language
10 shall be known as a "Liam's Law notice". The "Liam's Law
11 notice" shall be available in both English and Spanish.

12 (Source: P.A. 103-948, eff. 7-1-25; revised 10-2-24.)

13 Section 745. The Fair Patient Billing Act is amended by
14 changing Section 35 as follows:

15 (210 ILCS 88/35)

16 Sec. 35. Collection limitations.

17 (a) The hospital shall not pursue legal action for
18 non-payment of a hospital bill against uninsured patients who
19 have clearly demonstrated that they have neither sufficient
20 income nor assets to meet their financial obligations provided
21 the patient has complied with Section 45 of this Act.

22 (b) A hospital may not bill an uninsured patient who ~~that~~
23 requires health care services, as defined in Section 5 of the
24 Hospital Uninsured Patient Discount Act, if it determines,

1 through its financial assistance screening process, that the
2 patient has a household income that qualifies the person for
3 free care under the Hospital Uninsured Patient Discount Act.
4 If the patient is deemed eligible for public health insurance
5 or any other insurance product certified by the Department of
6 Insurance, the hospital shall provide information to the
7 patient about how the patient can apply for the insurance
8 program under subsection (f) of Section 16.

9 (Source: P.A. 103-901, eff. 1-1-25; revised 11-22-24.)

10 Section 750. The Mobile Home Park Act is amended by
11 changing Sections 1 and 21.5 as follows:

12 (210 ILCS 115/1) (from Ch. 111 1/2, par. 711)

13 Sec. 1. The General Assembly of Illinois finds: (1) that
14 there is a serious housing shortage in this State ~~state~~; (2)
15 that rising costs in the building construction field have ~~has~~
16 seriously impeded the building of new housing, particularly
17 for moderate-income ~~moderate~~ and low-income ~~low-income~~
18 citizens; (3) that the existing housing stock is continuously
19 depleted through demolition resulting from aging buildings,
20 urban renewal, highway construction, and other necessary
21 public improvements; (4) that advances in the construction of
22 mobile homes have ~~has~~ significantly increased the importance
23 of this mode of housing; and (5) that, and through proper
24 regulation and licensing, and mobile homes can contribute to the

1 quality housing of Illinois citizens.

2 (Source: P.A. 77-1472; revised 10-23-24.)

3 (210 ILCS 115/21.5)

4 Sec. 21.5. Mobile home parks report. Beginning in 2026,
5 the Department shall prepare an annual report that contains,
6 at a minimum, the total number of mobile parks licensed by
7 ~~registered with~~ the Department; the total number of mobile
8 home parks that closed in the preceding year; the total number
9 of newly permitted mobile home parks from the preceding year;
10 the total number of mobile home parks that failed to renew and
11 comply with the licensing requirements for the preceding
12 calendar year; how many administrative cases were opened in
13 the preceding calendar year; if the administrative case was
14 resolved or is still open; a brief summary of the nature of the
15 administrative cases; and an update on the Department's
16 staffing for mobile home enforcement and oversight. The report
17 shall be made public no later than July 1 for the preceding
18 calendar year.

19 (Source: P.A. 103-819, eff. 1-1-25; revised 12-1-24.)

20 Section 755. The Illinois Insurance Code is amended by
21 changing the heading of Article V.75 and Sections 155.36, 355,
22 356z.5, 356z.14, 356z.25, 356z.40, 363, 367a, 367f, 370c, 408,
23 416, 500-35, 511.109, and 534.3 and by setting forth and
24 renumbering multiple versions of Sections 356z.61 and 356z.71

as follows:

(215 ILCS 5/Art. V.75 heading)

ARTICLE V 3/4. GROUP WORKERS' COMPENSATION

POOLS; POOLING; INSOLVENCY FUND~~;~~

(215 ILCS 5/155.36)

Sec. 155.36. Managed Care Reform and Patient Rights Act. Insurance companies that transact the kinds of insurance authorized under Class 1(b) or Class 2(a) of Section 4 of this Code shall comply with Sections 25, 45, 45.1, 45.2, 45.3, 65, 70, 85, and 87, subsection (d) of Section 30, and the definitions of the term "emergency medical condition" and any other term in Section 10 of the Managed Care Reform and Patient Rights Act that is used in the other Sections listed in this Section. Except as provided by Section 85 of the Managed Care Reform and Patient Rights Act, no law or rule shall be construed to exempt any utilization review program from the requirements of Section 85 of the Managed Care Reform and Patient Rights Act with respect to any insurance described in this Section.

(Source: P.A. 102-409, eff. 1-1-22; 103-426, eff. 8-4-23; 103-650, eff. 1-1-25; 103-656, eff. 1-1-25; revised 11-26-24.)

(215 ILCS 5/355)

Sec. 355. Accident and health policies; provisions.

1 (a) As used in this Section:

2 "Inadequate rate" means a rate:

3 (1) that is insufficient to sustain projected losses
4 and expenses to which the rate applies; and

5 (2) the continued use of which endangers the solvency
6 of an insurer using that rate.

7 "Large employer" has the meaning provided in the Illinois
8 Health Insurance Portability and Accountability Act.

9 "Plain language" has the meaning provided in the federal
10 Plain Writing Act of 2010 and subsequent guidance documents,
11 including the Federal Plain Language Guidelines.

12 "Unreasonable rate increase" means a rate increase that
13 the Director determines to be excessive, unjustified, or
14 unfairly discriminatory in accordance with 45 CFR 154.205.

15 (b) No policy of insurance against loss or damage from the
16 sickness, or from the bodily injury or death of the insured by
17 accident shall be issued or delivered to any person in this
18 State until a copy of the form thereof and of the
19 classification of risks and the premium rates pertaining
20 thereto have been filed with the Director; nor shall it be so
21 issued or delivered until the Director shall have approved
22 such policy pursuant to the provisions of Section 143. If the
23 Director disapproves the policy form, he or she shall make a
24 written decision stating the respects in which such form does
25 not comply with the requirements of law and shall deliver a
26 copy thereof to the company and it shall be unlawful

1 thereafter for any such company to issue any policy in such
2 form. On and after January 1, 2025, any form filing submitted
3 for large employer group accident and health insurance shall
4 be automatically deemed approved within 90 days of the
5 submission date unless the Director extends by not more than
6 an additional 30 days the period within which the form shall be
7 approved or disapproved by giving written notice to the
8 insurer of such extension before the expiration of the 90
9 days. Any form in receipt of such an extension shall be
10 automatically deemed approved within 120 days of the
11 submission date. The Director may toll the filing due to a
12 conflict in legal interpretation of federal or State law as
13 long as the tolling is applied uniformly to all applicable
14 forms, written notification is provided to the insurer prior
15 to the tolling, the duration of the tolling is provided within
16 the notice to the insurer, and justification for the tolling
17 is posted to the Department's website. The Director may
18 disapprove the filing if the insurer fails to respond to an
19 objection or request for additional information within the
20 timeframe identified for response. As used in this subsection,
21 "large employer" has the meaning given in Section 5 of the
22 federal Health Insurance Portability and Accountability Act.

23 (c) For plan year 2026 and thereafter, premium rates for
24 all individual and small group accident and health insurance
25 policies must be filed with the Department for approval.
26 Unreasonable rate increases or inadequate rates shall be

1 modified or disapproved. For any plan year during which the
2 Illinois Health Benefits Exchange operates as a full
3 State-based exchange, the Department shall provide insurers at
4 least 30 days' notice of the deadline to submit rate filings.

5 (c-5) Unless prohibited under federal law, for plan year
6 2026 and thereafter, each insurer proposing to offer a
7 qualified health plan issued in the individual market through
8 the Illinois Health Benefits Exchange must incorporate the
9 following approach in its rate filing under this Section:

10 (1) The rate filing must apply a cost-sharing
11 reduction defunding adjustment factor within a range that:

12 (A) is uniform across all insurers;

13 (B) is consistent with the total adjustment
14 expected to be needed to cover actual cost-sharing
15 reduction costs across all silver plans on the
16 Illinois Health Benefits Exchange statewide, provided
17 that such costs are calculated assuming utilization by
18 the State's full individual-market risk pool; and

19 (C) assumes that the only on-Exchange silver plans
20 that will be purchased are the 87% and 94%
21 cost-sharing reduction variations.

22 (2) The rate filing must apply an induced demand
23 factor based on the following formula: $(\text{Plan Actuarial Value})^2 - (\text{Plan Actuarial Value}) + 1.24$.
24

25 In the annual notice to insurers described in subsection
26 (c), the Department must include the specific numerical range

1 calculated for the applicable plan year under paragraph (1) of
2 this subsection (c-5) and the formula in paragraph (2) of this
3 subsection (c-5).

4 (d) For plan year 2025 and thereafter, the Department
5 shall post all insurers' rate filings and summaries on the
6 Department's website 5 business days after the rate filing
7 deadline set by the Department in annual guidance. The rate
8 filings and summaries posted to the Department's website shall
9 exclude information that is proprietary or trade secret
10 information protected under paragraph (g) of subsection (1) of
11 Section 7 of the Freedom of Information Act or confidential or
12 privileged under any applicable insurance law or rule. All
13 summaries shall include a brief justification of any rate
14 increase or decrease requested, including the number of
15 individual members, the medical loss ratio, medical trend,
16 administrative costs, and any other information required by
17 rule. The plain writing summary shall include notification of
18 the public comment period established in subsection (e).

19 (e) The Department shall open a 30-day public comment
20 period on the rate filings beginning on the date that all of
21 the rate filings are posted on the Department's website. The
22 Department shall post all of the comments received to the
23 Department's website within 5 business days after the comment
24 period ends.

25 (f) After the close of the public comment period described
26 in subsection (e), the Department, beginning for plan year

1 2026, shall issue a decision to approve, disapprove, or modify
2 a rate filing within 60 days. Any rate filing or any rates
3 within a filing on which the Director does not issue a decision
4 within 60 days shall automatically be deemed approved. The
5 Director's decision shall take into account the actuarial
6 justifications and public comments. The Department shall
7 notify the insurer of the decision, make the decision
8 available to the public by posting it on the Department's
9 website, and include an explanation of the findings, actuarial
10 justifications, and rationale that are the basis for the
11 decision. Any company whose rate has been modified or
12 disapproved shall be allowed to request a hearing within 10
13 days after the action taken. The action of the Director in
14 disapproving a rate shall be subject to judicial review under
15 the Administrative Review Law.

16 (g) If, following the issuance of a decision but before
17 the effective date of the premium rates approved by the
18 decision, an event occurs that materially affects the
19 Director's decision to approve, deny, or modify the rates, the
20 Director may consider supplemental facts or data reasonably
21 related to the event.

22 (h) The Department shall adopt rules implementing the
23 procedures described in subsections (d) through (g) by March
24 31, 2024.

25 (i) Subsection (a), subsections (c) through (h), and
26 subsection (j) of this Section do not apply to grandfathered

1 health plans as defined in 45 CFR 147.140; excepted benefits
2 as defined in 42 U.S.C. 300gg-91; or student health insurance
3 coverage as defined in 45 CFR 147.145. For a filing of premium
4 rates or classifications of risk for any of these types of
5 coverage, the Director's initial review period shall not
6 exceed 60 days to issue informal objections to the company
7 that request additional clarification, explanation,
8 substantiating documentation, or correction of concerns
9 identified in the filing before the company implements the
10 premium rates, classifications, or related rate-setting
11 methodologies described in the filing, except that the
12 Director may extend by not more than an additional 30 days the
13 period of initial review by giving written notice to the
14 company of such extension before the expiration of the initial
15 60-day period. Nothing in this subsection shall confer
16 authority upon the Director to approve, modify, or disapprove
17 rates where that authority is not provided by other law.
18 Nothing in this subsection shall prohibit the Director from
19 conducting any investigation, examination, hearing, or other
20 formal administrative or enforcement proceeding with respect
21 to a company's rate filing or implementation thereof under
22 applicable law at any time, including after the period of
23 initial review.

24 (j) Subsection (a) and subsections (c) through (h) do not
25 apply to group policies issued in the large group market as
26 defined in Section 5 of the Illinois Health Insurance

1 Portability and Accountability Act. For large group policies
2 issued, delivered, amended, or renewed on or after January 1,
3 2026 that are not described in subsection (i), the premium
4 rates and risk classifications, including any rate manuals and
5 rules used to arrive at the rates, must be filed with the
6 Department annually for approval at least 120 days before the
7 rates are intended to take effect.

8 (1) A rate filing shall be modified or disapproved if
9 the premiums are unreasonable in relation to the benefits
10 because the rates were not calculated in accordance with
11 sound actuarial principles.

12 (2) Within 60 days of receipt of the rate filing, the
13 Director shall issue a decision to approve, disapprove, or
14 modify the filing along with the reasons and actuarial
15 justification for the decision. Any rate filing or rates
16 within a filing on which the Director does not issue a
17 decision within 60 days shall be automatically deemed
18 approved.

19 (3) Any company whose rate or rate filing has been
20 modified or disapproved shall be allowed to request a
21 hearing within 10 days after the action taken. The action
22 of the Director in disapproving a rate or rate filing
23 shall be subject to judicial review under the
24 Administrative Review Law.

25 (4) Nothing in this subsection requires a company to
26 file a large group policy's final premium rates for prior

1 approval if the company negotiates the final rates or rate
2 adjustments with the plan sponsor or its administrator in
3 accordance with the rate manual and rules of the currently
4 approved rate filing for the policy.

5 In this subsection, "administrator" and "plan sponsor"
6 have the meanings ~~meaning~~ given to those terms in 29 U.S.C.
7 1002(16).

8 (Source: P.A. 103-106, eff. 1-1-24; 103-650, Article 3,
9 Section 3-5, eff. 1-1-25; 103-650, Article 4, Section 4-5,
10 eff. 1-1-25; revised 11-26-24.)

11 (215 ILCS 5/356z.5)

12 Sec. 356z.5. Prescription inhalers ~~inhalants~~.

13 (a) In this Section, "prescription inhaler" means a
14 prescribed medical device that delivers inhaled medications
15 used to treat breathing for persons suffering from asthma or
16 other life-threatening bronchial ailments. "Prescription
17 inhaler" includes metered-dose inhalers, nebulizers, and dry
18 powder inhalers. "Prescription inhaler" does not include
19 inhalers available over the counter without a prescription to
20 provide temporary relief from respiratory symptoms.

21 (b) A group or individual policy of accident and health
22 insurance or managed care plan amended, delivered, issued, or
23 renewed through December 31, 2025 that provides coverage for
24 prescription drugs may not deny or limit coverage for
25 prescription inhalers to enable persons to breathe when

1 suffering from asthma or other life-threatening bronchial
2 ailments based upon any restriction on the number of days
3 before an inhaler refill may be obtained if, contrary to those
4 restrictions, the inhalants have been ordered or prescribed by
5 the treating physician and are medically appropriate.

6 (c) A group or individual policy of accident and health
7 insurance or managed care plan amended, delivered, issued, or
8 renewed on or after January 1, 2026 that provides coverage for
9 prescription drugs may not deny or limit, except as otherwise
10 provided in this subsection, coverage for prescription
11 inhalers to enable persons to breathe when suffering from
12 asthma or other life-threatening bronchial ailments based upon
13 any restriction on the number of days before an inhaler refill
14 may be obtained if, contrary to those restrictions, the
15 inhalants have been ordered or prescribed by the treating
16 physician and are medically appropriate. A group or individual
17 policy of accident and health insurance or managed care plan
18 subject to this subsection shall limit the total amount that a
19 covered person is required to pay for a covered prescription
20 inhaler to an amount not to exceed \$25 per 30-day supply.

21 (d) Nothing in this Section prevents a group or individual
22 policy of accident and health insurance or managed care plan
23 from reducing a covered person's cost sharing to an amount
24 less than the amount specified in subsection (c).

25 (e) Coverage for prescription inhalers shall not be
26 subject to any deductible; except that this provision does not

1 apply to the extent such coverage would disqualify a
2 high-deductible health plan from eligibility for a health
3 savings account pursuant to Section 223 of the Internal
4 Revenue Code (26 U.S.C. 223).

5 (f) The Department may adopt rules necessary to implement
6 and administer this Section and to align with federal
7 requirements. The Department may use any of its enforcement
8 powers to obtain a group or individual policy of accident and
9 health insurance's or managed care plan's compliance with this
10 Section.

11 (Source: P.A. 103-951, eff. 1-1-25; revised 11-22-24.)

12 (215 ILCS 5/356z.14)

13 Sec. 356z.14. Autism spectrum disorders.

14 (a) A group or individual policy of accident and health
15 insurance or managed care plan amended, delivered, issued, or
16 renewed after December 12, 2008 (the effective date of Public
17 Act 95-1005) must provide individuals under 21 years of age
18 coverage for the diagnosis of autism spectrum disorders and
19 for the treatment of autism spectrum disorders to the extent
20 that the diagnosis and treatment of autism spectrum disorders
21 are not already covered by the policy of accident and health
22 insurance or managed care plan.

23 (b) Coverage provided under this Section shall be subject
24 to a maximum benefit of \$36,000 per year~~7~~ but shall not be
25 subject to any limits on the number of visits to a service

1 provider. ~~The~~ ~~After December 30, 2009,~~ the Director of ~~the~~
2 ~~Division of~~ Insurance shall, on an annual basis, adjust the
3 maximum benefit for inflation using the Medical Care Component
4 of the United States Department of Labor Consumer Price Index
5 for All Urban Consumers. Payments made by an insurer on behalf
6 of a covered individual for any care, treatment, intervention,
7 service, or item, the provision of which was for the treatment
8 of a health condition not diagnosed as an autism spectrum
9 disorder, shall not be applied toward any maximum benefit
10 established under this subsection.

11 (c) Coverage under this Section shall be subject to
12 copayment, deductible, and coinsurance provisions of a policy
13 of accident and health insurance or managed care plan to the
14 extent that other medical services covered by the policy of
15 accident and health insurance or managed care plan are subject
16 to these provisions.

17 (d) This Section shall not be construed as limiting
18 benefits that are otherwise available to an individual under a
19 policy of accident and health insurance or managed care plan
20 and benefits provided under this Section may not be subject to
21 dollar limits, deductibles, copayments, or coinsurance
22 provisions that are less favorable to the insured than the
23 dollar limits, deductibles, or coinsurance provisions that
24 apply to physical illness generally.

25 (e) An insurer may not deny or refuse to provide otherwise
26 covered services, or refuse to renew, refuse to reissue, or

1 otherwise terminate or restrict coverage under an individual
2 contract to provide services to an individual because the
3 individual or the individual's ~~their~~ dependent is diagnosed
4 with an autism spectrum disorder or due to the individual
5 utilizing benefits in this Section.

6 (e-5) An insurer may not deny or refuse to provide
7 otherwise covered services under a group or individual policy
8 of accident and health insurance or a managed care plan solely
9 because of the location wherein the clinically appropriate
10 services are provided.

11 (f) Upon request of the reimbursing insurer, a provider of
12 treatment for autism spectrum disorders shall furnish medical
13 records, clinical notes, or other necessary data that
14 substantiate that initial or continued medical treatment is
15 medically necessary and is resulting in improved clinical
16 status. When treatment is anticipated to require continued
17 services to achieve demonstrable progress, the insurer may
18 request a treatment plan consisting of diagnosis, proposed
19 treatment by type, frequency, anticipated duration of
20 treatment, the anticipated outcomes stated as goals, and the
21 frequency by which the treatment plan will be updated.

22 (g) When making a determination of medical necessity for a
23 treatment modality for autism spectrum disorders, an insurer
24 must make the determination in a manner that is consistent
25 with the manner used to make that determination with respect
26 to other diseases or illnesses covered under the policy,

1 including an appeals process. During the appeals process, any
2 challenge to medical necessity must be viewed as reasonable
3 only if the review includes a physician with expertise in the
4 most current and effective treatment modalities for autism
5 spectrum disorders.

6 (h) Coverage for medically necessary early intervention
7 services must be delivered by certified early intervention
8 specialists, as defined in 89 Ill. Adm. Code 500 and any
9 subsequent amendments thereto.

10 (h-5) If an individual has been diagnosed as having an
11 autism spectrum disorder, meeting the diagnostic criteria in
12 place at the time of diagnosis, and treatment is determined
13 medically necessary, then that individual shall remain
14 eligible for coverage under this Section even if subsequent
15 changes to the diagnostic criteria are adopted by the American
16 Psychiatric Association. If no changes to the diagnostic
17 criteria are adopted after April 1, 2012, and before December
18 31, 2014, then this subsection (h-5) shall be of no further
19 force and effect.

20 (h-10) An insurer may not deny or refuse to provide
21 covered services, or refuse to renew, refuse to reissue, or
22 otherwise terminate or restrict coverage under an individual
23 contract, for a person diagnosed with an autism spectrum
24 disorder on the basis that the individual declined an
25 alternative medication or covered service when the
26 individual's health care provider has determined that such

1 medication or covered service may exacerbate clinical
2 symptomatology and is medically contraindicated for the
3 individual and the individual has requested and received a
4 medical exception as provided for under Section 45.1 of the
5 Managed Care Reform and Patient Rights Act. For the purposes
6 of this subsection (h-10), "clinical symptomatology" means any
7 indication of disorder or disease when experienced by an
8 individual as a change from normal function, sensation, or
9 appearance.

10 (h-15) If, at any time, the Secretary of the United States
11 Department of Health and Human Services, or its successor
12 agency, promulgates rules or regulations to be published in
13 the Federal Register or publishes a comment in the Federal
14 Register or issues an opinion, guidance, or other action that
15 would require the State, pursuant to any provision of the
16 Patient Protection and Affordable Care Act (Public Law
17 111-148), including, but not limited to, 42 U.S.C.
18 18031(d)(3)(B) or any successor provision, to defray the cost
19 of any coverage outlined in subsection (h-10), then subsection
20 (h-10) is inoperative with respect to all coverage outlined in
21 subsection (h-10) other than that authorized under Section
22 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State
23 shall not assume any obligation for the cost of the coverage
24 set forth in subsection (h-10).

25 (i) As used in this Section:

26 "Autism spectrum disorders" means pervasive developmental

1 disorders as defined in the most recent edition of the
2 Diagnostic and Statistical Manual of Mental Disorders,
3 including autism, Asperger's disorder, and pervasive
4 developmental disorder not otherwise specified.

5 "Diagnosis of autism spectrum disorders" means one or more
6 tests, evaluations, or assessments to diagnose whether an
7 individual has autism spectrum disorder that is prescribed,
8 performed, or ordered by (A) a physician licensed to practice
9 medicine in all its branches or (B) a licensed clinical
10 psychologist with expertise in diagnosing autism spectrum
11 disorders.

12 "Medically necessary" means any care, treatment,
13 intervention, service, or item which will or is reasonably
14 expected to do any of the following: (i) prevent the onset of
15 an illness, condition, injury, disease, or disability; (ii)
16 reduce or ameliorate the physical, mental, or developmental
17 effects of an illness, condition, injury, disease, or
18 disability; or (iii) assist to achieve or maintain maximum
19 functional activity in performing daily activities.

20 "Treatment for autism spectrum disorders" shall include
21 the following care prescribed, provided, or ordered for an
22 individual diagnosed with an autism spectrum disorder by (A) a
23 physician licensed to practice medicine in all its branches or
24 (B) a certified, registered, or licensed health care
25 professional with expertise in treating effects of autism
26 spectrum disorders when the care is determined to be medically

1 necessary and ordered by a physician licensed to practice
2 medicine in all its branches:

3 (1) Psychiatric care, meaning direct, consultative, or
4 diagnostic services provided by a licensed psychiatrist.

5 (2) Psychological care, meaning direct or consultative
6 services provided by a licensed psychologist.

7 (3) Habilitative or rehabilitative care, meaning
8 professional, counseling, and guidance services and
9 treatment programs, including applied behavior analysis,
10 that are intended to develop, maintain, and restore the
11 functioning of an individual. As used in this subsection
12 (i), "applied behavior analysis" means the design,
13 implementation, and evaluation of environmental
14 modifications using behavioral stimuli and consequences to
15 produce socially significant improvement in human
16 behavior, including the use of direct observation,
17 measurement, and functional analysis of the relations
18 between environment and behavior.

19 (4) Therapeutic care, including behavioral, speech,
20 occupational, and physical therapies that provide
21 treatment in the following areas: (i) self care and
22 feeding, (ii) pragmatic, receptive, and expressive
23 language, (iii) cognitive functioning, (iv) applied
24 behavior analysis, intervention, and modification, (v)
25 motor planning, and (vi) sensory processing.

26 (j) Rulemaking authority to implement this amendatory Act

1 of the 95th General Assembly, if any, is conditioned on the
2 rules being adopted in accordance with all provisions of the
3 Illinois Administrative Procedure Act and all rules and
4 procedures of the Joint Committee on Administrative Rules; any
5 purported rule not so adopted, for whatever reason, is
6 unauthorized.

7 (Source: P.A. 102-322, eff. 1-1-22; 103-154, eff. 6-30-23;
8 revised 7-23-24.)

9 (215 ILCS 5/356z.25)

10 Sec. 356z.25. Coverage for treatment of pediatric
11 autoimmune neuropsychiatric disorders associated with
12 streptococcal infections and pediatric acute-onset ~~acute-onset~~
13 neuropsychiatric syndrome. A group or individual policy of
14 accident and health insurance or managed care plan that is
15 amended, delivered, issued, or renewed after July 18, 2017
16 (the effective date of Public Act 100-24) shall provide
17 coverage for treatment of pediatric autoimmune
18 neuropsychiatric disorders associated with streptococcal
19 infections and pediatric acute-onset neuropsychiatric
20 syndrome, including, but not limited to, the use of
21 intravenous immunoglobulin therapy.

22 No group or individual policy of accident and health
23 insurance or managed care plan shall deny or delay coverage
24 for medically necessary treatment under this Section solely
25 because the insured, enrollee, or beneficiary previously

1 received any treatment, including the same or similar
2 treatment, for pediatric autoimmune neuropsychiatric disorders
3 associated with streptococcal infections or pediatric
4 acute-onset ~~acute-onset~~ neuropsychiatric syndrome, or because
5 the insured, enrollee, or beneficiary has been diagnosed with
6 or receives treatment for an otherwise diagnosed condition.

7 For the purposes of this Section, coverage of pediatric
8 autoimmune neuropsychiatric disorders associated with
9 streptococcal infections and pediatric acute-onset ~~acute-onset~~
10 neuropsychiatric syndrome shall adhere to the treatment
11 recommendations developed by a medical professional consortium
12 convened for the purposes of researching, identifying, and
13 publishing best practice standards for diagnosis and treatment
14 of such disorders or syndrome that are accessible for medical
15 professionals and are based on evidence of positive patient
16 outcomes. Coverage for any form of medically necessary
17 treatment shall not be limited over a lifetime of an insured,
18 enrollee, or beneficiary, unless the patient is no longer
19 benefiting from the treatment, or by policy period. Nothing in
20 this Section prevents insurers from requesting treatment notes
21 and anticipated duration of treatment and outcomes.

22 For billing and diagnosis purposes, pediatric autoimmune
23 neuropsychiatric disorders associated with streptococcal
24 infections and pediatric acute-onset ~~acute-onset~~
25 neuropsychiatric syndrome shall be coded as autoimmune
26 encephalitis until the American Medical Association and the

Centers for Medicare and Medicaid Services create and assign a specific code for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset ~~acute-onset~~ neuropsychiatric syndrome. Thereafter, pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset ~~acute-onset~~ neuropsychiatric syndrome may be coded as autoimmune encephalitis, pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections, or pediatric acute-onset ~~acute-onset~~ neuropsychiatric syndrome.

If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset ~~acute-onset~~ neuropsychiatric syndrome outlined in this Section, then the requirement that an insurer cover pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric

1 acute-onset ~~acute-onset~~ neuropsychiatric syndrome is
2 inoperative other than any such coverage authorized under
3 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and
4 the State shall not assume any obligation for the cost of
5 coverage for pediatric autoimmune neuropsychiatric disorders
6 associated with streptococcal infections and pediatric
7 acute-onset ~~acute-onset~~ neuropsychiatric syndrome.

8 (Source: P.A. 103-59, eff. 6-9-23; revised 10-23-24.)

9 (215 ILCS 5/356z.40)

10 (Text of Section before amendment by P.A. 103-701 and
11 103-720)

12 Sec. 356z.40. Pregnancy and postpartum coverage.

13 (a) An individual or group policy of accident and health
14 insurance or managed care plan amended, delivered, issued, or
15 renewed on or after October 8, 2021 (the effective date of
16 Public Act 102-665) ~~this amendatory Act of the 102nd General~~
17 ~~Assembly~~ shall provide coverage for pregnancy and newborn care
18 in accordance with 42 U.S.C. 18022(b) regarding essential
19 health benefits.

20 (b) Benefits under this Section shall be as follows:

21 (1) An individual who has been identified as
22 experiencing a high-risk pregnancy by the individual's
23 treating provider shall have access to clinically
24 appropriate case management programs. As used in this
25 subsection, "case management" means a mechanism to

1 coordinate and assure continuity of services, including,
2 but not limited to, health services, social services, and
3 educational services necessary for the individual. "Case
4 management" involves individualized assessment of needs,
5 planning of services, referral, monitoring, and advocacy
6 to assist an individual in gaining access to appropriate
7 services and closure when services are no longer required.
8 "Case management" is an active and collaborative process
9 involving a single qualified case manager, the individual,
10 the individual's family, the providers, and the community.
11 This includes close coordination and involvement with all
12 service providers in the management plan for that
13 individual or family, including assuring that the
14 individual receives the services. As used in this
15 subsection, "high-risk pregnancy" means a pregnancy in
16 which the pregnant or postpartum individual or baby is at
17 an increased risk for poor health or complications during
18 pregnancy or childbirth, including, but not limited to,
19 hypertension disorders, gestational diabetes, and
20 hemorrhage.

21 (2) An individual shall have access to medically
22 necessary treatment of a mental, emotional, nervous, or
23 substance use disorder or condition consistent with the
24 requirements set forth in this Section and in Sections
25 370c and 370c.1 of this Code.

26 (3) The benefits provided for inpatient and outpatient

1 services for the treatment of a mental, emotional,
2 nervous, or substance use disorder or condition related to
3 pregnancy or postpartum complications shall be provided if
4 determined to be medically necessary, consistent with the
5 requirements of Sections 370c and 370c.1 of this Code. The
6 facility or provider shall notify the insurer of both the
7 admission and the initial treatment plan within 48 hours
8 after admission or initiation of treatment. Subject to the
9 requirements of Sections 370c and 370c.1 of this Code,
10 nothing in this paragraph shall prevent an insurer from
11 applying concurrent and post-service utilization review of
12 health care services, including review of medical
13 necessity, case management, experimental and
14 investigational treatments, managed care provisions, and
15 other terms and conditions of the insurance policy.

16 (4) The benefits for the first 48 hours of initiation
17 of services for an inpatient admission, detoxification or
18 withdrawal management program, or partial hospitalization
19 admission for the treatment of a mental, emotional,
20 nervous, or substance use disorder or condition related to
21 pregnancy or postpartum complications shall be provided
22 without post-service or concurrent review of medical
23 necessity, as the medical necessity for the first 48 hours
24 of such services shall be determined solely by the covered
25 pregnant or postpartum individual's provider. Subject to
26 Sections ~~Section~~ 370c and 370c.1 of this Code, nothing in

1 this paragraph shall prevent an insurer from applying
2 concurrent and post-service utilization review, including
3 the review of medical necessity, case management,
4 experimental and investigational treatments, managed care
5 provisions, and other terms and conditions of the
6 insurance policy, of any inpatient admission,
7 detoxification or withdrawal management program admission,
8 or partial hospitalization admission services for the
9 treatment of a mental, emotional, nervous, or substance
10 use disorder or condition related to pregnancy or
11 postpartum complications received 48 hours after the
12 initiation of such services. If an insurer determines that
13 the services are no longer medically necessary, then the
14 covered person shall have the right to external review
15 pursuant to the requirements of the Health Carrier
16 External Review Act.

17 (5) If an insurer determines that continued inpatient
18 care, detoxification or withdrawal management, partial
19 hospitalization, intensive outpatient treatment, or
20 outpatient treatment in a facility is no longer medically
21 necessary, the insurer shall, within 24 hours, provide
22 written notice to the covered pregnant or postpartum
23 individual and the covered pregnant or postpartum
24 individual's provider of its decision and the right to
25 file an expedited internal appeal of the determination.
26 The insurer shall review and make a determination with

1 respect to the internal appeal within 24 hours and
2 communicate such determination to the covered pregnant or
3 postpartum individual and the covered pregnant or
4 postpartum individual's provider. If the determination is
5 to uphold the denial, the covered pregnant or postpartum
6 individual and the covered pregnant or postpartum
7 individual's provider have the right to file an expedited
8 external appeal. An independent review organization shall
9 make a determination within 72 hours. If the insurer's
10 determination is upheld and it is determined that
11 continued inpatient care, detoxification or withdrawal
12 management, partial hospitalization, intensive outpatient
13 treatment, or outpatient treatment is not medically
14 necessary, the insurer shall remain responsible for
15 providing benefits for the inpatient care, detoxification
16 or withdrawal management, partial hospitalization,
17 intensive outpatient treatment, or outpatient treatment
18 through the day following the date the determination is
19 made, and the covered pregnant or postpartum individual
20 shall only be responsible for any applicable copayment,
21 deductible, and coinsurance for the stay through that date
22 as applicable under the policy. The covered pregnant or
23 postpartum individual shall not be discharged or released
24 from the inpatient facility, detoxification or withdrawal
25 management, partial hospitalization, intensive outpatient
26 treatment, or outpatient treatment until all internal

1 appeals and independent utilization review organization
2 appeals are exhausted. A decision to reverse an adverse
3 determination shall comply with the Health Carrier
4 External Review Act.

5 (6) Except as otherwise stated in this subsection (b),
6 the benefits and cost-sharing shall be provided to the
7 same extent as for any other medical condition covered
8 under the policy.

9 (7) The benefits required by paragraphs (2) and (6) of
10 this subsection (b) are to be provided to all covered
11 pregnant or postpartum individuals with a diagnosis of a
12 mental, emotional, nervous, or substance use disorder or
13 condition. The presence of additional related or unrelated
14 diagnoses shall not be a basis to reduce or deny the
15 benefits required by this subsection (b).

16 (Source: P.A. 102-665, eff. 10-8-21; 103-650, eff. 1-1-25;
17 revised 9-10-24.)

18 (Text of Section after amendment by P.A. 103-701 and
19 103-720)

20 Sec. 356z.40. Pregnancy and postpartum coverage.

21 (a) An individual or group policy of accident and health
22 insurance or managed care plan amended, delivered, issued, or
23 renewed on or after October 8, 2021 (the effective date of
24 Public Act 102-665) shall provide coverage for pregnancy and
25 newborn care in accordance with 42 U.S.C. 18022(b) regarding

1 essential health benefits. For policies amended, delivered,
2 issued, or renewed on or after January 1, 2026, this
3 subsection also applies to coverage for postpartum care.

4 (b) Benefits under this Section shall be as follows:

5 (1) An individual who has been identified as
6 experiencing a high-risk pregnancy by the individual's
7 treating provider shall have access to clinically
8 appropriate case management programs. As used in this
9 subsection, "case management" means a mechanism to
10 coordinate and assure continuity of services, including,
11 but not limited to, health services, social services, and
12 educational services necessary for the individual. "Case
13 management" involves individualized assessment of needs,
14 planning of services, referral, monitoring, and advocacy
15 to assist an individual in gaining access to appropriate
16 services and closure when services are no longer required.
17 "Case management" is an active and collaborative process
18 involving a single qualified case manager, the individual,
19 the individual's family, the providers, and the community.
20 This includes close coordination and involvement with all
21 service providers in the management plan for that
22 individual or family, including assuring that the
23 individual receives the services. As used in this
24 subsection, "high-risk pregnancy" means a pregnancy in
25 which the pregnant or postpartum individual or baby is at
26 an increased risk for poor health or complications during

1 pregnancy or childbirth, including, but not limited to,
2 hypertension disorders, gestational diabetes, and
3 hemorrhage.

4 (2) An individual shall have access to medically
5 necessary treatment of a mental, emotional, nervous, or
6 substance use disorder or condition consistent with the
7 requirements set forth in this Section and in Sections
8 370c and 370c.1 of this Code.

9 (3) The benefits provided for inpatient and outpatient
10 services for the treatment of a mental, emotional,
11 nervous, or substance use disorder or condition related to
12 pregnancy or postpartum complications shall be provided if
13 determined to be medically necessary, consistent with the
14 requirements of Sections 370c and 370c.1 of this Code. The
15 facility or provider shall notify the insurer of both the
16 admission and the initial treatment plan within 48 hours
17 after admission or initiation of treatment. Subject to the
18 requirements of Sections 370c and 370c.1 of this Code,
19 nothing in this paragraph shall prevent an insurer from
20 applying concurrent and post-service utilization review of
21 health care services, including review of medical
22 necessity, case management, experimental and
23 investigational treatments, managed care provisions, and
24 other terms and conditions of the insurance policy.

25 (4) The benefits for the first 48 hours of initiation
26 of services for an inpatient admission, detoxification or

1 withdrawal management program, or partial hospitalization
2 admission for the treatment of a mental, emotional,
3 nervous, or substance use disorder or condition related to
4 pregnancy or postpartum complications shall be provided
5 without post-service or concurrent review of medical
6 necessity, as the medical necessity for the first 48 hours
7 of such services shall be determined solely by the covered
8 pregnant or postpartum individual's provider. Subject to
9 Sections ~~Section~~ 370c and 370c.1 of this Code, nothing in
10 this paragraph shall prevent an insurer from applying
11 concurrent and post-service utilization review, including
12 the review of medical necessity, case management,
13 experimental and investigational treatments, managed care
14 provisions, and other terms and conditions of the
15 insurance policy, of any inpatient admission,
16 detoxification or withdrawal management program admission,
17 or partial hospitalization admission services for the
18 treatment of a mental, emotional, nervous, or substance
19 use disorder or condition related to pregnancy or
20 postpartum complications received 48 hours after the
21 initiation of such services. If an insurer determines that
22 the services are no longer medically necessary, then the
23 covered person shall have the right to external review
24 pursuant to the requirements of the Health Carrier
25 External Review Act.

26 (5) If an insurer determines that continued inpatient

1 care, detoxification or withdrawal management, partial
2 hospitalization, intensive outpatient treatment, or
3 outpatient treatment in a facility is no longer medically
4 necessary, the insurer shall, within 24 hours, provide
5 written notice to the covered pregnant or postpartum
6 individual and the covered pregnant or postpartum
7 individual's provider of its decision and the right to
8 file an expedited internal appeal of the determination.
9 The insurer shall review and make a determination with
10 respect to the internal appeal within 24 hours and
11 communicate such determination to the covered pregnant or
12 postpartum individual and the covered pregnant or
13 postpartum individual's provider. If the determination is
14 to uphold the denial, the covered pregnant or postpartum
15 individual and the covered pregnant or postpartum
16 individual's provider have the right to file an expedited
17 external appeal. An independent review organization shall
18 make a determination within 72 hours. If the insurer's
19 determination is upheld and it is determined that
20 continued inpatient care, detoxification or withdrawal
21 management, partial hospitalization, intensive outpatient
22 treatment, or outpatient treatment is not medically
23 necessary, the insurer shall remain responsible for
24 providing benefits for the inpatient care, detoxification
25 or withdrawal management, partial hospitalization,
26 intensive outpatient treatment, or outpatient treatment

1 through the day following the date the determination is
2 made, and the covered pregnant or postpartum individual
3 shall only be responsible for any applicable copayment,
4 deductible, and coinsurance for the stay through that date
5 as applicable under the policy. The covered pregnant or
6 postpartum individual shall not be discharged or released
7 from the inpatient facility, detoxification or withdrawal
8 management, partial hospitalization, intensive outpatient
9 treatment, or outpatient treatment until all internal
10 appeals and independent utilization review organization
11 appeals are exhausted. A decision to reverse an adverse
12 determination shall comply with the Health Carrier
13 External Review Act.

14 (6) Except as otherwise stated in this subsection (b)
15 and subsection (c), the benefits and cost-sharing shall be
16 provided to the same extent as for any other medical
17 condition covered under the policy.

18 (7) The benefits required by paragraphs (2) and (6) of
19 this subsection (b) are to be provided to (i) all covered
20 pregnant or postpartum individuals with a diagnosis of a
21 mental, emotional, nervous, or substance use disorder or
22 condition and (ii) all individuals who have experienced a
23 miscarriage or stillbirth. The presence of additional
24 related or unrelated diagnoses shall not be a basis to
25 reduce or deny the benefits required by this subsection
26 (b).

1 (8) Insurers shall cover all services for pregnancy,
2 postpartum, and newborn care that are rendered by
3 perinatal doulas or licensed certified professional
4 midwives, including home births, home visits, and support
5 during labor, abortion, or miscarriage. Coverage shall
6 include the necessary equipment and medical supplies for a
7 home birth. For home visits by a perinatal doula, not
8 counting any home birth, the policy may limit coverage to
9 16 visits before and 16 visits after a birth, miscarriage,
10 or abortion, provided that the policy shall not be
11 required to cover more than \$8,000 for doula visits for
12 each pregnancy and subsequent postpartum period. As used
13 in this paragraph (8), "perinatal doula" has the meaning
14 given in subsection (a) of Section 5-18.5 of the Illinois
15 Public Aid Code.

16 (9) Coverage for pregnancy, postpartum, and newborn
17 care shall include home visits by lactation consultants
18 and the purchase of breast pumps and breast pump supplies,
19 including such breast pumps, breast pump supplies,
20 breastfeeding supplies, and feeding aids as recommended by
21 the lactation consultant. As used in this paragraph (9),
22 "lactation consultant" means an International
23 Board-Certified Lactation Consultant, a certified
24 lactation specialist with a certification from Lactation
25 Education Consultants, or a certified lactation counselor
26 as defined in subsection (a) of Section 5-18.10 of the

1 Illinois Public Aid Code.

2 (10) Coverage for postpartum services shall apply for
3 all covered services rendered within the first 12 months
4 after the end of pregnancy, subject to any policy
5 limitation on home visits by a perinatal doula allowed
6 under paragraph (8) of this subsection (b). Nothing in
7 this paragraph (10) shall be construed to require a policy
8 to cover services for an individual who is no longer
9 insured or enrolled under the policy. If an individual
10 becomes insured or enrolled under a new policy, the new
11 policy shall cover the individual consistent with the time
12 period and limitations allowed under this paragraph (10).
13 This paragraph (10) is subject to the requirements of
14 Section 25 of the Managed Care Reform and Patient Rights
15 Act, Section 20 of the Network Adequacy and Transparency
16 Act, and 42 U.S.C. 300gg-113.

17 (c) All coverage described in subsection (b), other than
18 health care services for home births, shall be provided
19 without cost-sharing, except that, for mental health services,
20 the cost-sharing prohibition does not apply to inpatient or
21 residential services, and, for substance use disorder
22 services, the cost-sharing prohibition applies only to levels
23 of treatment below and not including Level 3.1 (Clinically
24 Managed Low-Intensity Residential), as established by the
25 American Society for Addiction Medicine. This subsection does
26 not apply to the extent such coverage would disqualify a

1 high-deductible health plan from eligibility for a health
2 savings account pursuant to Section 223 of the Internal
3 Revenue Code.

4 (Source: P.A. 102-665, eff. 10-8-21; 103-650, eff. 1-1-25;
5 103-701, eff. 1-1-26; 103-720, eff. 1-1-26; revised 11-26-24.)

6 (215 ILCS 5/356z.61)

7 Sec. 356z.61. Coverage for liver disease screening. A
8 group or individual policy of accident and health insurance or
9 a managed care plan that is amended, delivered, issued, or
10 renewed on or after January 1, 2025 shall provide coverage for
11 preventative liver disease screenings for individuals 35 years
12 of age or older and under the age of 65 at high risk for liver
13 disease, including liver ultrasounds and alpha-fetoprotein
14 blood tests every 6 months, without imposing a deductible,
15 coinsurance, copayment, or any other cost-sharing requirement
16 on the coverage provided; except that this Section does not
17 apply to coverage of liver disease screenings to the extent
18 such coverage would disqualify a high-deductible health plan
19 from eligibility for a health savings account pursuant to
20 Section 223 of the Internal Revenue Code.

21 (Source: P.A. 103-84, eff. 1-1-24; 103-605, eff. 7-1-24.)

22 (215 ILCS 5/356z.71)

23 Sec. 356z.71. Coverage for mobile integrated health care
24 services.

1 (a) In this Section:

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

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

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

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

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

(Source: P.A. 103-1024, eff. 1-1-25.)

(215 ILCS 5/356z.72)

Sec. 356z.72 ~~356z.61~~. Wigs and hair prostheses. A group or individual plan of accident and health insurance or managed care plan amended, delivered, issued, or renewed after January 1, 2026 must provide coverage, no less than once every 12 months, for one wig or other scalp prosthesis worn for hair loss caused by alopecia, chemotherapy, or radiation treatment for cancer or other conditions.

(Source: P.A. 103-753, eff. 8-2-24; revised 9-25-24.)

(215 ILCS 5/356z.73)

Sec. 356z.73 ~~356z.71~~. Insurance coverage for dependent parents.

(a) A group or individual policy of accident and health insurance issued, amended, delivered, or renewed after January 1, 2026 that provides dependent coverage shall make that dependent coverage available to the parent or stepparent of the insured if the parent or stepparent meets the definition of a qualifying relative under 26 U.S.C. 152(d) and lives or resides within the accident and health insurance policy's service area.

(b) This Section does not apply to specialized health care service plans, Medicare supplement insurance, hospital-only policies, accident-only policies, or specified disease

1 insurance policies that reimburse for hospital, medical, or
2 surgical expenses.

3 (Source: P.A. 103-700, eff. 1-1-25; revised 12-3-24.)

4 (215 ILCS 5/356z.74)

5 Sec. 356z.74 ~~356z.71~~. Coverage for annual menopause health
6 visit. A group or individual policy of accident and health
7 insurance providing coverage for more than 25 employees that
8 is amended, delivered, issued, or renewed on or after January
9 1, 2026 shall provide, for individuals 45 years of age and
10 older, coverage for an annual menopause health visit. A policy
11 subject to this Section shall not impose a deductible,
12 coinsurance, copayment, or any other cost-sharing requirement
13 on the coverage provided; except that this Section does not
14 apply to this coverage to the extent such coverage would
15 disqualify a high-deductible health plan from eligibility for
16 a health savings account pursuant to Section 223 of the
17 Internal Revenue Code.

18 (Source: P.A. 103-751, eff. 8-2-24; revised 9-25-24.)

19 (215 ILCS 5/356z.75)

20 Sec. 356z.75 ~~356z.71~~. Coverage during a generic drug
21 shortage.

22 (a) As used in this Section:

23 "Eligible prescription drug" means a prescription drug
24 approved under 21 U.S.C. 355(c) that is not under patent.

1 "Generic drug" means a drug that is approved pursuant to
2 an application referencing an eligible prescription drug that
3 is submitted under subsection (j) of Section 505 of the
4 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355(j).

5 "Unavailable" means being listed as Currently in Shortage
6 or as a Discontinuation in the United States Food and Drug
7 Administration's Drug Shortages Database. "Unavailable" does
8 not include being listed as a Resolved Shortage in the United
9 States Food and Drug Administration's Drug Shortages Database.

10 (b) If a generic drug or a therapeutic equivalent is
11 unavailable due to a supply issue and dosage cannot be
12 adjusted, a group or individual policy of accident and health
13 insurance or a managed care plan that is amended, delivered,
14 issued, or renewed after January 1, 2026 shall provide
15 coverage for a brand name eligible prescription drug until
16 supply of the generic drug or a therapeutic equivalent is
17 available.

18 (Source: P.A. 103-758, eff. 1-1-25; revised 12-3-24.)

19 (215 ILCS 5/356z.76)

20 Sec. 356z.76 ~~356z.71~~. Coverage for at-home pregnancy
21 tests. A group or individual policy of accident and health
22 insurance or a managed care plan that is amended, delivered,
23 issued, or renewed on or after January 1, 2026 shall provide
24 coverage for at-home, urine-based pregnancy tests that are
25 prescribed to the covered person, regardless of whether the

1 tests are otherwise available over-the-counter. The coverage
2 required under this Section is limited to 2 at-home,
3 urine-based pregnancy tests every 30 days.

4 (Source: P.A. 103-870, eff. 1-1-25; revised 12-3-24.)

5 (215 ILCS 5/356z.77)

6 Sec. 356z.77 ~~356z.71~~. Coverage of vaccination
7 administration fees.

8 (a) A group or individual policy of accident and health
9 insurance or a managed care plan that is amended, delivered,
10 issued, or renewed on or after January 1, 2026 shall provide
11 coverage for vaccinations for COVID-19, influenza, and
12 respiratory syncytial virus, including the administration of
13 the vaccine by a pharmacist or health care provider authorized
14 to administer such a vaccine, without imposing a deductible,
15 coinsurance, copayment, or any other cost-sharing requirement,
16 if the following conditions are met:

17 (1) the vaccine is authorized or licensed by the
18 United States Food and Drug Administration; and

19 (2) the vaccine is ordered and administered according
20 to the Advisory Committee on Immunization Practices
21 standard immunization schedule.

22 (b) If the vaccinations provided for in subsection (a) are
23 not otherwise available to be administered by a contracted
24 pharmacist or health care provider, the group or individual
25 policy of accident and health insurance or a managed care plan

1 shall cover the vaccination, including administration fees,
2 without imposing a deductible, coinsurance, copayment, or any
3 other cost-sharing requirement.

4 (c) The coverage required in this Section does not apply
5 to the extent that the coverage would disqualify a
6 high-deductible health plan from eligibility for a health
7 savings account pursuant to Section 223 of the Internal
8 Revenue Code of 1986.

9 (Source: P.A. 103-918, eff. 1-1-25; revised 12-3-24.)

10 (215 ILCS 5/356z.78)

11 Sec. 356z.78 ~~356z.71~~. Coverage for medically necessary
12 care and treatment to address a major injury to the jaw either
13 through an accident or disease.

14 (a) In this Section, "medically necessary care and
15 treatment to address a major injury to the jaw either through
16 an accident or disease" includes:

17 (1) oral and facial surgery, including reconstructive
18 services and procedures necessary to improve, restore, or
19 maintain vital functions;

20 (2) dental implants, crowns, or bridges;

21 (3) prosthetic treatment such as obturators, speech
22 appliances, and feeding appliances;

23 (4) orthodontic treatment and management;

24 (5) prosthodontic treatment and management; and

25 (6) otolaryngology treatment and management.

1 (b) An individual or group policy of accident and health
2 insurance amended, delivered, issued, or renewed on or after
3 January 1, 2026 shall provide coverage for medically necessary
4 care and treatment to address a major injury to the jaw either
5 through an accident or disease. Coverage under this Section
6 may impose the same deductibles, coinsurance, or other
7 cost-sharing limitations that are imposed on other related
8 benefits under the policy.

9 (Source: P.A. 103-972, eff. 1-1-25; revised 12-3-24.)

10 (215 ILCS 5/363)

11 (Text of Section before amendment by P.A. 103-747)

12 Sec. 363. Medicare supplement policies; minimum standards.

13 (1) Except as otherwise specifically provided therein,
14 this Section and Section 363a of this Code shall apply to:

15 (a) all Medicare supplement policies and subscriber
16 contracts delivered or issued for delivery in this State
17 on and after January 1, 1989; and

18 (b) all certificates issued under group Medicare
19 supplement policies or subscriber contracts, which
20 certificates are issued or issued for delivery in this
21 State on and after January 1, 1989.

22 This Section shall not apply to "Accident Only" or
23 "Specified Disease" types of policies. The provisions of this
24 Section are not intended to prohibit or apply to policies or
25 health care benefit plans, including group conversion

1 policies, provided to Medicare eligible persons, which
2 policies or plans are not marketed or purported or held to be
3 Medicare supplement policies or benefit plans.

4 (2) For the purposes of this Section and Section 363a, the
5 following terms have the following meanings:

6 (a) "Applicant" means:

7 (i) in the case of individual Medicare supplement
8 policy, the person who seeks to contract for insurance
9 benefits, and

10 (ii) in the case of a group Medicare policy or
11 subscriber contract, the proposed certificate holder.

12 (b) "Certificate" means any certificate delivered or
13 issued for delivery in this State under a group Medicare
14 supplement policy.

15 (c) "Medicare supplement policy" means an individual
16 policy of accident and health insurance, as defined in
17 paragraph (a) of subsection (2) of Section 355a of this
18 Code, or a group policy or certificate delivered or issued
19 for delivery in this State by an insurer, fraternal
20 benefit society, voluntary health service plan, or health
21 maintenance organization, other than a policy issued
22 pursuant to a contract under Section 1876 of the federal
23 Social Security Act (42 U.S.C. Section 1395 et seq.) or a
24 policy issued under a demonstration project specified in
25 42 U.S.C. Section 1395ss(g)(1), or any similar
26 organization, that is advertised, marketed, or designed

1 primarily as a supplement to reimbursements under Medicare
2 for the hospital, medical, or surgical expenses of persons
3 eligible for Medicare.

4 (d) "Issuer" includes insurance companies, fraternal
5 benefit societies, voluntary health service plans, health
6 maintenance organizations, or any other entity providing
7 Medicare supplement insurance, unless the context clearly
8 indicates otherwise.

9 (e) "Medicare" means the Health Insurance for the Aged
10 Act, Title XVIII of the Social Security Amendments of
11 1965.

12 (3) No Medicare supplement insurance policy, contract, or
13 certificate, that provides benefits that duplicate benefits
14 provided by Medicare, shall be issued or issued for delivery
15 in this State after December 31, 1988. No such policy,
16 contract, or certificate shall provide lesser benefits than
17 those required under this Section or the existing Medicare
18 Supplement Minimum Standards Regulation, except where
19 duplication of Medicare benefits would result.

20 (4) Medicare supplement policies or certificates shall
21 have a notice prominently printed on the first page of the
22 policy or attached thereto stating in substance that the
23 policyholder or certificate holder shall have the right to
24 return the policy or certificate within 30 days of its
25 delivery and to have the premium refunded directly to him or
26 her in a timely manner if, after examination of the policy or

1 certificate, the insured person is not satisfied for any
2 reason.

3 (5) A Medicare supplement policy or certificate may not
4 deny a claim for losses incurred more than 6 months from the
5 effective date of coverage for a preexisting condition. The
6 policy may not define a preexisting condition more
7 restrictively than a condition for which medical advice was
8 given or treatment was recommended by or received from a
9 physician within 6 months before the effective date of
10 coverage.

11 (6) An issuer of a Medicare supplement policy shall:

12 (a) not deny coverage to an applicant under 65 years
13 of age who meets any of the following criteria:

14 (i) becomes eligible for Medicare by reason of
15 disability if the person makes application for a
16 Medicare supplement policy within 6 months of the
17 first day on which the person enrolls for benefits
18 under Medicare Part B; for a person who is
19 retroactively enrolled in Medicare Part B due to a
20 retroactive eligibility decision made by the Social
21 Security Administration, the application must be
22 submitted within a 6-month period beginning with the
23 month in which the person received notice of
24 retroactive eligibility to enroll;

25 (ii) has Medicare and an employer group health
26 plan (either primary or secondary to Medicare) that

1 terminates or ceases to provide all such supplemental
2 health benefits;

3 (iii) is insured by a Medicare Advantage plan that
4 includes a Health Maintenance Organization, a
5 Preferred Provider Organization, and a Private
6 Fee-For-Service or Medicare Select plan and the
7 applicant moves out of the plan's service area; the
8 insurer goes out of business, withdraws from the
9 market, or has its Medicare contract terminated; or
10 the plan violates its contract provisions or is
11 misrepresented in its marketing; or

12 (iv) is insured by a Medicare supplement policy
13 and the insurer goes out of business, withdraws from
14 the market, or the insurance company or agents
15 misrepresent the plan and the applicant is without
16 coverage;

17 (b) make available to persons eligible for Medicare by
18 reason of disability each type of Medicare supplement
19 policy the issuer makes available to persons eligible for
20 Medicare by reason of age;

21 (c) not charge individuals who become eligible for
22 Medicare by reason of disability and who are under the age
23 of 65 premium rates for any medical supplemental insurance
24 benefit plan offered by the issuer that exceed the
25 issuer's highest rate on the current rate schedule filed
26 with the Department ~~Division~~ of Insurance for that plan to

1 individuals who are age 65 or older; and

2 (d) provide the rights granted by items (a) through
3 (d), for 6 months after June 1, 2008 (the effective date of
4 Public Act 95-436) ~~this amendatory Act of the 95th General~~
5 ~~Assembly~~, to any person who had enrolled for benefits
6 under Medicare Part B prior to Public Act 95-436 and ~~this~~
7 ~~amendatory Act of the 95th General Assembly~~ who otherwise
8 would have been eligible for coverage under item (a).

9 (7) The Director shall issue reasonable rules and
10 regulations for the following purposes:

11 (a) To establish specific standards for policy
12 provisions of Medicare policies and certificates. The
13 standards shall be in accordance with the requirements of
14 this Code. No requirement of this Code relating to minimum
15 required policy benefits, other than the minimum standards
16 contained in this Section and Section 363a, shall apply to
17 Medicare supplement policies and certificates. The
18 standards may cover, but are not limited to the following:

19 (A) Terms of renewability.

20 (B) Initial and subsequent terms of eligibility.

21 (C) Non-duplication of coverage.

22 (D) Probationary and elimination periods.

23 (E) Benefit limitations, exceptions and
24 reductions.

25 (F) Requirements for replacement.

26 (G) Recurrent conditions.

1 (H) Definition of terms.

2 (I) Requirements for issuing rebates or credits to
3 policyholders if the policy's loss ratio does not
4 comply with subsection (7) of Section 363a.

5 (J) Uniform methodology for the calculating and
6 reporting of loss ratio information.

7 (K) Assuring public access to loss ratio
8 information of an issuer of Medicare supplement
9 insurance.

10 (L) Establishing a process for approving or
11 disapproving proposed premium increases.

12 (M) Establishing a policy for holding public
13 hearings prior to approval of premium increases.

14 (N) Establishing standards for Medicare Select
15 policies.

16 (O) Prohibited policy provisions not otherwise
17 specifically authorized by statute that, in the
18 opinion of the Director, are unjust, unfair, or
19 unfairly discriminatory to any person insured or
20 proposed for coverage under a Medicare ~~medicare~~
21 supplement policy or certificate.

22 (b) To establish minimum standards for benefits and
23 claims payments, marketing practices, compensation
24 arrangements, and reporting practices for Medicare
25 supplement policies.

26 (c) To implement transitional requirements of Medicare

1 supplement insurance benefits and premiums of Medicare
2 supplement policies and certificates to conform to
3 Medicare program revisions.

4 (8) If an individual is at least 65 years of age but no
5 more than 75 years of age and has an existing Medicare
6 supplement policy, the individual is entitled to an annual
7 open enrollment period lasting 45 days, commencing with the
8 individual's birthday, and the individual may purchase any
9 Medicare supplement policy with the same issuer that offers
10 benefits equal to or lesser than those provided by the
11 previous coverage. During this open enrollment period, an
12 issuer of a Medicare supplement policy shall not deny or
13 condition the issuance or effectiveness of Medicare
14 supplemental coverage, nor discriminate in the pricing of
15 coverage, because of health status, claims experience, receipt
16 of health care, or a medical condition of the individual. An
17 issuer shall provide notice of this annual open enrollment
18 period for eligible Medicare supplement policyholders at the
19 time that the application is made for a Medicare supplement
20 policy or certificate. The notice shall be in a form that may
21 be prescribed by the Department.

22 (9) Without limiting an individual's eligibility under
23 Department rules implementing 42 U.S.C. 1395ss(s)(2)(A), for
24 at least 63 days after the later of the applicant's loss of
25 benefits or the notice of termination of benefits, including a
26 notice of claim denial due to termination of benefits, under

1 the State's medical assistance program under Article V of the
2 Illinois Public Aid Code, an issuer shall not deny or
3 condition the issuance or effectiveness of any Medicare
4 supplement policy or certificate that is offered and is
5 available for issuance to new enrollees by the issuer; shall
6 not discriminate in the pricing of such a Medicare supplement
7 policy because of health status, claims experience, receipt of
8 health care, or medical condition; and shall not include a
9 policy provision that imposes an exclusion of benefits based
10 on a preexisting condition under such a Medicare supplement
11 policy if the individual:

12 (a) is enrolled for Medicare Part B;

13 (b) was enrolled in the State's medical assistance
14 program during the COVID-19 Public Health Emergency
15 described in Section 5-1.5 of the Illinois Public Aid
16 Code;

17 (c) was terminated or disenrolled from the State's
18 medical assistance program after the COVID-19 Public
19 Health Emergency and the later of the date of termination
20 of benefits or the date of the notice of termination,
21 including a notice of a claim denial due to termination,
22 occurred on, after, or no more than 63 days before the end
23 of either, as applicable:

24 (A) the individual's Medicare supplement open
25 enrollment period described in Department rules
26 implementing 42 U.S.C. 1395ss(s) (2) (A); or

1 (B) the 6-month period described in Section
2 363(6)(a)(i) of this Code; and

3 (d) submits evidence of the date of termination of
4 benefits or notice of termination under the State's
5 medical assistance program with the application for a
6 Medicare supplement policy or certificate.

7 (10) Each Medicare supplement policy and certificate
8 available from an insurer on and after June 16, 2023 (the
9 effective date of Public Act 103-102) ~~this amendatory Act of~~
10 ~~the 103rd General Assembly~~ shall be made available to all
11 applicants who qualify under subparagraph (i) of paragraph (a)
12 of subsection (6) or Department rules implementing 42 U.S.C.
13 1395ss(s)(2)(A) without regard to age or applicability of a
14 Medicare Part B late enrollment penalty.

15 (Source: P.A. 102-142, eff. 1-1-22; 103-102, eff. 6-16-23;
16 revised 10-24-24.)

17 (Text of Section after amendment by P.A. 103-747)

18 Sec. 363. Medicare supplement policies; minimum standards.

19 (1) Except as otherwise specifically provided therein,
20 this Section and Section 363a of this Code shall apply to:

21 (a) all Medicare supplement policies and subscriber
22 contracts delivered or issued for delivery in this State
23 on and after January 1, 1989; and

24 (b) all certificates issued under group Medicare
25 supplement policies or subscriber contracts, which

1 certificates are issued or issued for delivery in this
2 State on and after January 1, 1989.

3 This Section shall not apply to "Accident Only" or
4 "Specified Disease" types of policies. The provisions of this
5 Section are not intended to prohibit or apply to policies or
6 health care benefit plans, including group conversion
7 policies, provided to Medicare eligible persons, which
8 policies or plans are not marketed or purported or held to be
9 Medicare supplement policies or benefit plans.

10 (2) For the purposes of this Section and Section 363a, the
11 following terms have the following meanings:

12 (a) "Applicant" means:

13 (i) in the case of individual Medicare supplement
14 policy, the person who seeks to contract for insurance
15 benefits, and

16 (ii) in the case of a group Medicare policy or
17 subscriber contract, the proposed certificate holder.

18 (b) "Certificate" means any certificate delivered or
19 issued for delivery in this State under a group Medicare
20 supplement policy.

21 (c) "Medicare supplement policy" means an individual
22 policy of accident and health insurance, as defined in
23 paragraph (a) of subsection (2) of Section 355a of this
24 Code, or a group policy or certificate delivered or issued
25 for delivery in this State by an insurer, fraternal
26 benefit society, voluntary health service plan, or health

1 maintenance organization, other than a policy issued
2 pursuant to a contract under Section 1876 of the federal
3 Social Security Act (42 U.S.C. Section 1395 et seq.) or a
4 policy issued under a demonstration project specified in
5 42 U.S.C. Section 1395ss(g)(1), or any similar
6 organization, that is advertised, marketed, or designed
7 primarily as a supplement to reimbursements under Medicare
8 for the hospital, medical, or surgical expenses of persons
9 eligible for Medicare.

10 (d) "Issuer" includes insurance companies, fraternal
11 benefit societies, voluntary health service plans, health
12 maintenance organizations, or any other entity providing
13 Medicare supplement insurance, unless the context clearly
14 indicates otherwise.

15 (e) "Medicare" means the Health Insurance for the Aged
16 Act, Title XVIII of the Social Security Amendments of
17 1965.

18 (3) No Medicare supplement insurance policy, contract, or
19 certificate, that provides benefits that duplicate benefits
20 provided by Medicare, shall be issued or issued for delivery
21 in this State after December 31, 1988. No such policy,
22 contract, or certificate shall provide lesser benefits than
23 those required under this Section or the existing Medicare
24 Supplement Minimum Standards Regulation, except where
25 duplication of Medicare benefits would result.

26 (4) Medicare supplement policies or certificates shall

1 have a notice prominently printed on the first page of the
2 policy or attached thereto stating in substance that the
3 policyholder or certificate holder shall have the right to
4 return the policy or certificate within 30 days of its
5 delivery and to have the premium refunded directly to him or
6 her in a timely manner if, after examination of the policy or
7 certificate, the insured person is not satisfied for any
8 reason.

9 (5) A Medicare supplement policy or certificate may not
10 deny a claim for losses incurred more than 6 months from the
11 effective date of coverage for a preexisting condition. The
12 policy may not define a preexisting condition more
13 restrictively than a condition for which medical advice was
14 given or treatment was recommended by or received from a
15 physician within 6 months before the effective date of
16 coverage.

17 (6) An issuer of a Medicare supplement policy shall:

18 (a) not deny coverage to an applicant under 65 years
19 of age who meets any of the following criteria:

20 (i) becomes eligible for Medicare by reason of
21 disability if the person makes application for a
22 Medicare supplement policy within 6 months of the
23 first day on which the person enrolls for benefits
24 under Medicare Part B; for a person who is
25 retroactively enrolled in Medicare Part B due to a
26 retroactive eligibility decision made by the Social

1 Security Administration, the application must be
2 submitted within a 6-month period beginning with the
3 month in which the person received notice of
4 retroactive eligibility to enroll;

5 (ii) has Medicare and an employer group health
6 plan (either primary or secondary to Medicare) that
7 terminates or ceases to provide all such supplemental
8 health benefits;

9 (iii) is insured by a Medicare Advantage plan that
10 includes a Health Maintenance Organization, a
11 Preferred Provider Organization, and a Private
12 Fee-For-Service or Medicare Select plan and the
13 applicant moves out of the plan's service area; the
14 insurer goes out of business, withdraws from the
15 market, or has its Medicare contract terminated; or
16 the plan violates its contract provisions or is
17 misrepresented in its marketing; or

18 (iv) is insured by a Medicare supplement policy
19 and the insurer goes out of business, withdraws from
20 the market, or the insurance company or agents
21 misrepresent the plan and the applicant is without
22 coverage;

23 (b) make available to persons eligible for Medicare by
24 reason of disability each type of Medicare supplement
25 policy the issuer makes available to persons eligible for
26 Medicare by reason of age;

1 (c) not charge individuals who become eligible for
2 Medicare by reason of disability and who are under the age
3 of 65 premium rates for any medical supplemental insurance
4 benefit plan offered by the issuer that exceed the
5 issuer's highest rate on the current rate schedule filed
6 with the Department ~~Division~~ of Insurance for that plan to
7 individuals who are age 65 or older; and

8 (d) provide the rights granted by items (a) through
9 (d), for 6 months after June 1, 2008 (the effective date of
10 Public Act 95-436) ~~this amendatory Act of the 95th General~~
11 ~~Assembly~~, to any person who had enrolled for benefits
12 under Medicare Part B prior to Public Act 95-436 and ~~this~~
13 ~~amendatory Act of the 95th General Assembly~~ who otherwise
14 would have been eligible for coverage under item (a).

15 (7) The Director shall issue reasonable rules and
16 regulations for the following purposes:

17 (a) To establish specific standards for policy
18 provisions of Medicare policies and certificates. The
19 standards shall be in accordance with the requirements of
20 this Code. No requirement of this Code relating to minimum
21 required policy benefits, other than the minimum standards
22 contained in this Section and Section 363a, shall apply to
23 Medicare supplement policies and certificates. The
24 standards may cover, but are not limited to the following:

25 (A) Terms of renewability.

26 (B) Initial and subsequent terms of eligibility.

1 (C) Non-duplication of coverage.

2 (D) Probationary and elimination periods.

3 (E) Benefit limitations, exceptions and
4 reductions.

5 (F) Requirements for replacement.

6 (G) Recurrent conditions.

7 (H) Definition of terms.

8 (I) Requirements for issuing rebates or credits to
9 policyholders if the policy's loss ratio does not
10 comply with subsection (7) of Section 363a.

11 (J) Uniform methodology for the calculating and
12 reporting of loss ratio information.

13 (K) Assuring public access to loss ratio
14 information of an issuer of Medicare supplement
15 insurance.

16 (L) Establishing a process for approving or
17 disapproving proposed premium increases.

18 (M) Establishing a policy for holding public
19 hearings prior to approval of premium increases.

20 (N) Establishing standards for Medicare Select
21 policies.

22 (O) Prohibited policy provisions not otherwise
23 specifically authorized by statute that, in the
24 opinion of the Director, are unjust, unfair, or
25 unfairly discriminatory to any person insured or
26 proposed for coverage under a Medicare ~~medicare~~

1 supplement policy or certificate.

2 (b) To establish minimum standards for benefits and
3 claims payments, marketing practices, compensation
4 arrangements, and reporting practices for Medicare
5 supplement policies.

6 (c) To implement transitional requirements of Medicare
7 supplement insurance benefits and premiums of Medicare
8 supplement policies and certificates to conform to
9 Medicare program revisions.

10 (8) If an individual is at least 65 years of age but no
11 more than 75 years of age and has an existing Medicare
12 supplement policy, the individual is entitled to an annual
13 open enrollment period lasting 45 days, commencing with the
14 individual's birthday, and the individual may purchase any
15 Medicare supplement policy with the same issuer or any
16 affiliate authorized to transact business in this State that
17 offers benefits equal to or lesser than those provided by the
18 previous coverage. During this open enrollment period, an
19 issuer of a Medicare supplement policy shall not deny or
20 condition the issuance or effectiveness of Medicare
21 supplemental coverage, nor discriminate in the pricing of
22 coverage, because of health status, claims experience, receipt
23 of health care, or a medical condition of the individual. An
24 issuer shall provide notice of this annual open enrollment
25 period for eligible Medicare supplement policyholders at the
26 time that the application is made for a Medicare supplement

1 policy or certificate. The notice shall be in a form that may
2 be prescribed by the Department.

3 (9) Without limiting an individual's eligibility under
4 Department rules implementing 42 U.S.C. 1395ss(s)(2)(A), for
5 at least 63 days after the later of the applicant's loss of
6 benefits or the notice of termination of benefits, including a
7 notice of claim denial due to termination of benefits, under
8 the State's medical assistance program under Article V of the
9 Illinois Public Aid Code, an issuer shall not deny or
10 condition the issuance or effectiveness of any Medicare
11 supplement policy or certificate that is offered and is
12 available for issuance to new enrollees by the issuer; shall
13 not discriminate in the pricing of such a Medicare supplement
14 policy because of health status, claims experience, receipt of
15 health care, or medical condition; and shall not include a
16 policy provision that imposes an exclusion of benefits based
17 on a preexisting condition under such a Medicare supplement
18 policy if the individual:

19 (a) is enrolled for Medicare Part B;

20 (b) was enrolled in the State's medical assistance
21 program during the COVID-19 Public Health Emergency
22 described in Section 5-1.5 of the Illinois Public Aid
23 Code;

24 (c) was terminated or disenrolled from the State's
25 medical assistance program after the COVID-19 Public
26 Health Emergency and the later of the date of termination

1 of benefits or the date of the notice of termination,
2 including a notice of a claim denial due to termination,
3 occurred on, after, or no more than 63 days before the end
4 of either, as applicable:

5 (A) the individual's Medicare supplement open
6 enrollment period described in Department rules
7 implementing 42 U.S.C. 1395ss(s) (2) (A); or

8 (B) the 6-month period described in Section
9 363(6) (a) (i) of this Code; and

10 (d) submits evidence of the date of termination of
11 benefits or notice of termination under the State's
12 medical assistance program with the application for a
13 Medicare supplement policy or certificate.

14 (10) Each Medicare supplement policy and certificate
15 available from an insurer on and after June 16, 2023 (the
16 effective date of Public Act 103-102) ~~this amendatory Act of~~
17 ~~the 103rd General Assembly~~ shall be made available to all
18 applicants who qualify under subparagraph (i) of paragraph (a)
19 of subsection (6) or Department rules implementing 42 U.S.C.
20 1395ss(s) (2) (A) without regard to age or applicability of a
21 Medicare Part B late enrollment penalty.

22 (Source: P.A. 102-142, eff. 1-1-22; 103-102, eff. 6-16-23;
23 103-747, eff. 1-1-26; revised 10-24-24.)

24 (215 ILCS 5/367a) (from Ch. 73, par. 979a)

25 Sec. 367a. Blanket accident and health insurance.

1 (1) Blanket accident and health insurance is the form of
2 accident and health insurance providing excepted benefits, as
3 defined in Section 352c, that covers special groups of persons
4 as enumerated in one of the following paragraphs (a) to (g),
5 inclusive:

6 (a) Under a policy or contract issued to any carrier
7 for hire, which shall be deemed the policyholder, covering
8 a group defined as all persons who may become passengers
9 on such carrier.

10 (b) Under a policy or contract issued to an employer,
11 who shall be deemed the policyholder, covering all
12 employees or any group of employees defined by reference
13 to exceptional hazards incident to such employment.

14 (c) Under a policy or contract issued to a college,
15 school, or other institution of learning or to the head or
16 principal thereof, who or which shall be deemed the
17 policyholder, covering students or teachers. However,
18 student health insurance coverage, as defined in 45 CFR
19 147.145, shall remain subject to the standards and
20 requirements for individual health insurance coverage
21 except where inconsistent with that regulation. Student
22 health insurance coverage shall not be subject to the
23 Short-Term, Limited-Duration Health Insurance Coverage
24 Act. An insurer ~~issuer~~ providing student health insurance
25 coverage or a policy or contract covering students for
26 limited-scope dental or vision under 45 CFR 148.220 shall

1 require an individual application or enrollment form and
2 shall furnish each insured individual a certificate, which
3 shall have been approved by the Director under Section
4 355.

5 (d) Under a policy or contract issued in the name of
6 any volunteer fire department, first aid, or other such
7 volunteer group, which shall be deemed the policyholder,
8 covering all of the members of such department or group.

9 (e) Under a policy or contract issued to a creditor,
10 who shall be deemed the policyholder, to insure debtors of
11 the creditors; Provided, however, that in the case of a
12 loan which is subject to the Small Loans Act, no insurance
13 premium or other cost shall be directly or indirectly
14 charged or assessed against, or collected or received from
15 the borrower.

16 (f) Under a policy or contract issued to a sports team
17 or to a camp, which team or camp sponsor shall be deemed
18 the policyholder, covering members or campers.

19 (g) Under a policy or contract issued to any other
20 substantially similar group which, in the discretion of
21 the Director, may be subject to the issuance of a blanket
22 accident and health policy or contract.

23 (2) Any insurance company authorized to write accident and
24 health insurance in this state shall have the power to issue
25 blanket accident and health insurance. No such blanket policy
26 may be issued or delivered in this State unless a copy of the

1 form thereof shall have been filed in accordance with Section
2 355, and it contains in substance such of those provisions
3 contained in Sections 357.1 through 357.30 as may be
4 applicable to blanket accident and health insurance and the
5 following provisions:

6 (a) A provision that the policy and the application
7 shall constitute the entire contract between the parties,
8 and that all statements made by the policyholder shall, in
9 absence of fraud, be deemed representations and not
10 warranties, and that no such statements shall be used in
11 defense to a claim under the policy, unless it is
12 contained in a written application.

13 (b) A provision that to the group or class thereof
14 originally insured shall be added from time to time all
15 new persons or individuals eligible for coverage.

16 (3) An individual application shall not be required from a
17 person covered under a blanket accident or health policy or
18 contract, nor shall it be necessary for the insurer to furnish
19 each person a certificate.

20 (3.5) Subsection (3) does not apply to major medical
21 insurance, or to any excepted benefits or short-term,
22 limited-duration health insurance coverage for which an
23 insured individual pays premiums or contributions. In those
24 cases, the insurer shall require an individual application or
25 enrollment form and shall furnish each insured individual a
26 certificate, which shall have been approved by the Director

1 under Section 355 of this Code.

2 (4) All benefits under any blanket accident and health
3 policy shall be payable to the person insured, or to his
4 designated beneficiary or beneficiaries, or to his or her
5 estate, except that if the person insured be a minor or person
6 under legal disability, such benefits may be made payable to
7 his or her parent, guardian, or other person actually
8 supporting him or her. Provided further, however, that the
9 policy may provide that all or any portion of any indemnities
10 provided by any such policy on account of hospital, nursing,
11 medical or surgical services may, at the insurer's option, be
12 paid directly to the hospital or person rendering such
13 services; but the policy may not require that the service be
14 rendered by a particular hospital or person. Payment so made
15 shall discharge the insurer's obligation with respect to the
16 amount of insurance so paid.

17 (5) Nothing contained in this Section ~~section~~ shall be
18 deemed to affect the legal liability of policyholders for the
19 death of or injury to, any such member of such group.

20 (Source: P.A. 103-649, eff. 1-1-25; 103-718, eff. 1-1-25;
21 revised 11-26-24.)

22 (215 ILCS 5/367f) (from Ch. 73, par. 979f)

23 Sec. 367f. Firefighters' continuance privilege. As used in
24 this Section:

25 1. The terms "municipality", "deferred pensioner" and

1 "creditable service" shall have the meaning ascribed to such
2 terms by Sections 4-103, 4-105a, and 4-108, respectively, of
3 the Illinois Pension Code, ~~as now or hereafter amended.~~

4 2. "Firefighter" means a person who is a "firefighter" as
5 defined in Section 4-106 of the Illinois Pension Code, a
6 paramedic who is employed by a unit of local government, or an
7 emergency medical technician, emergency medical
8 technician-basic, emergency medical technician-intermediate,
9 or advanced emergency medical technician who is employed by a
10 unit of local government.

11 3. The "retirement or disability period" of a firefighter
12 means the period:

13 a. which begins on the day the firefighter is removed
14 from a municipality's fire department payroll because of
15 the occurrence of any of the following events, to wit: (i)
16 the firefighter retires as a deferred pensioner under
17 Section 4-105a of the Illinois Pension Code, (ii) the
18 firefighter retires from active service as a firefighter
19 with an attained age and accumulated creditable service
20 which together qualify the firefighter for immediate
21 receipt of retirement pension benefits under Section 4-109
22 of the Illinois Pension Code, or (iii) the firefighter's
23 disability is established under Section 4-112 of the
24 Illinois Pension Code; and

25 b. which ends on the first to occur of any of the
26 following events, to wit: (i) the firefighter's

1 reinstatement or reentry into active service on the
2 municipality's fire department as provided for under
3 Article 4 of the Illinois Pension Code, (ii) the
4 firefighter's exercise of any refund option available
5 under Section 4-116 of the Illinois Pension Code, (iii)
6 the firefighter's loss pursuant to Section 4-138 of the
7 Illinois Pension Code of any benefits provided for in
8 Article 4 of that Code, or (iv) the firefighter's death or
9 -- if at the time of the firefighter's death the
10 firefighter is survived by a spouse who, in that capacity,
11 is entitled to receive a surviving spouse's monthly
12 pension pursuant to Article 4 of the Illinois Pension Code
13 -- then the death or remarriage of that spouse.

14 No policy of group accident and health insurance under
15 which firefighters employed by a municipality are insured for
16 their individual benefit shall be issued or delivered in this
17 State to any municipality unless such group policy provides
18 for the election of continued group insurance coverage for the
19 retirement or disability period of each firefighter who is
20 insured under the provisions of the group policy on the day
21 immediately preceding the day on which the retirement or
22 disability period of such firefighter begins. So long as any
23 required premiums for continued group insurance coverage are
24 paid in accordance with the provisions of the group policy, an
25 election made pursuant to this Section shall provide continued
26 group insurance coverage for a firefighter throughout the

1 retirement or disability period of the firefighter and, unless
2 the firefighter otherwise elects and subject to any other
3 provisions of the group policy which relate either to the
4 provision or to the termination of dependents' coverage and
5 which are not inconsistent with this Section, for any
6 dependents of the firefighter who are insured under the group
7 policy on the day immediately preceding the day on which the
8 retirement or disability period of the firefighter begins;
9 provided, however, that when such continued group insurance
10 coverage is in effect with respect to a firefighter on the date
11 of the firefighter's death but the retirement or disability
12 period of the firefighter does not end with such firefighter's
13 death, then the deceased firefighter's surviving spouse upon
14 whose death or remarriage such retirement or disability period
15 will end shall be entitled, without further election and upon
16 payment of any required premiums in accordance with the
17 provisions of the group policy, to maintain such continued
18 group insurance coverage in effect until the end of such
19 retirement or disability period. Continued group insurance
20 coverage shall be provided in accordance with this Section at
21 the same premium rate from time to time charged for equivalent
22 coverage provided under the group policy with respect to
23 covered firefighters whose retirement or disability period has
24 not begun, and no distinction or discrimination in the amount
25 or rate of premiums or in any waiver of premium or other
26 benefit provision shall be made between continued group

1 insurance coverage elected pursuant to this Section and
2 equivalent coverage provided to firefighters under the group
3 policy other than pursuant to the provisions of this Section;
4 provided that no municipality shall be required by reason of
5 any provision of this Section to pay any group insurance
6 premium other than one that may be negotiated in a collective
7 bargaining agreement. If a person electing continued coverage
8 under this Section becomes eligible for medicare coverage,
9 benefits under the group policy may continue as a supplement
10 to the medicare coverage upon payment of any required premiums
11 to maintain the benefits of the group policy as supplemental
12 coverage.

13 Within 15 days of the beginning of the retirement or
14 disability period of any firefighter entitled to elect
15 continued group insurance coverage under any group policy
16 affected by this Section, the municipality last employing such
17 firefighter shall give written notice of such beginning by
18 certified mail, return receipt requested to the insurance
19 company issuing such policy. The notice shall include the
20 firefighter's name and last known place of residence and the
21 beginning date of the firefighter's retirement or disability
22 period.

23 Within 15 days of the date of receipt of such notice from
24 the municipality, the insurance company by certified mail,
25 return receipt requested, shall give written notice to the
26 firefighter at the firefighter's last known place of residence

1 that coverage under the group policy may be continued for the
2 retirement or disability period of the firefighter as provided
3 in this Section. Such notice shall set forth: (i) a statement
4 of election to be filed by the firefighter if the firefighter
5 wishes to continue such group insurance coverage, (ii) the
6 amount of monthly premium, including a statement of the
7 portion of such monthly premium attributable to any
8 dependents' coverage which the firefighter may elect, and
9 (iii) instructions as to the return of the election form to the
10 insurance company issuing such policy. Election shall be made,
11 if at all, by returning the statement of election to the
12 insurance company by certified mail, return receipt requested
13 within 15 days after having received it.

14 If the firefighter elects to continue coverage, it shall
15 be the obligation of the firefighter to pay the monthly
16 premium directly to the municipality, which shall forward it
17 to the insurance company issuing the group insurance policy,
18 or as otherwise directed by the insurance company; provided,
19 however, that the firefighter shall be entitled to designate
20 on the statement of election required to be filed with the
21 insurance company that the total monthly premium, or such
22 portion thereof as is not contributed by a municipality, be
23 deducted by a Firefighter's Pension Fund from any monthly
24 pension payment otherwise payable to or on behalf of the
25 firefighter pursuant to Article 4 of the Illinois Pension
26 Code, and be remitted by such Pension Fund to the insurance

1 company. The portion, if any, of the monthly premium
2 contributed by a municipality for such continued group
3 insurance coverage shall be paid by the municipality directly
4 to the insurance company issuing the group insurance policy,
5 or as otherwise directed by the insurance company. Such
6 continued group insurance coverage shall relate back to the
7 beginning of the firefighter's retirement or disability
8 period.

9 The amendment, renewal, or extension of any group
10 insurance policy affected by this Section shall be deemed to
11 be the issuance of a new policy of insurance for purposes of
12 this Section.

13 In the event that a municipality makes a program of
14 accident, health, hospital, or medical benefits available to
15 its firefighters through self-insurance, or by participation
16 in a pool or reciprocal insurer, or by contract in a form other
17 than a policy of group insurance with one or more medical
18 service plans, health care service corporations, health
19 maintenance organizations, or any other professional
20 corporations or plans under which health care or reimbursement
21 for the costs thereof is provided, whether the cost of such
22 benefits is borne by the municipality or the firefighters or
23 both, such firefighters and their surviving spouses shall have
24 the same right to elect continued coverage under such program
25 of benefits as they would have if such benefits were provided
26 by a policy of group accident and health insurance. In such

1 cases, the notice of right to elect continued coverage shall
2 be sent by the municipality; the statement of election shall
3 be sent to the municipality; and references to the required
4 premium shall refer to that portion of the cost of such
5 benefits which is not borne by the municipality, either
6 voluntarily or pursuant to the provisions of a collective
7 bargaining agreement. In the case of a municipality providing
8 such benefits through self-insurance or participation in a
9 pool or reciprocal insurer, the right to elect continued
10 coverage which is provided by this paragraph shall be
11 implemented and made available to the firefighters of the
12 municipality and qualifying surviving spouses not later than
13 July 1, 1985.

14 The amendment, renewal, or extension of any such contract
15 in a form other than a policy of group insurance policy shall
16 be deemed the formation of a new contract for the purposes of
17 this Section.

18 This Section shall not limit the exercise of any
19 conversion privileges available under Section 367e.

20 Pursuant to paragraphs (h) and (i) of Section 6 of Article
21 VII of the Illinois Constitution, this Section specifically
22 denies and limits the exercise by a home rule unit of any power
23 which is inconsistent with this Section and all existing laws
24 and ordinances which are inconsistent with this Section are
25 hereby superseded. This Section does not preempt the
26 concurrent exercise by home rule units of powers consistent

1 herewith.

2 The ~~Division of Insurance of the~~ Department of Insurance
3 ~~Financial and Professional Regulation~~ shall enforce the
4 provisions of this Section, including provisions relating to
5 municipality self-insured benefit plans.

6 (Source: P.A. 103-52, eff. 1-1-24; revised 7-18-24.)

7 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

8 Sec. 370c. Mental and emotional disorders.

9 (a) (1) On and after January 1, 2022 (the effective date of
10 Public Act 102-579), every insurer that amends, delivers,
11 issues, or renews group accident and health policies providing
12 coverage for hospital or medical treatment or services for
13 illness on an expense-incurred basis shall provide coverage
14 for the medically necessary treatment of mental, emotional,
15 nervous, or substance use disorders or conditions consistent
16 with the parity requirements of Section 370c.1 of this Code.

17 (2) Each insured that is covered for mental, emotional,
18 nervous, or substance use disorders or conditions shall be
19 free to select the physician licensed to practice medicine in
20 all its branches, licensed clinical psychologist, licensed
21 clinical social worker, licensed clinical professional
22 counselor, licensed marriage and family therapist, licensed
23 speech-language pathologist, or other licensed or certified
24 professional at a program licensed pursuant to the Substance
25 Use Disorder Act of his or her choice to treat such disorders,

1 and the insurer shall pay the covered charges of such
2 physician licensed to practice medicine in all its branches,
3 licensed clinical psychologist, licensed clinical social
4 worker, licensed clinical professional counselor, licensed
5 marriage and family therapist, licensed speech-language
6 pathologist, or other licensed or certified professional at a
7 program licensed pursuant to the Substance Use Disorder Act up
8 to the limits of coverage, provided (i) the disorder or
9 condition treated is covered by the policy, and (ii) the
10 physician, licensed psychologist, licensed clinical social
11 worker, licensed clinical professional counselor, licensed
12 marriage and family therapist, licensed speech-language
13 pathologist, or other licensed or certified professional at a
14 program licensed pursuant to the Substance Use Disorder Act is
15 authorized to provide said services under the statutes of this
16 State and in accordance with accepted principles of his or her
17 profession.

18 (3) Insofar as this Section applies solely to licensed
19 clinical social workers, licensed clinical professional
20 counselors, licensed marriage and family therapists, licensed
21 speech-language pathologists, and other licensed or certified
22 professionals at programs licensed pursuant to the Substance
23 Use Disorder Act, those persons who may provide services to
24 individuals shall do so after the licensed clinical social
25 worker, licensed clinical professional counselor, licensed
26 marriage and family therapist, licensed speech-language

1 pathologist, or other licensed or certified professional at a
2 program licensed pursuant to the Substance Use Disorder Act
3 has informed the patient of the desirability of the patient
4 conferring with the patient's primary care physician.

5 (4) "Mental, emotional, nervous, or substance use disorder
6 or condition" means a condition or disorder that involves a
7 mental health condition or substance use disorder that falls
8 under any of the diagnostic categories listed in the mental
9 and behavioral disorders chapter of the current edition of the
10 World Health Organization's International Classification of
11 Disease or that is listed in the most recent version of the
12 American Psychiatric Association's Diagnostic and Statistical
13 Manual of Mental Disorders. "Mental, emotional, nervous, or
14 substance use disorder or condition" includes any mental
15 health condition that occurs during pregnancy or during the
16 postpartum period and includes, but is not limited to,
17 postpartum depression.

18 (5) Medically necessary treatment and medical necessity
19 determinations shall be interpreted and made in a manner that
20 is consistent with and pursuant to subsections (h) through
21 (t).

22 (b)(1) (Blank).

23 (2) (Blank).

24 (2.5) (Blank).

25 (3) Unless otherwise prohibited by federal law and
26 consistent with the parity requirements of Section 370c.1 of

1 this Code, the reimbursing insurer that amends, delivers,
2 issues, or renews a group or individual policy of accident and
3 health insurance, a qualified health plan offered through the
4 health insurance marketplace, or a provider of treatment of
5 mental, emotional, nervous, or substance use disorders or
6 conditions shall furnish medical records or other necessary
7 data that substantiate that initial or continued treatment is
8 at all times medically necessary. An insurer shall provide a
9 mechanism for the timely review by a provider holding the same
10 license and practicing in the same specialty as the patient's
11 provider, who is unaffiliated with the insurer, jointly
12 selected by the patient (or the patient's next of kin or legal
13 representative if the patient is unable to act for himself or
14 herself), the patient's provider, and the insurer in the event
15 of a dispute between the insurer and patient's provider
16 regarding the medical necessity of a treatment proposed by a
17 patient's provider. If the reviewing provider determines the
18 treatment to be medically necessary, the insurer shall provide
19 reimbursement for the treatment. Future contractual or
20 employment actions by the insurer regarding the patient's
21 provider may not be based on the provider's participation in
22 this procedure. Nothing prevents the insured from agreeing in
23 writing to continue treatment at his or her expense. When
24 making a determination of the medical necessity for a
25 treatment modality for mental, emotional, nervous, or
26 substance use disorders or conditions, an insurer must make

1 the determination in a manner that is consistent with the
2 manner used to make that determination with respect to other
3 diseases or illnesses covered under the policy, including an
4 appeals process. Medical necessity determinations for
5 substance use disorders shall be made in accordance with
6 appropriate patient placement criteria established by the
7 American Society of Addiction Medicine. No additional criteria
8 may be used to make medical necessity determinations for
9 substance use disorders.

10 (4) A group health benefit plan amended, delivered,
11 issued, or renewed on or after January 1, 2019 (the effective
12 date of Public Act 100-1024) or an individual policy of
13 accident and health insurance or a qualified health plan
14 offered through the health insurance marketplace amended,
15 delivered, issued, or renewed on or after January 1, 2019 (the
16 effective date of Public Act 100-1024):

17 (A) shall provide coverage based upon medical
18 necessity for the treatment of a mental, emotional,
19 nervous, or substance use disorder or condition consistent
20 with the parity requirements of Section 370c.1 of this
21 Code; provided, however, that in each calendar year
22 coverage shall not be less than the following:

23 (i) 45 days of inpatient treatment; and

24 (ii) beginning on June 26, 2006 (the effective
25 date of Public Act 94-921), 60 visits for outpatient
26 treatment including group and individual outpatient

1 treatment; and

2 (iii) for plans or policies delivered, issued for
3 delivery, renewed, or modified after January 1, 2007
4 (the effective date of Public Act 94-906), 20
5 additional outpatient visits for speech therapy for
6 treatment of pervasive developmental disorders that
7 will be in addition to speech therapy provided
8 pursuant to item (ii) of this subparagraph (A); and

9 (B) may not include a lifetime limit on the number of
10 days of inpatient treatment or the number of outpatient
11 visits covered under the plan.

12 (C) (Blank).

13 (5) An issuer of a group health benefit plan or an
14 individual policy of accident and health insurance or a
15 qualified health plan offered through the health insurance
16 marketplace may not count toward the number of outpatient
17 visits required to be covered under this Section an outpatient
18 visit for the purpose of medication management and shall cover
19 the outpatient visits under the same terms and conditions as
20 it covers outpatient visits for the treatment of physical
21 illness.

22 (5.5) An individual or group health benefit plan amended,
23 delivered, issued, or renewed on or after September 9, 2015
24 (the effective date of Public Act 99-480) shall offer coverage
25 for medically necessary acute treatment services and medically
26 necessary clinical stabilization services. The treating

1 provider shall base all treatment recommendations and the
2 health benefit plan shall base all medical necessity
3 determinations for substance use disorders in accordance with
4 the most current edition of the Treatment Criteria for
5 Addictive, Substance-Related, and Co-Occurring Conditions
6 established by the American Society of Addiction Medicine. The
7 treating provider shall base all treatment recommendations and
8 the health benefit plan shall base all medical necessity
9 determinations for medication-assisted treatment in accordance
10 with the most current Treatment Criteria for Addictive,
11 Substance-Related, and Co-Occurring Conditions established by
12 the American Society of Addiction Medicine.

13 As used in this subsection:

14 "Acute treatment services" means 24-hour medically
15 supervised addiction treatment that provides evaluation and
16 withdrawal management and may include biopsychosocial
17 assessment, individual and group counseling, psychoeducational
18 groups, and discharge planning.

19 "Clinical stabilization services" means 24-hour treatment,
20 usually following acute treatment services for substance
21 abuse, which may include intensive education and counseling
22 regarding the nature of addiction and its consequences,
23 relapse prevention, outreach to families and significant
24 others, and aftercare planning for individuals beginning to
25 engage in recovery from addiction.

26 (6) An issuer of a group health benefit plan may provide or

1 offer coverage required under this Section through a managed
2 care plan.

3 (6.5) An individual or group health benefit plan amended,
4 delivered, issued, or renewed on or after January 1, 2019 (the
5 effective date of Public Act 100-1024):

6 (A) shall not impose prior authorization requirements,
7 including limitations on dosage, other than those
8 established under the Treatment Criteria for Addictive,
9 Substance-Related, and Co-Occurring Conditions
10 established by the American Society of Addiction Medicine,
11 on a prescription medication approved by the United States
12 Food and Drug Administration that is prescribed or
13 administered for the treatment of substance use disorders;

14 (B) shall not impose any step therapy requirements;

15 (C) shall place all prescription medications approved
16 by the United States Food and Drug Administration
17 prescribed or administered for the treatment of substance
18 use disorders on, for brand medications, the lowest tier
19 of the drug formulary developed and maintained by the
20 individual or group health benefit plan that covers brand
21 medications and, for generic medications, the lowest tier
22 of the drug formulary developed and maintained by the
23 individual or group health benefit plan that covers
24 generic medications; and

25 (D) shall not exclude coverage for a prescription
26 medication approved by the United States Food and Drug

1 Administration for the treatment of substance use
2 disorders and any associated counseling or wraparound
3 services on the grounds that such medications and services
4 were court ordered.

5 (7) (Blank).

6 (8) (Blank).

7 (9) With respect to all mental, emotional, nervous, or
8 substance use disorders or conditions, coverage for inpatient
9 treatment shall include coverage for treatment in a
10 residential treatment center certified or licensed by the
11 Department of Public Health or the Department of Human
12 Services.

13 (c) This Section shall not be interpreted to require
14 coverage for speech therapy or other habilitative services for
15 those individuals covered under Section 356z.15 of this Code.

16 (d) With respect to a group or individual policy of
17 accident and health insurance or a qualified health plan
18 offered through the health insurance marketplace, the
19 Department and, with respect to medical assistance, the
20 Department of Healthcare and Family Services shall each
21 enforce the requirements of this Section and Sections 356z.23
22 and 370c.1 of this Code, the Paul Wellstone and Pete Domenici
23 Mental Health Parity and Addiction Equity Act of 2008, 42
24 U.S.C. 18031(j), and any amendments to, and federal guidance
25 or regulations issued under, those Acts, including, but not
26 limited to, final regulations issued under the Paul Wellstone

1 and Pete Domenici Mental Health Parity and Addiction Equity
2 Act of 2008 and final regulations applying the Paul Wellstone
3 and Pete Domenici Mental Health Parity and Addiction Equity
4 Act of 2008 to Medicaid managed care organizations, the
5 Children's Health Insurance Program, and alternative benefit
6 plans. Specifically, the Department and the Department of
7 Healthcare and Family Services shall take action:

8 (1) proactively ensuring compliance by individual and
9 group policies, including by requiring that insurers
10 submit comparative analyses, as set forth in paragraph (6)
11 of subsection (k) of Section 370c.1, demonstrating how
12 they design and apply nonquantitative treatment
13 limitations, both as written and in operation, for mental,
14 emotional, nervous, or substance use disorder or condition
15 benefits as compared to how they design and apply
16 nonquantitative treatment limitations, as written and in
17 operation, for medical and surgical benefits;

18 (2) evaluating all consumer or provider complaints
19 regarding mental, emotional, nervous, or substance use
20 disorder or condition coverage for possible parity
21 violations;

22 (3) performing parity compliance market conduct
23 examinations or, in the case of the Department of
24 Healthcare and Family Services, parity compliance audits
25 of individual and group plans and policies, including, but
26 not limited to, reviews of:

1 (A) nonquantitative treatment limitations,
2 including, but not limited to, prior authorization
3 requirements, concurrent review, retrospective review,
4 step therapy, network admission standards,
5 reimbursement rates, and geographic restrictions;

6 (B) denials of authorization, payment, and
7 coverage; and

8 (C) other specific criteria as may be determined
9 by the Department.

10 The findings and the conclusions of the parity compliance
11 market conduct examinations and audits shall be made public.

12 The Director may adopt rules to effectuate any provisions
13 of the Paul Wellstone and Pete Domenici Mental Health Parity
14 and Addiction Equity Act of 2008 that relate to the business of
15 insurance.

16 (e) Availability of plan information.

17 (1) The criteria for medical necessity determinations
18 made under a group health plan, an individual policy of
19 accident and health insurance, or a qualified health plan
20 offered through the health insurance marketplace with
21 respect to mental health or substance use disorder
22 benefits (or health insurance coverage offered in
23 connection with the plan with respect to such benefits)
24 must be made available by the plan administrator (or the
25 health insurance issuer offering such coverage) to any
26 current or potential participant, beneficiary, or

1 contracting provider upon request.

2 (2) The reason for any denial under a group health
3 benefit plan, an individual policy of accident and health
4 insurance, or a qualified health plan offered through the
5 health insurance marketplace (or health insurance coverage
6 offered in connection with such plan or policy) of
7 reimbursement or payment for services with respect to
8 mental, emotional, nervous, or substance use disorders or
9 conditions benefits in the case of any participant or
10 beneficiary must be made available within a reasonable
11 time and in a reasonable manner and in readily
12 understandable language by the plan administrator (or the
13 health insurance issuer offering such coverage) to the
14 participant or beneficiary upon request.

15 (f) As used in this Section, "group policy of accident and
16 health insurance" and "group health benefit plan" includes (1)
17 State-regulated employer-sponsored group health insurance
18 plans written in Illinois or which purport to provide coverage
19 for a resident of this State; and (2) State employee health
20 plans.

21 (g) (1) As used in this subsection:

22 "Benefits", with respect to insurers, means the benefits
23 provided for treatment services for inpatient and outpatient
24 treatment of substance use disorders or conditions at American
25 Society of Addiction Medicine levels of treatment 2.1
26 (Intensive Outpatient), 2.5 (Partial Hospitalization), 3.1

1 (Clinically Managed Low-Intensity Residential), 3.3
2 (Clinically Managed Population-Specific High-Intensity
3 Residential), 3.5 (Clinically Managed High-Intensity
4 Residential), and 3.7 (Medically Monitored Intensive
5 Inpatient) and OMT (Opioid Maintenance Therapy) services.

6 "Benefits", with respect to managed care organizations,
7 means the benefits provided for treatment services for
8 inpatient and outpatient treatment of substance use disorders
9 or conditions at American Society of Addiction Medicine levels
10 of treatment 2.1 (Intensive Outpatient), 2.5 (Partial
11 Hospitalization), 3.5 (Clinically Managed High-Intensity
12 Residential), and 3.7 (Medically Monitored Intensive
13 Inpatient) and OMT (Opioid Maintenance Therapy) services.

14 "Substance use disorder treatment provider or facility"
15 means a licensed physician, licensed psychologist, licensed
16 psychiatrist, licensed advanced practice registered nurse, or
17 licensed, certified, or otherwise State-approved facility or
18 provider of substance use disorder treatment.

19 (2) A group health insurance policy, an individual health
20 benefit plan, or qualified health plan that is offered through
21 the health insurance marketplace, small employer group health
22 plan, and large employer group health plan that is amended,
23 delivered, issued, executed, or renewed in this State, or
24 approved for issuance or renewal in this State, on or after
25 January 1, 2019 (the effective date of Public Act 100-1023)
26 shall comply with the requirements of this Section and Section

1 370c.1. The services for the treatment and the ongoing
2 assessment of the patient's progress in treatment shall follow
3 the requirements of 77 Ill. Adm. Code 2060.

4 (3) Prior authorization shall not be utilized for the
5 benefits under this subsection. The substance use disorder
6 treatment provider or facility shall notify the insurer of the
7 initiation of treatment. For an insurer that is not a managed
8 care organization, the substance use disorder treatment
9 provider or facility notification shall occur for the
10 initiation of treatment of the covered person within 2
11 business days. For managed care organizations, the substance
12 use disorder treatment provider or facility notification shall
13 occur in accordance with the protocol set forth in the
14 provider agreement for initiation of treatment within 24
15 hours. If the managed care organization is not capable of
16 accepting the notification in accordance with the contractual
17 protocol during the 24-hour period following admission, the
18 substance use disorder treatment provider or facility shall
19 have one additional business day to provide the notification
20 to the appropriate managed care organization. Treatment plans
21 shall be developed in accordance with the requirements and
22 timeframes established in 77 Ill. Adm. Code 2060. If the
23 substance use disorder treatment provider or facility fails to
24 notify the insurer of the initiation of treatment in
25 accordance with these provisions, the insurer may follow its
26 normal prior authorization processes.

1 (4) For an insurer that is not a managed care
2 organization, if an insurer determines that benefits are no
3 longer medically necessary, the insurer shall notify the
4 covered person, the covered person's authorized
5 representative, if any, and the covered person's health care
6 provider in writing of the covered person's right to request
7 an external review pursuant to the Health Carrier External
8 Review Act. The notification shall occur within 24 hours
9 following the adverse determination.

10 Pursuant to the requirements of the Health Carrier
11 External Review Act, the covered person or the covered
12 person's authorized representative may request an expedited
13 external review. An expedited external review may not occur if
14 the substance use disorder treatment provider or facility
15 determines that continued treatment is no longer medically
16 necessary.

17 If an expedited external review request meets the criteria
18 of the Health Carrier External Review Act, an independent
19 review organization shall make a final determination of
20 medical necessity within 72 hours. If an independent review
21 organization upholds an adverse determination, an insurer
22 shall remain responsible to provide coverage of benefits
23 through the day following the determination of the independent
24 review organization. A decision to reverse an adverse
25 determination shall comply with the Health Carrier External
26 Review Act.

1 (5) The substance use disorder treatment provider or
2 facility shall provide the insurer with 7 business days'
3 advance notice of the planned discharge of the patient from
4 the substance use disorder treatment provider or facility and
5 notice on the day that the patient is discharged from the
6 substance use disorder treatment provider or facility.

7 (6) The benefits required by this subsection shall be
8 provided to all covered persons with a diagnosis of substance
9 use disorder or conditions. The presence of additional related
10 or unrelated diagnoses shall not be a basis to reduce or deny
11 the benefits required by this subsection.

12 (7) Nothing in this subsection shall be construed to
13 require an insurer to provide coverage for any of the benefits
14 in this subsection.

15 (h) As used in this Section:

16 "Generally accepted standards of mental, emotional,
17 nervous, or substance use disorder or condition care" means
18 standards of care and clinical practice that are generally
19 recognized by health care providers practicing in relevant
20 clinical specialties such as psychiatry, psychology, clinical
21 sociology, social work, addiction medicine and counseling, and
22 behavioral health treatment. Valid, evidence-based sources
23 reflecting generally accepted standards of mental, emotional,
24 nervous, or substance use disorder or condition care include
25 peer-reviewed scientific studies and medical literature,
26 recommendations of nonprofit health care provider professional

1 associations and specialty societies, including, but not
2 limited to, patient placement criteria and clinical practice
3 guidelines, recommendations of federal government agencies,
4 and drug labeling approved by the United States Food and Drug
5 Administration.

6 "Medically necessary treatment of mental, emotional,
7 nervous, or substance use disorders or conditions" means a
8 service or product addressing the specific needs of that
9 patient, for the purpose of screening, preventing, diagnosing,
10 managing, or treating an illness, injury, or condition or its
11 symptoms and comorbidities, including minimizing the
12 progression of an illness, injury, or condition or its
13 symptoms and comorbidities in a manner that is all of the
14 following:

15 (1) in accordance with the generally accepted
16 standards of mental, emotional, nervous, or substance use
17 disorder or condition care;

18 (2) clinically appropriate in terms of type,
19 frequency, extent, site, and duration; and

20 (3) not primarily for the economic benefit of the
21 insurer, purchaser, or for the convenience of the patient,
22 treating physician, or other health care provider.

23 "Utilization review" means either of the following:

24 (1) prospectively, retrospectively, or concurrently
25 reviewing and approving, modifying, delaying, or denying,
26 based in whole or in part on medical necessity, requests

1 by health care providers, insureds, or their authorized
2 representatives for coverage of health care services
3 before, retrospectively, or concurrently with the
4 provision of health care services to insureds.

5 (2) evaluating the medical necessity, appropriateness,
6 level of care, service intensity, efficacy, or efficiency
7 of health care services, benefits, procedures, or
8 settings, under any circumstances, to determine whether a
9 health care service or benefit subject to a medical
10 necessity coverage requirement in an insurance policy is
11 covered as medically necessary for an insured.

12 "Utilization review criteria" means patient placement
13 criteria or any criteria, standards, protocols, or guidelines
14 used by an insurer to conduct utilization review.

15 (i)(1) Every insurer that amends, delivers, issues, or
16 renews a group or individual policy of accident and health
17 insurance or a qualified health plan offered through the
18 health insurance marketplace in this State and Medicaid
19 managed care organizations providing coverage for hospital or
20 medical treatment on or after January 1, 2023 shall, pursuant
21 to subsections (h) through (s), provide coverage for medically
22 necessary treatment of mental, emotional, nervous, or
23 substance use disorders or conditions.

24 (2) An insurer shall not set a specific limit on the
25 duration of benefits or coverage of medically necessary
26 treatment of mental, emotional, nervous, or substance use

1 disorders or conditions or limit coverage only to alleviation
2 of the insured's current symptoms.

3 (3) All utilization review conducted by the insurer
4 concerning diagnosis, prevention, and treatment of insureds
5 diagnosed with mental, emotional, nervous, or substance use
6 disorders or conditions shall be conducted in accordance with
7 the requirements of subsections (k) through (w).

8 (4) An insurer that authorizes a specific type of
9 treatment by a provider pursuant to this Section shall not
10 rescind or modify the authorization after that provider
11 renders the health care service in good faith and pursuant to
12 this authorization for any reason, including, but not limited
13 to, the insurer's subsequent cancellation or modification of
14 the insured's or policyholder's contract, or the insured's or
15 policyholder's eligibility. Nothing in this Section shall
16 require the insurer to cover a treatment when the
17 authorization was granted based on a material
18 misrepresentation by the insured, the policyholder, or the
19 provider. Nothing in this Section shall require Medicaid
20 managed care organizations to pay for services if the
21 individual was not eligible for Medicaid at the time the
22 service was rendered. Nothing in this Section shall require an
23 insurer to pay for services if the individual was not the
24 insurer's enrollee at the time services were rendered. As used
25 in this paragraph, "material" means a fact or situation that
26 is not merely technical in nature and results in or could

1 result in a substantial change in the situation.

2 (j) An insurer shall not limit benefits or coverage for
3 medically necessary services on the basis that those services
4 should be or could be covered by a public entitlement program,
5 including, but not limited to, special education or an
6 individualized education program, Medicaid, Medicare,
7 Supplemental Security Income, or Social Security Disability
8 Insurance, and shall not include or enforce a contract term
9 that excludes otherwise covered benefits on the basis that
10 those services should be or could be covered by a public
11 entitlement program. Nothing in this subsection shall be
12 construed to require an insurer to cover benefits that have
13 been authorized and provided for a covered person by a public
14 entitlement program. Medicaid managed care organizations are
15 not subject to this subsection.

16 (k) An insurer shall base any medical necessity
17 determination or the utilization review criteria that the
18 insurer, and any entity acting on the insurer's behalf,
19 applies to determine the medical necessity of health care
20 services and benefits for the diagnosis, prevention, and
21 treatment of mental, emotional, nervous, or substance use
22 disorders or conditions on current generally accepted
23 standards of mental, emotional, nervous, or substance use
24 disorder or condition care. All denials and appeals shall be
25 reviewed by a professional with experience or expertise
26 comparable to the provider requesting the authorization.

1 (1) In conducting utilization review of all covered health
2 care services for the diagnosis, prevention, and treatment of
3 mental, emotional, and nervous disorders or conditions, an
4 insurer shall apply the criteria and guidelines set forth in
5 the most recent version of the treatment criteria developed by
6 an unaffiliated nonprofit professional association for the
7 relevant clinical specialty or, for Medicaid managed care
8 organizations, criteria and guidelines determined by the
9 Department of Healthcare and Family Services that are
10 consistent with generally accepted standards of mental,
11 emotional, nervous or substance use disorder or condition
12 care. Pursuant to subsection (b), in conducting utilization
13 review of all covered services and benefits for the diagnosis,
14 prevention, and treatment of substance use disorders an
15 insurer shall use the most recent edition of the patient
16 placement criteria established by the American Society of
17 Addiction Medicine.

18 (m) In conducting utilization review relating to level of
19 care placement, continued stay, transfer, discharge, or any
20 other patient care decisions that are within the scope of the
21 sources specified in subsection (1), an insurer shall not
22 apply different, additional, conflicting, or more restrictive
23 utilization review criteria than the criteria set forth in
24 those sources. For all level of care placement decisions, the
25 insurer shall authorize placement at the level of care
26 consistent with the assessment of the insured using the

1 relevant patient placement criteria as specified in subsection
2 (l). If that level of placement is not available, the insurer
3 shall authorize the next higher level of care. In the event of
4 disagreement, the insurer shall provide full detail of its
5 assessment using the relevant criteria as specified in
6 subsection (l) to the provider of the service and the patient.

7 If an insurer purchases or licenses utilization review
8 criteria pursuant to this subsection, the insurer shall verify
9 and document before use that the criteria were developed in
10 accordance with subsection (k).

11 (n) In conducting utilization review that is outside the
12 scope of the criteria as specified in subsection (l) or
13 relates to the advancements in technology or in the types or
14 levels of care that are not addressed in the most recent
15 versions of the sources specified in subsection (l), an
16 insurer shall conduct utilization review in accordance with
17 subsection (k).

18 (o) This Section does not in any way limit the rights of a
19 patient under the Medical Patient Rights Act.

20 (p) This Section does not in any way limit early and
21 periodic screening, diagnostic, and treatment benefits as
22 defined under 42 U.S.C. 1396d(r).

23 (q) To ensure the proper use of the criteria described in
24 subsection (l), every insurer shall do all of the following:

25 (1) Educate the insurer's staff, including any third
26 parties contracted with the insurer to review claims,

1 conduct utilization reviews, or make medical necessity
2 determinations about the utilization review criteria.

3 (2) Make the educational program available to other
4 stakeholders, including the insurer's participating or
5 contracted providers and potential participants,
6 beneficiaries, or covered lives. The education program
7 must be provided at least once a year, in-person or
8 digitally, or recordings of the education program must be
9 made available to the aforementioned stakeholders.

10 (3) Provide, at no cost, the utilization review
11 criteria and any training material or resources to
12 providers and insured patients upon request. For
13 utilization review criteria not concerning level of care
14 placement, continued stay, transfer, discharge, or other
15 patient care decisions used by the insurer pursuant to
16 subsection (m), the insurer may place the criteria on a
17 secure, password-protected website so long as the access
18 requirements of the website do not unreasonably restrict
19 access to insureds or their providers. No restrictions
20 shall be placed upon the insured's or treating provider's
21 access right to utilization review criteria obtained under
22 this paragraph at any point in time, including before an
23 initial request for authorization.

24 (4) Track, identify, and analyze how the utilization
25 review criteria are used to certify care, deny care, and
26 support the appeals process.

1 (5) Conduct interrater reliability testing to ensure
2 consistency in utilization review decision making that
3 covers how medical necessity decisions are made; this
4 assessment shall cover all aspects of utilization review
5 as defined in subsection (h).

6 (6) Run interrater reliability reports about how the
7 clinical guidelines are used in conjunction with the
8 utilization review process and parity compliance
9 activities.

10 (7) Achieve interrater reliability pass rates of at
11 least 90% and, if this threshold is not met, immediately
12 provide for the remediation of poor interrater reliability
13 and interrater reliability testing for all new staff
14 before they can conduct utilization review without
15 supervision.

16 (8) Maintain documentation of interrater reliability
17 testing and the remediation actions taken for those with
18 pass rates lower than 90% and submit to the Department of
19 Insurance or, in the case of Medicaid managed care
20 organizations, the Department of Healthcare and Family
21 Services the testing results and a summary of remedial
22 actions as part of parity compliance reporting set forth
23 in subsection (k) of Section 370c.1.

24 (r) This Section applies to all health care services and
25 benefits for the diagnosis, prevention, and treatment of
26 mental, emotional, nervous, or substance use disorders or

1 conditions covered by an insurance policy, including
2 prescription drugs.

3 (s) This Section applies to an insurer that amends,
4 delivers, issues, or renews a group or individual policy of
5 accident and health insurance or a qualified health plan
6 offered through the health insurance marketplace in this State
7 providing coverage for hospital or medical treatment and
8 conducts utilization review as defined in this Section,
9 including Medicaid managed care organizations, and any entity
10 or contracting provider that performs utilization review or
11 utilization management functions on an insurer's behalf.

12 (t) If the Director determines that an insurer has
13 violated this Section, the Director may, after appropriate
14 notice and opportunity for hearing, by order, assess a civil
15 penalty between \$1,000 and \$5,000 for each violation. Moneys
16 collected from penalties shall be deposited into the Parity
17 Advancement Fund established in subsection (i) of Section
18 370c.1.

19 (u) An insurer shall not adopt, impose, or enforce terms
20 in its policies or provider agreements, in writing or in
21 operation, that undermine, alter, or conflict with the
22 requirements of this Section.

23 (v) The provisions of this Section are severable. If any
24 provision of this Section or its application is held invalid,
25 that invalidity shall not affect other provisions or
26 applications that can be given effect without the invalid

1 provision or application.

2 (w) Beginning January 1, 2026, coverage for inpatient
3 mental health treatment at participating hospitals shall
4 comply with the following requirements:

5 (1) Subject to paragraphs (2) and (3) of this
6 subsection, no policy shall require prior authorization
7 for admission for such treatment at any participating
8 hospital.

9 (2) Coverage provided under this subsection also shall
10 not be subject to concurrent review for the first 72
11 hours, provided that the hospital must notify the insurer
12 of both the admission and the initial treatment plan
13 within 48 hours of admission. A discharge plan must be
14 fully developed and continuity services prepared to meet
15 the patient's needs and the patient's community preference
16 upon release. Nothing in this paragraph supersedes a
17 health maintenance organization's referral requirement for
18 services from nonparticipating providers upon a patient's
19 discharge from a hospital.

20 (3) Treatment provided under this subsection may be
21 reviewed retrospectively. If coverage is denied
22 retrospectively, neither the insurer nor the participating
23 hospital shall bill, and the insured shall not be liable,
24 for any treatment under this subsection through the date
25 the adverse determination is issued, other than any
26 copayment, coinsurance, or deductible for the stay through

1 that date as applicable under the policy. Coverage shall
2 not be retrospectively denied for the first 72 hours of
3 treatment at a participating hospital except:

4 (A) upon reasonable determination that the
5 inpatient mental health treatment was not provided;

6 (B) upon determination that the patient receiving
7 the treatment was not an insured, enrollee, or
8 beneficiary under the policy;

9 (C) upon material misrepresentation by the patient
10 or health care provider. In this item (C), "material"
11 means a fact or situation that is not merely technical
12 in nature and results or could result in a substantial
13 change in the situation; or

14 (D) upon determination that a service was excluded
15 under the terms of coverage. In that case, the
16 limitation to billing for a copayment, coinsurance, or
17 deductible shall not apply.

18 (4) Nothing in this subsection shall be construed to
19 require a policy to cover any health care service excluded
20 under the terms of coverage.

21 (x) Notwithstanding any provision of this Section, nothing
22 shall require the medical assistance program under Article V
23 of the Illinois Public Aid Code to violate any applicable
24 federal laws, regulations, or grant requirements or any State
25 or federal consent decrees. Nothing in subsection (w) shall
26 prevent the Department of Healthcare and Family Services from

1 requiring a health care provider to use specified level of
2 care, admission, continued stay, or discharge criteria,
3 including, but not limited to, those under Section 5-5.23 of
4 the Illinois Public Aid Code, as long as the Department of
5 Healthcare and Family Services does not require a health care
6 provider to seek prior authorization or concurrent review from
7 the Department of Healthcare and Family Services, a Medicaid
8 managed care organization, or a utilization review
9 organization under the circumstances expressly prohibited by
10 subsection (w). Nothing in this Section prohibits a health
11 plan, including a Medicaid managed care organization, from
12 conducting reviews for fraud, waste, or abuse and reporting
13 suspected fraud, waste, or abuse according to State and
14 federal requirements.

15 (y) Children's Mental Health. Nothing in this Section
16 shall suspend the screening and assessment requirements for
17 mental health services for children participating in the
18 State's medical assistance program as required in Section
19 5-5.23 of the Illinois Public Aid Code.

20 (Source: P.A. 102-558, eff. 8-20-21; 102-579, eff. 1-1-22;
21 102-813, eff. 5-13-22; 103-426, eff. 8-4-23; 103-650, eff.
22 1-1-25; 103-1040, eff. 8-9-24; revised 11-26-24.)

23 (215 ILCS 5/408) (from Ch. 73, par. 1020)

24 Sec. 408. Fees and charges.

25 (1) The Director shall charge, collect and give proper

1 acquittances for the payment of the following fees and
2 charges:

3 (a) For filing all documents submitted for the
4 incorporation or organization or certification of a
5 domestic company, except for a fraternal benefit society,
6 \$2,000.

7 (b) For filing all documents submitted for the
8 incorporation or organization of a fraternal benefit
9 society, \$500.

10 (c) For filing amendments to articles of incorporation
11 and amendments to declaration of organization, except for
12 a fraternal benefit society, a mutual benefit association,
13 a burial society or a farm mutual, \$200.

14 (d) For filing amendments to articles of incorporation
15 of a fraternal benefit society, a mutual benefit
16 association or a burial society, \$100.

17 (e) For filing amendments to articles of incorporation
18 of a farm mutual, \$50.

19 (f) For filing bylaws or amendments thereto, \$50.

20 (g) For filing agreement of merger or consolidation:

21 (i) for a domestic company, except for a fraternal
22 benefit society, a mutual benefit association, a
23 burial society, or a farm mutual, \$2,000.

24 (ii) for a foreign or alien company, except for a
25 fraternal benefit society, \$600.

26 (iii) for a fraternal benefit society, a mutual

1 benefit association, a burial society, or a farm
2 mutual, \$200.

3 (h) For filing agreements of reinsurance by a domestic
4 company, \$200.

5 (i) For filing all documents submitted by a foreign or
6 alien company to be admitted to transact business or
7 accredited as a reinsurer in this State, except for a
8 fraternal benefit society, \$5,000.

9 (j) For filing all documents submitted by a foreign or
10 alien fraternal benefit society to be admitted to transact
11 business in this State, \$500.

12 (k) For filing declaration of withdrawal of a foreign
13 or alien company, \$50.

14 (l) For filing annual statement by a domestic company,
15 except a fraternal benefit society, a mutual benefit
16 association, a burial society, or a farm mutual, \$200.

17 (m) For filing annual statement by a domestic
18 fraternal benefit society, \$100.

19 (n) For filing annual statement by a farm mutual, a
20 mutual benefit association, or a burial society, \$50.

21 (o) For issuing a certificate of authority or renewal
22 thereof except to a foreign fraternal benefit society,
23 \$400.

24 (p) For issuing a certificate of authority or renewal
25 thereof to a foreign fraternal benefit society, \$200.

26 (q) For issuing an amended certificate of authority,

1 \$50.

2 (r) For each certified copy of certificate of
3 authority, \$20.

4 (s) For each certificate of deposit, or valuation, or
5 compliance or surety certificate, \$20.

6 (t) For copies of papers or records per page, \$1.

7 (u) For each certification to copies of papers or
8 records, \$10.

9 (v) For multiple copies of documents or certificates
10 listed in subparagraphs (r), (s), and (u) of paragraph (1)
11 of this Section, \$10 for the first copy of a certificate of
12 any type and \$5 for each additional copy of the same
13 certificate requested at the same time, unless, pursuant
14 to paragraph (2) of this Section, the Director finds these
15 additional fees excessive.

16 (w) For issuing a permit to sell shares or increase
17 paid-up capital:

18 (i) in connection with a public stock offering,
19 \$300;

20 (ii) in any other case, \$100.

21 (x) For issuing any other certificate required or
22 permissible under the law, \$50.

23 (y) For filing a plan of exchange of the stock of a
24 domestic stock insurance company, a plan of
25 demutualization of a domestic mutual company, or a plan of
26 reorganization under Article XII, \$2,000.

1 (z) For filing a statement of acquisition of a
2 domestic company as defined in Section 131.4 of this Code,
3 \$2,000.

4 (aa) For filing an agreement to purchase the business
5 of an organization authorized under the Dental Service
6 Plan Act or the Voluntary Health Services Plans Act or of a
7 health maintenance organization or a limited health
8 service organization, \$2,000.

9 (bb) For filing a statement of acquisition of a
10 foreign or alien insurance company as defined in Section
11 131.12a of this Code, \$1,000.

12 (cc) For filing a registration statement as required
13 in Sections 131.13 and 131.14, the notification as
14 required by Sections 131.16, 131.20a, or 141.4, or an
15 agreement or transaction required by Sections 124.2(2),
16 141, 141a, or 141.1, \$200.

17 (dd) For filing an application for licensing of:

18 (i) a religious or charitable risk pooling trust
19 or a workers' compensation pool, \$1,000;

20 (ii) a workers' compensation service company,
21 \$500;

22 (iii) a self-insured automobile fleet, \$200; or

23 (iv) a renewal of or amendment of any license
24 issued pursuant to (i), (ii), or (iii) above, \$100.

25 (ee) For filing articles of incorporation for a
26 syndicate to engage in the business of insurance through

1 the Illinois Insurance Exchange, \$2,000.

2 (ff) For filing amended articles of incorporation for
3 a syndicate engaged in the business of insurance through
4 the Illinois Insurance Exchange, \$100.

5 (gg) For filing articles of incorporation for a
6 limited syndicate to join with other subscribers or
7 limited syndicates to do business through the Illinois
8 Insurance Exchange, \$1,000.

9 (hh) For filing amended articles of incorporation for
10 a limited syndicate to do business through the Illinois
11 Insurance Exchange, \$100.

12 (ii) For a permit to solicit subscriptions to a
13 syndicate or limited syndicate, \$100.

14 (jj) For the filing of each form as required in
15 Section 143 of this Code, \$50 per form. Informational and
16 advertising filings shall be \$25 per filing. The fee for
17 advisory and rating organizations shall be \$200 per form.

18 (i) For the purposes of the form filing fee,
19 filings made on insert page basis will be considered
20 one form at the time of its original submission.
21 Changes made to a form subsequent to its approval
22 shall be considered a new filing.

23 (ii) Only one fee shall be charged for a form,
24 regardless of the number of other forms or policies
25 with which it will be used.

26 (iii) Fees charged for a policy filed as it will be

1 issued regardless of the number of forms comprising
2 that policy shall not exceed \$1,500. For advisory or
3 rating organizations, fees charged for a policy filed
4 as it will be issued regardless of the number of forms
5 comprising that policy shall not exceed \$2,500.

6 (iv) The Director may by rule exempt forms from
7 such fees.

8 (kk) For filing an application for licensing of a
9 reinsurance intermediary, \$500.

10 (ll) For filing an application for renewal of a
11 license of a reinsurance intermediary, \$200.

12 (mm) For filing a plan of division of a domestic stock
13 company under Article IIB, \$100,000.

14 (nn) For filing all documents submitted by a foreign
15 or alien company to be a certified reinsurer in this
16 State, except for a fraternal benefit society, \$1,000.

17 (oo) For filing a renewal by a foreign or alien
18 company to be a certified reinsurer in this State, except
19 for a fraternal benefit society, \$400.

20 (pp) For filing all documents submitted by a reinsurer
21 domiciled in a reciprocal jurisdiction, \$1,000.

22 (qq) For filing a renewal by a reinsurer domiciled in
23 a reciprocal jurisdiction, \$400.

24 (rr) For registering a captive management company or
25 renewal thereof, \$50.

26 (ss) For filing an insurance business transfer plan

1 under Article XLVII, \$100,000.

2 (2) When printed copies or numerous copies of the same
3 paper or records are furnished or certified, the Director may
4 reduce such fees for copies if he finds them excessive. He may,
5 when he considers it in the public interest, furnish without
6 charge to state insurance departments and persons other than
7 companies, copies or certified copies of reports of
8 examinations and of other papers and records.

9 (3)(a) The expenses incurred in any performance
10 examination authorized by law shall be paid by the company or
11 person being examined. The charge shall be consistent with
12 that otherwise authorized by law and shall be reasonably
13 related to the cost of the examination, including, but not
14 limited to, compensation of examiners, electronic data
15 processing costs, supervision and preparation of an
16 examination report, and lodging and travel expenses. All
17 lodging and travel expenses shall be in accord with the
18 applicable travel regulations as published by the Department
19 of Central Management Services and approved by the Governor's
20 Travel Control Board, except that out-of-state lodging and
21 travel expenses related to examinations authorized under
22 Section 132 shall be in accordance with travel rates
23 prescribed under paragraph 301-7.2 of the Federal Travel
24 Regulations, 41 CFR 301-7.2, for reimbursement of subsistence
25 expenses incurred during official travel. All lodging and
26 travel expenses may be reimbursed directly upon authorization

1 of the Director. With the exception of the direct
2 reimbursements authorized by the Director, all performance
3 examination charges collected by the Department shall be paid
4 to the Insurance Producer Administration Fund, however, the
5 electronic data processing costs incurred by the Department in
6 the performance of any examination shall be billed directly to
7 the company being examined for payment to the Technology
8 Management Revolving Fund.

9 (b) The costs and fees incurred in a market conduct
10 examination shall be itemized and bills shall be provided to
11 the examinee on a monthly basis for review prior to submission
12 for payment. The Director shall review and affirmatively
13 endorse detailed billings from any contracted, qualified
14 outside professional assistance retained under Section 402 for
15 market conduct examinations before the detailed billings are
16 sent to the examinee. Before any qualified outside
17 professional assistance conducts billable work on an
18 examination, the Department shall disclose to the examinee the
19 terms of the contracts with the qualified outside professional
20 assistance that will be used, including the fees and hourly
21 rates that can be charged.

22 (4) At the time of any service of process on the Director
23 as attorney for such service, the Director shall charge and
24 collect the sum of \$40, which may be recovered as taxable costs
25 by the party to the suit or action causing such service to be
26 made if he prevails in such suit or action.

1 (5) (a) The costs incurred by the Department of Insurance
2 in conducting any hearing authorized by law shall be assessed
3 against the parties to the hearing in such proportion as the
4 Director of Insurance may determine upon consideration of all
5 relevant circumstances including: (1) the nature of the
6 hearing; (2) whether the hearing was instigated by, or for the
7 benefit of a particular party or parties; (3) whether there is
8 a successful party on the merits of the proceeding; and (4) the
9 relative levels of participation by the parties.

10 (b) For purposes of this subsection (5) costs incurred
11 shall mean the hearing officer fees, court reporter fees, and
12 travel expenses of Department of Insurance officers and
13 employees; provided however, that costs incurred shall not
14 include hearing officer fees or court reporter fees unless the
15 Department has retained the services of independent
16 contractors or outside experts to perform such functions.

17 (c) The Director shall make the assessment of costs
18 incurred as part of the final order or decision arising out of
19 the proceeding; provided, however, that such order or decision
20 shall include findings and conclusions in support of the
21 assessment of costs. This subsection (5) shall not be
22 construed as permitting the payment of travel expenses unless
23 calculated in accordance with the applicable travel
24 regulations of the Department of Central Management Services,
25 as approved by the Governor's Travel Control Board. The
26 Director as part of such order or decision shall require all

1 assessments for hearing officer fees and court reporter fees,
2 if any, to be paid directly to the hearing officer or court
3 reporter by the party or parties ~~party(s)~~ assessed for such
4 costs. The assessments for travel expenses of Department
5 officers and employees shall be reimbursable to the Director
6 of Insurance for deposit to the fund out of which those
7 expenses had been paid.

8 (d) The provisions of this subsection (5) shall apply in
9 the case of any hearing conducted by the Director of Insurance
10 not otherwise specifically provided for by law.

11 (6) The Director shall charge and collect an annual
12 financial regulation fee from every domestic company for
13 examination and analysis of its financial condition and to
14 fund the internal costs and expenses of the Interstate
15 Insurance Receivership Commission as may be allocated to the
16 State of Illinois and companies doing an insurance business in
17 this State pursuant to Article X of the Interstate Insurance
18 Receivership Compact. The fee shall be the greater fixed
19 amount based upon the combination of nationwide direct premium
20 income and nationwide reinsurance assumed premium income or
21 upon admitted assets calculated under this subsection as
22 follows:

23 (a) Combination of nationwide direct premium income
24 and nationwide reinsurance assumed premium.

25 (i) \$150, if the premium is less than \$500,000 and
26 there is no reinsurance assumed premium;

1 (ii) \$750, if the premium is \$500,000 or more, but
2 less than \$5,000,000 and there is no reinsurance
3 assumed premium; or if the premium is less than
4 \$5,000,000 and the reinsurance assumed premium is less
5 than \$10,000,000;

6 (iii) \$3,750, if the premium is less than
7 \$5,000,000 and the reinsurance assumed premium is
8 \$10,000,000 or more;

9 (iv) \$7,500, if the premium is \$5,000,000 or more,
10 but less than \$10,000,000;

11 (v) \$18,000, if the premium is \$10,000,000 or
12 more, but less than \$25,000,000;

13 (vi) \$22,500, if the premium is \$25,000,000 or
14 more, but less than \$50,000,000;

15 (vii) \$30,000, if the premium is \$50,000,000 or
16 more, but less than \$100,000,000;

17 (viii) \$37,500, if the premium is \$100,000,000 or
18 more.

19 (b) Admitted assets.

20 (i) \$150, if admitted assets are less than
21 \$1,000,000;

22 (ii) \$750, if admitted assets are \$1,000,000 or
23 more, but less than \$5,000,000;

24 (iii) \$3,750, if admitted assets are \$5,000,000 or
25 more, but less than \$25,000,000;

26 (iv) \$7,500, if admitted assets are \$25,000,000 or

1 more, but less than \$50,000,000;

2 (v) \$18,000, if admitted assets are \$50,000,000 or
3 more, but less than \$100,000,000;

4 (vi) \$22,500, if admitted assets are \$100,000,000
5 or more, but less than \$500,000,000;

6 (vii) \$30,000, if admitted assets are \$500,000,000
7 or more, but less than \$1,000,000,000;

8 (viii) \$37,500, if admitted assets are
9 \$1,000,000,000 or more.

10 (c) The sum of financial regulation fees charged to
11 the domestic companies of the same affiliated group shall
12 not exceed \$250,000 in the aggregate in any single year
13 and shall be billed by the Director to the member company
14 designated by the group.

15 (7) The Director shall charge and collect an annual
16 financial regulation fee from every foreign or alien company,
17 except fraternal benefit societies, for the examination and
18 analysis of its financial condition and to fund the internal
19 costs and expenses of the Interstate Insurance Receivership
20 Commission as may be allocated to the State of Illinois and
21 companies doing an insurance business in this State pursuant
22 to Article X of the Interstate Insurance Receivership Compact.
23 The fee shall be a fixed amount based upon Illinois direct
24 premium income and nationwide reinsurance assumed premium
25 income in accordance with the following schedule:

26 (a) \$150, if the premium is less than \$500,000 and

1 there is no reinsurance assumed premium;

2 (b) \$750, if the premium is \$500,000 or more, but less
3 than \$5,000,000 and there is no reinsurance assumed
4 premium; or if the premium is less than \$5,000,000 and the
5 reinsurance assumed premium is less than \$10,000,000;

6 (c) \$3,750, if the premium is less than \$5,000,000 and
7 the reinsurance assumed premium is \$10,000,000 or more;

8 (d) \$7,500, if the premium is \$5,000,000 or more, but
9 less than \$10,000,000;

10 (e) \$18,000, if the premium is \$10,000,000 or more,
11 but less than \$25,000,000;

12 (f) \$22,500, if the premium is \$25,000,000 or more,
13 but less than \$50,000,000;

14 (g) \$30,000, if the premium is \$50,000,000 or more,
15 but less than \$100,000,000;

16 (h) \$37,500, if the premium is \$100,000,000 or more.

17 The sum of financial regulation fees under this subsection
18 (7) charged to the foreign or alien companies within the same
19 affiliated group shall not exceed \$250,000 in the aggregate in
20 any single year and shall be billed by the Director to the
21 member company designated by the group.

22 (8) Beginning January 1, 1992, the financial regulation
23 fees imposed under subsections (6) and (7) of this Section
24 shall be paid by each company or domestic affiliated group
25 annually. After January 1, 1994, the fee shall be billed by
26 Department invoice based upon the company's premium income or

1 admitted assets as shown in its annual statement for the
2 preceding calendar year. The invoice is due upon receipt and
3 must be paid no later than June 30 of each calendar year. All
4 financial regulation fees collected by the Department shall be
5 paid to the Insurance Financial Regulation Fund. The
6 Department may not collect financial examiner per diem charges
7 from companies subject to subsections (6) and (7) of this
8 Section undergoing financial examination after June 30, 1992.

9 (9) In addition to the financial regulation fee required
10 by this Section, a company undergoing any financial
11 examination authorized by law shall pay the following costs
12 and expenses incurred by the Department: electronic data
13 processing costs, the expenses authorized under Section 131.21
14 and subsection (d) of Section 132.4 of this Code, and lodging
15 and travel expenses.

16 Electronic data processing costs incurred by the
17 Department in the performance of any examination shall be
18 billed directly to the company undergoing examination for
19 payment to the Technology Management Revolving Fund. Except
20 for direct reimbursements authorized by the Director or direct
21 payments made under Section 131.21 or subsection (d) of
22 Section 132.4 of this Code, all financial regulation fees and
23 all financial examination charges collected by the Department
24 shall be paid to the Insurance Financial Regulation Fund.

25 All lodging and travel expenses shall be in accordance
26 with applicable travel regulations published by the Department

1 of Central Management Services and approved by the Governor's
2 Travel Control Board, except that out-of-state lodging and
3 travel expenses related to examinations authorized under
4 Sections 132.1 through 132.7 shall be in accordance with
5 travel rates prescribed under paragraph 301-7.2 of the Federal
6 Travel Regulations, 41 CFR 301-7.2, for reimbursement of
7 subsistence expenses incurred during official travel. All
8 lodging and travel expenses may be reimbursed directly upon
9 the authorization of the Director.

10 In the case of an organization or person not subject to the
11 financial regulation fee, the expenses incurred in any
12 financial examination authorized by law shall be paid by the
13 organization or person being examined. The charge shall be
14 reasonably related to the cost of the examination including,
15 but not limited to, compensation of examiners and other costs
16 described in this subsection.

17 (10) Any company, person, or entity failing to make any
18 payment of \$150 or more as required under this Section shall be
19 subject to the penalty and interest provisions provided for in
20 subsections (4) and (7) of Section 412.

21 (11) Unless otherwise specified, all of the fees collected
22 under this Section shall be paid into the Insurance Financial
23 Regulation Fund.

24 (12) For purposes of this Section:

25 (a) "Domestic company" means a company as defined in
26 Section 2 of this Code which is incorporated or organized

1 under the laws of this State, and in addition includes a
2 not-for-profit corporation authorized under the Dental
3 Service Plan Act or the Voluntary Health Services Plans
4 Act, a health maintenance organization, and a limited
5 health service organization.

6 (b) "Foreign company" means a company as defined in
7 Section 2 of this Code which is incorporated or organized
8 under the laws of any state of the United States other than
9 this State and in addition includes a health maintenance
10 organization and a limited health service organization
11 which is incorporated or organized under the laws of any
12 state of the United States other than this State.

13 (c) "Alien company" means a company as defined in
14 Section 2 of this Code which is incorporated or organized
15 under the laws of any country other than the United
16 States.

17 (d) "Fraternal benefit society" means a corporation,
18 society, order, lodge or voluntary association as defined
19 in Section 282.1 of this Code.

20 (e) "Mutual benefit association" means a company,
21 association or corporation authorized by the Director to
22 do business in this State under the provisions of Article
23 XVIII of this Code.

24 (f) "Burial society" means a person, firm,
25 corporation, society or association of individuals
26 authorized by the Director to do business in this State

1 under the provisions of Article XIX of this Code.

2 (g) "Farm mutual" means a district, county and
3 township mutual insurance company authorized by the
4 Director to do business in this State under the provisions
5 of the Farm Mutual Insurance Company Act of 1986.

6 (Source: P.A. 102-775, eff. 5-13-22; 103-75, eff. 1-1-25;
7 103-718, eff. 7-19-24; 103-897, eff. 1-1-25; revised
8 11-22-24.)

9 (215 ILCS 5/416)

10 Sec. 416. Illinois Workers' Compensation Commission
11 Operations Fund Surcharge.

12 (a) As of July 30, 2004 (the effective date of Public Act
13 93-840), every company licensed or authorized by the Illinois
14 Department of Insurance and insuring employers' liabilities
15 arising under the Workers' Compensation Act or the Workers'
16 Occupational Diseases Act shall remit to the Director a
17 surcharge based upon the annual direct written premium, as
18 reported under Section 136 of this Act, of the company in the
19 manner provided in this Section. Such proceeds shall be
20 deposited into the Illinois Workers' Compensation Commission
21 Operations Fund as established in the Workers' Compensation
22 Act. If a company survives or was formed by a merger,
23 consolidation, reorganization, or reincorporation, the direct
24 written premiums of all companies party to the merger,
25 consolidation, reorganization, or reincorporation shall, for

1 purposes of determining the amount of the fee imposed by this
2 Section, be regarded as those of the surviving or new company.

3 (b) Beginning on July 30, 2004 (the effective date of
4 Public Act 93-840) and on July 1 of each year thereafter
5 through 2023, the Director shall charge an annual Illinois
6 Workers' Compensation Commission Operations Fund Surcharge
7 from every company subject to subsection (a) of this Section
8 equal to 1.01% of its direct written premium for insuring
9 employers' liabilities arising under the Workers' Compensation
10 Act or Workers' Occupational Diseases Act as reported in each
11 company's annual statement filed for the previous year as
12 required by Section 136. Within 15 days after June 5, 2024 (the
13 effective date of Public Act 103-590) ~~this amendatory Act of~~
14 ~~the 103rd General Assembly~~ and on July 1 of each year
15 thereafter, the Director shall charge an annual Illinois
16 Workers' Compensation Commission Operations Fund Surcharge
17 from every company subject to subsection (a) of this Section
18 equal to 1.092% of its direct written premium for insuring
19 employers' liabilities arising under the Workers' Compensation
20 Act or Workers' Occupational Diseases Act as reported in each
21 company's annual statement filed for the previous year as
22 required by Section 136. The Illinois Workers' Compensation
23 Commission Operations Fund Surcharge shall be collected by
24 companies subject to subsection (a) of this Section as a
25 separately stated surcharge on insured employers at the rate
26 of 1.092% of direct written premium for the surcharge due in

1 2024 and each year thereafter. The Illinois Workers'
2 Compensation Commission Operations Fund Surcharge shall not be
3 collected by companies subject to subsection (a) of this
4 Section from any employer that self-insures its liabilities
5 arising under the Workers' Compensation Act or Workers'
6 Occupational Diseases Act, provided that the employer has paid
7 the Illinois Workers' Compensation Commission Operations Fund
8 Fee pursuant to Section 4d of the Workers' Compensation Act.
9 All sums collected by the Department of Insurance under the
10 provisions of this Section shall be paid promptly after the
11 receipt of the same, accompanied by a detailed statement
12 thereof, into the Illinois Workers' Compensation Commission
13 Operations Fund in the State treasury.

14 ~~(b) (2) (Blank).~~

15 (c) In addition to the authority specifically granted
16 under Article XXV of this Code, the Director shall have such
17 authority to adopt rules or establish forms as may be
18 reasonably necessary for purposes of enforcing this Section.
19 The Director shall also have authority to defer, waive, or
20 abate the surcharge or any penalties imposed by this Section
21 if in the Director's opinion the company's solvency and
22 ability to meet its insured obligations would be immediately
23 threatened by payment of the surcharge due.

24 (d) When a company fails to pay the full amount of any
25 annual Illinois Workers' Compensation Commission Operations
26 Fund Surcharge of \$100 or more due under this Section, there

1 shall be added to the amount due as a penalty an amount equal
2 to 10% of the deficiency for each month or part of a month that
3 the deficiency remains unpaid.

4 (e) The Department of Insurance may enforce the collection
5 of any delinquent payment, penalty, or portion thereof by
6 legal action or in any other manner by which the collection of
7 debts due the State of Illinois may be enforced under the laws
8 of this State.

9 (f) Whenever it appears to the satisfaction of the
10 Director that a company has paid pursuant to this Act an
11 Illinois Workers' Compensation Commission Operations Fund
12 Surcharge in an amount in excess of the amount legally
13 collectable from the company, the Director shall issue a
14 credit memorandum for an amount equal to the amount of such
15 overpayment. A credit memorandum may be applied for the 2-year
16 period from the date of issuance, against the payment of any
17 amount due during that period under the surcharge imposed by
18 this Section or, subject to reasonable rule of the Department
19 of Insurance including requirement of notification, may be
20 assigned to any other company subject to regulation under this
21 Act. Any application of credit memoranda after the period
22 provided for in this Section is void.

23 (g) Annually, the Governor may direct a transfer of up to
24 2% of all moneys collected under this Section to the Insurance
25 Financial Regulation Fund.

26 (Source: P.A. 102-775, eff. 5-13-22; 103-590, eff. 6-5-24;

revised 7-31-24.)

(215 ILCS 5/500-35)

(Section scheduled to be repealed on January 1, 2027)

Sec. 500-35. License.

(a) Unless denied a license pursuant to Section 500-70, persons who have met the requirements of Sections 500-25 and 500-30 shall be issued a 2-year insurance producer license. An insurance producer may receive qualification for a license in one or more of the following lines of authority:

(1) Life: insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income.

(2) Variable life and variable annuity products: insurance coverage provided under variable life insurance contracts and variable annuities.

(3) Accident and health or sickness: insurance coverage for sickness, bodily injury, or accidental death and may include benefits for disability income.

(4) Property: insurance coverage for the direct or consequential loss or damage to property of every kind.

(5) Casualty: insurance coverage against legal liability, including that for death, injury, or disability or damage to real or personal property.

(6) Personal lines: property and casualty insurance

1 coverage sold to individuals and families for primarily
2 noncommercial purposes.

3 (7) Any other line of insurance permitted under State
4 laws or rules.

5 (b) An insurance producer license shall remain in effect
6 unless revoked or suspended as long as the fee set forth in
7 Section 500-135 is paid and education requirements for
8 resident individual producers are met by the due date.

9 (1) Before each license renewal, an insurance producer
10 must satisfactorily complete at least 24 hours of course
11 study or participation in a professional insurance
12 association under paragraph (3) of this subsection in
13 accordance with rules prescribed by the Director. Three of
14 the 24 hours of course study must consist of classroom or
15 webinar ethics instruction. The Director may not approve a
16 course of study unless the course provides for classroom,
17 seminar, webinar, or self-study instruction methods. A
18 course given in a combination instruction method of
19 classroom, seminar, webinar, or self-study shall be deemed
20 to be a self-study course unless the number of classroom,
21 seminar, or webinar certified hours meets or exceeds
22 two-thirds of total hours certified for the course. The
23 self-study material used in the combination course must be
24 directly related to and complement the classroom portion
25 of the course in order to be considered for credit. An
26 instruction method other than classroom or seminar shall

1 be considered as self-study methodology. Self-study credit
2 hours require the successful completion of an examination
3 covering the self-study material. The examination may not
4 be self-evaluated. However, if the self-study material is
5 completed through the use of an approved computerized
6 interactive format whereby the computer validates the
7 successful completion of the self-study material, no
8 additional examination is required. The self-study credit
9 hours contained in a certified course shall be considered
10 classroom hours when at least two-thirds of the hours are
11 given as classroom or seminar instruction.

12 (2) An insurance producer license automatically
13 terminates when an insurance producer fails to
14 successfully meet the requirements of paragraph item (1)
15 of this subsection ~~(b) of this Section~~. The producer must
16 complete the course in advance of the renewal date to
17 allow the education provider time to report the credit to
18 the Department.

19 (3) An insurance producer's active participation in a
20 State or national professional insurance association may
21 be approved by the Director for up to 4 hours of continuing
22 education credit per biennial reporting period. Credit
23 shall be provided on an hour-for-hour basis. These hours
24 shall be verified and submitted by the association on
25 behalf of the insurance producer and credited upon timely
26 filing with the Director or his or her designee on a

1 biennial basis. Any association submitting continuing
2 education credit hours on behalf of insurance producers
3 must be registered as an education provider under Section
4 500-135. Credit granted under these provisions shall not
5 be used to satisfy ethics education requirements. Active
6 participation in a State or national professional
7 insurance association is defined by one of the following
8 methods:

9 (A) service on a board of directors of a State or
10 national chapter of the association;

11 (B) service on a formal committee of a State or
12 national chapter of the association; or

13 (C) service on a formal subcommittee or task force
14 of a State or national chapter of the association.

15 (c) A provider of a pre-licensing or continuing education
16 course required by Section 500-30 and this Section must pay a
17 registration fee and a course certification fee for each
18 course being certified as provided by Section 500-135.

19 (d) An individual insurance producer who allows his or her
20 license to lapse may, within 12 months after the due date of
21 the renewal fee, be issued a license without the necessity of
22 passing a written examination. However, a penalty in the
23 amount of double the unpaid renewal fee shall be required
24 after the due date.

25 (e) A licensed insurance producer who is unable to comply
26 with license renewal procedures due to military service may

1 request a waiver of those procedures.

2 (f) The license must contain the licensee's name, address,
3 and personal identification number, the date of issuance, the
4 lines of authority, the expiration date, and any other
5 information the Director deems necessary.

6 (g) Licensees must inform the Director by any means
7 acceptable to the Director of a change of address within 30
8 days after the change.

9 (h) In order to assist in the performance of the
10 Director's duties, the Director may contract with a
11 non-governmental entity including the National Association of
12 Insurance Commissioners (NAIC), or any affiliates or
13 subsidiaries that the NAIC oversees, to perform any
14 ministerial functions, including collection of fees, related
15 to producer licensing that the Director and the
16 non-governmental entity may deem appropriate.

17 (Source: P.A. 102-766, eff. 1-1-23; revised 10-23-24.)

18 (215 ILCS 5/511.109) (from Ch. 73, par. 1065.58-109)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 511.109. Examination. ~~(a)~~ The Director or the
21 Director's designee may examine any applicant for or holder of
22 an administrator's license in accordance with Sections 132
23 through 132.7. If the Director or the examiners find that the
24 administrator has violated this Article or any other
25 insurance-related laws, rules, or regulations under the

1 Director's jurisdiction because of the manner in which the
2 administrator has conducted business on behalf of an insurer
3 or plan sponsor, then, unless the insurer or plan sponsor is
4 included in the examination and has been afforded the same
5 opportunity to request or participate in a hearing on the
6 examination report, the examination report shall not allege a
7 violation by the insurer or plan sponsor and the Director's
8 order based on the report shall not impose any requirements,
9 prohibitions, or penalties on the insurer or plan sponsor.
10 Nothing in this Section shall prevent the Director from using
11 any information obtained during the examination of an
12 administrator to examine, investigate, or take other
13 appropriate regulatory or legal action with respect to an
14 insurer or plan sponsor.

15 (Source: P.A. 103-897, eff. 1-1-25; revised 11-22-24.)

16 (215 ILCS 5/534.3) (from Ch. 73, par. 1065.84-3)

17 Sec. 534.3. Covered claim; unearned premium defined.

18 (a) "Covered claim" means an unpaid claim for a loss
19 arising out of and within the coverage of an insurance policy
20 to which this Article applies and which is in force at the time
21 of the occurrence giving rise to the unpaid claim, including
22 claims presented during any extended discovery period which
23 was purchased from the company before the entry of a
24 liquidation order or which is purchased or obtained from the
25 liquidator after the entry of a liquidation order, made by a

1 person insured under such policy or by a person suffering
2 injury or damage for which a person insured under such policy
3 is legally liable, and for unearned premium, if:

4 (i) The company issuing, assuming, or being allocated
5 the policy becomes an insolvent company as defined in
6 Section 534.4 after the effective date of this Article;
7 and

8 (ii) The claimant or insured is a resident of this
9 State at the time of the insured occurrence, or the
10 property from which a first-party ~~first-party~~ claim for
11 damage to property arises is permanently located in this
12 State or, in the case of an unearned premium claim, the
13 policyholder is a resident of this State at the time the
14 policy was issued; provided, that for entities other than
15 an individual, the residence of a claimant, insured, or
16 policyholder is the state in which its principal place of
17 business is located at the time of the insured event.

18 (b) "Covered claim" does not include:

19 (i) any amount in excess of the applicable limits of
20 liability provided by an insurance policy to which this
21 Article applies; nor

22 (ii) any claim for punitive or exemplary damages or
23 fines and penalties paid to government authorities; nor

24 (iii) any first-party ~~first-party~~ claim by an insured
25 who is an affiliate of the insolvent company; nor

26 (iv) any first-party ~~first-party~~ or third-party ~~third~~

1 ~~party~~ claim by or against an insured whose net worth on
2 December 31 of the year next preceding the date the
3 insurer becomes an insolvent insurer exceeds \$25,000,000;
4 provided that an insured's net worth on such date shall be
5 deemed to include the aggregate net worth of the insured
6 and all of its affiliates as calculated on a consolidated
7 basis. However, this exclusion shall not apply to
8 third-party ~~third-party~~ claims against the insured where
9 the insured has applied for or consented to the
10 appointment of a receiver, trustee, or liquidator for all
11 or a substantial part of its assets, filed a voluntary
12 petition in bankruptcy, filed a petition or an answer
13 seeking a reorganization or arrangement with creditors or
14 to take advantage of any insolvency law, or if an order,
15 judgment, or decree is entered by a court of competent
16 jurisdiction, on the application of a creditor,
17 adjudicating the insured bankrupt or insolvent or
18 approving a petition seeking reorganization of the insured
19 or of all or substantial part of its assets; nor

20 (v) any claim for any amount due any reinsurer,
21 insurer, insurance pool, or underwriting association as
22 subrogated recoveries, reinsurance recoverables,
23 contribution, indemnification or otherwise. No such claim
24 held by a reinsurer, insurer, insurance pool, or
25 underwriting association may be asserted in any legal
26 action against a person insured under a policy issued by

1 an insolvent company other than to the extent such claim
2 exceeds the Fund obligation limitations set forth in
3 Section 537.2 of this Code.

4 (c) "Unearned Premium" means the premium for the unexpired
5 period of a policy which has been terminated prior to the
6 expiration of the period for which premium has been paid and
7 does not mean premium which is returnable to the insured for
8 any other reason.

9 (Source: P.A. 101-60, eff. 7-12-19; 102-558, eff. 8-20-21;
10 revised 7-23-24.)

11 Section 760. The Network Adequacy and Transparency Act is
12 amended by changing Section 3 as follows:

13 (215 ILCS 124/3)

14 Sec. 3. Applicability of Act. This Act applies to an
15 individual or group policy of health insurance coverage with a
16 network plan amended, delivered, issued, or renewed in this
17 State on or after January 1, 2019. This Act does not apply to
18 an individual or group policy for excepted benefits or
19 short-term, limited-duration health insurance coverage with a
20 network plan, except to the extent that federal law
21 establishes network adequacy and transparency standards for
22 stand-alone dental plans, which the Department shall enforce
23 for plans amended, delivered, issued, or renewed on or after
24 January 1, 2025.

(Source: P.A. 103-650, eff. 1-1-25; 103-777, eff. 1-1-25;
revised 11-26-24.)

Section 765. The Health Maintenance Organization Act is
amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

(Text of Section before amendment by P.A. 103-808)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to
the provisions of Sections 133, 134, 136, 137, 139, 140,
141.1, 141.2, 141.3, 143, 143.31, 143c, 147, 148, 149, 151,
152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a,
155.49, 352c, 355.2, 355.3, 355.6, 355b, 355c, 356f, 356g.5-1,
356m, 356q, 356u.10, 356v, 356w, 356x, 356z.2, 356z.3a,
356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10,
356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.18,
356z.19, 356z.20, 356z.21, 356z.22, 356z.23, 356z.24, 356z.25,
356z.26, 356z.28, 356z.29, 356z.30, 356z.31, 356z.32, 356z.33,
356z.34, 356z.35, 356z.36, 356z.37, 356z.38, 356z.39, 356z.40,
356z.40a, 356z.41, 356z.44, 356z.45, 356z.46, 356z.47,
356z.48, 356z.49, 356z.50, 356z.51, 356z.53, 356z.54, 356z.55,
356z.56, 356z.57, 356z.58, 356z.59, 356z.60, 356z.61, 356z.62,
356z.63, 356z.64, 356z.65, 356z.66, 356z.67, 356z.68, 356z.69,
356z.70, 356z.71, 356z.72, 356z.73, 356z.74, 356z.75, 356z.77,
364, 364.01, 364.3, 367.2, 367.2-5, 367i, 368a, 368b, 368c,

1 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408,
2 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection
3 (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2,
4 XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the Illinois
5 Insurance Code.

6 (b) For purposes of the Illinois Insurance Code, except
7 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,
8 Health Maintenance Organizations in the following categories
9 are deemed to be "domestic companies":

10 (1) a corporation authorized under the Dental Service
11 Plan Act or the Voluntary Health Services Plans Act;

12 (2) a corporation organized under the laws of this
13 State; or

14 (3) a corporation organized under the laws of another
15 state, 30% or more of the enrollees of which are residents
16 of this State, except a corporation subject to
17 substantially the same requirements in its state of
18 organization as is a "domestic company" under Article VIII
19 1/2 of the Illinois Insurance Code.

20 (c) In considering the merger, consolidation, or other
21 acquisition of control of a Health Maintenance Organization
22 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

23 (1) the Director shall give primary consideration to
24 the continuation of benefits to enrollees and the
25 financial conditions of the acquired Health Maintenance
26 Organization after the merger, consolidation, or other

1 acquisition of control takes effect;

2 (2) (i) the criteria specified in subsection (1) (b) of
3 Section 131.8 of the Illinois Insurance Code shall not
4 apply and (ii) the Director, in making his determination
5 with respect to the merger, consolidation, or other
6 acquisition of control, need not take into account the
7 effect on competition of the merger, consolidation, or
8 other acquisition of control;

9 (3) the Director shall have the power to require the
10 following information:

11 (A) certification by an independent actuary of the
12 adequacy of the reserves of the Health Maintenance
13 Organization sought to be acquired;

14 (B) pro forma financial statements reflecting the
15 combined balance sheets of the acquiring company and
16 the Health Maintenance Organization sought to be
17 acquired as of the end of the preceding year and as of
18 a date 90 days prior to the acquisition, as well as pro
19 forma financial statements reflecting projected
20 combined operation for a period of 2 years;

21 (C) a pro forma business plan detailing an
22 acquiring party's plans with respect to the operation
23 of the Health Maintenance Organization sought to be
24 acquired for a period of not less than 3 years; and

25 (D) such other information as the Director shall
26 require.

1 (d) The provisions of Article VIII 1/2 of the Illinois
2 Insurance Code and this Section 5-3 shall apply to the sale by
3 any health maintenance organization of greater than 10% of its
4 enrollee population (including, without limitation, the health
5 maintenance organization's right, title, and interest in and
6 to its health care certificates).

7 (e) In considering any management contract or service
8 agreement subject to Section 141.1 of the Illinois Insurance
9 Code, the Director (i) shall, in addition to the criteria
10 specified in Section 141.2 of the Illinois Insurance Code,
11 take into account the effect of the management contract or
12 service agreement on the continuation of benefits to enrollees
13 and the financial condition of the health maintenance
14 organization to be managed or serviced, and (ii) need not take
15 into account the effect of the management contract or service
16 agreement on competition.

17 (f) Except for small employer groups as defined in the
18 Small Employer Rating, Renewability and Portability Health
19 Insurance Act and except for medicare supplement policies as
20 defined in Section 363 of the Illinois Insurance Code, a
21 Health Maintenance Organization may by contract agree with a
22 group or other enrollment unit to effect refunds or charge
23 additional premiums under the following terms and conditions:

24 (i) the amount of, and other terms and conditions with
25 respect to, the refund or additional premium are set forth
26 in the group or enrollment unit contract agreed in advance

1 of the period for which a refund is to be paid or
2 additional premium is to be charged (which period shall
3 not be less than one year); and

4 (ii) the amount of the refund or additional premium
5 shall not exceed 20% of the Health Maintenance
6 Organization's profitable or unprofitable experience with
7 respect to the group or other enrollment unit for the
8 period (and, for purposes of a refund or additional
9 premium, the profitable or unprofitable experience shall
10 be calculated taking into account a pro rata share of the
11 Health Maintenance Organization's administrative and
12 marketing expenses, but shall not include any refund to be
13 made or additional premium to be paid pursuant to this
14 subsection (f)). The Health Maintenance Organization and
15 the group or enrollment unit may agree that the profitable
16 or unprofitable experience may be calculated taking into
17 account the refund period and the immediately preceding 2
18 plan years.

19 The Health Maintenance Organization shall include a
20 statement in the evidence of coverage issued to each enrollee
21 describing the possibility of a refund or additional premium,
22 and upon request of any group or enrollment unit, provide to
23 the group or enrollment unit a description of the method used
24 to calculate (1) the Health Maintenance Organization's
25 profitable experience with respect to the group or enrollment
26 unit and the resulting refund to the group or enrollment unit

1 or (2) the Health Maintenance Organization's unprofitable
2 experience with respect to the group or enrollment unit and
3 the resulting additional premium to be paid by the group or
4 enrollment unit.

5 In no event shall the Illinois Health Maintenance
6 Organization Guaranty Association be liable to pay any
7 contractual obligation of an insolvent organization to pay any
8 refund authorized under this Section.

9 (g) Rulemaking authority to implement Public Act 95-1045,
10 if any, is conditioned on the rules being adopted in
11 accordance with all provisions of the Illinois Administrative
12 Procedure Act and all rules and procedures of the Joint
13 Committee on Administrative Rules; any purported rule not so
14 adopted, for whatever reason, is unauthorized.

15 (Source: P.A. 102-30, eff. 1-1-22; 102-34, eff. 6-25-21;
16 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.
17 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665,
18 eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22;
19 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff.
20 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093,
21 eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24;
22 103-91, eff. 1-1-24; 103-123, eff. 1-1-24; 103-154, eff.
23 6-30-23; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445,
24 eff. 1-1-24; 103-551, eff. 8-11-23; 103-605, eff. 7-1-24;
25 103-618, eff. 1-1-25; 103-649, eff. 1-1-25; 103-656, eff.
26 1-1-25; 103-700, eff. 1-1-25; 103-718, eff. 7-19-24; 103-751,

1 eff. 8-2-24; 103-753, eff. 8-2-24; 103-758, eff. 1-1-25;
2 103-777, eff. 8-2-24; 103-914, eff. 1-1-25; 103-918, eff.
3 1-1-25; 103-1024, eff. 1-1-25; revised 9-26-24.)

4 (Text of Section after amendment by P.A. 103-808)

5 Sec. 5-3. Insurance Code provisions.

6 (a) Health Maintenance Organizations shall be subject to
7 the provisions of Sections 133, 134, 136, 137, 139, 140,
8 141.1, 141.2, 141.3, 143, 143.31, 143c, 147, 148, 149, 151,
9 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a,
10 155.49, 352c, 355.2, 355.3, 355.6, 355b, 355c, 356f, 356g,
11 356g.5-1, 356m, 356q, 356u.10, 356v, 356w, 356x, 356z.2,
12 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9,
13 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17,
14 356z.18, 356z.19, 356z.20, 356z.21, 356z.22, 356z.23, 356z.24,
15 356z.25, 356z.26, 356z.28, 356z.29, 356z.30, 356z.31, 356z.32,
16 356z.33, 356z.34, 356z.35, 356z.36, 356z.37, 356z.38, 356z.39,
17 356z.40, 356z.40a, 356z.41, 356z.44, 356z.45, 356z.46,
18 356z.47, 356z.48, 356z.49, 356z.50, 356z.51, 356z.53, 356z.54,
19 356z.55, 356z.56, 356z.57, 356z.58, 356z.59, 356z.60, 356z.61,
20 356z.62, 356z.63, 356z.64, 356z.65, 356z.66, 356z.67, 356z.68,
21 356z.69, 356z.70, 356z.71, 356z.72, 356z.73, 356z.74, 356z.75,
22 356z.77, 364, 364.01, 364.3, 367.2, 367.2-5, 367i, 368a, 368b,
23 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A,
24 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of
25 subsection (2) of Section 367, and Articles IIA, VIII 1/2,

1 XII, XII 1/2, XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the
2 Illinois Insurance Code.

3 (b) For purposes of the Illinois Insurance Code, except
4 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,
5 Health Maintenance Organizations in the following categories
6 are deemed to be "domestic companies":

7 (1) a corporation authorized under the Dental Service
8 Plan Act or the Voluntary Health Services Plans Act;

9 (2) a corporation organized under the laws of this
10 State; or

11 (3) a corporation organized under the laws of another
12 state, 30% or more of the enrollees of which are residents
13 of this State, except a corporation subject to
14 substantially the same requirements in its state of
15 organization as is a "domestic company" under Article VIII
16 1/2 of the Illinois Insurance Code.

17 (c) In considering the merger, consolidation, or other
18 acquisition of control of a Health Maintenance Organization
19 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

20 (1) the Director shall give primary consideration to
21 the continuation of benefits to enrollees and the
22 financial conditions of the acquired Health Maintenance
23 Organization after the merger, consolidation, or other
24 acquisition of control takes effect;

25 (2) (i) the criteria specified in subsection (1) (b) of
26 Section 131.8 of the Illinois Insurance Code shall not

1 apply and (ii) the Director, in making his determination
2 with respect to the merger, consolidation, or other
3 acquisition of control, need not take into account the
4 effect on competition of the merger, consolidation, or
5 other acquisition of control;

6 (3) the Director shall have the power to require the
7 following information:

8 (A) certification by an independent actuary of the
9 adequacy of the reserves of the Health Maintenance
10 Organization sought to be acquired;

11 (B) pro forma financial statements reflecting the
12 combined balance sheets of the acquiring company and
13 the Health Maintenance Organization sought to be
14 acquired as of the end of the preceding year and as of
15 a date 90 days prior to the acquisition, as well as pro
16 forma financial statements reflecting projected
17 combined operation for a period of 2 years;

18 (C) a pro forma business plan detailing an
19 acquiring party's plans with respect to the operation
20 of the Health Maintenance Organization sought to be
21 acquired for a period of not less than 3 years; and

22 (D) such other information as the Director shall
23 require.

24 (d) The provisions of Article VIII 1/2 of the Illinois
25 Insurance Code and this Section 5-3 shall apply to the sale by
26 any health maintenance organization of greater than 10% of its

1 enrollee population (including, without limitation, the health
2 maintenance organization's right, title, and interest in and
3 to its health care certificates).

4 (e) In considering any management contract or service
5 agreement subject to Section 141.1 of the Illinois Insurance
6 Code, the Director (i) shall, in addition to the criteria
7 specified in Section 141.2 of the Illinois Insurance Code,
8 take into account the effect of the management contract or
9 service agreement on the continuation of benefits to enrollees
10 and the financial condition of the health maintenance
11 organization to be managed or serviced, and (ii) need not take
12 into account the effect of the management contract or service
13 agreement on competition.

14 (f) Except for small employer groups as defined in the
15 Small Employer Rating, Renewability and Portability Health
16 Insurance Act and except for medicare supplement policies as
17 defined in Section 363 of the Illinois Insurance Code, a
18 Health Maintenance Organization may by contract agree with a
19 group or other enrollment unit to effect refunds or charge
20 additional premiums under the following terms and conditions:

21 (i) the amount of, and other terms and conditions with
22 respect to, the refund or additional premium are set forth
23 in the group or enrollment unit contract agreed in advance
24 of the period for which a refund is to be paid or
25 additional premium is to be charged (which period shall
26 not be less than one year); and

1 (ii) the amount of the refund or additional premium
2 shall not exceed 20% of the Health Maintenance
3 Organization's profitable or unprofitable experience with
4 respect to the group or other enrollment unit for the
5 period (and, for purposes of a refund or additional
6 premium, the profitable or unprofitable experience shall
7 be calculated taking into account a pro rata share of the
8 Health Maintenance Organization's administrative and
9 marketing expenses, but shall not include any refund to be
10 made or additional premium to be paid pursuant to this
11 subsection (f)). The Health Maintenance Organization and
12 the group or enrollment unit may agree that the profitable
13 or unprofitable experience may be calculated taking into
14 account the refund period and the immediately preceding 2
15 plan years.

16 The Health Maintenance Organization shall include a
17 statement in the evidence of coverage issued to each enrollee
18 describing the possibility of a refund or additional premium,
19 and upon request of any group or enrollment unit, provide to
20 the group or enrollment unit a description of the method used
21 to calculate (1) the Health Maintenance Organization's
22 profitable experience with respect to the group or enrollment
23 unit and the resulting refund to the group or enrollment unit
24 or (2) the Health Maintenance Organization's unprofitable
25 experience with respect to the group or enrollment unit and
26 the resulting additional premium to be paid by the group or

1 enrollment unit.

2 In no event shall the Illinois Health Maintenance
3 Organization Guaranty Association be liable to pay any
4 contractual obligation of an insolvent organization to pay any
5 refund authorized under this Section.

6 (g) Rulemaking authority to implement Public Act 95-1045,
7 if any, is conditioned on the rules being adopted in
8 accordance with all provisions of the Illinois Administrative
9 Procedure Act and all rules and procedures of the Joint
10 Committee on Administrative Rules; any purported rule not so
11 adopted, for whatever reason, is unauthorized.

12 (Source: P.A. 102-30, eff. 1-1-22; 102-34, eff. 6-25-21;
13 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.
14 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665,
15 eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22;
16 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff.
17 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093,
18 eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24;
19 103-91, eff. 1-1-24; 103-123, eff. 1-1-24; 103-154, eff.
20 6-30-23; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445,
21 eff. 1-1-24; 103-551, eff. 8-11-23; 103-605, eff. 7-1-24;
22 103-618, eff. 1-1-25; 103-649, eff. 1-1-25; 103-656, eff.
23 1-1-25; 103-700, eff. 1-1-25; 103-718, eff. 7-19-24; 103-751,
24 eff. 8-2-24; 103-753, eff. 8-2-24; 103-758, eff. 1-1-25;
25 103-777, eff. 8-2-24; 103-808, eff. 1-1-26; 103-914, eff.
26 1-1-25; 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25; revised

1 11-26-24.)

2 Section 770. The Limited Health Service Organization Act
3 is amended by changing Section 4003 as follows:

4 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

5 Sec. 4003. Illinois Insurance Code provisions. Limited
6 health service organizations shall be subject to the
7 provisions of Sections 133, 134, 136, 137, 139, 140, 141.1,
8 141.2, 141.3, 143, 143.31, 143c, 147, 148, 149, 151, 152, 153,
9 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 155.49, 352c,
10 355.2, 355.3, 355b, 355d, 356m, 356q, 356v, 356z.4, 356z.4a,
11 356z.10, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.32,
12 356z.33, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54,
13 356z.57, 356z.59, 356z.61, 356z.64, 356z.67, 356z.68, 356z.71,
14 356z.73, 356z.74, 356z.75, 364.3, 368a, 401, 401.1, 402, 403,
15 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA,
16 VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the
17 Illinois Insurance Code. Nothing in this Section shall require
18 a limited health care plan to cover any service that is not a
19 limited health service. For purposes of the Illinois Insurance
20 Code, except for Sections 444 and 444.1 and Articles XIII and
21 XIII 1/2, limited health service organizations in the
22 following categories are deemed to be domestic companies:

23 (1) a corporation under the laws of this State; or

24 (2) a corporation organized under the laws of another

1 state, 30% or more of the enrollees of which are residents
2 of this State, except a corporation subject to
3 substantially the same requirements in its state of
4 organization as is a domestic company under Article VIII
5 1/2 of the Illinois Insurance Code.

6 (Source: P.A. 102-30, eff. 1-1-22; 102-203, eff. 1-1-22;
7 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-731, eff.
8 1-1-23; 102-775, eff. 5-13-22; 102-813, eff. 5-13-22; 102-816,
9 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;
10 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff.
11 1-1-24; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445,
12 eff. 1-1-24; 103-605, eff. 7-1-24; 103-649, eff. 1-1-25;
13 103-656, eff. 1-1-25; 103-700, eff. 1-1-25; 103-718, eff.
14 7-19-24; 103-751, eff. 8-2-24; 103-758, eff. 1-1-25; 103-832,
15 eff. 1-1-25; 103-1024, eff. 1-1-25; revised 11-26-24.)

16 Section 775. The Managed Care Reform and Patient Rights
17 Act is amended by changing Section 10 as follows:

18 (215 ILCS 134/10)

19 Sec. 10. Definitions. In this Act:

20 For a health care plan under Section 45 or for a
21 utilization review program under Section 85, "adverse
22 determination" has the meaning given to that term in Section
23 10 of the Health Carrier External Review Act.

24 "Clinical peer" means a health care professional who is in

1 the same profession and the same or similar specialty as the
2 health care provider who typically manages the medical
3 condition, procedures, or treatment under review.

4 "Department" means the Department of Insurance.

5 "Emergency medical condition" means a medical condition
6 manifesting itself by acute symptoms of sufficient severity,
7 regardless of the final diagnosis given, such that a prudent
8 layperson, who possesses an average knowledge of health and
9 medicine, could reasonably expect the absence of immediate
10 medical attention to result in:

11 (1) placing the health of the individual (or, with
12 respect to a pregnant woman, the health of the woman or her
13 unborn child) in serious jeopardy;

14 (2) serious impairment to bodily functions;

15 (3) serious dysfunction of any bodily organ or part;

16 (4) inadequately controlled pain; or

17 (5) with respect to a pregnant woman who is having
18 contractions:

19 (A) inadequate time to complete a safe transfer to
20 another hospital before delivery; or

21 (B) a transfer to another hospital may pose a
22 threat to the health or safety of the woman or unborn
23 child.

24 "Emergency medical screening examination" means a medical
25 screening examination and evaluation by a physician licensed
26 to practice medicine in all its branches, or to the extent

1 permitted by applicable laws, by other appropriately licensed
2 personnel under the supervision of or in collaboration with a
3 physician licensed to practice medicine in all its branches to
4 determine whether the need for emergency services exists.

5 "Emergency services" means, with respect to an enrollee of
6 a health care plan, transportation services, including but not
7 limited to ambulance services, and covered inpatient and
8 outpatient hospital services furnished by a provider qualified
9 to furnish those services that are needed to evaluate or
10 stabilize an emergency medical condition. "Emergency services"
11 does not refer to post-stabilization medical services.

12 "Enrollee" means any person and his or her dependents
13 enrolled in or covered by a health care plan.

14 "Generally accepted standards of care" means standards of
15 care and clinical practice that are generally recognized by
16 health care providers practicing in relevant clinical
17 specialties for the illness, injury, or condition or its
18 symptoms and comorbidities. Valid, evidence-based sources
19 reflecting generally accepted standards of care include
20 peer-reviewed scientific studies and medical literature,
21 recommendations of nonprofit health care provider professional
22 associations and specialty societies, including, but not
23 limited to, patient placement criteria and clinical practice
24 guidelines, recommendations of federal government agencies,
25 and drug labeling approved by the United States Food and Drug
26 Administration.

1 "Health care plan" means a plan, including, but not
2 limited to, a health maintenance organization, a managed care
3 community network as defined in the Illinois Public Aid Code,
4 or an accountable care entity as defined in the Illinois
5 Public Aid Code that receives capitated payments to cover
6 medical services from the Department of Healthcare and Family
7 Services, that establishes, operates, or maintains a network
8 of health care providers that has entered into an agreement
9 with the plan to provide health care services to enrollees to
10 whom the plan has the ultimate obligation to arrange for the
11 provision of or payment for services through organizational
12 arrangements for ongoing quality assurance, utilization review
13 programs, or dispute resolution. Nothing in this definition
14 shall be construed to mean that an independent practice
15 association or a physician hospital organization that
16 subcontracts with a health care plan is, for purposes of that
17 subcontract, a health care plan.

18 For purposes of this definition, "health care plan" shall
19 not include the following:

20 (1) indemnity health insurance policies including
21 those using a contracted provider network;

22 (2) health care plans that offer only dental or only
23 vision coverage;

24 (3) preferred provider administrators, as defined in
25 Section 370g(g) of the Illinois Insurance Code;

26 (4) employee or employer self-insured health benefit

1 plans under the federal Employee Retirement Income
2 Security Act of 1974;

3 (5) health care provided pursuant to the Workers'
4 Compensation Act or the Workers' Occupational Diseases
5 Act; and

6 (6) except with respect to subsections (a) and (b) of
7 Section 65 and subsection (a-5) of Section 70,
8 not-for-profit voluntary health services plans with health
9 maintenance organization authority in existence as of
10 January 1, 1999 that are affiliated with a union and that
11 only extend coverage to union members and their
12 dependents.

13 "Health care professional" means a physician, a registered
14 professional nurse, or other individual appropriately licensed
15 or registered to provide health care services.

16 "Health care provider" means any physician, hospital
17 facility, facility licensed under the Nursing Home Care Act,
18 long-term care facility as defined in Section 1-113 of the
19 Nursing Home Care Act, or other person that is licensed or
20 otherwise authorized to deliver health care services. Nothing
21 in this Act shall be construed to define Independent Practice
22 Associations or Physician-Hospital Organizations as health
23 care providers.

24 "Health care services" means any services included in the
25 furnishing to any individual of medical care, or the
26 hospitalization incident to the furnishing of such care, as

1 well as the furnishing to any person of any and all other
2 services for the purpose of preventing, alleviating, curing,
3 or healing human illness or injury including behavioral
4 health, mental health, home health, and pharmaceutical
5 services and products.

6 "Medical director" means a physician licensed in any state
7 to practice medicine in all its branches appointed by a health
8 care plan.

9 "Medically necessary" means that a service or product
10 addresses the specific needs of a patient for the purpose of
11 screening, preventing, diagnosing, managing, or treating an
12 illness, injury, or condition or its symptoms and
13 comorbidities, including minimizing the progression of an
14 illness, injury, or condition or its symptoms and
15 comorbidities, in a manner that is all of the following:

16 (1) in accordance with generally accepted standards of
17 care;

18 (2) clinically appropriate in terms of type,
19 frequency, extent, site, and duration; and

20 (3) not primarily for the economic benefit of the
21 health care plan, purchaser, or utilization review
22 organization, or for the convenience of the patient,
23 treating physician, or other health care provider.

24 "Person" means a corporation, association, partnership,
25 limited liability company, sole proprietorship, or any other
26 legal entity.

1 "Physician" means a person licensed under the Medical
2 Practice Act of 1987.

3 "Post-stabilization medical services" means health care
4 services provided to an enrollee that are furnished in a
5 licensed hospital by a provider that is qualified to furnish
6 such services, and determined to be medically necessary and
7 directly related to the emergency medical condition following
8 stabilization.

9 "Stabilization" means, with respect to an emergency
10 medical condition, to provide such medical treatment of the
11 condition as may be necessary to assure, within reasonable
12 medical probability, that no material deterioration of the
13 condition is likely to result.

14 "Step therapy requirement" means a utilization review or
15 formulary requirement that specifies, as a condition of
16 coverage under a health care plan, the order in which certain
17 health care services must be used to treat or manage an
18 enrollee's health condition.

19 "Step therapy requirement" does not include:

20 (1) utilization review to identify when a treatment or
21 health care service is contraindicated or clinically
22 appropriate or to limit quantity or dosage for an enrollee
23 based on utilization review criteria consistent with
24 generally accepted standards of care developed in
25 accordance with Section 87 of this Act;

26 (2) the removal of a drug from a formulary or changing

1 the drug's preferred or cost-sharing tier to higher cost
2 sharing;

3 (3) use of the medical exceptions process under
4 Section 45.1 of this Act; any decision during a medical
5 exceptions process based on cost is step therapy and
6 prohibited;

7 (4) a requirement to obtain prior authorization for
8 the requested treatment; or

9 (5) for health care plans operated or overseen by the
10 Department of Healthcare and Family Services, including
11 Medicaid managed care plans, any utilization controls
12 mandated by 42 CFR 456.703 or a preferred drug list as
13 described in Section 5-30.14 of the Illinois Public Aid
14 Code.

15 "Utilization review" means the evaluation, including any
16 evaluation based on an algorithmic automated process, of the
17 medical necessity, appropriateness, and efficiency of the use
18 of health care services, procedures, and facilities.

19 "Utilization review" includes either of the following:

20 (1) prospectively, retrospectively, or concurrently
21 reviewing and approving, modifying, delaying, or denying,
22 based, in whole or in part, on medical necessity, requests
23 by health care providers, enrollees, or their authorized
24 representatives for coverage of health care services
25 before, retrospectively, or concurrently with the
26 provision of health care services to enrollees; or

1 (2) evaluating the medical necessity, appropriateness,
2 level of care, service intensity, efficacy, or efficiency
3 of health care services, benefits, procedures, or
4 settings, under any circumstances, to determine whether a
5 health care service or benefit subject to a medical
6 necessity coverage requirement in a health care plan is
7 covered as medically necessary for an enrollee.

8 "Utilization review criteria" means criteria, standards,
9 protocols, or guidelines used by a utilization review program
10 to conduct utilization review to ensure that a patient's care
11 is aligned with generally accepted standards of care and
12 consistent with State law.

13 "Utilization review program" means a program established
14 by a person to perform utilization review.

15 (Source: P.A. 102-409, eff. 1-1-22; 103-426, eff. 8-4-23;
16 103-650, eff. 1-1-25; 103-656, eff. 1-1-25; revised 11-26-24.)

17 Section 780. The Viatical Settlements Act of 2009 is
18 amended by changing Section 5 as follows:

19 (215 ILCS 159/5)

20 Sec. 5. Definitions. As used in this Act:

21 "Accredited investor" means an accredited investor as
22 defined in Rule 501(a) promulgated under the Securities Act of
23 1933 (15 U.S.C. 77 et seq.), as amended.

24 "Advertising" means any written, electronic, or printed

1 communication or any communication by means of recorded
2 telephone messages or transmitted on radio, television, the
3 Internet, or similar communications media, including film
4 strips, digital picture slides, motion pictures, and videos
5 published, disseminated, circulated, or placed before the
6 public in this State, for the purpose of creating an interest
7 in or inducing a person to sell, assign, devise, bequest, or
8 transfer the death benefit or ownership of a policy pursuant
9 to a viatical settlement contract.

10 "Alien licensee" means a licensee incorporated or
11 organized under the laws of any country other than the United
12 States.

13 "Business of viatical settlements" means any activity
14 involved in, but not limited to, the offering, soliciting,
15 negotiating, procuring, effectuating, purchasing, investing,
16 financing, monitoring, tracking, underwriting, selling,
17 transferring, assigning, pledging, or hypothecating or in any
18 other manner acquiring an interest in a life insurance policy
19 by means of a viatical settlement contract or other agreement.

20 "Chronically ill" means having been certified within the
21 preceding 12-month period by a licensed health professional
22 as:

- 23 (1) being unable to perform, without substantial
24 assistance from another individual and for at least 90
25 days due to a loss of functional capacity, at least 2
26 activities of daily living, including, but not limited to,

1 eating, toileting, transferring, bathing, dressing, or
2 continence;

3 (2) requiring substantial supervision to protect the
4 individual from threats to health and safety due to severe
5 cognitive impairment; or

6 (3) having a level of disability similar to that
7 described in paragraph (1) as determined by the Secretary
8 of Health and Human Services.

9 "Controlling person" means any person, firm, association,
10 or corporation that directly or indirectly has the power to
11 direct or cause to be directed the management, control, or
12 activities of the viatical settlement provider.

13 "Director" means the Director of the Division of Insurance
14 of the Department of Financial and Professional Regulation.

15 "Division" means the Division of Insurance of the
16 Department of Financial and Professional Regulation.

17 "Escrow agent" means an independent third-party person
18 who, pursuant to a written agreement signed by the viatical
19 settlement provider and viator, provides escrow services
20 related to the acquisition of a life insurance policy pursuant
21 to a viatical settlement contract. "Escrow agent" does not
22 include any person associated or affiliated with or under the
23 control of a licensee.

24 "Financial institution" means a financial institution as
25 defined by the Financial Institutions Insurance Sales Law in
26 Article XLIV of the Illinois Insurance Code.

1 "Financing entity" means an underwriter, placement agent,
2 lender, purchaser of securities, purchaser of a policy or
3 certificate from a viatical settlement provider, credit
4 enhancer, or an entity that has a direct ownership in a policy
5 that is the subject of a viatical settlement contract, and to
6 which both of the following apply:

7 (1) its principal activity related to the transaction
8 is providing funds to effect the viatical settlement or
9 purchase of one or more viaticated policies; and

10 (2) it has an agreement in writing with one or more
11 licensed viatical settlement providers to finance the
12 acquisition of viatical settlement contracts.

13 "Financing entity" does not include an investor that is not an
14 accredited investor.

15 "Financing transaction" means a transaction in which a
16 viatical settlement provider obtains financing from a
17 financing entity, including, without limitation, any secured
18 or unsecured financing, securitization transaction, or
19 securities offering that either is registered or exempt from
20 registration under federal and State securities law.

21 "Foreign licensee" means any viatical settlement provider
22 incorporated or organized under the laws of any state of the
23 United States other than this State.

24 "Insurance producer" means an insurance producer as
25 defined by Section 500-10 ~~10 of Article XXXI~~ of the Illinois
26 Insurance Code.

1 "Licensee" means a viatical settlement provider or
2 viatical settlement broker.

3 "Life expectancy provider" means a person who determines
4 or holds himself or herself out as determining life
5 expectancies or mortality ratings used to determine life
6 expectancies on behalf of or in connection with any of the
7 following:

8 (1) A viatical settlement provider, viatical
9 settlement broker, or person engaged in the business of
10 viatical settlements.

11 (2) A viatical investment as defined by Section 2.33
12 of the Illinois Securities Law of 1953 or a viatical
13 settlement contract.

14 "NAIC" means the National Association of Insurance
15 Commissioners.

16 "Person" means an individual or a legal entity, including,
17 without limitation, a partnership, limited liability company,
18 limited liability partnership, association, trust, business
19 trust, or corporation.

20 "Policy" means an individual or group policy, group
21 certificate, contract, or arrangement of insurance of the
22 class defined by subsection (a) of Section 4 of the Illinois
23 Insurance Code owned by a resident of this State, regardless
24 of whether delivered or issued for delivery in this State.

25 "Qualified institutional buyer" means a qualified
26 institutional buyer as defined in Rule 144 promulgated under

1 the Securities Act of 1933, as amended.

2 "Related provider trust" means a titling trust or other
3 trust established by a licensed viatical settlement provider
4 or a financing entity for the sole purpose of holding the
5 ownership or beneficial interest in purchased policies in
6 connection with a financing transaction. The trust shall have
7 a written agreement with the licensed viatical settlement
8 provider under which the licensed viatical settlement provider
9 is responsible for ensuring compliance with all statutory and
10 regulatory requirements and under which the trust agrees to
11 make all records and files related to viatical settlement
12 transactions available to the Director as if those records and
13 files were maintained directly by the licensed viatical
14 settlement provider.

15 "Special purpose entity" means a corporation, partnership,
16 trust, limited liability company, or other similar entity
17 formed only to provide, directly or indirectly, access to
18 institutional capital markets (i) for a financing entity or
19 licensed viatical settlement provider; or (ii) in connection
20 with a transaction in which the securities in the special
21 purposes entity are acquired by the viator or by qualified
22 institutional buyers or the securities pay a fixed rate of
23 return commensurate with established asset-backed
24 institutional capital markets.

25 "Stranger-originated life insurance" or "STOLI" means an
26 act, practice, or arrangement to initiate a life insurance

1 policy for the benefit of a third-party investor who, at the
2 time of policy origination, has no insurable interest in the
3 insured. STOLI practices include, but are not limited to,
4 cases in which life insurance is purchased with resources or
5 guarantees from or through a person or entity who, at the time
6 of policy inception, could not lawfully initiate the policy
7 himself or itself and where, at the time of policy inception,
8 there is an arrangement or agreement, whether verbal or
9 written, to directly or indirectly transfer the ownership of
10 the policy or policy benefits to a third party. Trusts created
11 to give the appearance of an insurable interest and used to
12 initiate policies for investors violate insurance interest
13 laws and the prohibition against wagering on life. STOLI
14 arrangements do not include lawful viatical settlement
15 contracts as permitted by this Act.

16 "Terminally ill" means certified by a physician as having
17 an illness or physical condition that reasonably is expected
18 to result in death in 24 months or less.

19 "Viatical settlement broker" means a licensed insurance
20 producer who has been issued a license pursuant to paragraph
21 (1) or (2) of subsection (a) of Section 500-35 of the Illinois
22 Insurance Code who, working exclusively on behalf of a viator
23 and for a fee, commission, or other valuable consideration,
24 offers, solicits, promotes, or attempts to negotiate viatical
25 settlement contracts between a viator and one or more viatical
26 settlement providers or one or more viatical settlement

1 brokers. "Viatical settlement broker" does not include an
2 attorney, a certified public accountant, or a financial
3 planner accredited by a nationally recognized accreditation
4 agency, who is retained to represent the viator and whose
5 compensation is not paid directly or indirectly by the
6 viatical settlement provider or purchaser.

7 "Viatical settlement contract" means any of the following:

8 (1) A written agreement between a viator and a
9 viatical settlement provider establishing the terms under
10 which compensation or anything of value is or will be
11 paid, which compensation or value is less than the
12 expected death benefits of the policy, in return for the
13 viator's present or future assignment, transfer, sale,
14 devise, or bequest of the death benefit or ownership of
15 any portion of the insurance policy.

16 (2) A written agreement for a loan or other lending
17 transaction, secured primarily by an individual life
18 insurance policy or an individual certificate of a group
19 life insurance policy.

20 (3) The transfer for compensation or value of
21 ownership of a beneficial interest in a trust or other
22 entity that owns such policy, if the trust or other entity
23 was formed or availed of for the principal purpose of
24 acquiring one or more life insurance contracts and the
25 life insurance contract insures the life of a person
26 residing in this State.

1 (4) A premium finance loan made for a life insurance
2 policy by a lender to a viator on, before, or after the
3 date of issuance of the policy in either of the following
4 situations:

5 (A) The viator or the insured receives a guarantee
6 of the viatical settlement value of the policy.

7 (B) The viator or the insured agrees to sell the
8 policy or any portion of the policy's death benefit on
9 any date before or after issuance of the policy.

10 "Viatical settlement contract" does not include any of the
11 following acts, practices, or arrangements listed ~~below~~ in
12 subparagraphs (a) through (i) of this definition of "viatical
13 settlement contract", unless part of a plan, scheme, device,
14 or artifice to avoid application of this Act; provided,
15 however, that the list of excluded items contained in
16 subparagraphs (a) through (i) is not intended to be an
17 exhaustive list and that an act, practice, or arrangement that
18 is not described below in subparagraphs (a) through (i) does
19 not necessarily constitute a viatical settlement contract:

20 (a) A policy loan or accelerated death benefit made by
21 the insurer pursuant to the policy's terms;

22 (b) Loan proceeds that are used solely to pay: (i)
23 premiums for the policy and (ii) the costs of the loan,
24 including, without limitation, interest, arrangement fees,
25 utilization fees and similar fees, closing costs, legal
26 fees and expenses, trustee fees and expenses, and

1 third-party ~~third-party~~ collateral provider fees and
2 expenses, including fees payable to letter of credit
3 issuers;

4 (c) A loan made by a bank or other financial
5 institution in which the lender takes an interest in a
6 life insurance policy solely to secure repayment of a loan
7 or, if there is a default on the loan and the policy is
8 transferred, the transfer of such a policy by the lender,
9 provided that neither the default itself nor the transfer
10 of the policy in connection with the default is pursuant
11 to an agreement or understanding with any other person for
12 the purpose of evading regulation under this Act;

13 (d) A loan made by a lender that does not violate
14 Article XXXIIa of the Illinois Insurance Code, provided
15 that the premium finance loan is not described in this
16 Act;

17 (e) An agreement in which all the parties (i) are
18 closely related to the insured by blood or law or (ii) have
19 a lawful substantial economic interest in the continued
20 life, health, and bodily safety of the person insured, or
21 trusts established primarily for the benefit of such
22 parties;

23 (f) Any designation, consent, or agreement by an
24 insured who is an employee of an employer in connection
25 with the purchase by the employer, or trust established by
26 the employer, of life insurance on the life of the

1 employee;

2 (g) A bona fide business succession planning
3 arrangement: (i) between one or more shareholders in a
4 corporation or between a corporation and one or more of
5 its shareholders or one or more trusts established by its
6 shareholders; (ii) between one or more partners in a
7 partnership or between a partnership and one or more of
8 its partners or one or more trusts established by its
9 partners; or (iii) between one or more members in a
10 limited liability company or between a limited liability
11 company and one or more of its members or one or more
12 trusts established by its members;

13 (h) An agreement entered into by a service recipient,
14 or a trust established by the service recipient, and a
15 service provider, or a trust established by the service
16 provider, who performs significant services for the
17 service recipient's trade or business; or

18 (i) Any other contract, transaction, or arrangement
19 exempted from the definition of viatical settlement
20 contract by the Director based on the Director's
21 determination that the contract, transaction, or
22 arrangement is not of the type intended to be regulated by
23 this Act.

24 "Viatical settlement investment agent" means a person who
25 is an appointed or contracted agent of a licensed viatical
26 settlement provider who solicits or arranges the funding for

1 the purchase of a viatical settlement by a viatical settlement
2 purchaser and who is acting on behalf of a viatical settlement
3 provider. A viatical settlement investment agent is deemed to
4 represent the viatical settlement provider of whom the
5 viatical settlement investment agent is an appointed or
6 contracted agent.

7 "Viatical settlement provider" means a person, other than
8 a viator, who enters into or effectuates a viatical settlement
9 contract with a viator. "Viatical settlement provider" does
10 not include:

11 (1) a bank, savings bank, savings and loan
12 association, credit union, or other financial institution
13 that takes an assignment of a policy as collateral for a
14 loan;

15 (2) a financial institution or premium finance company
16 making premium finance loans and exempted by the Director
17 from the licensing requirement under the premium finance
18 laws where the institution or company takes an assignment
19 of a life insurance policy solely as collateral for a
20 premium finance loan;

21 (3) the issuer of the life insurance policy;

22 (4) an authorized or eligible insurer that provides
23 stop loss coverage or financial guaranty insurance to a
24 viatical settlement provider, purchaser, financing entity,
25 special purpose entity, or related provider trust;

26 (5) an ~~An~~ individual person who enters into or

1 effectuates no more than one viatical settlement contract
2 in a calendar year for the transfer of policies for any
3 value less than the expected death benefit;

4 (6) a financing entity;

5 (7) a special purpose entity;

6 (8) a related provider trust;

7 (9) a viatical settlement purchaser; or

8 (10) any other person that the Director determines is
9 consistent with the definition of viatical settlement
10 provider.

11 "Viatical settlement purchaser" means a person who
12 provides a sum of money as consideration for a life insurance
13 policy or an interest in the death benefits of a life insurance
14 policy, or a person who owns or acquires or is entitled to a
15 beneficial interest in a trust that owns a viatical settlement
16 contract or is the beneficiary of a life insurance policy, in
17 each case where such policy has been or will be the subject of
18 a viatical settlement contract, for the purpose of deriving an
19 economic benefit. "Viatical settlement purchaser" does not
20 include: (i) a licensee under this Act; (ii) an accredited
21 investor or qualified institutional buyer; (iii) a financing
22 entity; (iv) a special purpose entity; or (v) a related
23 provider trust.

24 "Viaticated policy" means a life insurance policy that has
25 been acquired by a viatical settlement provider pursuant to a
26 viatical settlement contract.

1 "Viator" means the owner of a life insurance policy or a
2 certificate holder under a group policy who enters or seeks to
3 enter into a viatical settlement contract. For the purposes of
4 this Act, a viator is not limited to an owner of a life
5 insurance policy or a certificate holder under a group policy
6 insuring the life of an individual with a terminal or chronic
7 illness or condition, except where specifically addressed.

8 "Viator" does not include:

- 9 (1) a licensee;
10 (2) a qualified institutional buyer;
11 (3) a financing entity;
12 (4) a special purpose entity; or
13 (5) a related provider trust.

14 (Source: P.A. 100-863, eff. 8-14-18; revised 7-23-24.)

15 Section 785. The Vision Care Plan Regulation Act is
16 amended by changing Section 5 as follows:

17 (215 ILCS 161/5)

18 Sec. 5. Definitions. As used in this Act:

19 "Covered materials" means materials for which
20 reimbursement from the vision care plan is provided to an eye
21 care provider by an enrollee's plan contract or for which a
22 reimbursement would be available but for the application of
23 the enrollee's contractual limitation of deductibles,
24 copayments, or coinsurance. "Covered materials" includes lens

1 treatment or coatings added to a spectacle lens if the base
2 spectacle lens is a covered material.

3 "Covered services" means services for which reimbursement
4 from the vision care plan is provided to an eye care provider
5 by an enrollee's plan contract or for which a reimbursement
6 would be available but for the application of the enrollee's
7 contractual plan limitation of deductibles, copayments, or
8 coinsurance regardless of how the benefits are listed in an
9 enrollee's benefit plan's definition of benefits.

10 "Enrollee" means any individual enrolled in a vision care
11 plan provided by a group, employer, or other entity that
12 purchases or supplies coverage for a vision care plan.

13 "Eye care provider" means a doctor of optometry licensed
14 pursuant to the Illinois Optometric Practice Act of 1987 or a
15 physician licensed to practice medicine in all of its branches
16 pursuant to the Medical Practice Act of 1987.

17 "Materials" means ophthalmic devices, including, but not
18 limited to:

19 (i) lenses, devices containing lenses, ophthalmic
20 frames, and other lens mounting apparatus, prisms, lens
21 treatments, and coatings;

22 (ii) contact lenses and prosthetic devices that
23 correct, relieve, or treat defects or abnormal conditions
24 of the human eye or adnexa; and

25 (iii) any devices that deliver medication or other
26 therapeutic treatment to the human eye or adnexa.

1 "Services" means the professional work performed by an eye
2 care provider.

3 "Subcontractor" means any company, group, or third-party
4 entity, including agents, servants, partially owned
5 ~~partially owned~~ or wholly owned ~~wholly owned~~ subsidiaries and
6 controlled organizations, that the vision care plan contracts
7 with to supply services or materials for an eye care provider
8 or enrollee to fulfill the benefit plan of a vision care plan.

9 "Vision care organization" means an entity formed under
10 the laws of this State or another state that issues a vision
11 care plan.

12 "Vision care plan" means a plan that creates, promotes,
13 sells, provides, advertises, or administers an integrated or
14 stand-alone plan that provides coverage for covered services
15 and covered materials.

16 (Source: P.A. 103-482, eff. 8-4-23; revised 7-23-24.)

17 Section 790. The Voluntary Health Services Plans Act is
18 amended by changing Section 10 as follows:

19 (215 ILCS 165/10) (from Ch. 32, par. 604)

20 Sec. 10. Application of Insurance Code provisions. Health
21 services plan corporations and all persons interested therein
22 or dealing therewith shall be subject to the provisions of
23 Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140,
24 143, 143.31, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3,

1 355b, 355d, 356g, 356g.5, 356g.5-1, 356m, 356q, 356r, 356t,
2 356u, 356u.10, 356v, 356w, 356x, 356y, 356z.1, 356z.2,
3 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9,
4 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.18,
5 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30,
6 356z.32, 356z.32a, 356z.33, 356z.40, 356z.41, 356z.46,
7 356z.47, 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59,
8 356z.60, 356z.61, 356z.62, 356z.64, 356z.67, 356z.68, 356z.71,
9 356z.72, 356z.74, 356z.75, 356z.77, 364.01, 364.3, 367.2,
10 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and
11 paragraphs (7) and (15) of Section 367 of the Illinois
12 Insurance Code.

13 Rulemaking authority to implement Public Act 95-1045, if
14 any, is conditioned on the rules being adopted in accordance
15 with all provisions of the Illinois Administrative Procedure
16 Act and all rules and procedures of the Joint Committee on
17 Administrative Rules; any purported rule not so adopted, for
18 whatever reason, is unauthorized.

19 (Source: P.A. 102-30, eff. 1-1-22; 102-203, eff. 1-1-22;
20 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff.
21 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22; 102-804,
22 eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23;
23 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093, eff.
24 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,
25 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;
26 103-551, eff. 8-11-23; 103-605, eff. 7-1-24; 103-656, eff.

1 1-1-25; 103-718, eff. 7-19-24; 103-751, eff. 8-2-24; 103-753,
2 eff. 8-2-24; 103-758, eff. 1-1-25; 103-832, eff. 1-1-25;
3 103-914, eff. 1-1-25; 103-918, eff. 1-1-25; 103-1024, eff.
4 1-1-25; revised 11-26-24.)

5 Section 795. The Health Carrier External Review Act is
6 amended by changing Section 10 as follows:

7 (215 ILCS 180/10)

8 Sec. 10. Definitions. For the purposes of this Act:

9 "Adverse determination" means:

10 (1) a determination by a health carrier or its
11 designee utilization review organization that, based upon
12 the health information provided for a covered person, a
13 request for a benefit, including any quantity, frequency,
14 duration, or other measurement of a benefit, under the
15 health carrier's health benefit plan upon application of
16 any utilization review technique does not meet the health
17 carrier's requirements for medical necessity,
18 appropriateness, health care setting, level of care, or
19 effectiveness or is determined to be experimental or
20 investigational and the requested benefit is therefore
21 denied, reduced, or terminated or payment is not provided
22 or made, in whole or in part, for the benefit;

23 (2) the denial, reduction, or termination of or
24 failure to provide or make payment, in whole or in part,

1 for a benefit based on a determination by a health carrier
2 or its designee utilization review organization that a
3 preexisting condition was present before the effective
4 date of coverage; or

5 (3) a rescission of coverage determination, which does
6 not include a cancellation or discontinuance of coverage
7 that is attributable to a failure to timely pay required
8 premiums or contributions toward ~~towards~~ the cost of
9 coverage.

10 "Adverse determination" includes unilateral
11 determinations that replace the requested health care service
12 with an approval of an alternative health care service without
13 the agreement of the covered person or the covered person's
14 attending provider for the requested health care service⁷ or
15 that condition approval of the requested service on first
16 trying an alternative health care service, either if the
17 request was made under a medical exceptions procedure⁷ or if
18 all of the following are true: (1) the requested service was
19 not excluded by name, description, or service category under
20 the written terms of coverage, (2) the alternative health care
21 service poses no greater risk to the patient based on
22 generally accepted standards of care, and (3) the alternative
23 health care service is at least as likely to produce the same
24 or better effect on the covered person's health as the
25 requested service based on generally accepted standards of
26 care. "Adverse determination" includes determinations made

1 based on any source of health information pertaining to the
2 covered person that is used to deny, reduce, replace,
3 condition, or terminate the benefit or payment. "Adverse
4 determination" includes determinations made in response to a
5 request for authorization when the request was submitted by
6 the health care provider regardless of whether the provider
7 gave notice to or obtained the consent of the covered person or
8 authorized representative to file the request. "Adverse
9 determination" does not include substitutions performed under
10 Section 19.5 or 25 of the Pharmacy Practice Act.

11 "Authorized representative" means:

12 (1) a person to whom a covered person has given
13 express written consent to represent the covered person
14 for purposes of this Law;

15 (2) a person authorized by law to provide substituted
16 consent for a covered person;

17 (3) a family member of the covered person or the
18 covered person's treating health care professional when
19 the covered person is unable to provide consent;

20 (4) a health care provider when the covered person's
21 health benefit plan requires that a request for a benefit
22 under the plan be initiated by the health care provider;
23 or

24 (5) in the case of an urgent care request, a health
25 care provider with knowledge of the covered person's
26 medical condition.

1 "Best evidence" means evidence based on:

2 (1) randomized clinical trials;

3 (2) if randomized clinical trials are not available,
4 then cohort studies or case-control studies;

5 (3) if items (1) and (2) are not available, then
6 case-series; or

7 (4) if items (1), (2), and (3) are not available, then
8 expert opinion.

9 "Case-series" means an evaluation of a series of patients
10 with a particular outcome, without the use of a control group.

11 "Clinical review criteria" means the written screening
12 procedures, decision abstracts, clinical protocols, and
13 practice guidelines used by a health carrier to determine the
14 necessity and appropriateness of health care services.

15 "Clinical review criteria" includes all utilization review
16 criteria as defined in Section 10 of the Managed Care Reform
17 and Patient Rights Act.

18 "Cohort study" means a prospective evaluation of 2 groups
19 of patients with only one group of patients receiving specific
20 intervention.

21 "Concurrent review" means a review conducted during a
22 patient's stay or course of treatment in a facility, the
23 office of a health care professional, or other inpatient or
24 outpatient health care setting.

25 "Covered benefits" or "benefits" means those health care
26 services to which a covered person is entitled under the terms

1 of a health benefit plan.

2 "Covered person" means a policyholder, subscriber,
3 enrollee, or other individual participating in a health
4 benefit plan.

5 "Director" means the Director of the Department of
6 Insurance.

7 "Emergency medical condition" means a medical condition
8 manifesting itself by acute symptoms of sufficient severity,
9 including, but not limited to, severe pain, such that a
10 prudent layperson who possesses an average knowledge of health
11 and medicine could reasonably expect the absence of immediate
12 medical attention to result in:

13 (1) placing the health of the individual or, with
14 respect to a pregnant woman, the health of the woman or her
15 unborn child, in serious jeopardy;

16 (2) serious impairment to bodily functions; or

17 (3) serious dysfunction of any bodily organ or part.

18 "Emergency services" means health care items and services
19 furnished or required to evaluate and treat an emergency
20 medical condition.

21 "Evidence-based standard" means the conscientious,
22 explicit, and judicious use of the current best evidence based
23 on an overall systematic review of the research in making
24 decisions about the care of individual patients.

25 "Expert opinion" means a belief or an interpretation by
26 specialists with experience in a specific area about the

1 scientific evidence pertaining to a particular service,
2 intervention, or therapy.

3 "Facility" means an institution providing health care
4 services or a health care setting.

5 "Final adverse determination" means an adverse
6 determination involving a covered benefit that has been upheld
7 by a health carrier, or its designee utilization review
8 organization, at the completion of the health carrier's
9 internal grievance process procedures as set forth by the
10 Managed Care Reform and Patient Rights Act or as set forth for
11 any additional authorization or internal appeal process
12 provided by contract between the health carrier and the
13 provider. "Final adverse determination" includes
14 determinations made in an appeal of a denial of prior
15 authorization when the appeal was submitted by the health care
16 provider regardless of whether the provider gave notice to or
17 obtained the consent of the covered person or authorized
18 representative to file an internal appeal.

19 "Health benefit plan" means a policy, contract,
20 certificate, plan, or agreement offered or issued by a health
21 carrier to provide, deliver, arrange for, pay for, or
22 reimburse any of the costs of health care services.

23 "Health care provider" or "provider" means a physician,
24 hospital facility, or other health care practitioner licensed,
25 accredited, or certified to perform specified health care
26 services consistent with State law, responsible for

1 recommending health care services on behalf of a covered
2 person.

3 "Health care services" means services for the diagnosis,
4 prevention, treatment, cure, or relief of a health condition,
5 illness, injury, or disease.

6 "Health carrier" means an entity subject to the insurance
7 laws and regulations of this State, or subject to the
8 jurisdiction of the Director, that contracts or offers to
9 contract to provide, deliver, arrange for, pay for, or
10 reimburse any of the costs of health care services, including
11 a sickness and accident insurance company, a health
12 maintenance organization, or any other entity providing a plan
13 of health insurance, health benefits, or health care services.
14 "Health carrier" also means Limited Health Service
15 Organizations (LHSO) and Voluntary Health Service Plans.

16 "Health information" means information or data, whether
17 oral or recorded in any form or medium, and personal facts or
18 information about events or relationships that relate to:

19 (1) the past, present, or future physical, mental, or
20 behavioral health or condition of an individual or a
21 member of the individual's family;

22 (2) the provision of health care services to an
23 individual; or

24 (3) payment for the provision of health care services
25 to an individual.

26 "Independent review organization" means an entity that

1 conducts independent external reviews of adverse
2 determinations and final adverse determinations.

3 "Medical or scientific evidence" means evidence found in
4 the following sources:

5 (1) peer-reviewed scientific studies published in or
6 accepted for publication by medical journals that meet
7 nationally recognized requirements for scientific
8 manuscripts and that submit most of their published
9 articles for review by experts who are not part of the
10 editorial staff;

11 (2) peer-reviewed medical literature, including
12 literature relating to therapies reviewed and approved by
13 a qualified institutional review board, biomedical
14 compendia, and other medical literature that meet the
15 criteria of the National Institutes of Health's Library of
16 Medicine for indexing in Index Medicus (Medline) and
17 Elsevier Science Ltd. for indexing in Excerpta Medicus
18 (EMBASE);

19 (3) medical journals recognized by the Secretary of
20 Health and Human Services under Section 1861(t)(2) of the
21 federal Social Security Act;

22 (4) the following standard reference compendia:

23 (a) The American Hospital Formulary Service-Drug
24 Information;

25 (b) Drug Facts and Comparisons;

26 (c) The American Dental Association Accepted

1 Dental Therapeutics; and

2 (d) The United States Pharmacopoeia-Drug
3 Information;

4 (5) findings, studies, or research conducted by or
5 under the auspices of federal government agencies and
6 nationally recognized federal research institutes,
7 including:

8 (a) the federal Agency for Healthcare Research and
9 Quality;

10 (b) the National Institutes of Health;

11 (c) the National Cancer Institute;

12 (d) the National Academy of Sciences;

13 (e) the Centers for Medicare & Medicaid Services;

14 (f) the federal Food and Drug Administration; and

15 (g) any national board recognized by the National
16 Institutes of Health for the purpose of evaluating the
17 medical value of health care services; or

18 (6) any other medical or scientific evidence that is
19 comparable to the sources listed in items (1) through (5).

20 "Person" means an individual, a corporation, a
21 partnership, an association, a joint venture, a joint stock
22 company, a trust, an unincorporated organization, any similar
23 entity, or any combination of the foregoing.

24 "Prospective review" means a review conducted prior to an
25 admission or the provision of a health care service or a course
26 of treatment in accordance with a health carrier's requirement

1 that the health care service or course of treatment, in whole
2 or in part, be approved prior to its provision.

3 "Protected health information" means health information
4 (i) that identifies an individual who is the subject of the
5 information; or (ii) with respect to which there is a
6 reasonable basis to believe that the information could be used
7 to identify an individual.

8 "Randomized clinical trial" means a controlled prospective
9 study of patients that have been randomized into an
10 experimental group and a control group at the beginning of the
11 study with only the experimental group of patients receiving a
12 specific intervention, which includes study of the groups for
13 variables and anticipated outcomes over time.

14 "Retrospective review" means any review of a request for a
15 benefit that is not a concurrent or prospective review
16 request. "Retrospective review" does not include the review of
17 a claim that is limited to veracity of documentation or
18 accuracy of coding.

19 "Utilization review" has the meaning provided by the
20 Managed Care Reform and Patient Rights Act.

21 "Utilization review organization" means a utilization
22 review program as defined in the Managed Care Reform and
23 Patient Rights Act.

24 (Source: P.A. 103-650, eff 1-1-25; 103-656, eff. 1-1-25;
25 revised 11-26-24.)

1 Section 800. The Prior Authorization Reform Act is amended
2 by changing Section 77 as follows:

3 (215 ILCS 200/77)

4 (This Section may contain text from a Public Act with a
5 delayed effective date)

6 Sec. 77. Prior authorization for drug therapies for
7 hereditary bleeding disorders. Notwithstanding any other
8 provision of law, a health insurance issuer or a contracted
9 utilization review organization may not require a prior
10 authorization for drug therapies approved by the U.S. Food and
11 Drug Administration for the treatment of hereditary bleeding
12 disorders ~~any~~ more frequently than every 6 months or the
13 length of time the prescription for that dosage remains valid,
14 whichever period is shorter.

15 (Source: P.A. 103-659, eff. 1-1-26; revised 10-23-24.)

16 Section 805. The Public Utilities Act is amended by
17 changing Section 16-108.18 as follows:

18 (220 ILCS 5/16-108.18)

19 Sec. 16-108.18. Performance-based ratemaking.

20 (a) The General Assembly finds:

21 (1) That improving the alignment of utility customer
22 and company interests is critical to ensuring equity,
23 rapid growth of distributed energy resources, electric

1 vehicles, and other new technologies that substantially
2 change the makeup of the grid and protect Illinois
3 residents and businesses from potential economic and
4 environmental harm from the State's energy systems.

5 (2) There is urgency around addressing increasing
6 threats from climate change and assisting communities that
7 have borne disproportionate impacts from climate change,
8 including air pollution, greenhouse gas emissions, and
9 energy burdens. Addressing this problem requires changes
10 to the business model under which utilities in Illinois
11 have traditionally functioned.

12 (3) Providing targeted incentives to support change
13 through a new performance-based structure to enhance
14 ratemaking is intended to enable alignment of utility,
15 customer, community, and environmental goals.

16 (4) Though Illinois has taken some measures to move
17 utilities to performance-based ratemaking through the
18 establishment of performance incentives and a
19 performance-based formula rate under the Energy
20 Infrastructure Modernization Act, these measures have not
21 been sufficiently transformative in urgently moving
22 electric utilities toward the State's ambitious energy
23 policy goals: protecting a healthy environment and
24 climate, improving public health, and creating quality
25 jobs and economic opportunities, including wealth
26 building, especially in economically disadvantaged

1 communities and communities of color.

2 (5) These measures were not developed through a
3 process to understand first what performance measures and
4 penalties would help drive the sought-after behavior by
5 the utilities.

6 (6) While the General Assembly has not made a finding
7 that the spending related to the Energy Infrastructure and
8 Modernization Act and its performance metrics was not
9 reasonable, it is important to address concerns that these
10 measures may have resulted in excess utility spending and
11 guaranteed profits without meaningful improvements in
12 customer experience, rate affordability, or equity.

13 (7) Discussions of performance incentive mechanisms
14 must always take into account the affordability of
15 customer rates and bills for all customers, including
16 low-income customers.

17 (8) The General Assembly therefore directs the
18 Illinois Commerce Commission to complete a transition that
19 includes a comprehensive performance-based regulation
20 framework for electric utilities serving more than 500,000
21 customers. The breadth of this framework should revise
22 existing utility regulations to position Illinois electric
23 utilities to effectively and efficiently achieve current
24 and anticipated future energy needs of this State, while
25 ensuring affordability for consumers.

26 (b) As used in this Section:

1 "Commission" means the Illinois Commerce Commission.

2 "Demand response" means measures that decrease peak
3 electricity demand or shift demand from peak to off-peak
4 periods.

5 "Distributed energy resources" or "DER" means a wide range
6 of technologies that are connected to the grid including those
7 that are located on the customer side of the customer's
8 electric meter and can provide value to the distribution
9 system, including, but not limited to, distributed generation,
10 energy storage, electric vehicles, and demand response
11 technologies.

12 "Economically disadvantaged communities" means areas of
13 one or more census tracts where average household income does
14 not exceed 80% of area median income.

15 "Environmental justice communities" means the definition
16 of that term as used and as may be updated in the long-term
17 renewable resources procurement plan by the Illinois Power
18 Agency and its Program Administrator in the Illinois Solar for
19 All Program.

20 "Equity investment eligible community" means the
21 geographic areas throughout Illinois which would most benefit
22 from equitable investments by the State designed to combat
23 discrimination. Specifically, the equity investment eligible
24 communities shall be defined as the following areas:

25 (1) R3 Areas as established pursuant to Section 10-40
26 of the Cannabis Regulation and Tax Act, where residents

1 have historically been excluded from economic
2 opportunities, including opportunities in the energy
3 sector; and

4 (2) Environmental justice communities, as defined by
5 the Illinois Power Agency pursuant to the Illinois Power
6 Agency Act, where residents have historically been subject
7 to disproportionate burdens of pollution, including
8 pollution from the energy sector.

9 "Performance incentive mechanism" means an instrument by
10 which utility performance is incentivized, which could include
11 a monetary performance incentive.

12 "Performance metric" means a manner of measurement for a
13 particular utility activity.

14 (c) Through coordinated, comprehensive system planning,
15 ratemaking, and performance incentives, the performance-based
16 ratemaking framework should be designed to accomplish the
17 following objectives:

18 (1) maintain and improve service reliability and
19 safety, including and particularly in environmental
20 justice, low-income, and equity investment eligible
21 communities;

22 (2) decarbonize utility systems at a pace that meets
23 or exceeds State climate goals, while also ensuring the
24 affordability of rates for all customers, including
25 low-income customers;

26 (3) direct electric utilities to make cost-effective

1 investments that support achievement of Illinois' clean
2 energy policies, including, at a minimum, investments
3 designed to integrate distributed energy resources, comply
4 with critical infrastructure protection standards, plans,
5 and industry best practices, and support and take
6 advantage of potential benefits from the electric vehicle
7 charging and other electrification, while mitigating the
8 impacts;

9 (4) choose cost-effective assets and services, whether
10 utility-supplied or through third-party contracting,
11 considering both economic and environmental costs and the
12 effects on utility rates, to deliver high-quality service
13 to customers at least cost;

14 (5) maintain the affordability of electric delivery
15 services for all customers, including low-income
16 customers;

17 (6) maintain and grow a diverse workforce, diverse
18 supplier procurement base and, for relevant programs,
19 diverse approved-vendor pools, including increased
20 opportunities for minority-owned, female-owned,
21 veteran-owned, and disability-owned business enterprises;

22 (7) improve customer service performance and
23 engagement;

24 (8) address the particular burdens faced by consumers
25 in environmental justice and equity investment eligible
26 communities, including shareholder, consumer, and publicly

1 funded bill payment assistance and credit and collection
2 policies, and ensure equitable disconnections, late fees,
3 or arrearages as a result of utility credit and collection
4 practices, which may include consideration of impact by
5 zip code; and

6 (9) implement or otherwise enhance current supplier
7 diversity programs to increase diverse contractor
8 participation in professional services, subcontracting,
9 and prime contracting opportunities with programs that
10 address barriers to access. Supplier diversity programs
11 shall address specific barriers related to RFP and
12 contract access, access to capital, information technology
13 and cyber security access and costs, administrative
14 burdens, and quality control with specific metrics,
15 outcomes, and demographic data reported.

16 (d) Multi-Year Rate Plan.

17 (1) If an electric utility had a performance-based
18 formula rate in effect under Section 16-108.5 as of
19 December 31, 2020, then the utility may file a petition
20 proposing tariffs implementing a 4-year Multi-Year Rate
21 Plan as provided in this Section no later than, January
22 20, 2023, for delivery service rates to be effective for
23 the billing periods January 1, 2024 through December 31,
24 2027. The Commission shall issue an order approving or
25 approving as modified the utility's plan no later than
26 December 20, 2023. The term "Multi-Year Rate Plan" refers

1 to a plan establishing the base rates the utility shall
2 charge for each delivery year of the 4-year period to be
3 covered by the plan, which shall be subject to
4 modification only as expressly allowed in this Section.

5 (2) A utility proposing a Multi-Year Rate Plan shall
6 provide a 4-year investment plan and a description of the
7 utility's major planned investments, including, at a
8 minimum, all investments of \$2,000,000 or greater over the
9 plan period for an electric utility that serves more than
10 3,000,000 retail customers in the State or \$500,000 for an
11 electric utility that serves less than 3,000,000 retail
12 customers in the State but more than 500,000 retail
13 customers in the State. The 4-year investment plan must be
14 consistent with the Multi-Year Integrated Grid Plan
15 described in Section 16-105.17 of this Act. The investment
16 plan shall provide sufficiently detailed information, as
17 required by the Commission, including, at a minimum, a
18 description of each investment, the location of the
19 investment, and an explanation of the need for and benefit
20 of such an investment to the extent known.

21 (3) The Multi-Year Rate Plan shall be implemented
22 through a tariff filed with the Commission consistent with
23 the provisions of this paragraph (3) that shall apply to
24 all delivery service customers. The Commission shall
25 initiate and conduct an investigation of the tariff in a
26 manner consistent with the provisions of this paragraph

1 (3) and the provisions of Article IX of this Act, to the
2 extent they do not conflict with this paragraph (3). The
3 Multi-Year Rate Plan approved by the Commission shall do
4 the following:

5 (A) Provide for the recovery of the utility's
6 forecasted rate base, based on the 4-year investment
7 plan and the utility's Integrated Grid Plan. The
8 forecasted rate base must include the utility's
9 planned capital investments, with rates based on
10 average annual plant investment, and
11 investment-related costs, including income tax
12 impacts, depreciation, and ratemaking adjustments and
13 costs that are prudently incurred and reasonable in
14 amount consistent with Commission practice and law.
15 The process used to develop the forecasts must be
16 iterative, rigorous, and lead to forecasts that
17 reasonably represent the utility's investments during
18 the forecasted period and ensure that the investments
19 are projected to be used and useful during the annual
20 investment period and least cost, consistent with the
21 provisions of Articles VIII and IX of this Act.

22 (B) The cost of equity shall be approved by the
23 Commission consistent with Commission practice and
24 law.

25 (C) The revenue requirement shall reflect the
26 utility's actual capital structure for the applicable

1 calendar year. A year-end capital structure that
2 includes a common equity ratio of up to and including
3 50% of the total capital structure shall be deemed
4 prudent and reasonable. A higher common equity ratio
5 must be specifically approved by the Commission.

6 (D) (Blank).

7 (E) Provide for recovery of prudent and reasonable
8 projected operating expenses, giving effect to
9 ratemaking adjustments, consistent with Commission
10 practice and law under Article IX of this Act.
11 Operating expenses for years after the first year of
12 the Multi-Year Rate Plan may be estimated by the use of
13 known and measurable changes, expense reductions
14 associated with planned capital investments as
15 appropriate, and reasonable and appropriate
16 escalators, indices, or other metrics.

17 (F) Amortize the amount of unprotected
18 property-related excess accumulated deferred income
19 taxes in rates as of January 1, 2023 over a period
20 ending December 31, 2027, unless otherwise required to
21 amortize the excess deferred income tax pursuant to
22 Section 16-108.21 of this Act.

23 (G) Allow recovery of incentive compensation
24 expense that is based on the achievement of
25 operational metrics, including metrics related to
26 budget controls, outage duration and frequency,

1 safety, customer service, efficiency and productivity,
2 environmental compliance and attainment of
3 affordability and environmental goals, and other goals
4 and metrics approved by the Commission. Incentive
5 compensation expense that is based on net income or an
6 affiliate's earnings per share shall not be
7 recoverable.

8 (H) To the maximum extent practicable, align the
9 4-year investment plan and annual capital budgets with
10 the electric utility's Multi-Year Integrated Grid
11 Plan.

12 (4) The Commission shall establish annual rates for
13 each year of the Multi-Year Rate Plan that accurately
14 reflect and are based only upon the utility's reasonable
15 and prudent costs of service over the term of the plan,
16 including the effect of all ratemaking adjustments
17 consistent with Commission practice and law as determined
18 by the Commission, provided that the costs are not being
19 recovered elsewhere in rates. Tariff riders authorized by
20 the Commission may continue outside of a plan authorized
21 under this Section to the extent such costs are not
22 recovered elsewhere in rates. For the first Multi-Year
23 Rate Plan ~~multi-year rate plan~~, the burden of proof shall
24 be on the electric utility to establish the prudence of
25 investments and expenditures and to establish that such
26 investments consistent with and reasonably necessary to

1 meet the requirements of the utility's first approved
2 Multi-Year Integrated Grid Plan described in Section
3 16-105.17 of this Act. For subsequent Multi-Year Rate
4 Plans, the burden of proof shall be on the electric
5 utility to establish the prudence of investments and
6 expenditures and to establish that such investments are
7 consistent with and reasonably necessary to meet the
8 requirements of the utility's most recently approved
9 Multi-Year Integrated Grid Plan described in Section
10 16-105.17 of this Act. The sole fact that a cost differs
11 from that incurred in a prior period or that an investment
12 is different from that described in the Multi-Year
13 Integrated Grid Plan shall not imply the imprudence or
14 unreasonableness of that cost or investment. The sole fact
15 that an investment is the same or similar to that
16 described in the Multi-Year Integrated Grid Plan shall not
17 imply prudence and reasonableness of that investment.

18 (5) To facilitate public transparency, all materials,
19 data, testimony, and schedules shall be provided to the
20 Commission in an editable, machine-readable electronic
21 format including .doc, .docx, .xls, .xlsx, and similar
22 file formats, but not including .pdf or .exif. Should
23 utilities designate any materials confidential, they shall
24 have an affirmative duty to explain why the particular
25 information is marked confidential. In determining
26 prudence and reasonableness of rates, the Commission shall

1 make its determination based upon the record, including
2 each public comment filed or provided orally at open
3 meetings consistent with the Commission's rules and
4 practices.

5 (6) The Commission may, by order, establish terms,
6 conditions, and procedures for submitting and approving a
7 Multi-Year Rate Plan necessary to implement this Section
8 and ensure that rates remain just and reasonable during
9 the course of the plan, including terms and procedures for
10 rate adjustment.

11 (7) An electric utility that files a tariff pursuant
12 to paragraph (3) of this subsection (e) must submit a
13 one-time \$300,000 filing fee at the time the Chief Clerk
14 of the Commission accepts the filing, which shall be a
15 recoverable expense.

16 (8) An electric utility operating under a Multi-Year
17 Rate Plan shall file a new Multi-Year Rate Plan at least
18 300 days prior to the end of the initial Multi-Year Rate
19 Plan unless it elects to file a general rate case pursuant
20 to paragraph (9), and every 4 years thereafter, with a
21 rate-effective date of the proposed tariffs such that,
22 after the Commission suspension period, the rates would
23 take effect immediately at the close of the final year of
24 the initial Multi-Year Rate Plan. In subsequent Multi-Year
25 Rate Plans, as in the initial plans, utilities and
26 stakeholders may propose additional metrics that achieve

1 the outcomes described in paragraph (2) of subsection (f)
2 of this Section.

3 (9) Election of Rate Case.

4 (A) On or before the date prescribed by
5 subparagraph (B) of paragraph (9) of this Section,
6 electric utilities that serve more than 500,000 retail
7 customers in the State shall file either a general
8 rate case under Section 9-201 of this Act, or a
9 Multi-Year Rate Plan, as set forth in paragraph (1) of
10 this subsection (d).

11 (B) Electric utilities described in subparagraph
12 (A) of paragraph (9) of this Section shall file their
13 initial general rate case or Multi-Year Rate Plan, as
14 applicable, with the Commission no later than January
15 20, 2023.

16 (C) Notwithstanding which rate filing option an
17 electric utility elects to file on the date prescribed
18 by subparagraph (B) of paragraph (9) of this Section,
19 the electric utility shall be subject to the
20 Multi-year Integrated Plan filing requirements.

21 (D) Following its initial rate filing pursuant to
22 paragraph (2), an electric utility subject to the
23 requirements of this Section shall thereafter be
24 permitted to elect a different rate filing option
25 consistent with any filing intervals established for a
26 general rate case or Multi-Year Rate Plan, as follows:

1 (i) An electric utility that initially elected
2 to file a Multi-Year Rate Plan and thereafter
3 elects to transition to a general rate case may do
4 so upon completion of the 4-year Multi-Year Rate
5 Plan by filing a general rate case at the same time
6 that the utility would have filed its subsequent
7 Multi-Year Rate Plan, as specified in paragraph
8 (8) of this subsection (d). Notwithstanding this
9 election, the annual adjustment of the final year
10 of the Multi-Year Rate Plan shall proceed as
11 specified in paragraph (6) of subsection (f).

12 (ii) An electric utility that initially
13 elected to a file general rate case and thereafter
14 elects to transition to a Multi-Year Rate Plan may
15 do so only at the 4-year filing intervals
16 identified by paragraph (8) of this subsection
17 (d).

18 (10) The Commission shall approve tariffs establishing
19 rate design for all delivery service customers unless the
20 electric utility makes the election specified in Section
21 16-105.5, in which case the rate design shall be subject
22 to the provisions of that Section.

23 (11) The Commission shall establish requirements for
24 annual performance evaluation reports to be submitted
25 annually for performance metrics. Such reports shall
26 include, but not be limited to, a description of the

1 utility's performance under each metric and an
2 identification of any extraordinary events that adversely
3 affected the utility's performance.

4 (12) For the first Multi-Year Rate Plan, the
5 Commission shall consolidate its investigation with the
6 proceeding under Section 16-105.17 to establish the
7 Multi-Year Integrated Grid Plan no later than 45 days
8 after plan filing.

9 (13) Where a rate change under a Multi-Year Rate Plan
10 will result in a rate increase, an electric utility may
11 propose a rate phase-in plan that the Commission shall
12 approve with or without modification or deny in its final
13 order approving the new delivery services rates. A
14 proposed rate phase-in plan under this paragraph (13) must
15 allow the new delivery services rates to be implemented in
16 no more than 2 steps, as follows: in the first step, at
17 least 50% of the approved rate increase must be reflected
18 in rates, and, in the second step, 100% of the rate
19 increase must be reflected in rates. The second step's
20 rates must take effect no later than 12 months after the
21 first step's rates were placed into effect. The portion of
22 the approved rate increase not implemented in the first
23 step shall be recorded on the electric utility's books as
24 a regulatory asset, and shall accrue carrying costs to
25 ensure that the utility does not recover more or less than
26 it otherwise would because of the deferral. This portion

1 shall be recovered, with such carrying costs at the
2 weighted average cost of capital, through a surcharge
3 applied to retail customer bills that (i) begins no later
4 than 12 months after the date on which the second step's
5 rates went into effect and (ii) is applied over a period
6 not to exceed 24 months. Nothing in this paragraph is
7 intended to limit the Commission's authority to mitigate
8 the impact of rates caused by rate plans, or any other
9 instance on a revenue-neutral basis; nor shall it mitigate
10 a utility's ability to make proposals to mitigate the
11 impact of rates. When a deferral, or similar method, is
12 used to mitigate the impact of rates, the utility should
13 be allowed to recover carrying costs.

14 (14) Notwithstanding the provisions of paragraph
15 ~~Section~~ (13), the Commission may, on its own initiative,
16 take revenue-neutral measures to relieve the impact of
17 rate increases on customers. Such initiatives may be taken
18 by the Commission in the first Multi-Year Rate Plan,
19 subsequent multi-year plans, or in other instances
20 described in this Act.

21 (15) Whenever during the pendency of a Multi-Year
22 ~~Multi-year~~ Rate Plan, an electric utility subject to this
23 Section becomes aware that, due to circumstances beyond
24 its control, prudent operating practices will require the
25 utility to make adjustments to the Multi-Year Rate Plan,
26 the electric utility may file a petition with the

1 Commission requesting modification of the approved annual
2 revenue requirements included in the Multi-Year Rate Plan.
3 The electric utility must support its request with
4 evidence demonstrating why a modification is necessary,
5 due to circumstances beyond the utility's control, to
6 follow prudent operating practices and must set forth the
7 changes to each annual revenue requirement to be approved,
8 and the basis for any changes in anticipated operating
9 expenses or capital investment levels. The utility shall
10 affirmatively address the impact of the changes on the
11 Multi-Year Integrated Grid Plan and Multi-Year Rate Plan
12 originally submitted and approved by the Commission. Any
13 interested party may file an objection to the changes
14 proposed, or offer alternatives to the utility's proposal,
15 as supported by testimony and evidence. After notice and
16 hearing, the Commission shall issue a final order
17 regarding the electric utility's request no later than 180
18 days after the filing of the petition.

19 (e) Performance incentive mechanisms.

20 (1) The electric industry is undergoing rapid
21 transformation, including fundamental changes in how
22 electricity is generated, procured, and delivered and how
23 customers are choosing to participate in the supply and
24 delivery of electricity to and from the electric grid.
25 Building upon the State's goals to increase the
26 procurement of electricity from renewable energy

1 resources, including distributed generation and storage
2 devices, the General Assembly finds that electric
3 utilities should make cost-effective investments that
4 support moving forward on Illinois' clean energy policies.
5 It is therefore in the State's interest for the Commission
6 to establish performance incentive mechanisms in order to
7 better tie utility revenues to performance and customer
8 benefits, accelerate progress on Illinois energy and other
9 goals, ensure equity and affordability of rates for all
10 customers, including low-income customers, and hold
11 utilities publicly accountable.

12 (2) The Commission shall approve, based on the
13 substantial evidence proffered in the proceeding initiated
14 pursuant to this subsection performance metrics that, to
15 the extent practicable and achievable by the electric
16 utility, encourage cost-effective, equitable utility
17 achievement of the outcomes described in this subsection
18 (e) while ensuring no degradation in the significant
19 performance improvement achieved through previously
20 established performance metrics. For each electric
21 utility, the Commission shall approve metrics designed to
22 achieve incremental improvements over baseline performance
23 values and targets, over a performance period of up to 10
24 years, and no less than 4 years.

25 (A) The Commission shall approve no more than 8
26 metrics, with at least one metric from each of the

1 categories below, for each electric utility, from
2 items ~~subparagraphs~~ (i) through (vi) of this
3 subparagraph ~~subsection~~ (A). Upon a utility request,
4 the Commission may approve the use of a specific,
5 measurable, and achievable tracking metric described
6 in paragraph (3) of this subsection (e) as a
7 performance metric pursuant to paragraph (2) of this
8 subsection (e).

9 (i) Metrics designed to ensure the utility
10 maintains and improves the high standards of both
11 overall and locational reliability and resiliency,
12 and makes improvements in power quality, including
13 and particularly in environmental justice and
14 equity investment eligible communities.

15 (ii) Peak load reductions attributable to
16 demand response programs.

17 (iii) Supplier diversity expansion, including
18 diverse contractor participation in professional
19 services, subcontracting, and prime contracting
20 opportunities, development of programs that
21 address the barriers to access, aligning
22 demographics of contractors to the demographics in
23 the utility's service territory, establish
24 long-term mentoring relationships that develop and
25 remove barriers to access for diverse and
26 underserved contractors. The utilities shall

1 provide solutions, resources, and tools to address
2 complex barriers of entry related to costly and
3 time-intensive cyber security requirements,
4 increasingly complex information technology
5 requirements, insurance barriers, service provider
6 sign-up process barriers, administrative process
7 barriers, and other barriers that inhibit access
8 to RFPs and contracts. For programs with contracts
9 over \$1,000,000, winning bidders must demonstrate
10 a subcontractor development or mentoring
11 relationship with at least one of their diverse
12 subcontracting partners for a core component of
13 the scope of the project. The mentoring time and
14 cost shall be taken into account in the creation
15 of RFP and shall include a structured and measured
16 plan by the prime contractor to increase the
17 capabilities of the subcontractor in their
18 proposed scope. The metric shall include reporting
19 on all supplier diversity programs by goals,
20 program results, demographics and geography, with
21 separate reporting by category of minority-owned,
22 female-owned, veteran-owned, and disability-owned
23 business enterprise metrics. The report shall
24 include resources and expenses committed to the
25 programs and conversion rates of new diverse
26 utility contractors.

1 (iv) Achieve affordable customer delivery
2 service costs, with particular emphasis on keeping
3 the bills of lower-income households, households
4 in equity investment eligible communities, and
5 household in environmental justice communities
6 within a manageable portion of their income and
7 adopting credit and collection policies that
8 reduce disconnections for these households
9 specifically and for customers overall to ensure
10 equitable disconnections, late fees, or arrearages
11 as a result of utility credit and collection
12 practices, which may include consideration of
13 impact by zip code.

14 (v) Metrics designed around the utility's
15 timeliness to customer requests for
16 interconnection in key milestone areas, such as:
17 initial response, supplemental review, and system
18 feasibility study; improved average service
19 reliability index for those customers that have
20 interconnected a distributed renewable energy
21 generation device to the utility's distribution
22 system and are lawfully taking service under an
23 applicable tariff; offering a variety of
24 affordable rate options, including demand
25 response, time of use rates for delivery and
26 supply, real-time pricing rates for supply;

1 comprehensive and predictable net metering, and
2 maximizing the benefits of grid modernization and
3 clean energy for ratepayers; and improving
4 customer access to utility system information
5 according to consumer demand and interest.

6 (vi) Metrics designed to measure the utility's
7 customer service performance, which may include
8 the average length of time to answer a customer's
9 call by a customer service representative, the
10 abandoned call rate and the relative ranking of
11 the electric utility, by a reputable third-party
12 organization, in customer service satisfaction
13 when compared to other similar electric utilities
14 in the Midwest region.

15 (B) Performance metrics shall include a
16 description of the metric, a calculation method, a
17 data collection method, annual performance targets,
18 and any incentives or penalties for the utility's
19 achievement of, or failure to achieve, their
20 performance targets, provided that the total amount of
21 potential incentives and penalties shall be
22 symmetrical. Incentives shall be rewards or penalties
23 or both, reflected as basis points added to, or
24 subtracted from, the utility's cost of equity. The
25 metrics and incentives shall apply for the entire time
26 period covered by a Multi-Year Rate Plan. The total

1 for all metrics shall be equal to 40 basis points,
2 however, the Commission may adjust the basis points
3 upward or downward by up to 20 basis points for any
4 given Multi-Year Rate Plan, as appropriate, but in no
5 event may the total exceed 60 basis points or fall
6 below 20 basis points.

7 (C) Metrics related to reliability shall be
8 implemented to ensure equitable benefits to
9 environmental justice and equity investment eligible
10 communities, as defined in this Act.

11 (D) The Commission shall approve performance
12 metrics that are reasonably within control of the
13 utility to achieve. The Commission also shall not
14 approve a metric that is solely expected to have the
15 effect of reducing the workforce. Performance metrics
16 should measure outcomes and actual, rather than
17 projected, results where possible. Nothing in this
18 ~~subparagraph paragraph~~ is intended to require that
19 different electric utilities must be subject to the
20 same metrics, goals, or incentives.

21 (E) Increases or enhancements to an existing
22 performance goal or target shall be considered in
23 light of other metrics, cost-effectiveness, and other
24 factors the Commission deems appropriate. Performance
25 metrics shall include one year of tracking data
26 collected in a consistent manner, verifiable by an

1 independent evaluator in order to establish a baseline
2 and measure outcomes and actual results against
3 projections where possible.

4 (F) For the purpose of determining reasonable
5 performance metrics and related incentives, the
6 Commission shall develop a methodology to calculate
7 net benefits that includes customer and societal costs
8 and benefits and quantifies the effect on delivery
9 rates. In determining the appropriate level of a
10 performance incentive, the Commission shall consider:
11 the extent to which the amount is likely to encourage
12 the utility to achieve the performance target in the
13 least cost manner; the value of benefits to customers,
14 the grid, public health and safety, and the
15 environment from achievement of the performance
16 target, including in particular benefits to equity
17 investment eligible community; the affordability of
18 customer's electric bills, including low-income
19 customers, the utility's revenue requirement, the
20 promotion of renewable and distributed energy, and
21 other such factors that the Commission deems
22 appropriate. The consideration of these factors shall
23 result in an incentive level that ensures benefits
24 exceed costs for customers.

25 (G) Achievement of performance metrics are based
26 on the assumptions that the utility will adopt or

1 implement the technology and equipment, and make the
2 investments to the extent reasonably necessary to
3 achieve the goal. If the electric utility is unable to
4 meet the performance metrics as a result of
5 extraordinary circumstances outside of its control,
6 including, but not limited to, government-declared
7 emergencies, then the utility shall be permitted to
8 file a petition with the Commission requesting that
9 the utility be excused from compliance with the
10 applicable performance goal or goals and the
11 associated financial incentives and penalties. The
12 burden of proof shall be on the utility, consistent
13 with Article IX, and the utility's petition shall be
14 supported by substantial evidence. The Commission
15 shall, after notice and hearing, enter its order
16 approving or denying, in whole or in part, the
17 utility's petition based on the extent to which the
18 utility demonstrated that its achievement of the
19 affected metrics and performance goals was hindered by
20 extraordinary circumstances outside of the utility's
21 control.

22 (3) The Commission shall approve reasonable and
23 appropriate tracking metrics to collect and monitor data
24 for the purpose of measuring and reporting utility
25 performance and for establishing future performance
26 metrics. These additional tracking metrics shall include

1 at least one metric from each of the following categories
2 of performance:

3 (A) Minimize emissions of greenhouse gases and
4 other air pollutants that harm human health,
5 particularly in environmental justice and equity
6 investment eligible communities, through minimizing
7 total emissions by accelerating electrification of
8 transportation, buildings, and industries where such
9 electrification results in net reductions, across all
10 fuels and over the life of electrification measures,
11 of greenhouse gases and other pollutants, taking into
12 consideration the fuel mix used to produce electricity
13 at the relevant hour and the effect of accelerating
14 electrification on electricity delivery services
15 rates, supply prices, and peak demand, provided the
16 revenues the utility receives from accelerating
17 electrification of transportation, buildings, and
18 industries exceed the costs.

19 (B) Enhance the grid's flexibility to adapt to
20 increased deployment of nondispatchable resources,
21 improve the ability and performance of the grid on
22 load balancing, and offer a variety of rate plans to
23 match consumer consumption patterns and lower consumer
24 bills for electricity delivery and supply.

25 (C) Ensure rates reflect cost savings attributable
26 to grid modernization and utilize distributed energy

1 resources that allow the utility to defer or forgo
2 traditional grid investments that would otherwise be
3 required to provide safe and reliable service.

4 (D) Metrics designed to create and sustain
5 full-time-equivalent jobs and opportunities for all
6 segments of the population and workforce, including
7 minority-owned businesses, women-owned businesses,
8 veteran-owned businesses, and businesses owned by a
9 person or persons with a disability, and that do not,
10 consistent with State and federal law, discriminate
11 based on race or socioeconomic status as a result of
12 Public Act 102-662 ~~this amendatory Act of the 102nd~~
13 ~~General Assembly.~~

14 (E) Maximize and prioritize the allocation of grid
15 planning benefits to environmental justice and
16 economically disadvantaged customers and communities,
17 such that all metrics provide equitable benefits
18 across the utility's service territory and maintain
19 and improve utility customers' access to uninterrupted
20 utility services.

21 (4) The Commission may establish new tracking and
22 performance metrics in future Multi-Year Rate Plans to
23 further measure achievement of the outcomes set forth in
24 paragraph (2) of subsection (f) of this Section and the
25 other goals and requirements of this Section.

26 (5) The Commission shall also evaluate metrics that

1 were established in prior Multi-Year Rate Plans to
2 determine if there has been an unanticipated material
3 change in circumstances such that adjustments are required
4 to improve the likelihood of the outcomes described in
5 paragraph (2) of subsection (f). For metrics that were
6 established in prior Multi-Year Rate Plan proceedings and
7 that the Commission elects to continue, the design of
8 these metrics, including the goals of tracking metrics and
9 the targets and incentive levels and structures of
10 performance metrics, may be adjusted pursuant to the
11 requirements in this Section. The Commission may also
12 change, adjust, or phase out tracking and performance
13 metrics that were established in prior Multi-Year Rate
14 Plan proceedings if these metrics no longer meet the
15 requirements of this Section or if they are rendered
16 obsolete by the changing needs and technology of an
17 evolving grid. Additionally, performance metrics that no
18 longer require an incentive to create improved utility
19 performance may become tracking metrics in a Multi-Year
20 Rate Plan proceeding.

21 (6) The Commission shall initiate a workshop process
22 no later than August 1, 2021, or 15 days after September
23 15, 2021 (the effective date of Public Act 102-662) ~~this~~
24 ~~amendatory Act of the 102nd General Assembly~~, whichever is
25 later, for the purpose of facilitating the development of
26 metrics for each utility. The workshop shall be

1 coordinated by the staff of the Commission, or a
2 facilitator retained by staff, and shall be organized and
3 facilitated in a manner that encourages representation
4 from diverse stakeholders and ensures equitable
5 opportunities for participation, without requiring formal
6 intervention or representation by an attorney. Working
7 with staff of the Commission the facilitator may conduct a
8 combination of workshops specific to a utility or
9 applicable to multiple utilities where content and
10 stakeholders are substantially similar. The workshop
11 process shall conclude no later than October 31, 2021.
12 Following the workshop, the staff of the Commission, or
13 the facilitator retained by the Staff, shall prepare and
14 submit a report to the Commission that identifies the
15 participants in the process, the metrics proposed during
16 the process, any material issues that remained unresolved
17 at the conclusions of such process, and any
18 recommendations for workshop process improvements. Any
19 workshop participant may file comments and reply comments
20 in response to the Staff report.

21 (A) No later than January, 20, 2022, each electric
22 utility that intends to file a petition pursuant to
23 subsection (b) of this Section shall file a petition
24 with the Commission seeking approval of its
25 performance metrics, which shall include for each
26 metric, at a minimum, (i) a detailed description, (ii)

1 the calculation of the baseline, (iii) the performance
2 period and overall performance goal, provided that the
3 performance period shall not commence prior to January
4 1, 2024, (iv) each annual performance goal, (v) the
5 performance adjustment, which shall be a symmetrical
6 basis point increase or decrease to the utility's cost
7 of equity based on the extent to which the utility
8 achieved the annual performance goal, and (vi) the new
9 or modified tariff mechanism that will apply the
10 performance adjustments. The Commission shall issue
11 its order approving, or approving with modification,
12 the utility's proposed performance metrics no later
13 than September 30, 2022.

14 (B) No later than August 1, 2025, the Commission
15 shall initiate a workshop process that conforms to the
16 workshop purpose and requirements of this paragraph
17 (6) of this Section to the extent they do not conflict.
18 The workshop process shall conclude no later than
19 October 31, 2025, and the staff of the Commission, or
20 the facilitator retained by the Staff, shall prepare
21 and submit a report consistent with the requirements
22 described in this paragraph (6) of this Section. No
23 later than January 20, 2026, each electric utility
24 subject to the requirements of this Section shall file
25 a petition that reflects, and is consistent with, the
26 components required in this paragraph (6) of this

1 Section, and the Commission shall issue its order
2 approving, or approving with modification, the
3 utility's proposed performance metrics no later than
4 September 30, 2026.

5 (f) On May 1 of each year, following the approval of the
6 first Multi-Year Rate Plan and its initial year, the
7 Commission shall open an annual performance evaluation
8 proceeding to evaluate the utilities' performance on their
9 metric targets during the year just completed, as well as the
10 appropriate Annual Adjustment as defined in paragraph (6). The
11 Commission shall determine the performance and annual
12 adjustments to be applied through a surcharge in the following
13 calendar year.

14 (1) On February 15 of each year, prior to the annual
15 performance evaluation proceeding, each utility shall file
16 a performance evaluation report with the Commission that
17 includes a description of and all data supporting how the
18 utility performed under each performance metric and an
19 identification of any extraordinary events that adversely
20 impacted the utility's performance.

21 (2) The metrics approved under this Section are based
22 on the assumptions that the utility may fully implement
23 the technology and equipment, and make the investments,
24 required to achieve the metrics and performance goals. If
25 the utility is unable to meet the metrics and performance
26 goals because it was hindered by unanticipated technology

1 or equipment implementation delays, government-declared
2 emergencies, or other investment impediments, then the
3 utility shall be permitted to file a petition with the
4 Commission on or before the date that its report is due
5 pursuant to paragraph (1) of this subsection (f)
6 requesting that the utility be excused from compliance
7 with the applicable performance goal or goals. The burden
8 of proof shall be on the utility, consistent with Article
9 IX, and the utility's petition shall be supported by
10 substantial evidence. No later than 90 days after the
11 utility files its petition, the Commission shall, after
12 notice and hearing, enter its order approving or denying,
13 in whole or in part, the utility's petition based on the
14 extent to which the utility demonstrated that its
15 achievement of the affected metrics and performance goals
16 was hindered by unanticipated technology or equipment
17 implementation delays, or other investment impediments,
18 that were reasonably outside of the utility's control.

19 (3) The electric utility shall provide for an annual
20 independent evaluation of its performance on metrics. The
21 independent evaluator shall review the utility's
22 assumptions, baselines, targets, calculation
23 methodologies, and other relevant information, especially
24 ensuring that the utility's data for establishing
25 baselines matches actual performance, and shall provide a
26 report to the Commission in each annual performance

1 evaluation describing the results. The independent
2 evaluator shall present this report as evidence as a
3 nonparty participant and shall not be represented by the
4 utility's legal counsel. The independent evaluator shall
5 be hired through a competitive bidding process with
6 approval of the contract by the Commission.

7 The Commission shall consider the report of the
8 independent evaluator in determining the utility's
9 achievement of performance targets. Discrepancies between
10 the utility's assumptions, baselines, targets, or
11 calculations and those of the independent evaluator shall
12 be closely scrutinized by the Commission. If the
13 Commission finds that the utility's reported data for any
14 metric or metrics significantly and incorrectly deviates
15 from the data reported by the independent evaluator, then
16 the Commission shall order the utility to revise its data
17 collection and calculation process within 60 days, with
18 specifications where appropriate.

19 (4) The Commission shall, after notice and hearing in
20 the annual performance evaluation proceeding, enter an
21 order approving the utility's performance adjustment based
22 on its achievement of or failure to achieve its
23 performance targets no later than December 20 each year.
24 The Commission-approved penalties or incentives shall be
25 applied beginning with the next calendar year.

26 (5) In order to promote the transparency of utility

1 investments during the effective period of a multi-year
2 rate plan, inform the Commission's investigation and
3 adjustment of rates in the annual adjustment process, and
4 to facilitate the participation of stakeholders in the
5 annual adjustment process, an electric utility with an
6 effective Multi-Year Rate Plan shall, within 90 days of
7 the close of each quarter during the Multi-Year Rate Plan
8 period, submit to the Commission a report that summarizes
9 the additions to utility plant that were placed into
10 service during the prior quarter, which for purposes of
11 the report shall be the most recently closed fiscal
12 quarter. The report shall also summarize the utility plant
13 the electric utility projects it will place into service
14 through the end of the calendar year in which the report is
15 filed. The projections, estimates, plans, and
16 forward-looking information that are provided in the
17 reports pursuant to this paragraph (5) are for planning
18 purposes and are intended to be illustrative of the
19 investments that the utility proposes to make as of the
20 time of submittal. Nothing in this paragraph (5)
21 precludes, or is intended to limit, a utility's ability to
22 modify and update its projections, estimates, plans, and
23 forward-looking information previously submitted in order
24 to reflect stakeholder input or other new or updated
25 information and analysis, including, but not limited to,
26 changes in specific investment needs, customer electric

1 use patterns, customer applications and preferences, and
2 commercially available equipment and technologies, however
3 the utility shall explain any changes or deviations
4 between the projected investments from the quarterly
5 reports and actual investments in the annual report. The
6 reports submitted pursuant to this subsection are intended
7 to be flexible planning tools, and are expected to evolve
8 as new information becomes available. Within 7 days of
9 receiving a quarterly report, the Commission shall timely
10 make such report available to the public by posting it on
11 the Commission's website. Each quarterly report shall
12 include the following detail:

13 (A) The total dollar value of the additions to
14 utility plant placed in service during the prior
15 quarter;

16 (B) A list of the major investment categories the
17 electric utility used to manage its routine standing
18 operational activities during the prior quarter
19 including the total dollar amount for the work
20 reflected in each investment category in which utility
21 plant in service is equal to or greater than
22 \$2,000,000 for an electric utility that serves more
23 than 3,000,000 customers in the State or \$500,000 for
24 an electric utility that serves less than 3,000,000
25 customers but more than 500,000 customers in the State
26 as of the last day of the quarterly reporting period,

1 as well as a summary description of each investment
2 category;

3 (C) A list of the projects which the electric
4 utility has identified by a unique investment tracking
5 number for utility plant placed in service during the
6 prior quarter for utility plant placed in service with
7 a total dollar value as of the last day of the
8 quarterly reporting period that is equal to or greater
9 than \$2,000,000 for an electric utility that serves
10 more than 3,000,000 customers in the State or \$500,000
11 for an electric utility that serves less than
12 3,000,000 retail customers but more than \$500,000
13 retail customers in the State, as well as a summary of
14 each project;

15 (D) The estimated total dollar value of the
16 additions to utility plant projected to be placed in
17 service through the end of the calendar year in which
18 the report is filed;

19 (E) A list of the major investment categories the
20 electric utility used to manage its routine standing
21 operational activities with utility plant projected to
22 be placed in service through the end of the calendar
23 year in which the report is filed, including the total
24 dollar amount for the work reflected in each
25 investment category in which utility plant in service
26 is projected to be equal to or greater than \$2,000,000

1 for an electric utility that serves more than
2 3,000,000 customers in the State or \$500,000 for an
3 electric utility that serves less than 3,000,000
4 retail customers but more than 500,000 retail
5 customers in the State, as well as a summary
6 description of each investment category; and

7 (F) A list of the projects for which the electric
8 utility has identified by a unique investment tracking
9 number for utility plant projected to be placed in
10 service through the end of the calendar year in which
11 the report is filed with an estimated dollar value
12 that is equal to or greater than \$2,000,000 for an
13 electric utility that serves more than 3,000,000
14 customers in the State or \$500,000 for an electric
15 utility that serves less than 3,000,000 retails
16 customers but more than \$500,000 retail customers in
17 the State, as well as a summary description of each
18 project.

19 (6) As part of the Annual Performance Adjustment, the
20 electric utility shall submit evidence sufficient to
21 support a determination of its actual revenue requirement
22 for the applicable calendar year, consistent with the
23 provisions of paragraphs (d) and (f) of this subsection.
24 The electric utility shall bear the burden of
25 demonstrating that its costs were prudent and reasonable,
26 subject to the provisions of paragraph (4) of this

1 subsection (f). The Commission's review of the electric
2 utility's annual adjustment shall be based on the same
3 evidentiary standards, including, but not limited to,
4 those concerning the prudence and reasonableness of the
5 known and measurable costs forecasted to be incurred by
6 the utility, and the used and usefulness of the actual
7 plant investment pursuant to Section 9-211 of this Act,
8 that the Commission applies in a proceeding to review a
9 filing for changes in rates pursuant to Section 9-201 of
10 this Act. The Commission shall determine the prudence and
11 reasonableness of the actual costs incurred by the utility
12 during the applicable calendar year, as well as determine
13 the original cost of plant in service as of the end of the
14 applicable calendar year. The Commission shall then
15 determine the Annual Adjustment, which shall mean the
16 amount by which, the electric utility's actual revenue
17 requirement for the applicable year of the Multi-Year Rate
18 Plan either exceeded, or was exceeded by, the revenue
19 requirement approved by the Commission for such calendar
20 year, plus carrying costs calculated at the weighted
21 average cost of capital approved for the Multi-Year Rate
22 Plan.

23 The Commission's determination of the electric
24 utility's actual revenue requirement for the applicable
25 calendar year shall be based on:

26 (A) the Commission-approved used and useful,

1 prudent and reasonable actual costs for the applicable
2 calendar year, which shall be determined pursuant to
3 the following criteria:

4 (i) the ~~The~~ overall level of actual costs
5 incurred during the calendar year, provided that
6 the Commission may not allow recovery of actual
7 costs that are more than 105% of the approved
8 revenue requirement calculated as provided in item
9 (ii) of this subparagraph (A), except to the
10 extent the Commission approves a modification of
11 the Multi-Year Rate Plan to permit such recovery;~~:-~~

12 (ii) the ~~The~~ calculation of 105% of the
13 revenue requirement required by this subparagraph
14 (A) shall exclude the revenue requirement impacts
15 of the following volatile and fluctuating
16 variables that occurred during the year: (i)
17 storms and weather-related events for which the
18 utility provides sufficient evidence to
19 demonstrate that such expenses were not
20 foreseeable and not in control of the utility;
21 (ii) new business; (iii) changes in interest
22 rates; (iv) changes in taxes; (v) facility
23 relocations; (vi) changes in pension or
24 post-retirement benefits costs due to fluctuations
25 in interest rates, market returns or actuarial
26 assumptions; (vii) amortization expenses related

1 to costs; and (viii) changes in the timing of when
2 an expenditure or investment is made such that it
3 is accelerated to occur during the applicable year
4 or deferred to occur in a subsequent year;~~;~~

5 (B) the year-end rate base;

6 (C) the cost of equity approved in the multi-year
7 rate plan; and

8 (D) the electric utility's actual year-end capital
9 structure, provided that the common equity ratio in
10 such capital structure may not exceed the common
11 equity ratio that was approved by the Commission in
12 the Multi-Year Rate Plan.

13 (2) The Commission's determinations of the prudence
14 and reasonableness of the costs incurred for the
15 applicable year, and of the original cost of plant in
16 service as of the end of the applicable calendar year,
17 shall be final upon entry of the Commission's order and
18 shall not be subject to collateral attack in any other
19 Commission proceeding, case, docket, order, rule, or
20 regulation; however, nothing in this Section shall
21 prohibit a party from petitioning the Commission to rehear
22 or appeal to the courts the order pursuant to the
23 provisions of this Act.

24 (g) During the period leading to approval of the first
25 Multi-Year Integrated Grid Plan, each electric utility will
26 necessarily continue to invest in its distribution grid. Those

1 investments will be subject to a determination of prudence and
2 reasonableness consistent with Commission practice and law.
3 Any failure to conform to the Multi-Year Integrated Grid Plan
4 ultimately approved shall not imply imprudence or
5 unreasonableness.

6 (h) After calculating the Performance Adjustment and
7 Annual Adjustment, the Commission shall order the electric
8 utility to collect the amount in excess of the revenue
9 requirement from customers, or issue a refund to customers, as
10 applicable, to be applied through a surcharge beginning with
11 the next calendar year.

12 Electric utilities subject to the requirements of this
13 Section shall be permitted to file new or revised tariffs to
14 comply with the provisions of, and Commission orders entered
15 pursuant to, this Section.

16 (Source: P.A. 102-662, eff. 9-15-21; revised 7-19-24.)

17 Section 810. The Illinois Underground Utility Facilities
18 Damage Prevention Act is amended by changing Sections 2, 4.1,
19 10, and 12 as follows:

20 (220 ILCS 50/2) (from Ch. 111 2/3, par. 1602)

21 Sec. 2. Definitions. As used in this Act, unless the
22 context clearly otherwise requires, the terms specified in
23 this Section have the meanings ascribed to them in this
24 Section.

1 "Approximate location" means the location of the marked
2 facility that lies entirely within the tolerance zone.

3 Circumstances that are "beyond the reasonable control" of
4 a party include, but are not limited to, severe weather,
5 unforeseen mechanical issues, or site conditions. As used in
6 Section 11, "beyond the reasonable control" also includes, but
7 is not limited to, notice volumes or dig site notification
8 areas that exceed historical averages, as determined by the
9 reasonable control measurement, created as a result of
10 underground utility facility owners or operators or their
11 contractors or subcontractors' non-emergency requests for
12 utility excavation work for underground utility facility
13 owners or operators, that is not part of a large project that
14 has provided at least 60 days' ~~days~~ notice, and only applies to
15 the requests submitted by underground utility facility owners
16 or operators or their contractors or subcontractors'
17 non-emergency utility excavation work for underground utility
18 facility owners or operators.

19 "Damage" means the contact or dislocation of a facility
20 during excavation or demolition that necessitates immediate or
21 subsequent repair by the underground utility facility owner or
22 operator due to any partial or complete destruction of the
23 facility, including, but not limited to, the protective
24 coating, tracer wire, lateral support, cathodic protection, or
25 housing for the line or device of the facility.

26 "Damage notification" means a notification through JULIE

1 to the underground utility facility owner or operator that
2 damage to a facility has occurred in the area of the excavation
3 or demolition.

4 "Day" means any day, beginning at 12:00 a.m. and ending at
5 11:59 p.m. "Day" does not include holidays recognized by
6 JULIE, Saturdays, Sundays, and the day of the actual notice.

7 "Demolition" means the wrecking, razing, rending, moving,
8 or removing of a structure by means of any power tool, power
9 equipment (exclusive of transportation equipment), or
10 explosives.

11 "Emergency request" means a request involving a condition
12 (1) that constitutes an imminent danger to life, health, or
13 property or a utility service outage (2) and that requires
14 repair or action before the expiration of 2 days.

15 "Excavation" means:

16 (1) any operation in which earth, rock, or other
17 material in or on the ground is moved, removed, or
18 otherwise displaced by means of any tools, power equipment
19 or explosives, and includes, without limitation, grading,
20 trenching, digging, ditching, drilling, augering, boring,
21 tunneling, scraping, cable or pipe plowing, saw cutting or
22 roadway surface milling when penetrating into the base or
23 subbase of a paved surface, and driving, but does not
24 include:

25 (A) farm tillage operations;

26 (B) railroad right-of-way maintenance;

1 (C) coal mining operations regulated under the
2 federal Surface Mining Control and Reclamation Act of
3 1977 or any State law or rules or regulations adopted
4 under the federal statute;

5 (D) land surveying operations as defined in the
6 Illinois Professional Land Surveyor Act of 1989 when
7 not using power equipment;

8 (E) roadway surface milling;

9 (F) manually inserting, without the use of power
10 equipment, a temporary round-tipped ground or probe
11 rod as part of facility locating;

12 (G) manually inserting, without the use of power
13 equipment, a temporary round-tipped probe rod for bar
14 holing to determine the area of a potential leak from a
15 facility transporting hazardous gases or liquids; or

16 (H) manually inserting, without the use of power
17 equipment, a round-tipped ground rod for the purpose
18 of grounding utility equipment when an emergency
19 exists and no other ground source is available.

20 (2) An exclusion to this Section in no way prohibits a
21 request from being made for the marking of facilities.

22 (3) Any exception to excavation contained within this
23 Section is not intended to remove liability that may be
24 imposed against an individual or entity because of damage
25 caused to a facility.

26 "Excavator" means any person or legal entity, public or

1 private, that engages in excavation or demolition work.

2 "Exposed notification" means a notification through JULIE
3 to the underground utility facility owner or operator that an
4 unmarked facility has been exposed in the area of the
5 excavation or demolition but has not been damaged.

6 "Extension" means a request made by an excavator, to
7 extend the expiration date of a normal notice to allow
8 additional time to continue or complete the excavation or
9 demolition project.

10 (1) An extension request may be made no earlier than
11 the 20th day from the initial normal notice request or
12 latest extension request.

13 (2) An extension request shall extend the expiration
14 of the initial normal notice request or latest extension
15 request by 25 days.

16 (3) An extension request may not be made simply to
17 keep a prior notice open without continued excavation
18 occurring within the period of that subsequent notice.

19 "Geographic information system data" means data to be
20 applied to JULIE software to facilitate a more clearly defined
21 notification area for notices sent to the system underground
22 utility facility owners or operators. "Geographic information
23 system data" includes, but is not limited to:

24 (1) address points with site addresses;

25 (2) parcels with site addresses;

26 (3) road center lines with names and address range;

- (4) city limits with names;
- (5) political townships with names;
- (6) railroads with names;
- (7) streams with names; and
- (8) water bodies with names.

"Historical averages" are used to determine benchmark notice volumes or dig site notification areas for a particular place. The notice volume is calculated for new and updated requests requiring an underground utility facility owner or operator response. It shall not include notices with a header of no show ~~no show~~, incomplete, or no re-mark ~~no remark~~. The dig site notification area is calculated using the dig site polygon on the notice. The 7-day ~~7-day~~ look back shall be calculated once daily at the conclusion of the previous calendar day. "Historic averages" shall be determined by comparing notice volumes or dig site notification areas over the immediate past 7 calendar days to the same 7 calendar day period for the past 5 years. A 5-year trimmed mean, removing the highest and lowest years, and averaging the remaining 3 years, shall be the final determinant ~~determinate~~ of this measurement. The official measurement of the notice volumes or dig site notification areas shall be provided by JULIE.

"Incomplete request" means a notice initiated by an excavator through JULIE to the underground utility facility owners or operators notified in a prior request that such underground utility facility owners or operators, as

1 identified by the excavator and confirmed, through the
2 positive response system once implemented, in accordance with
3 subsection (a) of Section 5.1, did not completely mark the
4 entire extent or the entire segment of the proposed
5 excavation, as identified on the prior notice or as previously
6 documented and mutually agreed upon.

7 "Joint meet notification" means a notice of a meeting held
8 prior to the excavation phase to discuss projects that cannot
9 be adequately communicated within a normal notice request. The
10 meeting is intended to allow the exchange of maps, plans, or
11 schedules. It is not a locating session and shall be held at or
12 near the excavation site, or through electronic means, if
13 available and agreed to by all parties. "Joint meet
14 notification" are not to be used in lieu of valid normal notice
15 requests and are required for, but not limited to, large
16 projects.

17 "JULIE, Inc." or "JULIE" means the communication system
18 known as "JULIE, Inc." or "JULIE", utilized by excavators,
19 designers, or any other entities covered by this Act to notify
20 underground utility facility owners or operators of their
21 intent to perform excavation or demolition or similar work as
22 defined by this Act and shall include all underground utility
23 facilities owned or operated outside the city limits of the
24 City of Chicago.

25 "Large project" means a single excavation that exceeds the
26 expiration date of a normal notice request, or involves a

1 series of repetitive, related-scope excavations.

2 "Normal notice request" means a notification made by an
3 excavator, through JULIE, in advance of a planned excavation
4 or demolition.

5 (1) The notification shall be made at least 2 days,
6 but no more than 10 days, before beginning the planned
7 excavation or demolition.

8 (2) Excavation or demolition on a normal notice
9 request is valid for 25 days from the date of the initial
10 request unless a subsequent extension request is made.

11 (3) Normal notice requests shall be limited to one
12 quarter of a contiguous mile within a municipality and one
13 contiguous mile within any unincorporated area, which
14 includes townships.

15 (4) Normal notice requests are valid for a single
16 right-of-way with an exception for intersecting
17 rights-of-way of 250 feet in all directions. Any
18 excavation continuing beyond 250 feet on a connecting
19 right-of-way shall require an additional request.

20 "No show request" means a notice initiated by an excavator
21 through JULIE to the underground utility facility owners or
22 operators notified in the prior notice that such underground
23 utility facility owners or operators, as identified by the
24 excavator and confirmed, once implemented, in accordance with
25 subsection (a) of Section 5.1, either failed to mark their
26 facilities or to communicate their non-involvement with the

1 excavation prior to the dig start date and time on the notice.

2 "Notice" means any record transmitted to an underground
3 utility facility owner or operator of JULIE which shall
4 include, but not be limited to, cancel, damage, emergency,
5 exposed, extension, incomplete, joint meet, no show, normal,
6 planning design, or re-mark.

7 "Open cut utility locate" means a method of locating
8 facilities that requires excavation by the underground utility
9 facility owner or operator, or their contractor or
10 subcontractor.

11 "Place" means any incorporated city, village or town, or
12 unincorporated township or road district, listed within the
13 JULIE database.

14 "Planning design request" means the process prior to the
15 excavation phase of a project where information is gathered
16 and decisions are made regarding the route or location of a
17 proposed excavation. The use of the information that is
18 obtainable pursuant to this Section is intended to minimize
19 delays of future construction projects and not for imminent
20 excavation. The underground utility facility owner or operator
21 may indicate any portion of the information that is
22 proprietary and require the planner or designer to protect the
23 proprietary information.

24 "Positive response system" means an automated system
25 facilitated by JULIE allowing underground utility facility
26 owners or operators to communicate to an excavator the

1 presence, absence, or response status of any conflict between
2 the existing facilities in or near the area of excavation or
3 demolition on each notice received.

4 "Pre-mark" means the use of white paint, chalk, lathe,
5 whisksers, flags, or electronic white lining using lines or
6 polygons to delineate the work area at the site of the proposed
7 excavation or demolition. Unless otherwise stated on the
8 request, all pre-marks are considered a request for a 5-foot
9 radius of an above ground fixed structure or single point
10 pre-mark, or a 10-foot-wide path for linear work.

11 (1) Physical pre-marking for the area of the planned
12 excavation or demolition shall be accomplished prior to
13 notifying JULIE if the area of excavation cannot be
14 clearly and adequately identified in the normal notice
15 request.

16 (2) Electronic white lining may be used when
17 available. Electronic white lining provides an alternative
18 method where an excavator may indicate their defined dig
19 area visually by electronic data entry, including lines or
20 polygons, without the need for a physical site visit. The
21 technology allows the excavator to identify for the
22 underground utility facility owner or operator a clear
23 delineation of their proposed excavation area.

24 (3) A verbal or written pre-mark is adequate when the
25 scope requested to be marked is narrow and explicit enough
26 to prevent marking beyond the actual area of excavation or

1 demolition. An existing above ground fixed structure may
2 be referenced as a verbal or written pre-mark.

3 "Project owner" means the person or legal entity, public
4 or private, that is financially responsible for the
5 undertaking of a project that involves excavation or
6 demolition.

7 "Reasonable control measurement" shall use the historical
8 averages and add to the calculation either of the following
9 conditions that shall be met for the place to be considered
10 beyond the reasonable control of the underground utility
11 facility owner or operator:

12 (1) the total notice volume count over the previous 7
13 calendar days shall increase by more than 15% of the
14 historic average, and increase by not less than 25
15 additional notices over the previous 7 calendar days; or

16 (2) the total dig site notification area over the
17 previous 7 calendar days shall increase by more than 15%
18 of the historic average, and not less than 0.4 additional
19 square miles over the previous 7 calendar days.

20 The official measurement shall be provided by JULIE.

21 "Residential property owner" means any individual or
22 entity that owns or leases real property that is used by the
23 individual or entity as its residence or dwelling. Residential
24 property owner does not include any persons who own or lease
25 residential property for the purpose of holding or developing
26 such property or for any other business or commercial

1 purposes.

2 "Roadway surface milling" means the removal of a uniform
3 pavement section by rotomilling, grinding, saw cutting, or
4 other means that does not penetrate into the roadway base or
5 subbase.

6 "Service lateral" means underground facilities located in
7 a public right-of-way or utility easement that connects an end
8 user's building or property to an underground utility facility
9 owner's or operator's facility.

10 "Submerged" means any facility installed below the surface
11 of a lake, river, or navigable waterway.

12 "Tolerance zone" means:

13 (1) if the diameter of the underground utility
14 facility is indicated, the distance of one-half of the
15 known diameter plus one and one-half feet on either side
16 of the designated center line of the underground utility
17 facility marking;

18 (2) if the diameter of the underground utility
19 facility is not indicated, one and one-half feet on either
20 side of the outside edge of the underground utility
21 facility marking; or

22 (3) if submerged, a distance of 30 feet on either side
23 of the indicated facility.

24 The underground utility facility markings provided
25 shall not indicate that the width of the marked
26 underground utility facility is any greater than the

1 actual width of the underground utility facility or 2
2 inches, whichever is greater. The tolerance zone shall
3 also apply to visible utility structures, including, but
4 not limited to, poles with overhead to underground
5 transitions, pedestals, transformers, meters, hydrants,
6 and valve boxes. There shall be a one and one-half foot
7 tolerance zone horizontally around such facilities.

8 "Underground utility facility" or "facility" means and
9 includes wires, ducts, fiber optic cable, conduits, pipes,
10 sewers, and cables and their connected appurtenances installed
11 or existing beneath the surface of the ground or submerged and
12 either owned, operated, or controlled by:

13 (1) a public utility as defined in the Public
14 Utilities Act;

15 (2) a municipally owned or mutually owned utility
16 providing a similar utility service;

17 (3) a pipeline entity transporting gases, crude oil,
18 petroleum products, or other hydrocarbon materials within
19 the State;

20 (4) a telecommunications carrier as defined in the
21 Universal Telephone Service Protection Law of 1985, or by
22 a company described in Section 1 of the Telephone Company
23 Act;

24 (5) a community antenna television system, as defined
25 in the Illinois Municipal Code or the Counties Code;

26 (6) a holder or broadband service, as those terms are

1 defined in the Cable and Video Competition Law of 2007;

2 (7) any other entity owning or operating underground
3 facilities that transport or generate electrical power to
4 other utility owners or operators;

5 (8) an electric cooperative as defined in the Public
6 Utilities Act; and

7 (9) any other active member of JULIE.

8 (Source: P.A. 103-614, eff. 1-1-25; revised 11-22-24.)

9 (220 ILCS 50/4.1)

10 Sec. 4.1. Watch and protect.

11 (a) If, upon notice from JULIE, an underground utility
12 facility owner or operator determines that the facility is
13 within the proposed excavation area and the underground
14 utility facility owner or operator desires to have an
15 authorized representative present during excavation near the
16 facility, the underground utility facility owner or operator
17 shall contact the excavator prior to the dig start date and
18 time provided on the notice to schedule a date and time for the
19 underground utility facility owner or operator to be present
20 when excavation will occur near the facility.

21 (b) All excavators shall comply with the underground
22 utility facility owner's or operator's request to be present
23 during excavation near an ~~a~~ owner or operator's facilities. In
24 lieu of having an authorized representative present, the
25 underground utility facility owner or operator may choose to

1 perform an open cut utility locate of the facility to expose
2 its location. The underground utility facility owner or
3 operator shall comply with the excavator's schedule for when
4 excavation will occur near the facility.

5 (c) After excavation has started, if excavation near the
6 underground utility facilities stops by more than one day and
7 then recommences, the excavator shall establish direct contact
8 with the underground utility facility owner or operator not
9 less than one day prior to the excavation, each time the
10 excavation is to occur, to advise the underground utility
11 facility owner or operator of the excavation taking place.

12 (d) Nothing in this Section shall prohibit an excavator
13 from excavating prudently and carefully near the underground
14 utility facility without the underground utility facility
15 owner or operator present if the underground utility facility
16 owner or operator waives the request to be present or to
17 complete an open cut utility locate exposing the facility or
18 is unable to comply with the excavator's schedule.

19 (Source: P.A. 103-614, eff. 1-1-25; revised 12-1-24.)

20 (220 ILCS 50/10) (from Ch. 111 2/3, par. 1610)

21 Sec. 10. Record of notice; marking of facilities.

22 (a) Upon notice by the excavator, the underground utility
23 facility owners or operators in or near the excavation or
24 demolition area shall cause a record to be made of the notice
25 and shall mark, by the dig start date and time indicated on the

1 notice, the approximate locations of such facilities so as to
2 enable the excavator to establish the location of the
3 facilities.

4 For submerged facilities, when the owner or operator of
5 the submerged facilities determines that a proposed excavation
6 or demolition which could include anchoring, pile driving,
7 dredging, or any other water bottom contact for any means
8 performed is in proximity to or in conflict with, submerged
9 facilities located under a lake, river, or navigable waterway,
10 the owner or operator of the submerged facilities shall
11 identify the estimated horizontal route of the submerged
12 facilities, within 15 days or by a date and time mutually
13 agreed to, using marking buoys, other suitable devices, or GPS
14 location data unless directed otherwise by an agency having
15 jurisdiction over the waters under which the submerged
16 facilities are located.

17 (b) Underground utility facility owners or operators of
18 sewer facilities shall be required to respond and mark the
19 approximate location of those sewer facilities when the
20 excavator indicates, in the notice required in Section 4, that
21 the excavation or demolition project will exceed a depth of 7
22 feet. "Depth", in this case, is defined as the distance
23 measured vertically from the surface of the ground to the top
24 of the sewer facility.

25 (c) Underground utility facility owners or operators of
26 sewer facilities shall be required at all times to mark the

1 approximate location of those sewer facilities when:

2 (1) directional boring is the indicated type of
3 excavation work being performed within the notice;

4 (2) the sewer facilities owned are non-gravity,
5 pressurized force mains; or

6 (3) the excavation indicated will occur in the
7 immediate proximity of known sewer facilities that are
8 less than 7 feet deep.

9 (d) Underground utility facility owners or operators of
10 sewer facilities shall not hold an excavator liable for
11 damages that occur to sewer facilities that were not required
12 to be marked under this Section, provided that prompt notice
13 of known damage is made to JULIE and the underground utility
14 facility owners or operators as required in Section 7.

15 (e) All entities subject to the requirements of this Act
16 shall plan and conduct their work consistent with reasonable
17 business practices.

18 (1) Conditions may exist making it unreasonable to
19 request that locations be marked by the dig start date and
20 time indicated on the notice.

21 (A) In such situations, the excavator and the
22 underground utility facility owner or operator shall
23 interact in good faith to establish a mutually
24 agreeable date and time for the completion of the
25 request.

26 (B) All mutually agreed upon modifications to the

1 dig start date and time shall be fully documented by
2 the underground utility facility owner or operator and
3 include, at a minimum, the date and time of the
4 interaction, the names of the individuals involved,
5 and acknowledgment by the individuals that agreed to
6 the modification and the new dig start date and time
7 that was mutually agreed upon by both parties. The
8 underground utility facility owner or operator shall
9 retain through JULIE, Inc., the documentation for at
10 least 5 years after the date of the expiration of the
11 notice.

12 (2) It is unreasonable to request underground utility
13 facility owners or operators to mark all of their
14 facilities in an affected area upon short notice in
15 advance of a large nonemergency project.

16 (3) It is unreasonable to request extensive notices in
17 excess of a reasonable excavation or demolition work
18 schedule.

19 (4) It is unreasonable to request notices under
20 conditions where a repeat request is likely to be made
21 because of the passage of time or adverse job conditions.

22 (5) During periods where the notice volumes or dig
23 site notification areas exceed the historical averages as
24 determined by the reasonable control measurements for the
25 place, only those additional non-emergency requests that
26 are not part of a large project, when that large project

1 has been submitted at least 60 days in advance of the start
2 of the large project by underground utility facility
3 owners or operators or their contractors or subcontractors
4 for excavation work for the underground utility facility
5 owners or operators within the place, may be subject to a
6 request from the underground utility facility owner or
7 operator or the owner or operator's locate contractors or
8 subcontractors for an additional wait time of up to 2 days
9 for the underground utility facility owner or operator,
10 whether utilizing in-house or contract locators, to
11 respond to locate and mark, or provide a no conflict
12 response. It is the responsibility of the requesting
13 underground utility facility owner or operator to document
14 any modification as outlined in paragraph (1) of
15 subsection (e) of Section 10.

16 (f) Underground utility facility owners or operators,
17 whether utilizing in-house or contract locators, and the owner
18 or operator's locate contractors or subcontractors must
19 reasonably anticipate seasonal fluctuations in the number of
20 notices and staff accordingly.

21 Seasonal fluctuations shall not be considered within the
22 reasonable control of underground utility facility owners or
23 operators and the owner or operator's locate contractors or
24 subcontractors within a place or places, when the notice
25 volumes exceed the historical averages as determined by the
26 reasonable control measurement, for non-emergency requests for

1 utility excavation work for underground utility facility
2 owners or operators, that is not part of a large project that
3 has provided at least a 60-day ~~60-day~~ advance notice.

4 Only utility excavators when doing utility work may be
5 impacted by this subsection and may incur an additional wait
6 time of up to 2 days.

7 (g) If an underground utility facility owner or operator
8 receives a notice under this Section but does not own or
9 operate any facilities within the proposed excavation or
10 demolition area described in the notice, that underground
11 utility facility owner or operator, by the dig start date and
12 time on the notice, shall so notify the excavator who
13 initiated the notice in accordance with Section 5.1, and prior
14 to January 1, 2026, may be provided in any reasonable manner
15 including, but not limited to, notification in any one of the
16 following ways:

17 (1) by face-to-face communication;

18 (2) by phone or phone message;

19 (3) by facsimile or email;

20 (4) by posting in the excavation or demolition area;

21 or

22 (5) by marking the excavation or demolition area.

23 (h) The underground utility facility owner or operator has
24 discharged the underground utility facility owner's or
25 operator's obligation to provide notice under this Section if
26 the underground utility facility owner or operator attempts to

1 provide notice utilizing the positive response system, in
2 accordance with Section 5.1, and prior to January 1, 2026, by:

3 (1) telephone, but is unable to do so because the
4 excavator does not answer the telephone and does not have
5 the ability to receive telephone messages;

6 (2) facsimile, if the excavator has supplied a
7 facsimile number and does not have a facsimile machine in
8 operation to receive the facsimile transmission; or

9 (3) email, if the excavator has supplied an email
10 address and the message is electronically undeliverable.

11 If the underground utility facility owner or operator
12 attempts to provide additional notice by telephone or by
13 facsimile but receives a busy signal, that attempt shall not
14 serve to discharge the underground utility facility owner or
15 operator of the obligation to provide notice under this
16 Section.

17 (i) Any excavator or legal entity, public or private, who,
18 on or after January 1, 2026, installs a nonconductive service
19 lateral shall ensure that the installation is locatable by
20 electromagnetic means or other equally effective means for
21 marking the location of the service lateral. This subsection
22 does not apply to minor repairs to, or partial replacements
23 of, service laterals installed prior to January 1, 2026.

24 (j) For the purposes of this Act, the following color
25 coding shall be used to mark the approximate location of
26 facilities by the underground utility facility owners or

operators who may utilize a combination of flags, lathe with colored ribbon, chalk, whiskers, or paint as dig site and seasonal conditions warrant.

Facility type	Identification Color

Underground utility facility owner or operator or contract locator use only	

Electric Power, Distribution and	

Transmission	Safety Red

Municipal Electric Systems	Safety Red

Gas Distribution and Transmission	High Visibility Safety Yellow

Oil Distribution and Transmission	High Visibility Safety Yellow

Communication Systems	Safety Alert Orange

Water Systems	Safety Precaution Blue

Sewer Systems	Safety Green

Non-potable Water and Slurry Lines	Safety Purple

Excavator Use Only	

Temporary Survey	Safety Pink

1 Proposed Excavation..... Safety White (Black
2 when snow is on the
ground)

3 (Source: P.A. 103-614, eff. 1-1-25; revised 11-22-24.)

4 (220 ILCS 50/12) (from Ch. 111 2/3, par. 1612)

5 Sec. 12. Noncompliance and enforcement action time frames.
6 No action may be brought by the Illinois Commerce Commission
7 under Section 11 of this Act unless commenced within 2 years
8 after the date of the alleged violation of this Act.

9 Beginning January 1, 2025, all parties submitting alleged
10 violations to the Illinois Commerce Commission shall use the
11 forms provided and shall submit no later than 65 days after the
12 discovery of the alleged violation. Any report of an alleged
13 violation received later than 65 days after the discovery of
14 the alleged violation shall be subject to a penalty as
15 provided for in Section 11.

16 Beginning January 1, 2025, the Illinois Commerce
17 Commission shall provide notice of investigation to the
18 parties involved in the alleged violation report within 20
19 days after the receipt of the alleged violation report.

20 Once a notice of investigation has been sent for all
21 alleged violations reported on or after January 1, 2025, no
22 further action may be brought by the Illinois Commerce
23 Commission under Section 11 unless the notice of violation has
24 been provided by the Illinois Commerce Commission staff to the

1 entity determined to be in violation within 195 days after the
2 date of the notice of investigation. For alleged violations
3 that involve utility damage, personal injury or death, or
4 property damage, an additional 130 days shall be allowed for
5 the Illinois Commerce Commission staff to determine if the
6 alleged entity was in violation.

7 Beginning July 1, 2025, the Illinois Commerce Commission
8 shall provide for public review a monthly report listing all
9 of the reports of alleged violations it received in the prior
10 month. The listing shall be available by the end of the
11 violations report. The listing shall be available by the end
12 of the second full week for all reports from the previous
13 month. The listing shall, at a minimum, include: (1) the name
14 of the party submitting the alleged violation; (2) the name of
15 the party and the name of the project owner that is alleged to
16 be in violation; (3) the date the alleged violation report is
17 submitted; and (4) the Section or Sections of the Act
18 applicable to the submitted alleged violation.

19 JULIE, Inc., may submit reports to the Illinois Commerce
20 Commission for alleged violations of Section 5.1.

21 (Source: P.A. 103-614, eff. 1-1-25; revised 11-22-24.)

22 Section 815. The Child Care Act of 1969 is amended by
23 changing Sections 2.09, 3, 4, 5.01, 5.1, 7.10, 18, and 18.1 as
24 follows:

1 (225 ILCS 10/2.09)

2 (Text of Section before amendment by P.A. 103-594)

3 Sec. 2.09. "Day care center" means any child care facility
4 which regularly provides day care for less than 24 hours per
5 day, except as provided for in Section 5.12, for (1) more than
6 8 children in a family home, or (2) more than 3 children in a
7 facility other than a family home, including senior citizen
8 buildings.

9 The term does not include:

10 (a) programs operated by (i) public or private
11 elementary school systems or secondary level school units
12 or institutions of higher learning that serve children who
13 shall have attained the age of 3 years or (ii) private
14 entities on the grounds of public or private elementary or
15 secondary schools and that serve children who have
16 attained the age of 3 years, except that this exception
17 applies only to the facility and not to the private
18 entities' personnel operating the program;

19 (b) programs or that portion of the program which
20 serves children who shall have attained the age of 3 years
21 and which are recognized by the State Board of Education;

22 (c) educational program or programs serving children
23 who shall have attained the age of 3 years and which are
24 operated by a school which is registered with the State
25 Board of Education and which is recognized or accredited
26 by a recognized national or multistate educational

1 organization or association which regularly recognizes or
2 accredits schools;

3 (d) programs which exclusively serve or that portion
4 of the program which serves children with disabilities who
5 shall have attained the age of 3 years but are less than 21
6 years of age and which are registered and approved as
7 meeting standards of the State Board of Education and
8 applicable fire marshal standards;

9 (e) facilities operated in connection with a shopping
10 center or service, religious services, or other similar
11 facility, where transient children are cared for
12 temporarily while parents or custodians of the children
13 are occupied on the premises and readily available;

14 (f) any type of day care center that is conducted on
15 federal government premises;

16 (g) special activities programs, including athletics,
17 recreation, crafts instruction, and similar activities
18 conducted on an organized and periodic basis by civic,
19 charitable and governmental organizations, including, but
20 not limited to, programs offered by park districts
21 organized under the Park District Code to children who
22 shall have attained the age of 3 years old if the program
23 meets no more than 3.5 continuous hours at a time or less
24 and no more than 25 hours during any week, and the park
25 district conducts background investigations on employees
26 of the program pursuant to Section 8-23 of the Park

1 District Code;

2 (h) part day child care facilities, as defined in
3 Section 2.10 of this Act;

4 (i) programs or that portion of the program which:

5 (1) serves children who shall have attained the
6 age of 3 years;

7 (2) is operated by churches or religious
8 institutions as described in Section 501(c)(3) of the
9 federal Internal Revenue Code;

10 (3) receives no governmental aid;

11 (4) is operated as a component of a religious,
12 nonprofit elementary school;

13 (5) operates primarily to provide religious
14 education; and

15 (6) meets appropriate State or local health and
16 fire safety standards; or

17 (j) programs or portions of programs that:

18 (1) serve only school-age children and youth
19 (defined as full-time kindergarten children, as
20 defined in 89 Ill. Adm. Code 407.45, or older);

21 (2) are organized to promote childhood learning,
22 child and youth development, educational or
23 recreational activities, or character-building;

24 (3) operate primarily during out-of-school time or
25 at times when school is not normally in session;

26 (4) comply with the standards of the Illinois

1 Department of Public Health (77 Ill. Adm. Code 750) or
2 the local health department, the Illinois State Fire
3 Marshal (41 Ill. Adm. Code 100), and the following
4 additional health and safety requirements: procedures
5 for employee and volunteer emergency preparedness and
6 practice drills; procedures to ensure that first aid
7 kits are maintained and ready to use; the placement of
8 a minimum level of liability insurance as determined
9 by the Department; procedures for the availability of
10 a working telephone that is onsite and accessible at
11 all times; procedures to ensure that emergency phone
12 numbers are posted onsite; and a restriction on
13 handgun or weapon possession onsite, except if
14 possessed by a peace officer;

15 (5) perform and maintain authorization and results
16 of criminal history checks through the Illinois State
17 Police and FBI and checks of the Illinois Sex Offender
18 Registry, the National Sex Offender Registry, and
19 Child Abuse and Neglect Tracking System for employees
20 and volunteers who work directly with children;

21 (6) make hiring decisions in accordance with the
22 prohibitions against barrier crimes as specified in
23 Section 4.2 of this Act or in Section 21B-80 of the
24 School Code;

25 (7) provide parents with written disclosure that
26 the operations of the program are not regulated by

1 licensing requirements; and

2 (8) obtain and maintain records showing the first
3 and last name and date of birth of the child, name,
4 address, and telephone number of each parent,
5 emergency contact information, and written
6 authorization for medical care.

7 Programs or portions of programs requesting Child Care
8 Assistance Program (CCAP) funding and otherwise meeting the
9 requirements under item (j) shall request exemption from the
10 Department and be determined exempt prior to receiving funding
11 and must annually meet the eligibility requirements and be
12 appropriate for payment under the CCAP.

13 Programs or portions of programs under item (j) that do
14 not receive State or federal funds must comply with staff
15 qualification and training standards established by rule by
16 the Department of Human Services. The Department of Human
17 Services shall set such standards after review of Afterschool
18 for Children and Teens Now (ACT Now) evidence-based quality
19 standards developed for school-age out-of-school time
20 programs, feedback from the school-age out-of-school time
21 program professionals, and review of out-of-school time
22 professional development frameworks and quality tools.

23 Out-of-school time programs for school-age youth that
24 receive State or federal funds must comply with only those
25 staff qualifications and training standards set for the
26 program by the State or federal entity issuing the funds.

1 For purposes of items (a), (b), (c), (d), and (i) of this
2 Section, "children who shall have attained the age of 3 years"
3 shall mean children who are 3 years of age, but less than 4
4 years of age, at the time of enrollment in the program.

5 (Source: P.A. 103-153, eff. 6-30-23; 103-952, eff. 1-1-25.)

6 (Text of Section after amendment by P.A. 103-594)

7 Sec. 2.09. "Day care center" means any child care facility
8 which regularly provides day care for less than 24 hours per
9 day, except as provided for in Section 5.12, for (1) more than
10 8 children in a family home, or (2) more than 3 children in a
11 facility other than a family home, including senior citizen
12 buildings.

13 The term does not include:

14 (a) programs operated by (i) public or private
15 elementary school systems or secondary level school units
16 or institutions of higher learning that serve children who
17 shall have attained the age of 3 years or (ii) private
18 entities on the grounds of public or private elementary or
19 secondary schools and that serve children who have
20 attained the age of 3 years, except that this exception
21 applies only to the facility and not to the private
22 entities' personnel operating the program;

23 (b) programs or that portion of the program which
24 serves children who shall have attained the age of 3 years
25 and which are recognized by the State Board of Education;

1 (c) educational program or programs serving children
2 who shall have attained the age of 3 years and which are
3 operated by a school which is registered with the State
4 Board of Education and which is recognized or accredited
5 by a recognized national or multistate educational
6 organization or association which regularly recognizes or
7 accredits schools;

8 (d) programs which exclusively serve or that portion
9 of the program which serves children with disabilities who
10 shall have attained the age of 3 years but are less than 21
11 years of age and which are registered and approved as
12 meeting standards of the State Board of Education and
13 applicable fire marshal standards;

14 (e) facilities operated in connection with a shopping
15 center or service, religious services, or other similar
16 facility, where transient children are cared for
17 temporarily while parents or custodians of the children
18 are occupied on the premises and readily available;

19 (f) any type of day care center that is conducted on
20 federal government premises;

21 (g) special activities programs, including athletics,
22 recreation, crafts instruction, and similar activities
23 conducted on an organized and periodic basis by civic,
24 charitable and governmental organizations, including, but
25 not limited to, programs offered by park districts
26 organized under the Park District Code to children who

1 shall have attained the age of 3 years old if the program
2 meets no more than 3.5 continuous hours at a time or less
3 and no more than 25 hours during any week, and the park
4 district conducts background investigations on employees
5 of the program pursuant to Section 8-23 of the Park
6 District Code;

7 (h) part day child care facilities, as defined in
8 Section 2.10 of this Act;

9 (i) programs or that portion of the program which:

10 (1) serves children who shall have attained the
11 age of 3 years;

12 (2) is operated by churches or religious
13 institutions as described in Section 501(c)(3) of the
14 federal Internal Revenue Code;

15 (3) receives no governmental aid;

16 (4) is operated as a component of a religious,
17 nonprofit elementary school;

18 (5) operates primarily to provide religious
19 education; and

20 (6) meets appropriate State or local health and
21 fire safety standards; or

22 (j) programs or portions of programs that:

23 (1) serve only school-age children and youth
24 (defined as full-time kindergarten children, as
25 defined in 89 Ill. Adm. Code 407.45, or older);

26 (2) are organized to promote childhood learning,

1 child and youth development, educational or
2 recreational activities, or character-building;

3 (3) operate primarily during out-of-school time or
4 at times when school is not normally in session;

5 (4) comply with the standards of the Illinois
6 Department of Public Health (77 Ill. Adm. Code 750) or
7 the local health department, the Illinois State Fire
8 Marshal (41 Ill. Adm. Code 100), and the following
9 additional health and safety requirements: procedures
10 for employee and volunteer emergency preparedness and
11 practice drills; procedures to ensure that first aid
12 kits are maintained and ready to use; the placement of
13 a minimum level of liability insurance as determined
14 by the Department; procedures for the availability of
15 a working telephone that is onsite and accessible at
16 all times; procedures to ensure that emergency phone
17 numbers are posted onsite; and a restriction on
18 handgun or weapon possession onsite, except if
19 possessed by a peace officer;

20 (5) perform and maintain authorization and results
21 of criminal history checks through the Illinois State
22 Police and FBI and checks of the Illinois Sex Offender
23 Registry, the National Sex Offender Registry, and
24 Child Abuse and Neglect Tracking System for employees
25 and volunteers who work directly with children;

26 (6) make hiring decisions in accordance with the

1 prohibitions against barrier crimes as specified in
2 Section 4.2 of this Act or in Section 21B-80 of the
3 School Code;

4 (7) provide parents with written disclosure that
5 the operations of the program are not regulated by
6 licensing requirements; and

7 (8) obtain and maintain records showing the first
8 and last name and date of birth of the child, name,
9 address, and telephone number of each parent,
10 emergency contact information, and written
11 authorization for medical care.

12 Out-of-school time programs for school-age youth that
13 receive State or federal funds must comply with only those
14 staff qualifications and training standards set for the
15 program by the State or federal entity issuing the funds.

16 For purposes of items (a), (b), (c), (d), and (i) of this
17 Section, "children who shall have attained the age of 3 years"
18 shall mean children who are 3 years of age, but less than 4
19 years of age, at the time of enrollment in the program.

20 (Source: P.A. 103-153, eff. 6-30-23; 103-594, eff. 7-1-26;
21 103-952, eff. 1-1-25; revised 11-26-24.)

22 (225 ILCS 10/3)

23 (Text of Section before amendment by P.A. 103-594)

24 Sec. 3. (a) No person, group of persons or corporation may
25 operate or conduct any facility for child care, as defined in

1 this Act, without a license or permit issued by the Department
2 or without being approved by the Department as meeting the
3 standards established for such licensing, with the exception
4 of facilities for whom standards are established by the
5 Department of Corrections under Section 3-15-2 of the Unified
6 Code of Corrections, ~~and~~ with the exception of facilities
7 defined in Section 2.10 of this Act, and with the exception of
8 programs or facilities licensed by the Department of Human
9 Services under the Substance Use Disorder Act.

10 (b) No part day child care facility as described in
11 Section 2.10 may operate without written notification to the
12 Department or without complying with Section 7.1. Notification
13 shall include a notarized statement by the facility that the
14 facility complies with State ~~state~~ or local health standards
15 and State ~~state~~ fire safety standards, and shall be filed with
16 the department every 2 years.

17 (c) The Director of the Department shall establish
18 policies and coordinate activities relating to child care
19 licensing, licensing of day care homes and day care centers.

20 (d) Any facility or agency which is exempt from licensing
21 may apply for licensing if licensing is required for some
22 government benefit.

23 (e) A provider of day care described in items (a) through
24 (j) of Section 2.09 of this Act is exempt from licensure. The
25 Department shall provide written verification of exemption and
26 description of compliance with standards for the health,

1 safety, and development of the children who receive the
2 services upon submission by the provider of, in addition to
3 any other documentation required by the Department, a
4 notarized statement that the facility complies with: (1) the
5 standards of the Department of Public Health or local health
6 department, (2) the fire safety standards of the State Fire
7 Marshal, and (3) if operated in a public school building, the
8 health and safety standards of the State Board of Education.

9 (f) Through June 30, 2029, either a qualified child care
10 director, as described in 89 Ill. Adm. Code 407.130, or a
11 qualified early childhood teacher, as described in 89 Ill.
12 Adm. Code 407.140, with a minimum of 2,880 hours of experience
13 as an early childhood teacher at the early childhood teacher's
14 current facility must be present for the first and last hour of
15 the workday and at the open or close of the facility. The
16 Department shall adopt rules to implement this subsection.
17 Such rules must be filed with the Joint Committee on
18 Administrative Rules no later than January 1, 2025.

19 (Source: P.A. 103-821, eff. 8-9-24; revised 10-10-24.)

20 (Text of Section after amendment by P.A. 103-594)

21 Sec. 3. (a) No person, group of persons or corporation may
22 operate or conduct any facility for child care, as defined in
23 this Act, without a license or permit issued by the Department
24 or without being approved by the Department as meeting the
25 standards established for such licensing, with the exception

1 of facilities for whom standards are established by the
2 Department of Corrections under Section 3-15-2 of the Unified
3 Code of Corrections, ~~and~~ with the exception of facilities
4 defined in Section 2.10 of this Act, ~~and~~ with the exception of
5 programs or facilities licensed by the Department of Human
6 Services under the Substance Use Disorder Act, and with the
7 exception of day care centers, day care homes, and group day
8 care homes.

9 (b) (Blank).

10 (c) (Blank).

11 (d) Any facility or agency which is exempt from licensing
12 may apply for licensing if licensing is required for some
13 government benefit.

14 (e) (Blank).

15 (f) Through June 30, 2029, either a qualified child care
16 director, as described in 89 Ill. Adm. Code 407.130, or a
17 qualified early childhood teacher, as described in 89 Ill.
18 Adm. Code 407.140, with a minimum of 2,880 hours of experience
19 as an early childhood teacher at the early childhood teacher's
20 current facility must be present for the first and last hour of
21 the workday and at the open or close of the facility. The
22 Department shall adopt rules to implement this subsection.
23 Such rules must be filed with the Joint Committee on
24 Administrative Rules no later than January 1, 2025.

25 (Source: P.A. 103-594, eff. 7-1-26; 103-821, eff. 8-9-24;
26 revised 10-10-24.)

1 (225 ILCS 10/4)

2 (Text of Section before amendment by P.A. 103-594)

3 Sec. 4. License requirement; application; notice.

4 (a) Any person, group of persons or corporation who or
5 which receives children or arranges for care or placement of
6 one or more children unrelated to the operator must apply for a
7 license to operate one of the types of facilities defined in
8 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
9 relative, as defined in Section 2.17 of this Act, who receives
10 a child or children for placement by the Department on a
11 full-time basis may apply for a license to operate a foster
12 family home as defined in Section 2.17 of this Act.

13 (a-5) Any agency, person, group of persons, association,
14 organization, corporation, institution, center, or group
15 providing adoption services must be licensed by the Department
16 as a child welfare agency as defined in Section 2.08 of this
17 Act. "Providing adoption services", as used in this Act,
18 includes facilitating or engaging in adoption services.

19 (b) Application for a license to operate a child care
20 facility must be made to the Department in the manner and on
21 forms prescribed by it. An application to operate a foster
22 family home shall include, at a minimum: a completed written
23 form; written authorization by the applicant and all adult
24 members of the applicant's household to conduct a criminal
25 background investigation; medical evidence in the form of a

1 medical report, on forms prescribed by the Department, that
2 the applicant and all members of the household are free from
3 communicable diseases or physical and mental conditions that
4 affect their ability to provide care for the child or
5 children; the names and addresses of at least 3 persons not
6 related to the applicant who can attest to the applicant's
7 moral character; the name and address of at least one relative
8 who can attest to the applicant's capability to care for the
9 child or children; and fingerprints submitted by the applicant
10 and all adult members of the applicant's household.

11 (b-5) Prior to submitting an application for a foster
12 family home license, a quality of care concerns applicant as
13 defined in Section 2.22a of this Act must submit a preliminary
14 application to the Department in the manner and on forms
15 prescribed by it. The Department shall explain to the quality
16 of care concerns applicant the grounds for requiring a
17 preliminary application. The preliminary application shall
18 include a list of (i) all children placed in the home by the
19 Department who were removed by the Department for reasons
20 other than returning to a parent and the circumstances under
21 which they were removed and (ii) all children placed by the
22 Department who were subsequently adopted by or placed in the
23 private guardianship of the quality of care concerns applicant
24 who are currently under 18 and who no longer reside in the home
25 and the reasons why they no longer reside in the home. The
26 preliminary application shall also include, if the quality of

1 care concerns applicant chooses to submit, (1) a response to
2 the quality of care concerns, including any reason the
3 concerns are invalid, have been addressed or ameliorated, or
4 no longer apply and (2) affirmative documentation
5 demonstrating that the quality of care concerns applicant's
6 home does not pose a risk to children and that the family will
7 be able to meet the physical and emotional needs of children.
8 The Department shall verify the information in the preliminary
9 application and review (i) information regarding any prior
10 licensing complaints, (ii) information regarding any prior
11 child abuse or neglect investigations, (iii) information
12 regarding any involuntary foster home holds placed on the home
13 by the Department, and (iv) information regarding all child
14 exit interviews, as provided in Section 5.26 of the Children
15 and Family Services Act, regarding the home. Foster home
16 applicants with quality of care concerns are presumed
17 unsuitable for future licensure.

18 Notwithstanding the provisions of this subsection (b-5),
19 the Department may make an exception and issue a foster family
20 license to a quality of care concerns applicant if the
21 Department is satisfied that the foster family home does not
22 pose a risk to children and that the foster family will be able
23 to meet the physical and emotional needs of children. In
24 making this determination, the Department must obtain and
25 carefully review all relevant documents and shall obtain
26 consultation from its Clinical Division as appropriate and as

1 prescribed by Department rule and procedure. The Department
2 has the authority to deny a preliminary application based on
3 the record of quality of care concerns of the foster family
4 home. In the alternative, the Department may (i) approve the
5 preliminary application, (ii) approve the preliminary
6 application subject to obtaining additional information or
7 assessments, or (iii) approve the preliminary application for
8 purposes of placing a particular child or children only in the
9 foster family home. If the Department approves a preliminary
10 application, the foster family shall submit an application for
11 licensure as described in subsection (b) of this Section. The
12 Department shall notify the quality of care concerns applicant
13 of its decision and the basis for its decision in writing.

14 (c) The Department shall notify the public when a child
15 care institution, maternity center, or group home licensed by
16 the Department undergoes a change in (i) the range of care or
17 services offered at the facility or (ii) the type of children
18 served. The Department shall notify the public of the change
19 in a newspaper of general circulation in the county or
20 municipality in which the applicant's facility is or is
21 proposed to be located.

22 (c-5) When a child care institution, maternity center, or
23 a group home licensed by the Department undergoes a change in
24 (i) the age of children served or (ii) the area within the
25 facility used by children, the Department shall post
26 information regarding proposed changes on its website as

1 required by rule.

2 (d) If, upon examination of the facility and investigation
3 of persons responsible for care of children and, in the case of
4 a foster home, taking into account information obtained for
5 purposes of evaluating a preliminary application, if
6 applicable, the Department is satisfied that the facility and
7 responsible persons reasonably meet standards prescribed for
8 the type of facility for which application is made, it shall
9 issue a license in proper form, designating on that license
10 the type of child care facility and, except for a child welfare
11 agency, the number of children to be served at any one time.

12 (e) The Department shall not issue or renew the license of
13 any child welfare agency providing adoption services, unless
14 the agency (i) is officially recognized by the United States
15 Internal Revenue Service as a tax-exempt organization
16 described in Section 501(c)(3) of the Internal Revenue Code of
17 1986 (or any successor provision of federal tax law) and (ii)
18 is in compliance with all of the standards necessary to
19 maintain its status as an organization described in Section
20 501(c)(3) of the Internal Revenue Code of 1986 (or any
21 successor provision of federal tax law). The Department shall
22 grant a grace period of 24 months from August 15, 2005 (the
23 effective date of Public Act 94-586) ~~this amendatory Act of~~
24 ~~the 94th General Assembly~~ for existing child welfare agencies
25 providing adoption services to obtain 501(c)(3) status. The
26 Department shall permit an existing child welfare agency that

1 converts from its current structure in order to be recognized
2 as a 501(c)(3) organization as required by this Section to
3 either retain its current license or transfer its current
4 license to a newly formed entity, if the creation of a new
5 entity is required in order to comply with this Section,
6 provided that the child welfare agency demonstrates that it
7 continues to meet all other licensing requirements and that
8 the principal officers and directors and programs of the
9 converted child welfare agency or newly organized child
10 welfare agency are substantially the same as the original. The
11 Department shall have the sole discretion to grant a one-year
12 ~~one-year~~ extension to any agency unable to obtain 501(c)(3)
13 status within the timeframe specified in this subsection (e),
14 provided that such agency has filed an application for
15 501(c)(3) status with the Internal Revenue Service within the
16 2-year timeframe specified in this subsection (e).

17 (f) The Department shall adopt rules to implement the
18 changes to this Section made by Public Act 103-770 ~~this~~
19 ~~amendatory Act of the 103rd General Assembly~~ no later than
20 January 1, 2025.

21 (Source: P.A. 102-763, eff. 1-1-23; 103-770, eff. 1-1-25;
22 revised 8-20-24.)

23 (Text of Section after amendment by P.A. 103-594)

24 Sec. 4. License requirement; application; notice;
25 Department of Children and Family Services.

1 (a) Any person, group of persons or corporation who or
2 which receives children or arranges for care or placement of
3 one or more children unrelated to the operator must apply for a
4 license to operate one of the types of facilities defined in
5 Sections 2.05 through 2.19 (other than a day care center or day
6 care home) and in Section 2.22 of this Act. Any relative, as
7 defined in Section 2.17 of this Act, who receives a child or
8 children for placement by the Department on a full-time basis
9 may apply for a license to operate a foster family home as
10 defined in Section 2.17 of this Act.

11 (a-5) Any agency, person, group of persons, association,
12 organization, corporation, institution, center, or group
13 providing adoption services must be licensed by the Department
14 as a child welfare agency as defined in Section 2.08 of this
15 Act. "Providing adoption services", as used in this Act,
16 includes facilitating or engaging in adoption services.

17 (b) Application for a license to operate a child care
18 facility (other than a day care center, day care home, or group
19 day care home) must be made to the Department in the manner and
20 on forms prescribed by it. An application to operate a foster
21 family home shall include, at a minimum: a completed written
22 form; written authorization by the applicant and all adult
23 members of the applicant's household to conduct a criminal
24 background investigation; medical evidence in the form of a
25 medical report, on forms prescribed by the Department, that
26 the applicant and all members of the household are free from

1 communicable diseases or physical and mental conditions that
2 affect their ability to provide care for the child or
3 children; the names and addresses of at least 3 persons not
4 related to the applicant who can attest to the applicant's
5 moral character; the name and address of at least one relative
6 who can attest to the applicant's capability to care for the
7 child or children; and fingerprints submitted by the applicant
8 and all adult members of the applicant's household.

9 (b-5) Prior to submitting an application for a foster
10 family home license, a quality of care concerns applicant as
11 defined in Section 2.22a of this Act must submit a preliminary
12 application to the Department in the manner and on forms
13 prescribed by it. The Department shall explain to the quality
14 of care concerns applicant the grounds for requiring a
15 preliminary application. The preliminary application shall
16 include a list of (i) all children placed in the home by the
17 Department who were removed by the Department for reasons
18 other than returning to a parent and the circumstances under
19 which they were removed and (ii) all children placed by the
20 Department who were subsequently adopted by or placed in the
21 private guardianship of the quality of care concerns applicant
22 who are currently under 18 and who no longer reside in the home
23 and the reasons why they no longer reside in the home. The
24 preliminary application shall also include, if the quality of
25 care concerns applicant chooses to submit, (1) a response to
26 the quality of care concerns, including any reason the

1 concerns are invalid, have been addressed or ameliorated, or
2 no longer apply and (2) affirmative documentation
3 demonstrating that the quality of care concerns applicant's
4 home does not pose a risk to children and that the family will
5 be able to meet the physical and emotional needs of children.
6 The Department shall verify the information in the preliminary
7 application and review (i) information regarding any prior
8 licensing complaints, (ii) information regarding any prior
9 child abuse or neglect investigations, (iii) information
10 regarding any involuntary foster home holds placed on the home
11 by the Department, and (iv) information regarding all child
12 exit interviews, as provided in Section 5.26 of the Children
13 and Family Services Act, regarding the home. Foster home
14 applicants with quality of care concerns are presumed
15 unsuitable for future licensure.

16 Notwithstanding the provisions of this subsection (b-5),
17 the Department may make an exception and issue a foster family
18 license to a quality of care concerns applicant if the
19 Department is satisfied that the foster family home does not
20 pose a risk to children and that the foster family will be able
21 to meet the physical and emotional needs of children. In
22 making this determination, the Department must obtain and
23 carefully review all relevant documents and shall obtain
24 consultation from its Clinical Division as appropriate and as
25 prescribed by Department rule and procedure. The Department
26 has the authority to deny a preliminary application based on

1 the record of quality of care concerns of the foster family
2 home. In the alternative, the Department may (i) approve the
3 preliminary application, (ii) approve the preliminary
4 application subject to obtaining additional information or
5 assessments, or (iii) approve the preliminary application for
6 purposes of placing a particular child or children only in the
7 foster family home. If the Department approves a preliminary
8 application, the foster family shall submit an application for
9 licensure as described in subsection (b) of this Section. The
10 Department shall notify the quality of care concerns applicant
11 of its decision and the basis for its decision in writing.

12 (c) The Department shall notify the public when a child
13 care institution, maternity center, or group home licensed by
14 the Department undergoes a change in (i) the range of care or
15 services offered at the facility or (ii) the type of children
16 served. The Department shall notify the public of the change
17 in a newspaper of general circulation in the county or
18 municipality in which the applicant's facility is or is
19 proposed to be located.

20 (c-5) When a child care institution, maternity center, or
21 a group home licensed by the Department undergoes a change in
22 (i) the age of children served or (ii) the area within the
23 facility used by children, the Department shall post
24 information regarding proposed changes on its website as
25 required by rule.

26 (d) If, upon examination of the facility and investigation

1 of persons responsible for care of children and, in the case of
2 a foster home, taking into account information obtained for
3 purposes of evaluating a preliminary application, if
4 applicable, the Department is satisfied that the facility and
5 responsible persons reasonably meet standards prescribed for
6 the type of facility for which application is made, it shall
7 issue a license in proper form, designating on that license
8 the type of child care facility and, except for a child welfare
9 agency, the number of children to be served at any one time.

10 (e) The Department shall not issue or renew the license of
11 any child welfare agency providing adoption services, unless
12 the agency (i) is officially recognized by the United States
13 Internal Revenue Service as a tax-exempt organization
14 described in Section 501(c)(3) of the Internal Revenue Code of
15 1986 (or any successor provision of federal tax law) and (ii)
16 is in compliance with all of the standards necessary to
17 maintain its status as an organization described in Section
18 501(c)(3) of the Internal Revenue Code of 1986 (or any
19 successor provision of federal tax law). The Department shall
20 grant a grace period of 24 months from August 15, 2005 (the
21 effective date of Public Act 94-586) ~~this amendatory Act of~~
22 ~~the 94th General Assembly~~ for existing child welfare agencies
23 providing adoption services to obtain 501(c)(3) status. The
24 Department shall permit an existing child welfare agency that
25 converts from its current structure in order to be recognized
26 as a 501(c)(3) organization as required by this Section to

1 either retain its current license or transfer its current
2 license to a newly formed entity, if the creation of a new
3 entity is required in order to comply with this Section,
4 provided that the child welfare agency demonstrates that it
5 continues to meet all other licensing requirements and that
6 the principal officers and directors and programs of the
7 converted child welfare agency or newly organized child
8 welfare agency are substantially the same as the original. The
9 Department shall have the sole discretion to grant a one-year
10 ~~one-year~~ extension to any agency unable to obtain 501(c)(3)
11 status within the timeframe specified in this subsection (e),
12 provided that such agency has filed an application for
13 501(c)(3) status with the Internal Revenue Service within the
14 2-year timeframe specified in this subsection (e).

15 (f) The Department shall adopt rules to implement the
16 changes to this Section made by Public Act 103-770 ~~this~~
17 ~~amendatory Act of the 103rd General Assembly~~ no later than
18 January 1, 2025.

19 (Source: P.A. 102-763, eff. 1-1-23; 103-594, eff. 7-1-26;
20 103-770, eff. 1-1-25; revised 11-26-24.)

21 (225 ILCS 10/5.01)

22 (This Section may contain text from a Public Act with a
23 delayed effective date)

24 Sec. 5.01. Licenses; permits; Department of Early
25 Childhood.

1 (a) In respect to day care centers, the Department of
2 Early Childhood, upon receiving application filed in proper
3 order, shall examine the facilities and persons responsible
4 for care of children therein.

5 (b) In respect to day care homes, applications may be
6 filed on behalf of such homes by the Department of Early
7 Childhood.

8 (c) The Department of Early Childhood shall not allow any
9 person to examine facilities under a provision of this Act who
10 has not passed an examination demonstrating that such person
11 is familiar with this Act and with the appropriate standards
12 and regulations of the Department of Early Childhood.

13 (d) Licenses issued for day care centers, day care homes,
14 and group day care homes shall be valid for 3 years from the
15 date issued, unless revoked by the Department of Early
16 Childhood or voluntarily surrendered by the licensee. When a
17 licensee has made timely and sufficient application for the
18 renewal of a license or a new license with reference to any
19 activity of a continuing nature, the existing license shall
20 continue in full force and effect for up to 30 days until the
21 final agency decision on the application has been made. The
22 Department of Early Childhood may further extend the period in
23 which such decision must be made in individual cases for up to
24 30 days, but such extensions shall be only upon good cause
25 shown.

26 (e) The Department of Early Childhood may issue one

1 6-month permit to a newly established facility for child care
2 to allow that facility reasonable time to become eligible for
3 a full license. If the facility for child care is a day care
4 home the Department of Early Childhood may issue one 2-month
5 permit only.

6 (f) The Department of Early Childhood may issue an
7 emergency permit to a day care center taking in children as a
8 result of the temporary closure for more than 2 weeks of a
9 licensed child care facility due to a natural disaster. An
10 emergency permit under this subsection shall be issued to a
11 facility only if the persons providing child care services at
12 the facility were employees of the temporarily closed day care
13 center at the time it was closed. No investigation of an
14 employee of a child care facility receiving an emergency
15 permit under this subsection shall be required if that
16 employee has previously been investigated at another child
17 care facility. No emergency permit issued under this
18 subsection shall be valid for more than 90 days after the date
19 of issuance.

20 (g) During the hours of operation of any licensed day care
21 center, day care home, or group day care home, authorized
22 representatives of the Department of Early Childhood may
23 without notice visit the facility for the purpose of
24 determining its continuing compliance with this Act or rules
25 adopted pursuant thereto.

26 (h) Day care centers, day care homes, and group day care

1 homes shall be monitored at least annually by a licensing
2 representative from the Department of Early Childhood that
3 recommended licensure.

4 (Source: P.A. 103-594, eff. 7-1-26; revised 10-21-24.)

5 (225 ILCS 10/5.1)

6 (Text of Section before amendment by P.A. 103-594)

7 Sec. 5.1. (a) The Department shall ensure that no day care
8 center, group home, or child care institution as defined in
9 this Act shall on a regular basis transport a child or children
10 with any motor vehicle unless such vehicle is operated by a
11 person who complies with the following requirements:

12 1. is 21 years of age or older;

13 2. currently holds a valid driver's license, which has
14 not been revoked or suspended for one or more traffic
15 violations during the 3 years immediately prior to the
16 date of application;

17 3. demonstrates physical fitness to operate vehicles
18 by submitting the results of a medical examination
19 conducted by a licensed physician;

20 4. has not been convicted of more than 2 offenses
21 against traffic regulations governing the movement of
22 vehicles within a 12-month period;

23 5. has not been convicted of reckless driving or
24 driving under the influence or manslaughter or reckless
25 homicide resulting from the operation of a motor vehicle

1 within the past 3 years;

2 6. has signed and submitted a written statement
3 certifying that the person has not, through the unlawful
4 operation of a motor vehicle, caused a crash which
5 resulted in the death of any person within the 5 years
6 immediately prior to the date of application.

7 However, such day care centers, group homes, and child
8 care institutions may provide for transportation of a child or
9 children for special outings, functions, or purposes that are
10 not scheduled on a regular basis without verification that
11 drivers for such purposes meet the requirements of this
12 Section.

13 (a-5) As a means of ensuring compliance with the
14 requirements set forth in subsection (a), the Department shall
15 implement appropriate measures to verify that every individual
16 who is employed at a group home or child care institution meets
17 those requirements.

18 For every person employed at a group home or child care
19 institution who regularly transports children in the course of
20 performing the person's duties, the Department must make the
21 verification every 2 years. Upon the Department's request, the
22 Secretary of State shall provide the Department with the
23 information necessary to enable the Department to make the
24 verifications required under subsection (a).

25 In the case of an individual employed at a group home or
26 child care institution who becomes subject to subsection (a)

1 for the first time after January 1, 2007 (the effective date of
2 Public Act 94-943), the Department must make that verification
3 with the Secretary of State before the individual operates a
4 motor vehicle to transport a child or children under the
5 circumstances described in subsection (a).

6 In the case of an individual employed at a group home or
7 child care institution who is subject to subsection (a) on
8 January 1, 2007 (the effective date of Public Act 94-943), the
9 Department must make that verification with the Secretary of
10 State within 30 days after January 1, 2007.

11 If the Department discovers that an individual fails to
12 meet the requirements set forth in subsection (a), the
13 Department shall promptly notify the appropriate group home or
14 child care institution.

15 (b) Any individual who holds a valid Illinois school bus
16 driver permit issued by the Secretary of State pursuant to the
17 Illinois Vehicle Code, and who is currently employed by a
18 school district or parochial school, or by a contractor with a
19 school district or parochial school, to drive a school bus
20 transporting children to and from school, shall be deemed in
21 compliance with the requirements of subsection (a).

22 (c) The Department may, pursuant to Section 8 of this Act,
23 revoke the license of any day care center, group home, or child
24 care institution that fails to meet the requirements of this
25 Section.

26 (d) A group home or child care institution that fails to

1 meet the requirements of this Section is guilty of a petty
2 offense and is subject to a fine of not more than \$1,000. Each
3 day that a group home or child care institution fails to meet
4 the requirements of this Section is a separate offense.

5 (Source: P.A. 102-982, eff. 7-1-23; 103-22, eff. 8-8-23;
6 103-605, eff. 7-1-24.)

7 (Text of Section after amendment by P.A. 103-594)

8 Sec. 5.1. (a) The Department shall ensure that no group
9 home~~7~~ or child care institution as defined in this Act shall on
10 a regular basis transport a child or children with any motor
11 vehicle unless such vehicle is operated by a person who
12 complies with the following requirements:

13 1. is 21 years of age or older;

14 2. currently holds a valid driver's license, which has
15 not been revoked or suspended for one or more traffic
16 violations during the 3 years immediately prior to the
17 date of application;

18 3. demonstrates physical fitness to operate vehicles
19 by submitting the results of a medical examination
20 conducted by a licensed physician;

21 4. has not been convicted of more than 2 offenses
22 against traffic regulations governing the movement of
23 vehicles within a 12-month period;

24 5. has not been convicted of reckless driving or
25 driving under the influence or manslaughter or reckless

1 homicide resulting from the operation of a motor vehicle
2 within the past 3 years;

3 6. has signed and submitted a written statement
4 certifying that the person has not, through the unlawful
5 operation of a motor vehicle, caused a crash which
6 resulted in the death of any person within the 5 years
7 immediately prior to the date of application.

8 However, such group homes⁷ and child care institutions may
9 provide for transportation of a child or children for special
10 outings, functions, or purposes that are not scheduled on a
11 regular basis without verification that drivers for such
12 purposes meet the requirements of this Section.

13 (a-5) As a means of ensuring compliance with the
14 requirements set forth in subsection (a), the Department shall
15 implement appropriate measures to verify that every individual
16 who is employed at a group home or child care institution meets
17 those requirements.

18 For every person employed at a group home or child care
19 institution who regularly transports children in the course of
20 performing the person's duties, the Department must make the
21 verification every 2 years. Upon the Department's request, the
22 Secretary of State shall provide the Department with the
23 information necessary to enable the Department to make the
24 verifications required under subsection (a).

25 In the case of an individual employed at a group home or
26 child care institution who becomes subject to subsection (a)

1 for the first time after January 1, 2007 (the effective date of
2 Public Act 94-943), the Department must make that verification
3 with the Secretary of State before the individual operates a
4 motor vehicle to transport a child or children under the
5 circumstances described in subsection (a).

6 In the case of an individual employed at a group home or
7 child care institution who is subject to subsection (a) on
8 January 1, 2007 (the effective date of Public Act 94-943), the
9 Department must make that verification with the Secretary of
10 State within 30 days after January 1, 2007.

11 If the Department discovers that an individual fails to
12 meet the requirements set forth in subsection (a), the
13 Department shall promptly notify the appropriate group home or
14 child care institution.

15 (b) Any individual who holds a valid Illinois school bus
16 driver permit issued by the Secretary of State pursuant to the
17 Illinois Vehicle Code, and who is currently employed by a
18 school district or parochial school, or by a contractor with a
19 school district or parochial school, to drive a school bus
20 transporting children to and from school, shall be deemed in
21 compliance with the requirements of subsection (a).

22 (c) The Department may, pursuant to Section 8 of this Act,
23 revoke the license of any group home~~r~~ or child care
24 institution that fails to meet the requirements of this
25 Section.

26 (d) A group home or child care institution that fails to

1 meet the requirements of this Section is guilty of a petty
2 offense and is subject to a fine of not more than \$1,000. Each
3 day that a group home or child care institution fails to meet
4 the requirements of this Section is a separate offense.

5 (Source: P.A. 102-982, eff. 7-1-23; 103-22, eff. 8-8-23;
6 103-594, eff. 7-1-26; 103-605, eff. 7-1-24; revised 8-15-24.)

7 (225 ILCS 10/7.10)

8 (Text of Section before amendment by P.A. 103-594)

9 Sec. 7.10. Licensing orientation program and progress
10 report.

11 (a) For the purposes of this Section, "child day care
12 licensing" or "day care licensing" means licensing of day care
13 centers, day care homes, and group day care homes.

14 (a-5) In addition to current day care ~~daycare~~ training and
15 subject to appropriations, the Department or any State agency
16 that assumes day care center licensing responsibilities shall
17 host licensing orientation programs to help educate potential
18 day care center, day care home, and group day care home
19 providers about the child day care licensing process. The
20 programs shall be made available in person and virtually. The
21 Department or its successor shall offer to host licensing
22 orientation programs at least twice annually in each
23 Representative District in the State. Additionally, if one or
24 more persons request that a program be offered in a language
25 other than English, then the Department or its successor must

1 accommodate the request.

2 (b) No later than September 30th of each year, the
3 Department shall provide the General Assembly with a
4 comprehensive report on its progress in meeting performance
5 measures and goals related to child day care licensing.

6 (c) The report shall include:

7 (1) details on the funding for child day care
8 licensing, including:

9 (A) the total number of full-time employees
10 working on child day care licensing;

11 (B) the names of all sources of revenue used to
12 support child day care licensing;

13 (C) the amount of expenditures that is claimed
14 against federal funding sources;

15 (D) the identity of federal funding sources; and

16 (E) how funds are appropriated, including
17 appropriations for line staff, support staff,
18 supervisory staff, and training and other expenses and
19 the funding history of such licensing since fiscal
20 year 2010;

21 (2) current staffing qualifications of day care
22 licensing representatives and day care licensing
23 supervisors in comparison with staffing qualifications
24 specified in the job description;

25 (3) data history for fiscal year 2010 to the current
26 fiscal year on day care licensing representative caseloads

1 and staffing levels in all areas of the State;

2 (4) per the DCFS Child Day Care Licensing Advisory
3 Council's work plan, quarterly data on the following
4 measures:

5 (A) the percentage of new applications disposed of
6 within 90 days;

7 (B) the percentage of licenses renewed on time;

8 (C) the percentage of day care centers receiving
9 timely annual monitoring visits;

10 (D) the percentage of day care homes receiving
11 timely annual monitoring visits;

12 (E) the percentage of group day care homes
13 receiving timely annual monitoring visits;

14 (F) the percentage of provider requests for
15 supervisory review;

16 (G) the progress on adopting a key indicator
17 system;

18 (H) the percentage of complaints disposed of
19 within 30 days;

20 (I) the average number of days a day care center
21 applicant must wait to attend a licensing orientation;

22 (J) the number of licensing orientation sessions
23 available per region in the past year; and

24 (K) the number of Department trainings related to
25 licensing and child development available to providers
26 in the past year; and

1 (5) efforts to coordinate with the Department of Human
2 Services and the State Board of Education on professional
3 development, credentialing issues, and child developers,
4 including training registry, child developers, and Quality
5 Rating and Improvement Systems (QRIS).

6 (d) The Department shall work with the Governor's
7 appointed Early Learning Council on issues related to and
8 concerning child day care.

9 (Source: P.A. 103-805, eff. 1-1-25; revised 10-10-24.)

10 (Text of Section after amendment by P.A. 103-594)

11 Sec. 7.10. Licensing orientation program and progress
12 report.

13 (a) For the purposes of this Section, "child day care
14 licensing" or "day care licensing" means licensing of day care
15 centers, day care homes, and group day care homes.

16 (a-5) In addition to current day care ~~daycare~~ training and
17 subject to appropriations, the Department or any State agency
18 that assumes day care center licensing responsibilities shall
19 host licensing orientation programs to help educate potential
20 day care center, day care home, and group day care home
21 providers about the child day care licensing process. The
22 programs shall be made available in person and virtually. The
23 Department or its successor shall offer to host licensing
24 orientation programs at least twice annually in each
25 Representative District in the State. Additionally, if one or

1 more persons request that a program be offered in a language
2 other than English, then the Department or its successor must
3 accommodate the request.

4 (b) No later than September 30th of each year, the
5 Department of Early Childhood shall provide the General
6 Assembly with a comprehensive report on its progress in
7 meeting performance measures and goals related to child day
8 care licensing.

9 (c) The report shall include:

10 (1) details on the funding for child day care
11 licensing, including:

12 (A) the total number of full-time employees
13 working on child day care licensing;

14 (B) the names of all sources of revenue used to
15 support child day care licensing;

16 (C) the amount of expenditures that is claimed
17 against federal funding sources;

18 (D) the identity of federal funding sources; and

19 (E) how funds are appropriated, including
20 appropriations for line staff, support staff,
21 supervisory staff, and training and other expenses and
22 the funding history of such licensing since fiscal
23 year 2010;

24 (2) current staffing qualifications of day care
25 licensing representatives and day care licensing
26 supervisors in comparison with staffing qualifications

1 specified in the job description;

2 (3) data history for fiscal year 2010 to the current
3 fiscal year on day care licensing representative caseloads
4 and staffing levels in all areas of the State;

5 (4) per the DCFS Child Day Care Licensing Advisory
6 Council's work plan, quarterly data on the following
7 measures:

8 (A) the percentage of new applications disposed of
9 within 90 days;

10 (B) the percentage of licenses renewed on time;

11 (C) the percentage of day care centers receiving
12 timely annual monitoring visits;

13 (D) the percentage of day care homes receiving
14 timely annual monitoring visits;

15 (E) the percentage of group day care homes
16 receiving timely annual monitoring visits;

17 (F) the percentage of provider requests for
18 supervisory review;

19 (G) the progress on adopting a key indicator
20 system;

21 (H) the percentage of complaints disposed of
22 within 30 days;

23 (I) the average number of days a day care center
24 applicant must wait to attend a licensing orientation;

25 (J) the number of licensing orientation sessions
26 available per region in the past year; and

1 (K) the number of Department of Early Childhood
2 trainings related to licensing and child development
3 available to providers in the past year; and

4 (5) efforts to coordinate with the Department of Human
5 Services and the State Board of Education on professional
6 development, credentialing issues, and child developers,
7 including training registry, child developers, and Quality
8 Rating and Improvement Systems (QRIS).

9 (d) The Department of Early Childhood shall work with the
10 Governor's appointed Early Learning Council on issues related
11 to and concerning child day care.

12 (Source: P.A. 103-594, eff. 7-1-26; 103-805, eff. 1-1-25;
13 revised 11-26-24.)

14 (225 ILCS 10/18) (from Ch. 23, par. 2228)

15 (Text of Section before amendment by P.A. 103-594)

16 Sec. 18. Any person, group of persons, association, or
17 corporation that ~~who~~:

18 (1) conducts, operates, or acts as a child care
19 facility without a license or permit to do so in violation
20 of Section 3 of this Act;

21 (2) makes materially false statements in order to
22 obtain a license or permit;

23 (3) fails to keep the records and make the reports
24 provided under this Act;

25 (4) advertises any service not authorized by license

1 or permit held;

2 (5) publishes any advertisement in violation of this
3 Act;

4 (6) receives within this State any child in violation
5 of Section 16 of this Act; or

6 (7) violates any other provision of this Act or any
7 reasonable rule or regulation adopted and published by the
8 Department for the enforcement of the provisions of this
9 Act;~~7~~

10 is guilty of a Class A misdemeanor and, in case of an
11 association or corporation, imprisonment may be imposed upon
12 its officers who knowingly participated in the violation.

13 Any child care facility that continues to operate after
14 its license is revoked under Section 8 of this Act or after its
15 license expires and the Department refused to renew the
16 license as provided in Section 8 of this Act is guilty of a
17 business offense and shall be fined an amount in excess of \$500
18 but not exceeding \$10,000, and each day of violation is a
19 separate offense.

20 In a prosecution under this Act, a defendant who relies
21 upon the relationship of any child to the defendant has the
22 burden of proof as to that relationship.

23 (Source: P.A. 103-22, eff. 8-8-23; 103-605, eff. 7-1-24;
24 revised 10-21-24.)

25 (Text of Section after amendment by P.A. 103-594)

1 Sec. 18. Any person, group of persons, association, or
2 corporation that ~~who~~, with respect to a child care facility
3 other than a day care center, day care home, or group day care
4 home:

5 (1) conducts, operates, or acts as a child care
6 facility without a license or permit to do so in
7 violation of Section 3 of this Act;

8 (2) makes materially false statements in order to
9 obtain a license or permit;

10 (3) fails to keep the records and make the reports
11 provided under this Act;

12 (4) advertises any service not authorized by
13 license or permit held;

14 (5) publishes any advertisement in violation of
15 this Act;

16 (6) receives within this State any child in
17 violation of Section 16 of this Act; or

18 (7) violates any other provision of this Act or
19 any reasonable rule or regulation adopted and
20 published by the Department for the enforcement of the
21 provisions of this Act;7

22 is guilty of a Class A misdemeanor and 7 in case of an
23 association or corporation, imprisonment may be imposed upon
24 its officers who knowingly participated in the violation.

25 Any child care facility (other than a day care center, day
26 care home, or group day care home) that continues to operate

1 after its license is revoked under Section 8 of this Act or
2 after its license expires and the Department refused to renew
3 the license as provided in Section 8 of this Act is guilty of a
4 business offense and shall be fined an amount in excess of \$500
5 but not exceeding \$10,000, and each day of violation is a
6 separate offense.

7 In a prosecution under this Act, a defendant who relies
8 upon the relationship of any child to the defendant has the
9 burden of proof as to that relationship.

10 (Source: P.A. 103-22, eff. 8-8-23; 103-594, eff. 7-1-26;
11 103-605, eff. 7-1-24; revised 10-21-24.)

12 (225 ILCS 10/18.1)

13 (This Section may contain text from a Public Act with a
14 delayed effective date)

15 Sec. 18.1. Violations; day care center, day care home, or
16 group day care home. Any person, group of persons,
17 association, or corporation that:

18 (1) conducts, operates, l or acts as a day care center,
19 day care home, or group day care home without a license or
20 permit to do so in violation of Section 3.01 of this Act;

21 (2) makes materially false statements in order to
22 obtain a license or permit;

23 (3) fails to keep the records and make the reports
24 provided under this Act;

25 (4) advertises any service not authorized by license

1 or permit held;

2 (5) publishes any advertisement in violation of this
3 Act;

4 (6) receives within this State any child in violation
5 of Section 16.1 of this Act; or

6 (7) violates any other provision of this Act or any
7 reasonable rule or regulation adopted and published by the
8 Department of Early Childhood for the enforcement of the
9 provisions of this Act;~~7~~

10 is guilty of a Class A misdemeanor and, in the case of an
11 association or corporation, imprisonment may be imposed upon
12 its officers who knowingly participated in the violation.

13 Any day care center, day care home, or group day care home
14 that continues to operate after its license is revoked under
15 Section 8 or 8a of this Act or after its license expires and
16 the Department of Early Childhood refused to renew the license
17 as provided in Section 8 or 8a of this Act is guilty of a
18 business offense and shall be fined an amount in excess of \$500
19 but not exceeding \$10,000. Each day of violation is a separate
20 offense.

21 In a prosecution under this Act, a defendant who relies
22 upon the relationship of any child to the defendant has the
23 burden of proof as to that relationship.

24 (Source: P.A. 103-594, eff. 7-1-26; revised 10-21-24.)

25 Section 820. The Clinical Social Work and Social Work

1 Practice Act is amended by changing Section 19 as follows:

2 (225 ILCS 20/19)

3 (Section scheduled to be repealed on January 1, 2028)

4 Sec. 19. Grounds for disciplinary action.

5 (1) The Department may refuse to issue or renew a license,
6 or may suspend, revoke, place on probation, reprimand, or take
7 any other disciplinary or non-disciplinary action deemed
8 appropriate by the Department, including the imposition of
9 fines not to exceed \$10,000 for each violation, with regard to
10 any license issued under the provisions of this Act for any one
11 or a combination of the following grounds:

12 (a) material misstatements in furnishing information
13 to the Department or to any other State agency or in
14 furnishing information to any insurance company with
15 respect to a claim on behalf of a licensee or a patient;

16 (b) violations or negligent or intentional disregard
17 of this Act, or any of the rules promulgated hereunder;

18 (c) conviction of or entry of a plea of guilty or nolo
19 contendere, finding of guilt, jury verdict, or entry of
20 judgment or sentencing, including, but not limited to,
21 convictions, preceding sentences of supervision,
22 conditional discharge, or first offender probation, under
23 the laws of any jurisdiction of the United States that is
24 (i) a felony or (ii) a misdemeanor, an essential element
25 of which is dishonesty, or that is directly related to the

1 practice of the clinical social work or social work
2 professions;

3 (d) fraud or misrepresentation in applying for or
4 procuring a license under this Act or in connection with
5 applying for renewal or restoration of a license under
6 this Act;

7 (e) professional incompetence;

8 (f) gross negligence in practice under this Act;

9 (g) aiding or assisting another person in violating
10 any provision of this Act or its rules;

11 (h) failing to provide information within 60 days in
12 response to a written request made by the Department;

13 (i) engaging in dishonorable, unethical or
14 unprofessional conduct of a character likely to deceive,
15 defraud or harm the public as defined by the rules of the
16 Department, or violating the rules of professional conduct
17 adopted by the Department;

18 (j) habitual or excessive use or abuse of drugs
19 defined in law as controlled substances, of alcohol, or of
20 any other substances that results in the inability to
21 practice with reasonable judgment, skill, or safety;

22 (k) adverse action taken by another state or
23 jurisdiction, if at least one of the grounds for the
24 discipline is the same or substantially equivalent to
25 those set forth in this Section;

26 (l) directly or indirectly giving to or receiving from

1 any person, firm, corporation, partnership, or association
2 any fee, commission, rebate or other form of compensation
3 for any professional service not actually rendered.
4 Nothing in this paragraph (1) affects any bona fide
5 independent contractor or employment arrangements among
6 health care professionals, health facilities, health care
7 providers, or other entities, except as otherwise
8 prohibited by law. Any employment arrangements may include
9 provisions for compensation, health insurance, pension, or
10 other employment benefits for the provision of services
11 within the scope of the licensee's practice under this
12 Act. Nothing in this paragraph (1) shall be construed to
13 require an employment arrangement to receive professional
14 fees for services rendered;

15 (m) a finding by the Department that the licensee,
16 after having the license placed on probationary status,
17 has violated the terms of probation or failed to comply
18 with such terms;

19 (n) abandonment, without cause, of a client;

20 (o) willfully making or filing false records or
21 reports relating to a licensee's practice, including, but
22 not limited to, false records filed with Federal or State
23 agencies or departments;

24 (p) willfully failing to report an instance of
25 suspected child abuse or neglect as required by the Abused
26 and Neglected Child Reporting Act;

1 (q) being named as a perpetrator in an indicated
2 report by the Department of Children and Family Services
3 under the Abused and Neglected Child Reporting Act, and
4 upon proof by clear and convincing evidence that the
5 licensee has caused a child to be an abused child or
6 neglected child as defined in the Abused and Neglected
7 Child Reporting Act;

8 (r) physical illness, mental illness, or any other
9 impairment or disability, including, but not limited to,
10 deterioration through the aging process, or loss of motor
11 skills that results in the inability to practice the
12 profession with reasonable judgment, skill or safety;

13 (s) solicitation of professional services by using
14 false or misleading advertising;

15 (t) violation of the Health Care Worker Self-Referral
16 Act;

17 (u) willfully failing to report an instance of
18 suspected abuse, neglect, financial exploitation, or
19 self-neglect of an eligible adult as defined in and
20 required by the Adult Protective Services Act; or

21 (v) being named as an abuser in a verified report by
22 the Department on Aging under the Adult Protective
23 Services Act, and upon proof by clear and convincing
24 evidence that the licensee abused, neglected, or
25 financially exploited an eligible adult as defined in the
26 Adult Protective Services Act.

1 (2) (Blank).

2 (3) The determination by a court that a licensee is
3 subject to involuntary admission or judicial admission as
4 provided in the Mental Health and Developmental Disabilities
5 Code, will result in an automatic suspension of the licensee's
6 license. Such suspension will end upon a finding by a court
7 that the licensee is no longer subject to involuntary
8 admission or judicial admission and issues an order so finding
9 and discharging the patient, and upon the recommendation of
10 the Board to the Secretary that the licensee be allowed to
11 resume professional practice.

12 (4) The Department shall refuse to issue or renew or may
13 suspend the license of a person who (i) fails to file a return,
14 pay the tax, penalty, or interest shown in a filed return, or
15 pay any final assessment of tax, penalty, or interest, as
16 required by any tax Act administered by the Department of
17 Revenue, until the requirements of the tax Act are satisfied
18 or (ii) has failed to pay any court-ordered child support as
19 determined by a court order or by referral from the Department
20 of Healthcare and Family Services.

21 (4.5) The Department shall not revoke, suspend, summarily
22 suspend, place on prohibition, reprimand, refuse to issue or
23 renew, or take any other disciplinary or non-disciplinary
24 action against a license or permit issued under this Act based
25 solely upon the licensed clinical social worker authorizing,
26 recommending, aiding, assisting, referring for, or otherwise

1 participating in any health care service, so long as the care
2 was not unlawful under the laws of this State, regardless of
3 whether the patient was a resident of this State or another
4 state.

5 (4.10) The Department shall not revoke, suspend, summarily
6 suspend, place on prohibition, reprimand, refuse to issue or
7 renew, or take any other disciplinary or non-disciplinary
8 action against the license or permit issued under this Act to
9 practice as a licensed clinical social worker based upon the
10 licensed clinical social worker's license being revoked or
11 suspended, or the licensed clinical social worker being
12 otherwise disciplined by any other state, if that revocation,
13 suspension, or other form of discipline was based solely on
14 the licensed clinical social worker violating another state's
15 laws prohibiting the provision of, authorization of,
16 recommendation of, aiding or assisting in, referring for, or
17 participation in any health care service if that health care
18 service as provided would not have been unlawful under the
19 laws of this State and is consistent with the standards of
20 conduct for a licensed clinical social worker practicing in
21 Illinois.

22 (4.15) The conduct specified in subsection (4.5), (4.10),
23 (4.25), or (4.30) shall not constitute grounds for suspension
24 under Section 32.

25 (4.20) An applicant seeking licensure, certification, or
26 authorization pursuant to this Act who has been subject to

1 disciplinary action by a duly authorized professional
2 disciplinary agency of another jurisdiction solely on the
3 basis of having authorized, recommended, aided, assisted,
4 referred for, or otherwise participated in health care shall
5 not be denied such licensure, certification, or authorization,
6 unless the Department determines that such action would have
7 constituted professional misconduct in this State; however,
8 nothing in this Section shall be construed as prohibiting the
9 Department from evaluating the conduct of such applicant and
10 making a determination regarding the licensure, certification,
11 or authorization to practice a profession under this Act.

12 (4.25) The Department may not revoke, suspend, summarily
13 suspend, place on prohibition, reprimand, refuse to issue or
14 renew, or take any other disciplinary or non-disciplinary
15 action against a license or permit issued under this Act based
16 solely upon an immigration violation by the licensed clinical
17 social worker.

18 (4.30) The Department may not revoke, suspend, summarily
19 suspend, place on prohibition, reprimand, refuse to issue or
20 renew, or take any other disciplinary or non-disciplinary
21 action against the license or permit issued under this Act to
22 practice as a licensed clinical social worker based upon the
23 licensed clinical social worker's license being revoked or
24 suspended, or the licensed clinical social worker being
25 otherwise disciplined by any other state, if that revocation,
26 suspension, or other form of discipline was based solely upon

1 an immigration violation by the licensed clinical social
2 worker.

3 (5)(a) In enforcing this Section, the Department or Board,
4 upon a showing of a possible violation, may compel a person
5 licensed to practice under this Act, or who has applied for
6 licensure under this Act, to submit to a mental or physical
7 examination, or both, which may include a substance abuse or
8 sexual offender evaluation, as required by and at the expense
9 of the Department.

10 (b) The Department shall specifically designate the
11 examining physician licensed to practice medicine in all of
12 its branches or, if applicable, the multidisciplinary team
13 involved in providing the mental or physical examination or
14 both. The multidisciplinary team shall be led by a physician
15 licensed to practice medicine in all of its branches and may
16 consist of one or more or a combination of physicians licensed
17 to practice medicine in all of its branches, licensed clinical
18 psychologists, licensed clinical social workers, licensed
19 clinical professional counselors, and other professional and
20 administrative staff. Any examining physician or member of the
21 multidisciplinary team may require any person ordered to
22 submit to an examination pursuant to this Section to submit to
23 any additional supplemental testing deemed necessary to
24 complete any examination or evaluation process, including, but
25 not limited to, blood testing, urinalysis, psychological
26 testing, or neuropsychological testing.

1 (c) The Board or the Department may order the examining
2 physician or any member of the multidisciplinary team to
3 present testimony concerning this mental or physical
4 examination of the licensee or applicant. No information,
5 report, record, or other documents in any way related to the
6 examination shall be excluded by reason of any common law or
7 statutory privilege relating to communications between the
8 licensee or applicant and the examining physician or any
9 member of the multidisciplinary team. No authorization is
10 necessary from the licensee or applicant ordered to undergo an
11 examination for the examining physician or any member of the
12 multidisciplinary team to provide information, reports,
13 records, or other documents or to provide any testimony
14 regarding the examination and evaluation.

15 (d) The person to be examined may have, at the person's own
16 expense, another physician of the person's choice present
17 during all aspects of the examination. However, that physician
18 shall be present only to observe and may not interfere in any
19 way with the examination.

20 (e) Failure of any person to submit to a mental or physical
21 examination without reasonable cause, when ordered, shall
22 result in an automatic suspension of the person's license
23 until the person submits to the examination.

24 (f) If the Department or Board finds a person unable to
25 practice because of the reasons set forth in this Section, the
26 Department or Board may require that person to submit to care,

1 counseling, or treatment by physicians approved or designated
2 by the Department or Board, as a condition, term, or
3 restriction for continued, reinstated, or renewed licensure to
4 practice; or, in lieu of care, counseling or treatment, the
5 Department may file, or the Board may recommend to the
6 Department to file, a complaint to immediately suspend,
7 revoke, or otherwise discipline the license of the person. Any
8 person whose license was granted, continued, reinstated,
9 renewed, disciplined or supervised subject to such terms,
10 conditions or restrictions, and who fails to comply with such
11 terms, conditions, or restrictions, shall be referred to the
12 Secretary for a determination as to whether the person's
13 license shall be suspended immediately, pending a hearing by
14 the Department.

15 (g) All fines imposed shall be paid within 60 days after
16 the effective date of the order imposing the fine or in
17 accordance with the terms set forth in the order imposing the
18 fine.

19 In instances in which the Secretary immediately suspends a
20 person's license under this Section, a hearing on that
21 person's license must be convened by the Department within 30
22 days after the suspension and completed without appreciable
23 delay. The Department and Board shall have the authority to
24 review the subject person's record of treatment and counseling
25 regarding the impairment, to the extent permitted by
26 applicable federal statutes and regulations safeguarding the

1 confidentiality of medical records.

2 A person licensed under this Act and affected under this
3 Section shall be afforded an opportunity to demonstrate to the
4 Department or Board that the person can resume practice in
5 compliance with acceptable and prevailing standards under the
6 provisions of the person's license.

7 (h) The Department may adopt rules to implement the
8 changes made by Public Act 102-1117 ~~this amendatory Act of the~~
9 ~~102nd General Assembly.~~

10 (Source: P.A. 102-1117, eff. 1-13-23; 103-715, eff. 1-1-25;
11 103-1048, eff. 1-1-25; revised 11-26-24.)

12 Section 825. The Illinois Dental Practice Act is amended
13 by changing Sections 4 and 17.2 as follows:

14 (225 ILCS 25/4) (from Ch. 111, par. 2304)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 4. Definitions. As used in this Act:

17 "Address of record" means the designated address recorded
18 by the Department in the applicant's or licensee's application
19 file or license file as maintained by the Department's
20 licensure maintenance unit. It is the duty of the applicant or
21 licensee to inform the Department of any change of address and
22 those changes must be made either through the Department's
23 website or by contacting the Department.

24 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Secretary" means the Secretary of Financial and
3 Professional Regulation.

4 "Board" means the Board of Dentistry.

5 "Dentist" means a person who has received a general
6 license pursuant to subsection ~~paragraph~~ (a) of Section 11 of
7 this Act and who may perform any intraoral and extraoral
8 procedure required in the practice of dentistry and to whom is
9 reserved the responsibilities specified in Section 17.

10 "Dental hygienist" means a person who holds a license
11 under this Act to perform dental services as authorized by
12 Section 18.

13 "Dental assistant" means an appropriately trained person
14 who, under the supervision of a dentist, provides dental
15 services as authorized by Section 17.

16 "Expanded function dental assistant" means a dental
17 assistant who has completed the training required by Section
18 17.1 of this Act.

19 "Dental laboratory" means a person, firm, or corporation
20 which:

21 (i) engages in making, providing, repairing, or
22 altering dental prosthetic appliances and other artificial
23 materials and devices which are returned to a dentist for
24 insertion into the human oral cavity or which come in
25 contact with its adjacent structures and tissues; and

26 (ii) utilizes or employs a dental technician to

1 provide such services; and

2 (iii) performs such functions only for a dentist or
3 dentists.

4 "Supervision" means supervision of a dental hygienist or a
5 dental assistant requiring that a dentist authorize the
6 procedure, remain in the dental facility while the procedure
7 is performed, and approve the work performed by the dental
8 hygienist or dental assistant before dismissal of the patient,
9 but does not mean that the dentist must be present at all times
10 in the treatment room.

11 "General supervision" means supervision of a dental
12 hygienist requiring that the patient be a patient of record,
13 that the dentist examine the patient in accordance with
14 Section 18 prior to treatment by the dental hygienist, and
15 that the dentist authorize the procedures which are being
16 carried out by a notation in the patient's record, but not
17 requiring that a dentist be present when the authorized
18 procedures are being performed. The issuance of a prescription
19 to a dental laboratory by a dentist does not constitute
20 general supervision.

21 "Public member" means a person who is not a health
22 professional. For purposes of board membership, any person
23 with a significant financial interest in a health service or
24 profession is not a public member.

25 "Dentistry" means the healing art which is concerned with
26 the examination, diagnosis, treatment planning, and care of

1 conditions within the human oral cavity and its adjacent
2 tissues and structures, as further specified in Section 17.

3 "Branches of dentistry" means the various specialties of
4 dentistry which, for purposes of this Act, shall be limited to
5 the following: endodontics, oral and maxillofacial surgery,
6 orthodontics and dentofacial orthopedics, pediatric dentistry,
7 periodontics, prosthodontics, oral and maxillofacial
8 radiology, and dental anesthesiology.

9 "Specialist" means a dentist who has received a specialty
10 license pursuant to subsection (b) of Section 11 ~~11(b)~~.

11 "Dental technician" means a person who owns, operates, or
12 is employed by a dental laboratory and engages in making,
13 providing, repairing, or altering dental prosthetic appliances
14 and other artificial materials and devices which are returned
15 to a dentist for insertion into the human oral cavity or which
16 come in contact with its adjacent structures and tissues.

17 "Informed consent" means legally valid consent that is
18 given by a patient or legal guardian, that is recorded in
19 writing or digitally, that authorizes intervention or
20 treatment services from the treating dentist, and that
21 documents agreement to participate in those services and
22 knowledge of the risks, benefits, and alternatives, including
23 the decision to withdraw from or decline treatment.

24 "Impaired dentist" or "impaired dental hygienist" means a
25 dentist or dental hygienist who is unable to practice with
26 reasonable skill and safety because of a physical or mental

1 disability as evidenced by a written determination or written
2 consent based on clinical evidence, including deterioration
3 through the aging process, loss of motor skills, abuse of
4 drugs or alcohol, or a psychiatric disorder, of sufficient
5 degree to diminish the person's ability to deliver competent
6 patient care.

7 "Nurse" means a registered professional nurse, a certified
8 registered nurse anesthetist licensed as an advanced practice
9 registered nurse, or a licensed practical nurse licensed under
10 the Nurse Practice Act.

11 "Patient of record", except as provided in Section 17.2,
12 means a patient for whom the patient's most recent dentist has
13 obtained a relevant medical and dental history and on whom the
14 dentist has performed a physical examination within the last
15 year and evaluated the condition to be treated, including a
16 review of the patient's most recent x-rays.

17 "Dental responder" means a dentist or dental hygienist who
18 is appropriately certified in disaster preparedness,
19 immunizations, and dental humanitarian medical response
20 consistent with the Society of Disaster Medicine and Public
21 Health and training certified by the National Incident
22 Management System or the National Disaster Life Support
23 Foundation.

24 "Mobile dental van or portable dental unit" means any
25 self-contained or portable dental unit in which dentistry is
26 practiced that can be moved, towed, or transported from one

1 location to another in order to establish a location where
2 dental services can be provided.

3 "Public health dental hygienist" means a hygienist who
4 holds a valid license to practice in the State, has 2 years of
5 full-time clinical experience or an equivalent of 4,000 hours
6 of clinical experience, and has completed at least 42 clock
7 hours of additional structured courses in dental education in
8 advanced areas specific to public health dentistry.

9 "Public health setting" means a federally qualified health
10 center; a federal, State, or local public health facility;
11 Head Start; a special supplemental nutrition program for
12 Women, Infants, and Children (WIC) facility; a certified
13 school-based health center or school-based oral health
14 program; a prison; or a long-term care facility.

15 "Public health supervision" means the supervision of a
16 public health dental hygienist by a licensed dentist who has a
17 written public health supervision agreement with that public
18 health dental hygienist while working in an approved facility
19 or program that allows the public health dental hygienist to
20 treat patients, without a dentist first examining the patient
21 and being present in the facility during treatment, (1) who
22 are eligible for Medicaid or (2) who are uninsured or whose
23 household income is not greater than 300% of the federal
24 poverty level.

25 "Teledentistry" means the use of telehealth systems and
26 methodologies in dentistry and includes patient diagnosis,

1 treatment planning, care, and education delivery for a patient
2 of record using synchronous and asynchronous communications
3 under an Illinois licensed dentist's authority as provided
4 under this Act.

5 "Moderate sedation" means a drug-induced depression of
6 consciousness during which: (1) patients respond purposefully
7 to verbal commands, either alone or accompanied by light
8 tactile stimulation; (2) no interventions are required to
9 maintain a patient's airway and spontaneous ventilation is
10 adequate; and (3) cardiovascular function is usually
11 maintained.

12 "Deep sedation" means a drug-induced depression of
13 consciousness during which: (1) patients cannot be easily
14 aroused, but respond purposefully following repeated or
15 painful stimulation; (2) the ability to independently maintain
16 ventilatory function may be impaired; (3) patients may require
17 assistance in maintaining airways and spontaneous ventilation
18 may be inadequate; and (4) cardiovascular function is usually
19 maintained.

20 "General anesthesia" means a drug-induced loss of
21 consciousness during which: (1) patients are not arousable,
22 even by painful stimulation; (2) the ability to independently
23 maintain ventilatory function is often impaired; (3) patients
24 often require assistance in maintaining airways and positive
25 pressure ventilation may be required because of depressed
26 spontaneous ventilation or drug-induced depression of

1 neuromuscular function; and (4) cardiovascular function may be
2 impaired.

3 "Venipuncture" means the puncture of a vein as part of a
4 medical procedure, typically to withdraw a blood sample or for
5 an intravenous catheter for the administration of medication
6 or fluids.

7 "Enteral route of administration" means administration of
8 a drug that is absorbed through the gastrointestinal tract or
9 through oral, rectal, or sublingual mucosa.

10 "Parenteral route of administration" means administration
11 of a drug by which the drug bypasses the gastrointestinal
12 tract through intramuscular, intravenous, intranasal,
13 submucosal, subcutaneous, or intraosseous methods.

14 (Source: P.A. 102-93, eff. 1-1-22; 102-588, eff. 8-20-21;
15 102-936, eff. 1-1-23; 103-425, eff. 1-1-24; 103-431, eff.
16 1-1-24; 103-605, eff. 7-1-24; 103-628, eff. 7-1-24; 103-902,
17 eff. 8-9-24; revised 10-10-24.)

18 (225 ILCS 25/17.2)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 17.2. Teledentistry.

21 (a) As used in this Section, "patient of record" means a
22 patient for whom the patient's most recent Illinois-licensed
23 dentist has obtained a relevant medical and dental history and
24 on whom the dentist has (i) performed a physical examination
25 within the last year; (ii) obtained relevant records that are

1 appropriate for the type of teledentistry service being
2 provided from an in-person examination within the previous 12
3 months, including a review of the patient's most recent
4 x-rays; or (iii) established a relationship with the patient
5 through an exchange of protected health information for the
6 purpose of providing emergency care, treatment, or services in
7 accordance with subsection (c).

8 (b) A dentist may only practice or utilize teledentistry
9 on a patient of record. A dentist practicing dentistry through
10 teledentistry is subject to the same standard of care and
11 practice standards that are applicable to dental services
12 provided in a clinic or office setting. A dentist may provide
13 and delegate dental services using teledentistry only under
14 the supervision requirements as specified in this Act for
15 in-person care. Prior to providing teledentistry services to a
16 patient, a dentist must obtain informed consent from the
17 patient as to the treatment proposed to be offered through
18 teledentistry by the dentist. A dentist providing
19 teledentistry under this Section shall provide the patient
20 with ~~the~~ his or her name, direct telephone number, and
21 physical practice address. It is a violation of this Act for a
22 provider of dental services rendering care through
23 teledentistry to require a patient to sign an agreement that
24 limits in any way the patient's ability to write a review of
25 services received or file a complaint with the Department or
26 other regulatory agency. The Department shall adopt rules to

1 provide for the use of teledentistry in the State of Illinois.

2 (c) A dentist may treat a patient of record to provide
3 emergent care or conduct an initial consultation using
4 teledentistry for the purpose of treating or assessing for
5 acute pain, infection, injury, or any intraoral or perioral
6 condition that presents immediate harm or discomfort to the
7 patient for which treatment cannot be postponed. A provider of
8 dental services rendering emergent care or conducting an
9 initial consultation through teledentistry must direct the
10 patient to receive appropriate in-person care after the
11 provision of teledentistry services.

12 (Source: P.A. 103-902, eff. 8-9-24; revised 10-21-24.)

13 Section 830. The Dietitian Nutritionist Practice Act is
14 amended by changing Section 17 as follows:

15 (225 ILCS 30/17)

16 (Section scheduled to be repealed on January 1, 2028)

17 Sec. 17. Other activities subject to licensure under this
18 Act.

19 (a) A licensed dietitian nutritionist may order patient or
20 resident diets, including therapeutic diets, in accordance
21 with the following:

22 (1) Enteral and parenteral nutrition therapy shall
23 consist of enteral feedings or specialized intravenous
24 solutions and shall only be performed by an individual

1 licensed under this Act who:

2 (a) is a registered dietitian or registered
3 dietitian nutritionist currently registered with the
4 Commission on Dietetic Registration;

5 (b) is a certified nutrition support clinician as
6 currently credentialed by the National Board of
7 Nutrition Support Certification; or

8 (c) meets the requirements set forth in rules that
9 the Department may establish as necessary to implement
10 this Section to be consistent with competencies
11 necessary for evaluating, ordering, and administering
12 ~~administering~~ enteral and parenteral nutrition
13 therapies.

14 (2) Notification to the patient's physician and
15 appropriate record retention, or pursuant to the
16 protocols, policies, or procedures of a health care
17 facility, as defined in the Illinois Health Facilities
18 Planning Act, in which the services are provided.

19 (b) Developing and managing food service operations whose
20 chief function is nutrition care or that are otherwise
21 utilized in the management or treatment of diseases or medical
22 conditions shall only be performed by an individual licensed
23 under this Act with competencies in the management of health
24 care food service.

25 (c) A licensed dietitian nutritionist may order oral
26 therapeutic diets.

1 (d) A licensed dietitian nutritionist shall provide
2 nutrition care services using systematic, evidence-based
3 problem solving methods of the nutrition care process to
4 critically think and make decisions to address
5 nutrition-related problems and provide safe, effective, and
6 quality nutrition services, including medical nutrition
7 therapy, for individuals in clinical and community settings.

8 (Source: P.A. 102-945, eff. 1-1-23; revised 8-6-24.)

9 Section 835. The Massage Therapy Practice Act is amended
10 by changing Section 45 as follows:

11 (225 ILCS 57/45)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 45. Grounds for discipline.

14 (a) The Department may refuse to issue or renew, or may
15 revoke, suspend, place on probation, reprimand, or take other
16 disciplinary or non-disciplinary action, as the Department
17 considers appropriate, including the imposition of fines not
18 to exceed \$10,000 for each violation, with regard to any
19 license or licensee for any one or more of the following:

20 (1) violations of this Act or of the rules adopted
21 under this Act;

22 (2) conviction by plea of guilty or nolo contendere,
23 finding of guilt, jury verdict, or entry of judgment or by
24 sentencing of any crime, including, but not limited to,

1 convictions, preceding sentences of supervision,
2 conditional discharge, or first offender probation, under
3 the laws of any jurisdiction of the United States: (i)
4 that is a felony; or (ii) that is a misdemeanor, an
5 essential element of which is dishonesty, or that is
6 directly related to the practice of the profession;

7 (3) professional incompetence;

8 (4) advertising in a false, deceptive, or misleading
9 manner, including failing to use the massage therapist's
10 own license number in an advertisement;

11 (5) aiding, abetting, assisting, procuring, advising,
12 employing, or contracting with any unlicensed person to
13 practice massage contrary to any rules or provisions of
14 this Act;

15 (6) engaging in immoral conduct in the commission of
16 any act, such as sexual abuse, sexual misconduct, or
17 sexual exploitation, related to the licensee's practice;

18 (7) engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public;

21 (8) practicing or offering to practice beyond the
22 scope permitted by law or accepting and performing
23 professional responsibilities which the licensee knows or
24 has reason to know that he or she is not competent to
25 perform;

26 (9) knowingly delegating professional

1 responsibilities to a person unqualified by training,
2 experience, or licensure to perform;

3 (10) failing to provide information in response to a
4 written request made by the Department within 60 days;

5 (11) having a habitual or excessive use of or
6 addiction to alcohol, narcotics, stimulants, or any other
7 chemical agent or drug which results in the inability to
8 practice with reasonable judgment, skill, or safety;

9 (12) having a pattern of practice or other behavior
10 that demonstrates incapacity or incompetence to practice
11 under this Act;

12 (13) discipline by another state, District of
13 Columbia, territory, or foreign nation, if at least one of
14 the grounds for the discipline is the same or
15 substantially equivalent to those set forth in this
16 Section;

17 (14) a finding by the Department that the licensee,
18 after having his or her license placed on probationary
19 status, has violated the terms of probation;

20 (15) willfully making or filing false records or
21 reports in his or her practice, including, but not limited
22 to, false records filed with State agencies or
23 departments;

24 (16) making a material misstatement in furnishing
25 information to the Department or otherwise making
26 misleading, deceptive, untrue, or fraudulent

1 representations in violation of this Act or otherwise in
2 the practice of the profession;

3 (17) fraud or misrepresentation in applying for or
4 procuring a license under this Act or in connection with
5 applying for renewal of a license under this Act;

6 (18) inability to practice the profession with
7 reasonable judgment, skill, or safety as a result of
8 physical illness, including, but not limited to,
9 deterioration through the aging process, loss of motor
10 skill, or a mental illness or disability;

11 (19) charging for professional services not rendered,
12 including filing false statements for the collection of
13 fees for which services are not rendered;

14 (20) practicing under a false or, except as provided
15 by law, an assumed name; or

16 (21) cheating on or attempting to subvert the
17 licensing examination administered under this Act.

18 All fines shall be paid within 60 days of the effective
19 date of the order imposing the fine.

20 (b) A person not licensed under this Act and engaged in the
21 business of offering massage therapy services through others,
22 shall not aid, abet, assist, procure, advise, employ, or
23 contract with any unlicensed person to practice massage
24 therapy contrary to any rules or provisions of this Act. A
25 person violating this subsection (b) shall be treated as a
26 licensee for the purposes of disciplinary action under this

1 Section and shall be subject to cease and desist orders as
2 provided in Section 90 of this Act.

3 (c) The Department shall revoke any license issued under
4 this Act of any person who is convicted of prostitution, rape,
5 sexual misconduct, or any crime that subjects the licensee to
6 compliance with the requirements of the Sex Offender
7 Registration Act and any such conviction shall operate as a
8 permanent bar in the State of Illinois to practice as a massage
9 therapist.

10 (c-5) A prosecuting attorney shall provide notice to the
11 Department of the licensed massage therapist's name, address,
12 practice address, and license number and a copy of the
13 criminal charges filed immediately after a licensed massage
14 therapist has been charged with any of the following offenses:

15 (1) an offense for which the sentence includes
16 registration as a sex offender;

17 (2) involuntary sexual servitude of a minor;

18 (3) the crime of battery against a patient, including
19 any offense based on sexual conduct or sexual penetration,
20 in the course of patient care or treatment; or

21 (4) a forcible felony.

22 If the victim of the crime the licensee has been charged
23 with is a patient of the licensee, the prosecuting attorney
24 shall also provide notice to the Department of the patient's
25 name.

26 Within 5 business days after receiving notice from the

1 prosecuting attorney of the filing of criminal charges against
2 the licensed massage therapist, the Secretary shall issue an
3 administrative order that the licensed massage therapist shall
4 practice only with a chaperone during all patient encounters
5 pending the outcome of the criminal proceedings. The chaperone
6 shall be a licensed massage therapist or other health care
7 worker licensed by the Department. The administrative order
8 shall specify any other terms or conditions deemed appropriate
9 by the Secretary. The chaperone shall provide written notice
10 to all of the licensed massage therapist's patients explaining
11 the Department's order to use a chaperone. Each patient shall
12 sign an acknowledgment that the patient ~~they~~ received the
13 notice. The notice to the patient of criminal charges shall
14 include, in 14-point font, the following statement: "The
15 massage therapist is presumed innocent until proven guilty of
16 the charges."

17 The licensed massage therapist shall provide a written
18 plan of compliance with the administrative order that is
19 acceptable to the Department within 5 business days after
20 receipt of the administrative order. Failure to comply with
21 the administrative order, failure to file a compliance plan,
22 or failure to follow the compliance plan shall subject the
23 licensed massage therapist to temporary suspension of his or
24 her license until the completion of the criminal proceedings.

25 If the licensee is not convicted of the charge or if any
26 conviction is later overturned by a reviewing court, the

1 administrative order shall be vacated and removed from the
2 licensee's record.

3 The Department may adopt rules to implement this
4 subsection.

5 (d) The Department may refuse to issue or may suspend the
6 license of any person who fails to file a tax return, to pay
7 the tax, penalty, or interest shown in a filed tax return, or
8 to pay any final assessment of tax, penalty, or interest, as
9 required by any tax Act administered by the Illinois
10 Department of Revenue, until such time as the requirements of
11 the tax Act are satisfied in accordance with subsection (g) of
12 Section 2105-15 of the Civil Administrative Code of Illinois.

13 (e) (Blank).

14 (f) In cases where the Department of Healthcare and Family
15 Services has previously determined that a licensee or a
16 potential licensee is more than 30 days delinquent in the
17 payment of child support and has subsequently certified the
18 delinquency to the Department, the Department may refuse to
19 issue or renew or may revoke or suspend that person's license
20 or may take other disciplinary action against that person
21 based solely upon the certification of delinquency made by the
22 Department of Healthcare and Family Services in accordance
23 with item (5) of subsection (a) of Section 2105-15 of the Civil
24 Administrative Code of Illinois.

25 (g) The determination by a circuit court that a licensee
26 is subject to involuntary admission or judicial admission, as

1 provided in the Mental Health and Developmental Disabilities
2 Code, operates as an automatic suspension. The suspension will
3 end only upon a finding by a court that the patient is no
4 longer subject to involuntary admission or judicial admission
5 and the issuance of a court order so finding and discharging
6 the patient.

7 (h) In enforcing this Act, the Department or Board, upon a
8 showing of a possible violation, may compel an individual
9 licensed to practice under this Act, or who has applied for
10 licensure under this Act, to submit to a mental or physical
11 examination, or both, as required by and at the expense of the
12 Department. The Department or Board may order the examining
13 physician to present testimony concerning the mental or
14 physical examination of the licensee or applicant. No
15 information shall be excluded by reason of any common law or
16 statutory privilege relating to communications between the
17 licensee or applicant and the examining physician. The
18 examining physicians shall be specifically designated by the
19 Board or Department. The individual to be examined may have,
20 at his or her own expense, another physician of his or her
21 choice present during all aspects of this examination. The
22 examination shall be performed by a physician licensed to
23 practice medicine in all its branches. Failure of an
24 individual to submit to a mental or physical examination, when
25 directed, shall result in an automatic suspension without
26 hearing.

1 A person holding a license under this Act or who has
2 applied for a license under this Act who, because of a physical
3 or mental illness or disability, including, but not limited
4 to, deterioration through the aging process or loss of motor
5 skill, is unable to practice the profession with reasonable
6 judgment, skill, or safety, may be required by the Department
7 to submit to care, counseling, or treatment by physicians
8 approved or designated by the Department as a condition, term,
9 or restriction for continued, reinstated, or renewed licensure
10 to practice. Submission to care, counseling, or treatment as
11 required by the Department shall not be considered discipline
12 of a license. If the licensee refuses to enter into a care,
13 counseling, or treatment agreement or fails to abide by the
14 terms of the agreement, the Department may file a complaint to
15 revoke, suspend, or otherwise discipline the license of the
16 individual. The Secretary may order the license suspended
17 immediately, pending a hearing by the Department. Fines shall
18 not be assessed in disciplinary actions involving physical or
19 mental illness or impairment.

20 In instances in which the Secretary immediately suspends a
21 person's license under this Section, a hearing on that
22 person's license must be convened by the Department within 15
23 days after the suspension and completed without appreciable
24 delay. The Department and Board shall have the authority to
25 review the subject individual's record of treatment and
26 counseling regarding the impairment to the extent permitted by

1 applicable federal statutes and regulations safeguarding the
2 confidentiality of medical records.

3 An individual licensed under this Act and affected under
4 this Section shall be afforded an opportunity to demonstrate
5 to the Department or Board that he or she can resume practice
6 in compliance with acceptable and prevailing standards under
7 the provisions of his or her license.

8 (Source: P.A. 102-20, eff. 1-1-22; 103-757, eff. 8-2-24;
9 revised 10-21-24.)

10 Section 840. The Medical Practice Act of 1987 is amended
11 by changing Sections 18 and 22 as follows:

12 (225 ILCS 60/18) (from Ch. 111, par. 4400-18)

13 (Section scheduled to be repealed on January 1, 2027)

14 Sec. 18. Visiting professor, physician, or resident
15 permits.

16 (A) Visiting professor permit.

17 (1) A visiting professor permit shall entitle a person
18 to practice medicine in all of its branches or to practice
19 the treatment of human ailments without the use of drugs
20 and without operative surgery provided:

21 (a) the person maintains an equivalent
22 authorization to practice medicine in all of its
23 branches or to practice the treatment of human
24 ailments without the use of drugs and without

1 operative surgery in good standing in his or her
2 native licensing jurisdiction during the period of the
3 visiting professor permit;

4 (b) the person has received a faculty appointment
5 to teach in a medical, osteopathic, or chiropractic
6 school in Illinois; and

7 (c) the Department may prescribe the information
8 necessary to establish an applicant's eligibility for
9 a permit. This information shall include without
10 limitation (i) a statement from the dean of the
11 medical school at which the applicant will be employed
12 describing the applicant's qualifications and (ii) a
13 statement from the dean of the medical school listing
14 every affiliated institution in which the applicant
15 will be providing instruction as part of the medical
16 school's education program and justifying any clinical
17 activities at each of the institutions listed by the
18 dean.

19 (2) Application for visiting professor permits shall
20 be made to the Department, in writing, on forms prescribed
21 by the Department and shall be accompanied by the required
22 fee established by rule, which shall not be refundable.
23 Any application shall require the information as, in the
24 judgment of the Department, will enable the Department to
25 pass on the qualifications of the applicant.

26 (3) A visiting professor permit shall be valid for no

1 longer than 2 years from the date of issuance or until the
2 time the faculty appointment is terminated, whichever
3 occurs first, and may be renewed only in accordance with
4 subdivision (A)(6) of this Section.

5 (4) The applicant may be required to appear before the
6 Medical Board for an interview prior to, and as a
7 requirement for, the issuance of the original permit and
8 the renewal.

9 (5) Persons holding a permit under this Section shall
10 only practice medicine in all of its branches or practice
11 the treatment of human ailments without the use of drugs
12 and without operative surgery in the State of Illinois in
13 their official capacity under their contract within the
14 medical school itself and any affiliated institution in
15 which the permit holder is providing instruction as part
16 of the medical school's educational program and for which
17 the medical school has assumed direct responsibility.

18 (6) After the initial renewal of a visiting professor
19 permit, a visiting professor permit shall be valid until
20 the last day of the next physician license renewal period,
21 as set by rule, and may only be renewed for applicants who
22 meet the following requirements:

23 (i) have obtained the required continuing
24 education hours as set by rule; and

25 (ii) have paid the fee prescribed for a license
26 under Section 21 of this Act.

1 For initial renewal, the visiting professor must
2 successfully pass a general competency examination authorized
3 by the Department by rule, unless he or she was issued an
4 initial visiting professor permit on or after January 1, 2007,
5 but prior to July 1, 2007.

6 (B) Visiting physician permit.

7 (1) The Department may, in its discretion, issue a
8 temporary visiting physician permit, without examination,
9 provided:

10 (a) (blank);

11 (b) that the person maintains an equivalent
12 authorization to practice medicine in all of its
13 branches or to practice the treatment of human
14 ailments without the use of drugs and without
15 operative surgery in good standing in his or her
16 native licensing jurisdiction during the period of the
17 temporary visiting physician permit;

18 (c) that the person has received an invitation or
19 appointment to study, demonstrate, or perform a
20 specific medical, osteopathic, chiropractic, or
21 clinical subject or technique in a medical,
22 osteopathic, or chiropractic school, a state or
23 national medical, osteopathic, or chiropractic
24 professional association or society conference or
25 meeting, a hospital licensed under the Hospital

1 Licensing Act, a hospital organized under the
2 University of Illinois Hospital Act, or a facility
3 operated pursuant to the Ambulatory Surgical Treatment
4 Center Act; and

5 (d) that the temporary visiting physician permit
6 shall only permit the holder to practice medicine in
7 all of its branches or practice the treatment of human
8 ailments without the use of drugs and without
9 operative surgery within the scope of the medical,
10 osteopathic, chiropractic, or clinical studies, or in
11 conjunction with the state or national medical,
12 osteopathic, or chiropractic professional association
13 or society conference or meeting, for which the holder
14 was invited or appointed.

15 (2) The application for the temporary visiting
16 physician permit shall be made to the Department, in
17 writing, on forms prescribed by the Department, and shall
18 be accompanied by the required fee established by rule,
19 which shall not be refundable. The application shall
20 require information that, in the judgment of the
21 Department, will enable the Department to pass on the
22 qualification of the applicant, and the necessity for the
23 granting of a temporary visiting physician permit.

24 (3) A temporary visiting physician permit shall be
25 valid for no longer than (i) 180 days from the date of
26 issuance or (ii) until the time the medical, osteopathic,

1 chiropractic, or clinical studies are completed, or the
2 state or national medical, osteopathic, or chiropractic
3 professional association or society conference or meeting
4 has concluded, whichever occurs first. The temporary
5 visiting physician permit may be issued multiple times to
6 a visiting physician under this paragraph (3) as long as
7 the total number of days it is active does ~~do~~ not exceed
8 180 days within a 365-day period.

9 (4) The applicant for a temporary visiting physician
10 permit may be required to appear before the Medical Board
11 for an interview prior to, and as a requirement for, the
12 issuance of a temporary visiting physician permit.

13 (5) A limited temporary visiting physician permit
14 shall be issued to a physician licensed in another state
15 who has been requested to perform emergency procedures in
16 Illinois if he or she meets the requirements as
17 established by rule.

18 (C) Visiting resident permit.

19 (1) The Department may, in its discretion, issue a
20 temporary visiting resident permit, without examination,
21 provided:

22 (a) (blank);

23 (b) that the person maintains an equivalent
24 authorization to practice medicine in all of its
25 branches or to practice the treatment of human

1 ailments without the use of drugs and without
2 operative surgery in good standing in his or her
3 native licensing jurisdiction during the period of the
4 temporary visiting resident permit;

5 (c) that the applicant is enrolled in a
6 postgraduate clinical training program outside the
7 State of Illinois that is approved by the Department;

8 (d) that the individual has been invited or
9 appointed for a specific period of time to perform a
10 portion of that post graduate clinical training
11 program under the supervision of an Illinois licensed
12 physician in an Illinois patient care clinic or
13 facility that is affiliated with the out-of-State post
14 graduate training program; and

15 (e) that the temporary visiting resident permit
16 shall only permit the holder to practice medicine in
17 all of its branches or practice the treatment of human
18 ailments without the use of drugs and without
19 operative surgery within the scope of the medical,
20 osteopathic, chiropractic, or clinical studies for
21 which the holder was invited or appointed.

22 (2) The application for the temporary visiting
23 resident permit shall be made to the Department, in
24 writing, on forms prescribed by the Department, and shall
25 be accompanied by the required fee established by rule.
26 The application shall require information that, in the

1 judgment of the Department, will enable the Department to
2 pass on the qualifications of the applicant.

3 (3) A temporary visiting resident permit shall be
4 valid for 180 days from the date of issuance or until the
5 time the medical, osteopathic, chiropractic, or clinical
6 studies are completed, whichever occurs first.

7 (4) The applicant for a temporary visiting resident
8 permit may be required to appear before the Medical Board
9 for an interview prior to, and as a requirement for, the
10 issuance of a temporary visiting resident permit.

11 (D) Postgraduate training exemption period; visiting
12 rotations. A person may participate in visiting rotations in
13 an approved postgraduate training program, not to exceed a
14 total of 90 days for all rotations, if the following
15 information is submitted in writing or electronically to the
16 Department by the patient care clinics or facilities where the
17 person will be performing the training or by an affiliated
18 program:

19 (1) The person who has been invited or appointed to
20 perform a portion of their postgraduate clinical training
21 program in Illinois.

22 (2) The name and address of the primary patient care
23 clinic or facility, the date the training is to begin, and
24 the length of time of the invitation or appointment.

25 (3) The name and license number of the Illinois

1 physician who will be responsible for supervising the
2 trainee and the medical director or division director of
3 the department or facility.

4 (4) Certification from the postgraduate training
5 program that the person is approved and enrolled in a ~~an~~
6 graduate training program approved by the Department in
7 their home state.

8 (Source: P.A. 102-20, eff. 1-1-22; 103-551, eff. 8-11-23;
9 revised 8-6-24.)

10 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

11 (Section scheduled to be repealed on January 1, 2027)

12 Sec. 22. Disciplinary action.

13 (A) The Department may revoke, suspend, place on
14 probation, reprimand, refuse to issue or renew, or take any
15 other disciplinary or non-disciplinary action as the
16 Department may deem proper with regard to the license or
17 permit of any person issued under this Act, including imposing
18 fines not to exceed \$10,000 for each violation, upon any of the
19 following grounds:

20 (1) (Blank).

21 (2) (Blank).

22 (3) A plea of guilty or nolo contendere, finding of
23 guilt, jury verdict, or entry of judgment or sentencing,
24 including, but not limited to, convictions, preceding
25 sentences of supervision, conditional discharge, or first

1 offender probation, under the laws of any jurisdiction of
2 the United States of any crime that is a felony.

3 (4) Gross negligence in practice under this Act.

4 (5) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (6) Obtaining any fee by fraud, deceit, or
8 misrepresentation.

9 (7) Habitual or excessive use or abuse of drugs
10 defined in law as controlled substances, of alcohol, or of
11 any other substances which results in the inability to
12 practice with reasonable judgment, skill, or safety.

13 (8) Practicing under a false or, except as provided by
14 law, an assumed name.

15 (9) Fraud or misrepresentation in applying for, or
16 procuring, a license under this Act or in connection with
17 applying for renewal of a license under this Act.

18 (10) Making a false or misleading statement regarding
19 their skill or the efficacy or value of the medicine,
20 treatment, or remedy prescribed by them at their direction
21 in the treatment of any disease or other condition of the
22 body or mind.

23 (11) Allowing another person or organization to use
24 their license, procured under this Act, to practice.

25 (12) Adverse action taken by another state or
26 jurisdiction against a license or other authorization to

1 practice as a medical doctor, doctor of osteopathy, doctor
2 of osteopathic medicine, or doctor of chiropractic, a
3 certified copy of the record of the action taken by the
4 other state or jurisdiction being prima facie evidence
5 thereof. This includes any adverse action taken by a State
6 or federal agency that prohibits a medical doctor, doctor
7 of osteopathy, doctor of osteopathic medicine, or doctor
8 of chiropractic from providing services to the agency's
9 participants.

10 (13) Violation of any provision of this Act or of the
11 Medical Practice Act prior to the repeal of that Act, or
12 violation of the rules, or a final administrative action
13 of the Secretary, after consideration of the
14 recommendation of the Medical Board.

15 (14) Violation of the prohibition against fee
16 splitting in Section 22.2 of this Act.

17 (15) A finding by the Medical Board that the
18 registrant after having his or her license placed on
19 probationary status or subjected to conditions or
20 restrictions violated the terms of the probation or failed
21 to comply with such terms or conditions.

22 (16) Abandonment of a patient.

23 (17) Prescribing, selling, administering,
24 distributing, giving, or self-administering any drug
25 classified as a controlled substance (designated product)
26 or narcotic for other than medically accepted therapeutic

1 purposes.

2 (18) Promotion of the sale of drugs, devices,
3 appliances, or goods provided for a patient in such manner
4 as to exploit the patient for financial gain of the
5 physician.

6 (19) Offering, undertaking, or agreeing to cure or
7 treat disease by a secret method, procedure, treatment, or
8 medicine, or the treating, operating, or prescribing for
9 any human condition by a method, means, or procedure which
10 the licensee refuses to divulge upon demand of the
11 Department.

12 (20) Immoral conduct in the commission of any act,
13 including, but not limited to, commission of an act of
14 sexual misconduct related to the licensee's practice.

15 (21) Willfully making or filing false records or
16 reports in his or her practice as a physician, including,
17 but not limited to, false records to support claims
18 against the medical assistance program of the Department
19 of Healthcare and Family Services (formerly Department of
20 Public Aid) under the Illinois Public Aid Code.

21 (22) Willful omission to file or record, or willfully
22 impeding the filing or recording, or inducing another
23 person to omit to file or record, medical reports as
24 required by law, or willfully failing to report an
25 instance of suspected abuse or neglect as required by law.

26 (23) Being named as a perpetrator in an indicated

1 report by the Department of Children and Family Services
2 under the Abused and Neglected Child Reporting Act, and
3 upon proof by clear and convincing evidence that the
4 licensee has caused a child to be an abused child or
5 neglected child as defined in the Abused and Neglected
6 Child Reporting Act.

7 (24) Solicitation of professional patronage by any
8 corporation, agents, or persons, or profiting from those
9 representing themselves to be agents of the licensee.

10 (25) Gross and willful and continued overcharging for
11 professional services, including filing false statements
12 for collection of fees for which services are not
13 rendered, including, but not limited to, filing such false
14 statements for collection of monies for services not
15 rendered from the medical assistance program of the
16 Department of Healthcare and Family Services (formerly
17 Department of Public Aid) under the Illinois Public Aid
18 Code.

19 (26) A pattern of practice or other behavior which
20 demonstrates incapacity or incompetence to practice under
21 this Act.

22 (27) Mental illness or disability which results in the
23 inability to practice under this Act with reasonable
24 judgment, skill, or safety.

25 (28) Physical illness, including, but not limited to,
26 deterioration through the aging process, or loss of motor

1 skill which results in a physician's inability to practice
2 under this Act with reasonable judgment, skill, or safety.

3 (29) Cheating on or attempting to subvert the
4 licensing examinations administered under this Act.

5 (30) Willfully or negligently violating the
6 confidentiality between physician and patient except as
7 required by law.

8 (31) The use of any false, fraudulent, or deceptive
9 statement in any document connected with practice under
10 this Act.

11 (32) Aiding and abetting an individual not licensed
12 under this Act in the practice of a profession licensed
13 under this Act.

14 (33) Violating State or federal laws or regulations
15 relating to controlled substances, legend drugs, or
16 ephedra as defined in the Ephedra Prohibition Act.

17 (34) Failure to report to the Department any adverse
18 final action taken against them by another licensing
19 jurisdiction (any other state or any territory of the
20 United States or any foreign state or country), by any
21 peer review body, by any health care institution, by any
22 professional society or association related to practice
23 under this Act, by any governmental agency, by any law
24 enforcement agency, or by any court for acts or conduct
25 similar to acts or conduct which would constitute grounds
26 for action as defined in this Section.

1 (35) Failure to report to the Department surrender of
2 a license or authorization to practice as a medical
3 doctor, a doctor of osteopathy, a doctor of osteopathic
4 medicine, or doctor of chiropractic in another state or
5 jurisdiction, or surrender of membership on any medical
6 staff or in any medical or professional association or
7 society, while under disciplinary investigation by any of
8 those authorities or bodies, for acts or conduct similar
9 to acts or conduct which would constitute grounds for
10 action as defined in this Section.

11 (36) Failure to report to the Department any adverse
12 judgment, settlement, or award arising from a liability
13 claim related to acts or conduct similar to acts or
14 conduct which would constitute grounds for action as
15 defined in this Section.

16 (37) Failure to provide copies of medical records as
17 required by law.

18 (38) Failure to furnish the Department, its
19 investigators or representatives, relevant information,
20 legally requested by the Department after consultation
21 with the Chief Medical Coordinator or the Deputy Medical
22 Coordinator.

23 (39) Violating the Health Care Worker Self-Referral
24 Act.

25 (40) (Blank) .

26 (41) Failure to establish and maintain records of

1 patient care and treatment as required by this law.

2 (42) Entering into an excessive number of written
3 collaborative agreements with licensed advanced practice
4 registered nurses resulting in an inability to adequately
5 collaborate.

6 (43) Repeated failure to adequately collaborate with a
7 licensed advanced practice registered nurse.

8 (44) Violating the Compassionate Use of Medical
9 Cannabis Program Act.

10 (45) Entering into an excessive number of written
11 collaborative agreements with licensed prescribing
12 psychologists resulting in an inability to adequately
13 collaborate.

14 (46) Repeated failure to adequately collaborate with a
15 licensed prescribing psychologist.

16 (47) Willfully failing to report an instance of
17 suspected abuse, neglect, financial exploitation, or
18 self-neglect of an eligible adult as defined in and
19 required by the Adult Protective Services Act.

20 (48) Being named as an abuser in a verified report by
21 the Department on Aging under the Adult Protective
22 Services Act, and upon proof by clear and convincing
23 evidence that the licensee abused, neglected, or
24 financially exploited an eligible adult as defined in the
25 Adult Protective Services Act.

26 (49) Entering into an excessive number of written

1 collaborative agreements with licensed physician
2 assistants resulting in an inability to adequately
3 collaborate.

4 (50) Repeated failure to adequately collaborate with a
5 physician assistant.

6 Except for actions involving the ground numbered (26), all
7 proceedings to suspend, revoke, place on probationary status,
8 or take any other disciplinary action as the Department may
9 deem proper, with regard to a license on any of the foregoing
10 grounds, must be commenced within 5 years next after receipt
11 by the Department of a complaint alleging the commission of or
12 notice of the conviction order for any of the acts described
13 herein. Except for the grounds numbered (8), (9), (26), and
14 (29), no action shall be commenced more than 10 years after the
15 date of the incident or act alleged to have violated this
16 Section. For actions involving the ground numbered (26), a
17 pattern of practice or other behavior includes all incidents
18 alleged to be part of the pattern of practice or other behavior
19 that occurred, or a report pursuant to Section 23 of this Act
20 received, within the 10-year period preceding the filing of
21 the complaint. In the event of the settlement of any claim or
22 cause of action in favor of the claimant or the reduction to
23 final judgment of any civil action in favor of the plaintiff,
24 such claim, cause of action, or civil action being grounded on
25 the allegation that a person licensed under this Act was
26 negligent in providing care, the Department shall have an

1 additional period of 2 years from the date of notification to
2 the Department under Section 23 of this Act of such settlement
3 or final judgment in which to investigate and commence formal
4 disciplinary proceedings under Section 36 of this Act, except
5 as otherwise provided by law. The time during which the holder
6 of the license was outside the State of Illinois shall not be
7 included within any period of time limiting the commencement
8 of disciplinary action by the Department.

9 The entry of an order or judgment by any circuit court
10 establishing that any person holding a license under this Act
11 is a person in need of mental treatment operates as a
12 suspension of that license. That person may resume his or her
13 practice only upon the entry of a Departmental order based
14 upon a finding by the Medical Board that the person has been
15 determined to be recovered from mental illness by the court
16 and upon the Medical Board's recommendation that the person be
17 permitted to resume his or her practice.

18 The Department may refuse to issue or take disciplinary
19 action concerning the license of any person who fails to file a
20 return, or to pay the tax, penalty, or interest shown in a
21 filed return, or to pay any final assessment of tax, penalty,
22 or interest, as required by any tax Act administered by the
23 Illinois Department of Revenue, until such time as the
24 requirements of any such tax Act are satisfied as determined
25 by the Illinois Department of Revenue.

26 The Department, upon the recommendation of the Medical

1 Board, shall adopt rules which set forth standards to be used
2 in determining:

3 (a) when a person will be deemed sufficiently
4 rehabilitated to warrant the public trust;

5 (b) what constitutes dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public;

8 (c) what constitutes immoral conduct in the commission
9 of any act, including, but not limited to, commission of
10 an act of sexual misconduct related to the licensee's
11 practice; and

12 (d) what constitutes gross negligence in the practice
13 of medicine.

14 However, no such rule shall be admissible into evidence in
15 any civil action except for review of a licensing or other
16 disciplinary action under this Act.

17 In enforcing this Section, the Medical Board, upon a
18 showing of a possible violation, may compel any individual who
19 is licensed to practice under this Act or holds a permit to
20 practice under this Act, or any individual who has applied for
21 licensure or a permit pursuant to this Act, to submit to a
22 mental or physical examination and evaluation, or both, which
23 may include a substance abuse or sexual offender evaluation,
24 as required by the Medical Board and at the expense of the
25 Department. The Medical Board shall specifically designate the
26 examining physician licensed to practice medicine in all of

1 its branches or, if applicable, the multidisciplinary team
2 involved in providing the mental or physical examination and
3 evaluation, or both. The multidisciplinary team shall be led
4 by a physician licensed to practice medicine in all of its
5 branches and may consist of one or more or a combination of
6 physicians licensed to practice medicine in all of its
7 branches, licensed chiropractic physicians, licensed clinical
8 psychologists, licensed clinical social workers, licensed
9 clinical professional counselors, and other professional and
10 administrative staff. Any examining physician or member of the
11 multidisciplinary team may require any person ordered to
12 submit to an examination and evaluation pursuant to this
13 Section to submit to any additional supplemental testing
14 deemed necessary to complete any examination or evaluation
15 process, including, but not limited to, blood testing,
16 urinalysis, psychological testing, or neuropsychological
17 testing. The Medical Board or the Department may order the
18 examining physician or any member of the multidisciplinary
19 team to provide to the Department or the Medical Board any and
20 all records, including business records, that relate to the
21 examination and evaluation, including any supplemental testing
22 performed. The Medical Board or the Department may order the
23 examining physician or any member of the multidisciplinary
24 team to present testimony concerning this examination and
25 evaluation of the licensee, permit holder, or applicant,
26 including testimony concerning any supplemental testing or

1 documents relating to the examination and evaluation. No
2 information, report, record, or other documents in any way
3 related to the examination and evaluation shall be excluded by
4 reason of any common law or statutory privilege relating to
5 communication between the licensee, permit holder, or
6 applicant and the examining physician or any member of the
7 multidisciplinary team. No authorization is necessary from the
8 licensee, permit holder, or applicant ordered to undergo an
9 evaluation and examination for the examining physician or any
10 member of the multidisciplinary team to provide information,
11 reports, records, or other documents or to provide any
12 testimony regarding the examination and evaluation. The
13 individual to be examined may have, at his or her own expense,
14 another physician of his or her choice present during all
15 aspects of the examination. Failure of any individual to
16 submit to mental or physical examination and evaluation, or
17 both, when directed, shall result in an automatic suspension,
18 without hearing, until such time as the individual submits to
19 the examination. If the Medical Board finds a physician unable
20 to practice following an examination and evaluation because of
21 the reasons set forth in this Section, the Medical Board shall
22 require such physician to submit to care, counseling, or
23 treatment by physicians, or other health care professionals,
24 approved or designated by the Medical Board, as a condition
25 for issued, continued, reinstated, or renewed licensure to
26 practice. Any physician, whose license was granted pursuant to

1 Section 9, 17, or 19 of this Act, or, continued, reinstated,
2 renewed, disciplined, or supervised, subject to such terms,
3 conditions, or restrictions who shall fail to comply with such
4 terms, conditions, or restrictions, or to complete a required
5 program of care, counseling, or treatment, as determined by
6 the Chief Medical Coordinator or Deputy Medical Coordinators,
7 shall be referred to the Secretary for a determination as to
8 whether the licensee shall have his or her license suspended
9 immediately, pending a hearing by the Medical Board. In
10 instances in which the Secretary immediately suspends a
11 license under this Section, a hearing upon such person's
12 license must be convened by the Medical Board within 15 days
13 after such suspension and completed without appreciable delay.
14 The Medical Board shall have the authority to review the
15 subject physician's record of treatment and counseling
16 regarding the impairment, to the extent permitted by
17 applicable federal statutes and regulations safeguarding the
18 confidentiality of medical records.

19 An individual licensed under this Act, affected under this
20 Section, shall be afforded an opportunity to demonstrate to
21 the Medical Board that he or she can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of his or her license.

24 The Medical Board, in determining mental capacity of an
25 individual licensed under this Act, shall consider the latest
26 recommendations of the Federation of State Medical Boards.

1 The Department may promulgate rules for the imposition of
2 fines in disciplinary cases, not to exceed \$10,000 for each
3 violation of this Act. Fines may be imposed in conjunction
4 with other forms of disciplinary action, but shall not be the
5 exclusive disposition of any disciplinary action arising out
6 of conduct resulting in death or injury to a patient. Any funds
7 collected from such fines shall be deposited in the Illinois
8 State Medical Disciplinary Fund.

9 All fines imposed under this Section shall be paid within
10 60 days after the effective date of the order imposing the fine
11 or in accordance with the terms set forth in the order imposing
12 the fine.

13 (B) The Department shall revoke the license or permit
14 issued under this Act to practice medicine of ~~or~~ a
15 chiropractic physician who has been convicted a second time of
16 committing any felony under the Illinois Controlled Substances
17 Act or the Methamphetamine Control and Community Protection
18 Act, or who has been convicted a second time of committing a
19 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois
20 Public Aid Code. A person whose license or permit is revoked
21 under this subsection (B) ~~B~~ shall be prohibited from
22 practicing medicine or treating human ailments without the use
23 of drugs and without operative surgery.

24 (C) The Department shall not revoke, suspend, place on
25 probation, reprimand, refuse to issue or renew, or take any
26 other disciplinary or non-disciplinary action against the

1 license or permit issued under this Act to practice medicine
2 to a physician:

3 (1) based solely upon the recommendation of the
4 physician to an eligible patient regarding, or
5 prescription for, or treatment with, an investigational
6 drug, biological product, or device;

7 (2) for experimental treatment for Lyme disease or
8 other tick-borne diseases, including, but not limited to,
9 the prescription of or treatment with long-term
10 antibiotics;

11 (3) based solely upon the physician providing,
12 authorizing, recommending, aiding, assisting, referring
13 for, or otherwise participating in any health care
14 service, so long as the care was not unlawful under the
15 laws of this State, regardless of whether the patient was
16 a resident of this State or another state; or

17 (4) based upon the physician's license being revoked
18 or suspended, or the physician being otherwise disciplined
19 by any other state, if that revocation, suspension, or
20 other form of discipline was based solely on the physician
21 violating another state's laws prohibiting the provision
22 of, authorization of, recommendation of, aiding or
23 assisting in, referring for, or participation in any
24 health care service if that health care service as
25 provided would not have been unlawful under the laws of
26 this State and is consistent with the standards of conduct

1 for the physician if it occurred in Illinois.

2 (D) (Blank).

3 (E) The conduct specified in subsection (C) shall not
4 trigger reporting requirements under Section 23, constitute
5 grounds for suspension under Section 25, or be included on the
6 physician's profile required under Section 10 of the Patients'
7 Right to Know Act.

8 (F) An applicant seeking licensure, certification, or
9 authorization pursuant to this Act and who has been subject to
10 disciplinary action by a duly authorized professional
11 disciplinary agency of another jurisdiction solely on the
12 basis of having provided, authorized, recommended, aided,
13 assisted, referred for, or otherwise participated in health
14 care shall not be denied such licensure, certification, or
15 authorization, unless the Department determines that the
16 action would have constituted professional misconduct in this
17 State; however, nothing in this Section shall be construed as
18 prohibiting the Department from evaluating the conduct of the
19 applicant and making a determination regarding the licensure,
20 certification, or authorization to practice a profession under
21 this Act.

22 (G) The Department may adopt rules to implement the
23 changes made by Public Act 102-1117 ~~this amendatory Act of the~~
24 ~~102nd General Assembly.~~

25 (Source: P.A. 102-20, eff. 1-1-22; 102-558, eff. 8-20-21;
26 102-813, eff. 5-13-22; 102-1117, eff. 1-13-23; 103-442, eff.

1 1-1-24; revised 10-22-24.)

2 Section 845. The Pharmacy Practice Act is amended by
3 changing Section 3 as follows:

4 (225 ILCS 85/3)

5 (Section scheduled to be repealed on January 1, 2028)

6 Sec. 3. Definitions. For the purpose of this Act, except
7 where otherwise limited therein:

8 (a) "Pharmacy" or "drugstore" means and includes every
9 store, shop, pharmacy department, or other place where
10 pharmacist care is provided by a pharmacist (1) where drugs,
11 medicines, or poisons are dispensed, sold or offered for sale
12 at retail, or displayed for sale at retail; or (2) where
13 prescriptions of physicians, dentists, advanced practice
14 registered nurses, physician assistants, veterinarians,
15 podiatric physicians, or optometrists, within the limits of
16 their licenses, are compounded, filled, or dispensed; or (3)
17 which has upon it or displayed within it, or affixed to or used
18 in connection with it, a sign bearing the word or words
19 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
20 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
21 "Drugs", "Dispensary", "Medicines", or any word or words of
22 similar or like import, either in the English language or any
23 other language; or (4) where the characteristic prescription
24 sign (Rx) or similar design is exhibited; or (5) any store, or

1 shop, or other place with respect to which any of the above
2 words, objects, signs or designs are used in any
3 advertisement.

4 (b) "Drugs" means and includes (1) articles recognized in
5 the official United States Pharmacopoeia/National Formulary
6 (USP/NF), or any supplement thereto and being intended for and
7 having for their main use the diagnosis, cure, mitigation,
8 treatment or prevention of disease in man or other animals, as
9 approved by the United States Food and Drug Administration,
10 but does not include devices or their components, parts, or
11 accessories; and (2) all other articles intended for and
12 having for their main use the diagnosis, cure, mitigation,
13 treatment or prevention of disease in man or other animals, as
14 approved by the United States Food and Drug Administration,
15 but does not include devices or their components, parts, or
16 accessories; and (3) articles (other than food) having for
17 their main use and intended to affect the structure or any
18 function of the body of man or other animals; and (4) articles
19 having for their main use and intended for use as a component
20 or any articles specified in clause (1), (2) or (3); but does
21 not include devices or their components, parts or accessories.

22 (c) "Medicines" means and includes all drugs intended for
23 human or veterinary use approved by the United States Food and
24 Drug Administration.

25 (d) "Practice of pharmacy" means:

26 (1) the interpretation and the provision of assistance

1 in the monitoring, evaluation, and implementation of
2 prescription drug orders;

3 (2) the dispensing of prescription drug orders;

4 (3) participation in drug and device selection;

5 (4) drug administration limited to the administration
6 of oral, topical, injectable, and inhalation as follows:

7 (A) in the context of patient education on the
8 proper use or delivery of medications;

9 (B) vaccination of patients 7 years of age and
10 older pursuant to a valid prescription or standing
11 order, by a physician licensed to practice medicine in
12 all its branches, except for vaccinations covered by
13 paragraph (15), upon completion of appropriate
14 training, including how to address contraindications
15 and adverse reactions set forth by rule, with
16 notification to the patient's physician and
17 appropriate record retention, or pursuant to hospital
18 pharmacy and therapeutics committee policies and
19 procedures. Eligible vaccines are those listed on the
20 U.S. Centers for Disease Control and Prevention (CDC)
21 Recommended Immunization Schedule, the CDC's Health
22 Information for International Travel, or the U.S. Food
23 and Drug Administration's Vaccines Licensed and
24 Authorized for Use in the United States. As applicable
25 to the State's Medicaid program and other payers,
26 vaccines ordered and administered in accordance with

1 this subsection shall be covered and reimbursed at no
2 less than the rate that the vaccine is reimbursed when
3 ordered and administered by a physician;

4 (B-5) (blank);

5 (C) administration of injections of
6 alpha-hydroxyprogesterone caproate, pursuant to a
7 valid prescription, by a physician licensed to
8 practice medicine in all its branches, upon completion
9 of appropriate training, including how to address
10 contraindications and adverse reactions set forth by
11 rule, with notification to the patient's physician and
12 appropriate record retention, or pursuant to hospital
13 pharmacy and therapeutics committee policies and
14 procedures; and

15 (D) administration of long-acting injectables for
16 mental health or substance use disorders pursuant to a
17 valid prescription by the patient's physician licensed
18 to practice medicine in all its branches, advanced
19 practice registered nurse, or physician assistant upon
20 completion of appropriate training conducted by an
21 Accreditation Council of Pharmaceutical Education
22 accredited provider, including how to address
23 contraindications and adverse reactions set forth by
24 rule, with notification to the patient's physician and
25 appropriate record retention, or pursuant to hospital
26 pharmacy and therapeutics committee policies and

1 procedures;

2 (5) (blank);

3 (6) drug regimen review;

4 (7) drug or drug-related research;

5 (8) the provision of patient counseling;

6 (9) the practice of telepharmacy;

7 (10) the provision of those acts or services necessary

8 to provide pharmacist care;

9 (11) medication therapy management;

10 (12) the responsibility for compounding and labeling

11 of drugs and devices (except labeling by a manufacturer,

12 repackager, or distributor of non-prescription drugs and

13 commercially packaged legend drugs and devices), proper

14 and safe storage of drugs and devices, and maintenance of

15 required records;

16 (13) the assessment and consultation of patients and

17 dispensing of hormonal contraceptives;

18 (14) the initiation, dispensing, or administration of

19 drugs, laboratory tests, assessments, referrals, and

20 consultations for human immunodeficiency virus

21 pre-exposure prophylaxis and human immunodeficiency virus

22 post-exposure prophylaxis under Section 43.5;

23 (15) vaccination of patients 7 years of age and older

24 for COVID-19 or influenza subcutaneously, intramuscularly,

25 or orally as authorized, approved, or licensed by the

26 United States Food and Drug Administration, pursuant to

1 the following conditions:

2 (A) the vaccine must be authorized or licensed by
3 the United States Food and Drug Administration;

4 (B) the vaccine must be ordered and administered
5 according to the Advisory Committee on Immunization
6 Practices standard immunization schedule;

7 (C) the pharmacist must complete a course of
8 training accredited by the Accreditation Council on
9 Pharmacy Education or a similar health authority or
10 professional body approved by the Division of
11 Professional Regulation;

12 (D) the pharmacist must have a current certificate
13 in basic cardiopulmonary resuscitation;

14 (E) the pharmacist must complete, during each
15 State licensing period, a minimum of 2 hours of
16 immunization-related continuing pharmacy education
17 approved by the Accreditation Council on Pharmacy
18 Education;

19 (F) the pharmacist must comply with recordkeeping
20 and reporting requirements of the jurisdiction in
21 which the pharmacist administers vaccines, including
22 informing the patient's primary-care provider, when
23 available, and complying with requirements whereby the
24 person administering a vaccine must review the vaccine
25 registry or other vaccination records prior to
26 administering the vaccine; and

1 (G) the pharmacist must inform the pharmacist's
2 patients who are less than 18 years old, as well as the
3 adult caregiver accompanying the child, of the
4 importance of a well-child visit with a pediatrician
5 or other licensed primary-care provider and must refer
6 patients as appropriate;

7 (16) the ordering and administration of COVID-19
8 therapeutics subcutaneously, intramuscularly, or orally
9 with notification to the patient's physician and
10 appropriate record retention or pursuant to hospital
11 pharmacy and therapeutics committee policies and
12 procedures. Eligible therapeutics are those approved,
13 authorized, or licensed by the United States Food and Drug
14 Administration and must be administered subcutaneously,
15 intramuscularly, or orally in accordance with that
16 approval, authorization, or licensing; and

17 (17) the ordering and administration of point of care
18 tests, screenings, and treatments for (i) influenza, (ii)
19 SARS-CoV-2, (iii) Group A Streptococcus, (iv) respiratory
20 syncytial virus, (v) adult-stage head louse, and (vi)
21 health conditions identified by a statewide public health
22 emergency, as defined in the Illinois Emergency Management
23 Agency Act, with notification to the patient's physician,
24 if any, and appropriate record retention or pursuant to
25 hospital pharmacy and therapeutics committee policies and
26 procedures. Eligible tests and screenings are those

1 approved, authorized, or licensed by the United States
2 Food and Drug Administration and must be administered in
3 accordance with that approval, authorization, or
4 licensing.

5 A pharmacist who orders or administers tests or
6 screenings for health conditions described in this
7 paragraph may use a test that may guide clinical
8 decision-making for the health condition that is waived
9 under the federal Clinical Laboratory Improvement
10 Amendments of 1988 and regulations promulgated thereunder
11 or any established screening procedure that is established
12 under a statewide protocol.

13 A pharmacist may delegate the administrative and
14 technical tasks of performing a test for the health
15 conditions described in this paragraph to a registered
16 pharmacy technician or student pharmacist acting under the
17 supervision of the pharmacist.

18 The testing, screening, and treatment ordered under
19 this paragraph by a pharmacist shall not be denied
20 reimbursement under health benefit plans that are within
21 the scope of the pharmacist's license and shall be covered
22 as if the services or procedures were performed by a
23 physician, an advanced practice registered nurse, or a
24 physician assistant.

25 A pharmacy benefit manager, health carrier, health
26 benefit plan, or third-party payor shall not discriminate

1 against a pharmacy or a pharmacist with respect to
2 participation referral, reimbursement of a covered
3 service, or indemnification if a pharmacist is acting
4 within the scope of the pharmacist's license and the
5 pharmacy is operating in compliance with all applicable
6 laws and rules.

7 A pharmacist who performs any of the acts defined as the
8 practice of pharmacy in this State must be actively licensed
9 as a pharmacist under this Act.

10 (e) "Prescription" means and includes any written, oral,
11 facsimile, or electronically transmitted order for drugs or
12 medical devices, issued by a physician licensed to practice
13 medicine in all its branches, dentist, veterinarian, podiatric
14 physician, or optometrist, within the limits of his or her
15 license, by a physician assistant in accordance with
16 subsection (f) of Section 4, or by an advanced practice
17 registered nurse in accordance with subsection (g) of Section
18 4, containing the following: (1) name of the patient; (2) date
19 when prescription was issued; (3) name and strength of drug or
20 description of the medical device prescribed; and (4)
21 quantity; (5) directions for use; (6) prescriber's name,
22 address, and signature; and (7) DEA registration number where
23 required, for controlled substances. The prescription may, but
24 is not required to, list the illness, disease, or condition
25 for which the drug or device is being prescribed. DEA
26 registration numbers shall not be required on inpatient drug

1 orders. A prescription for medication other than controlled
2 substances shall be valid for up to 15 months from the date
3 issued for the purpose of refills, unless the prescription
4 states otherwise.

5 (f) "Person" means and includes a natural person,
6 partnership, association, corporation, government entity, or
7 any other legal entity.

8 (g) "Department" means the Department of Financial and
9 Professional Regulation.

10 (h) "Board of Pharmacy" or "Board" means the State Board
11 of Pharmacy of the Department of Financial and Professional
12 Regulation.

13 (i) "Secretary" means the Secretary of Financial and
14 Professional Regulation.

15 (j) "Drug product selection" means the interchange for a
16 prescribed pharmaceutical product in accordance with Section
17 25 of this Act and Section 3.14 of the Illinois Food, Drug and
18 Cosmetic Act.

19 (k) "Inpatient drug order" means an order issued by an
20 authorized prescriber for a resident or patient of a facility
21 licensed under the Nursing Home Care Act, the ID/DD Community
22 Care Act, the MC/DD Act, the Specialized Mental Health
23 Rehabilitation Act of 2013, the Hospital Licensing Act, or the
24 University of Illinois Hospital Act, or a facility which is
25 operated by the Department of Human Services (as successor to
26 the Department of Mental Health and Developmental

1 Disabilities) or the Department of Corrections.

2 (k-5) "Pharmacist" means an individual health care
3 professional and provider currently licensed by this State to
4 engage in the practice of pharmacy.

5 (1) "Pharmacist in charge" means the licensed pharmacist
6 whose name appears on a pharmacy license and who is
7 responsible for all aspects of the operation related to the
8 practice of pharmacy.

9 (m) "Dispense" or "dispensing" means the interpretation,
10 evaluation, and implementation of a prescription drug order,
11 including the preparation and delivery of a drug or device to a
12 patient or patient's agent in a suitable container
13 appropriately labeled for subsequent administration to or use
14 by a patient in accordance with applicable State and federal
15 laws and regulations. "Dispense" or "dispensing" does not mean
16 the physical delivery to a patient or a patient's
17 representative in a home or institution by a designee of a
18 pharmacist or by common carrier. "Dispense" or "dispensing"
19 also does not mean the physical delivery of a drug or medical
20 device to a patient or patient's representative by a
21 pharmacist's designee within a pharmacy or drugstore while the
22 pharmacist is on duty and the pharmacy is open.

23 (n) "Nonresident pharmacy" means a pharmacy that is
24 located in a state, commonwealth, or territory of the United
25 States, other than Illinois, that delivers, dispenses, or
26 distributes, through the United States Postal Service,

1 commercially acceptable parcel delivery service, or other
2 common carrier, to Illinois residents, any substance which
3 requires a prescription.

4 (o) "Compounding" means the preparation and mixing of
5 components, excluding flavorings, (1) as the result of a
6 prescriber's prescription drug order or initiative based on
7 the prescriber-patient-pharmacist relationship in the course
8 of professional practice or (2) for the purpose of, or
9 incident to, research, teaching, or chemical analysis and not
10 for sale or dispensing. "Compounding" includes the preparation
11 of drugs or devices in anticipation of receiving prescription
12 drug orders based on routine, regularly observed dispensing
13 patterns. Commercially available products may be compounded
14 for dispensing to individual patients only if all of the
15 following conditions are met: (i) the commercial product is
16 not reasonably available from normal distribution channels in
17 a timely manner to meet the patient's needs and (ii) the
18 prescribing practitioner has requested that the drug be
19 compounded.

20 (p) (Blank).

21 (q) (Blank).

22 (r) "Patient counseling" means the communication between a
23 pharmacist or a student pharmacist under the supervision of a
24 pharmacist and a patient or the patient's representative about
25 the patient's medication or device for the purpose of
26 optimizing proper use of prescription medications or devices.

1 "Patient counseling" may include without limitation (1)
2 obtaining a medication history; (2) acquiring a patient's
3 allergies and health conditions; (3) facilitation of the
4 patient's understanding of the intended use of the medication;
5 (4) proper directions for use; (5) significant potential
6 adverse events; (6) potential food-drug interactions; and (7)
7 the need to be compliant with the medication therapy. A
8 pharmacy technician may only participate in the following
9 aspects of patient counseling under the supervision of a
10 pharmacist: (1) obtaining medication history; (2) providing
11 the offer for counseling by a pharmacist or student
12 pharmacist; and (3) acquiring a patient's allergies and health
13 conditions.

14 (s) "Patient profiles" or "patient drug therapy record"
15 means the obtaining, recording, and maintenance of patient
16 prescription information, including prescriptions for
17 controlled substances, and personal information.

18 (t) (Blank).

19 (u) "Medical device" or "device" means an instrument,
20 apparatus, implement, machine, contrivance, implant, in vitro
21 reagent, or other similar or related article, including any
22 component part or accessory, required under federal law to
23 bear the label "Caution: Federal law requires dispensing by or
24 on the order of a physician". A seller of goods and services
25 who, only for the purpose of retail sales, compounds, sells,
26 rents, or leases medical devices shall not, by reasons

1 thereof, be required to be a licensed pharmacy.

2 (v) "Unique identifier" means an electronic signature,
3 handwritten signature or initials, thumbprint ~~thumb print~~, or
4 other acceptable biometric or electronic identification
5 process as approved by the Department.

6 (w) "Current usual and customary retail price" means the
7 price that a pharmacy charges to a non-third-party payor.

8 (x) "Automated pharmacy system" means a mechanical system
9 located within the confines of the pharmacy or remote location
10 that performs operations or activities, other than compounding
11 or administration, relative to storage, packaging, dispensing,
12 or distribution of medication, and which collects, controls,
13 and maintains all transaction information.

14 (y) "Drug regimen review" means and includes the
15 evaluation of prescription drug orders and patient records for
16 (1) known allergies; (2) drug or potential therapy
17 contraindications; (3) reasonable dose, duration of use, and
18 route of administration, taking into consideration factors
19 such as age, gender, and contraindications; (4) reasonable
20 directions for use; (5) potential or actual adverse drug
21 reactions; (6) drug-drug interactions; (7) drug-food
22 interactions; (8) drug-disease contraindications; (9)
23 therapeutic duplication; (10) patient laboratory values when
24 authorized and available; (11) proper utilization (including
25 over or under utilization) and optimum therapeutic outcomes;
26 and (12) abuse and misuse.

1 (z) "Electronically transmitted prescription" means a
2 prescription that is created, recorded, or stored by
3 electronic means; issued and validated with an electronic
4 signature; and transmitted by electronic means directly from
5 the prescriber to a pharmacy. An electronic prescription is
6 not an image of a physical prescription that is transferred by
7 electronic means from computer to computer, facsimile to
8 facsimile, or facsimile to computer.

9 (aa) "Medication therapy management services" means a
10 distinct service or group of services offered by licensed
11 pharmacists, physicians licensed to practice medicine in all
12 its branches, advanced practice registered nurses authorized
13 in a written agreement with a physician licensed to practice
14 medicine in all its branches, or physician assistants
15 authorized in guidelines by a supervising physician that
16 optimize therapeutic outcomes for individual patients through
17 improved medication use. In a retail or other non-hospital
18 pharmacy, medication therapy management services shall consist
19 of the evaluation of prescription drug orders and patient
20 medication records to resolve conflicts with the following:

21 (1) known allergies;

22 (2) drug or potential therapy contraindications;

23 (3) reasonable dose, duration of use, and route of
24 administration, taking into consideration factors such as
25 age, gender, and contraindications;

26 (4) reasonable directions for use;

- 1 (5) potential or actual adverse drug reactions;
- 2 (6) drug-drug interactions;
- 3 (7) drug-food interactions;
- 4 (8) drug-disease contraindications;
- 5 (9) identification of therapeutic duplication;
- 6 (10) patient laboratory values when authorized and
- 7 available;
- 8 (11) proper utilization (including over or under
- 9 utilization) and optimum therapeutic outcomes; and
- 10 (12) drug abuse and misuse.

11 "Medication therapy management services" includes the
12 following:

13 (1) documenting the services delivered and
14 communicating the information provided to patients'
15 prescribers within an appropriate time frame, not to
16 exceed 48 hours;

17 (2) providing patient counseling designed to enhance a
18 patient's understanding and the appropriate use of his or
19 her medications; and

20 (3) providing information, support services, and
21 resources designed to enhance a patient's adherence with
22 his or her prescribed therapeutic regimens.

23 "Medication therapy management services" may also include
24 patient care functions authorized by a physician licensed to
25 practice medicine in all its branches for his or her
26 identified patient or groups of patients under specified

1 conditions or limitations in a standing order from the
2 physician.

3 "Medication therapy management services" in a licensed
4 hospital may also include the following:

5 (1) reviewing assessments of the patient's health
6 status; and

7 (2) following protocols of a hospital pharmacy and
8 therapeutics committee with respect to the fulfillment of
9 medication orders.

10 (bb) "Pharmacist care" means the provision by a pharmacist
11 of medication therapy management services, with or without the
12 dispensing of drugs or devices, intended to achieve outcomes
13 that improve patient health, quality of life, and comfort and
14 enhance patient safety.

15 (cc) "Protected health information" means individually
16 identifiable health information that, except as otherwise
17 provided, is:

18 (1) transmitted by electronic media;

19 (2) maintained in any medium set forth in the
20 definition of "electronic media" in the federal Health
21 Insurance Portability and Accountability Act; or

22 (3) transmitted or maintained in any other form or
23 medium.

24 "Protected health information" does not include
25 individually identifiable health information found in:

26 (1) education records covered by the federal Family

1 Educational Right and Privacy Act; or

2 (2) employment records held by a licensee in its role
3 as an employer.

4 (dd) "Standing order" means a specific order for a patient
5 or group of patients issued by a physician licensed to
6 practice medicine in all its branches in Illinois.

7 (ee) "Address of record" means the designated address
8 recorded by the Department in the applicant's application file
9 or licensee's license file maintained by the Department's
10 licensure maintenance unit.

11 (ff) "Home pharmacy" means the location of a pharmacy's
12 primary operations.

13 (gg) "Email address of record" means the designated email
14 address recorded by the Department in the applicant's
15 application file or the licensee's license file, as maintained
16 by the Department's licensure maintenance unit.

17 (Source: P.A. 102-16, eff. 6-17-21; 102-103, eff. 1-1-22;
18 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1051, eff.
19 1-1-23; 103-1, eff. 4-27-23; 103-593, eff. 6-7-24; 103-612,
20 eff. 1-1-25; revised 11-26-24.)

21 Section 850. The Illinois Physical Therapy Act is amended
22 by changing Section 2 as follows:

23 (225 ILCS 90/2) (from Ch. 111, par. 4252)

24 (Section scheduled to be repealed on January 1, 2026)

1 Sec. 2. Licensure requirement; exempt activities. ~~Practice~~
2 ~~without a license forbidden -- exception.~~ No person shall after
3 the date of August 31, 1965 begin to practice physical therapy
4 in this State or hold himself out as being able to practice
5 this profession, unless he is licensed as such in accordance
6 with the provisions of this Act. After July 1, 1991 (the
7 effective date of Public Act 86-1396) ~~this amendatory Act of~~
8 ~~1990~~, no person shall practice or hold himself out as a
9 physical therapist assistant unless he is licensed as such
10 under this Act. A physical therapist shall use the initials
11 "PT" in connection with his or her name to denote licensure
12 under this Act, and a physical therapist assistant shall use
13 the initials "PTA" in connection with his or her name to denote
14 licensure under this Act.

15 This Act does not prohibit:

16 (1) Any person licensed in this State under any other
17 Act from engaging in the practice for which he is
18 licensed.

19 (2) The practice of physical therapy by those persons,
20 practicing under the supervision of a licensed physical
21 therapist and who have met all of the qualifications as
22 provided in Sections 7, 8.1, and 9 of this Act, until the
23 next examination is given for physical therapists or
24 physical therapist assistants and the results have been
25 received by the Department and the Department has
26 determined the applicant's eligibility for a license.

1 Anyone failing to pass said examination shall not again
2 practice physical therapy until such time as an
3 examination has been successfully passed by such person.

4 (3) The practice of physical therapy for a period not
5 exceeding 6 months by a person who is in this State on a
6 temporary basis to assist in a case of medical emergency
7 or to engage in a special physical therapy project, and
8 who meets the qualifications for a physical therapist as
9 set forth in Sections 7 and 8 of this Act and is licensed
10 in another state as a physical therapist.

11 (4) Practice of physical therapy by qualified persons
12 who have filed for endorsement for no longer than one year
13 or until such time that notification of licensure has been
14 granted or denied, whichever period of time is lesser.

15 (5) One or more licensed physical therapists from
16 forming a professional service corporation under the
17 provisions of the "Professional Service Corporation Act",
18 ~~approved September 15, 1969, as now or hereafter amended,~~
19 and licensing such corporation for the practice of
20 physical therapy.

21 (6) Physical therapy aides from performing patient
22 care activities under the on-site supervision of a
23 licensed physical therapist or licensed physical therapist
24 assistant. These patient care activities shall not include
25 interpretation of referrals, evaluation procedures, the
26 planning of or major modifications of, patient programs.

1 (7) Physical therapist assistants ~~Therapist Assistants~~
2 from performing patient care activities under the general
3 supervision of a licensed physical therapist. The physical
4 therapist must maintain continual contact with the
5 physical therapist assistant including periodic personal
6 supervision and instruction to insure the safety and
7 welfare of the patient.

8 (8) The practice of physical therapy by a physical
9 therapy student or a physical therapist assistant student
10 under the on-site supervision of a licensed physical
11 therapist. The physical therapist shall be readily
12 available for direct supervision and instruction to insure
13 the safety and welfare of the patient.

14 (9) The practice of physical therapy as part of an
15 educational program by a physical therapist licensed in
16 another state or country for a period not to exceed 6
17 months.

18 (10) (Blank). ~~The practice, services, or activities of~~
19 ~~persons practicing the specified occupations set forth in~~
20 ~~subsection (a) of, and pursuant to a licensing exemption~~
21 ~~granted in subsection (b) or (d) of, Section 2105-350 of~~
22 ~~the Department of Professional Regulation Law of the Civil~~
23 ~~Administrative Code of Illinois, but only for so long as~~
24 ~~the 2016 Olympic and Paralympic Games Professional~~
25 ~~Licensure Exemption Law is operable.~~

26 (Source: P.A. 96-7, eff. 4-3-09; revised 8-6-24.)

1 Section 855. The Podiatric Medical Practice Act of 1987 is
2 amended by changing Section 24 as follows:

3 (225 ILCS 100/24) (from Ch. 111, par. 4824)

4 (Section scheduled to be repealed on January 1, 2028)

5 Sec. 24. Grounds for disciplinary action. The Department
6 may refuse to issue, may refuse to renew, may refuse to
7 restore, may suspend, or may revoke any license, or may place
8 on probation, reprimand or take other disciplinary or
9 non-disciplinary action as the Department may deem proper,
10 including fines not to exceed \$10,000 for each violation upon
11 anyone licensed under this Act for any of the following
12 reasons:

13 (1) Making a material misstatement in furnishing
14 information to the Department.

15 (2) Violations of this Act, or of the rules adopted
16 under this Act.

17 (3) Conviction by plea of guilty or nolo contendere,
18 finding of guilt, jury verdict, or entry of judgment or
19 sentencing, including, but not limited to, convictions,
20 preceding sentences of supervision, conditional discharge,
21 or first offender probation, under the laws of any
22 jurisdiction of the United States that is (i) a felony or
23 (ii) a misdemeanor, an essential element of which is
24 dishonesty, or that is directly related to the practice of

1 the profession.

2 (4) Making any misrepresentation for the purpose of
3 obtaining licenses, or violating any provision of this Act
4 or the rules promulgated thereunder pertaining to
5 advertising.

6 (5) Professional incompetence.

7 (6) Gross or repeated malpractice or negligence.

8 (7) Aiding or assisting another person in violating
9 any provision of this Act or rules.

10 (8) Failing, within 30 days, to provide information in
11 response to a written request made by the Department.

12 (9) Engaging in dishonorable, unethical or
13 unprofessional conduct of a character likely to deceive,
14 defraud or harm the public.

15 (10) Habitual or excessive use of alcohol, narcotics,
16 stimulants, or other chemical agent or drug that results
17 in the inability to practice podiatric medicine with
18 reasonable judgment, skill or safety.

19 (11) Discipline by another United States jurisdiction
20 if at least one of the grounds for the discipline is the
21 same or substantially equivalent to those set forth in
22 this Section.

23 (12) Violation of the prohibition against fee
24 splitting in Section 24.2 of this Act.

25 (13) A finding by the Board that the licensee, after
26 having his or her license placed on probationary status,

1 has violated the terms of probation.

2 (14) Abandonment of a patient.

3 (15) Willfully making or filing false records or
4 reports in his or her practice, including, but not limited
5 to, false records filed with state agencies or
6 departments.

7 (16) Willfully failing to report an instance of
8 suspected child abuse or neglect as required by the Abused
9 and Neglected Child Reporting ~~Report~~ Act.

10 (17) Physical illness, mental illness, or other
11 impairment, including, but not limited to, deterioration
12 through the aging process, or loss of motor skill that
13 results in the inability to practice the profession with
14 reasonable judgment, skill or safety.

15 (18) Solicitation of professional services other than
16 permitted advertising.

17 (19) The determination by a circuit court that a
18 licensed podiatric physician is subject to involuntary
19 admission or judicial admission as provided in the Mental
20 Health and Developmental Disabilities Code operates as an
21 automatic suspension. Such suspension will end only upon a
22 finding by a court that the patient is no longer subject to
23 involuntary admission or judicial admission and issues an
24 order so finding and discharging the patient; and upon the
25 recommendation of the Board to the Secretary that the
26 licensee be allowed to resume his or her practice.

1 (20) Holding oneself out to treat human ailments under
2 any name other than his or her own, or the impersonation of
3 any other physician.

4 (21) Revocation or suspension or other action taken
5 with respect to a podiatric medical license in another
6 jurisdiction that would constitute disciplinary action
7 under this Act.

8 (22) Promotion of the sale of drugs, devices,
9 appliances, or goods provided for a patient in such manner
10 as to exploit the patient for financial gain of the
11 podiatric physician.

12 (23) Gross, willful, and continued overcharging for
13 professional services including filing false statements
14 for collection of fees for those services, including, but
15 not limited to, filing false statement for collection of
16 monies for services not rendered from the medical
17 assistance program of the Department of Healthcare and
18 Family Services (formerly Department of Public Aid) under
19 the Illinois Public Aid Code or other private or public
20 third party payor.

21 (24) Being named as a perpetrator in an indicated
22 report by the Department of Children and Family Services
23 under the Abused and Neglected Child Reporting Act, and
24 upon proof by clear and convincing evidence that the
25 licensee has caused a child to be an abused child or
26 neglected child as defined in the Abused and Neglected

1 Child Reporting Act.

2 (25) Willfully making or filing false records or
3 reports in the practice of podiatric medicine, including,
4 but not limited to, false records to support claims
5 against the medical assistance program of the Department
6 of Healthcare and Family Services (formerly Department of
7 Public Aid) under the Illinois Public Aid Code.

8 (26) (Blank).

9 (27) Immoral conduct in the commission of any act
10 including, sexual abuse, sexual misconduct, or sexual
11 exploitation, related to the licensee's practice.

12 (28) Violation of the Health Care Worker Self-Referral
13 Act.

14 (29) Failure to report to the Department any adverse
15 final action taken against him or her by another licensing
16 jurisdiction of the United States or any foreign state or
17 country, any peer review body, any health care
18 institution, any professional society or association, any
19 governmental agency, any law enforcement agency, or any
20 court for acts or conduct similar to acts or conduct that
21 would constitute grounds for action as defined in this
22 Section.

23 (30) Willfully failing to report an instance of
24 suspected abuse, neglect, financial exploitation, or
25 self-neglect of an eligible adult as defined in and
26 required by the Adult Protective Services Act.

1 (31) Being named as a perpetrator in an indicated
2 report by the Department on Aging under the Adult
3 Protective Services Act, and upon proof by clear and
4 convincing evidence that the licensee has caused an
5 eligible adult to be abused, neglected, or financially
6 exploited as defined in the Adult Protective Services Act.

7 The Department may refuse to issue or may suspend the
8 license of any person who fails to file a return, or to pay the
9 tax, penalty, or interest shown in a filed return, or to pay
10 any final assessment of tax, penalty, or interest, as required
11 by any tax Act administered by the Illinois Department of
12 Revenue, until such time as the requirements of any such tax
13 Act are satisfied.

14 Upon receipt of a written communication from the Secretary
15 of Human Services, the Director of Healthcare and Family
16 Services (formerly Director of Public Aid), or the Director of
17 Public Health that continuation of practice of a person
18 licensed under this Act constitutes an immediate danger to the
19 public, the Secretary may immediately suspend the license of
20 such person without a hearing. In instances in which the
21 Secretary immediately suspends a license under this Section, a
22 hearing upon such person's license must be convened by the
23 Board within 15 days after such suspension and completed
24 without appreciable delay, such hearing held to determine
25 whether to recommend to the Secretary that the person's
26 license be revoked, suspended, placed on probationary status,

1 or restored, or such person be subject to other disciplinary
2 action. In such hearing, the written communication and any
3 other evidence submitted therewith may be introduced as
4 evidence against such person; provided, however, the person or
5 his counsel shall have the opportunity to discredit or impeach
6 such evidence and submit evidence rebutting the same.

7 Except for fraud in procuring a license, all proceedings
8 to suspend, revoke, place on probationary status, or take any
9 other disciplinary action as the Department may deem proper,
10 with regard to a license on any of the foregoing grounds, must
11 be commenced within 5 years after receipt by the Department of
12 a complaint alleging the commission of or notice of the
13 conviction order for any of the acts described in this
14 Section. Except for the grounds set forth in items (8), (9),
15 (26), and (29) of this Section, no action shall be commenced
16 more than 10 years after the date of the incident or act
17 alleged to have been a violation of this Section. In the event
18 of the settlement of any claim or cause of action in favor of
19 the claimant or the reduction to final judgment of any civil
20 action in favor of the plaintiff, such claim, cause of action,
21 or civil action being grounded on the allegation that a person
22 licensed under this Act was negligent in providing care, the
23 Department shall have an additional period of 2 years from the
24 date of notification to the Department under Section 26 of
25 this Act of such settlement or final judgment in which to
26 investigate and commence formal disciplinary proceedings under

1 Section 24 of this Act, except as otherwise provided by law.
2 The time during which the holder of the license was outside the
3 State of Illinois shall not be included within any period of
4 time limiting the commencement of disciplinary action by the
5 Department.

6 In enforcing this Section, the Department or Board upon a
7 showing of a possible violation may compel an individual
8 licensed to practice under this Act, or who has applied for
9 licensure under this Act, to submit to a mental or physical
10 examination, or both, as required by and at the expense of the
11 Department. The Department or Board may order the examining
12 physician to present testimony concerning the mental or
13 physical examination of the licensee or applicant. No
14 information shall be excluded by reason of any common law or
15 statutory privilege relating to communications between the
16 licensee or applicant and the examining physician. The
17 examining physicians shall be specifically designated by the
18 Board or Department. The individual to be examined may have,
19 at his or her own expense, another physician of his or her
20 choice present during all aspects of this examination. Failure
21 of an individual to submit to a mental or physical
22 examination, when directed, shall be grounds for suspension of
23 his or her license until the individual submits to the
24 examination if the Department finds, after notice and hearing,
25 that the refusal to submit to the examination was without
26 reasonable cause.

1 If the Department or Board finds an individual unable to
2 practice because of the reasons set forth in this Section, the
3 Department or Board may require that individual to submit to
4 care, counseling, or treatment by physicians approved or
5 designated by the Department or Board, as a condition, term,
6 or restriction for continued, restored, or renewed licensure
7 to practice; or, in lieu of care, counseling, or treatment,
8 the Department may file, or the Board may recommend to the
9 Department to file, a complaint to immediately suspend,
10 revoke, or otherwise discipline the license of the individual.
11 An individual whose license was granted, continued, restored,
12 renewed, disciplined, or supervised subject to such terms,
13 conditions, or restrictions, and who fails to comply with such
14 terms, conditions, or restrictions, shall be referred to the
15 Secretary for a determination as to whether the individual
16 shall have his or her license suspended immediately, pending a
17 hearing by the Department.

18 In instances in which the Secretary immediately suspends a
19 person's license under this Section, a hearing on that
20 person's license must be convened by the Department within 30
21 days after the suspension and completed without appreciable
22 delay. The Department and Board shall have the authority to
23 review the subject individual's record of treatment and
24 counseling regarding the impairment to the extent permitted by
25 applicable federal statutes and regulations safeguarding the
26 confidentiality of medical records.

1 An individual licensed under this Act and affected under
2 this Section shall be afforded an opportunity to demonstrate
3 to the Department or Board that he or she can resume practice
4 in compliance with acceptable and prevailing standards under
5 the provisions of his or her license.

6 (Source: P.A. 100-525, eff. 9-22-17; revised 8-6-24.)

7 Section 860. The Professional Counselor and Clinical
8 Professional Counselor Licensing and Practice Act is amended
9 by changing Section 25 as follows:

10 (225 ILCS 107/25)

11 (Section scheduled to be repealed on January 1, 2028)

12 Sec. 25. Powers and duties of the Department. Subject to
13 the provisions of this Act, the Department may:

14 (a) Authorize examinations to ascertain the
15 qualifications and fitness of applicants for licensing as
16 professional counselors or clinical professional
17 counselors and pass upon the qualifications of applicants
18 for licensure by endorsement. All examinations, either
19 conducted or authorized, must allow reasonable
20 accommodations for applicants for whom English is not
21 their primary language and a test in their primary
22 language ~~test~~ is not available. Further, all examinations
23 either conducted or authorized must comply with all
24 communication access and reasonable modification

1 requirements in Section 504 of the federal Rehabilitation
2 Act of 1973 and Title II of the Americans with
3 Disabilities Act of 1990.

4 (b) Conduct hearings on proceedings to refuse to issue
5 or renew or to revoke licenses or suspend, place on
6 probation, censure, or reprimand or take any other
7 disciplinary or non-disciplinary action with regard to a
8 person licensed under this Act.

9 (c) Formulate rules and regulations required for the
10 administration of this Act.

11 (d) (Blank).

12 (e) Establish rules for determining approved graduate
13 professional counseling, clinical professional
14 counseling, psychology, rehabilitation counseling, and
15 similar programs.

16 (Source: P.A. 102-878, eff. 1-1-23; 103-715, eff. 1-1-25;
17 revised 11-24-24.)

18 Section 865. The Veterinary Medicine and Surgery Practice
19 Act of 2004 is amended by changing Section 3 as follows:

20 (225 ILCS 115/3) (from Ch. 111, par. 7003)

21 (Section scheduled to be repealed on January 1, 2029)

22 Sec. 3. Definitions. The following terms have the meanings
23 indicated, unless the context requires otherwise:

24 "Accredited college of veterinary medicine" means a

1 veterinary college, school, or division of a university or
2 college that offers the degree of Doctor of Veterinary
3 Medicine or its equivalent and that is accredited by the
4 Council on Education of the American Veterinary Medical
5 Association (AVMA).

6 "Address of record" means the designated address recorded
7 by the Department in the applicant's or licensee's application
8 file or license file as maintained by the Department's
9 licensure maintenance unit.

10 "Accredited program in veterinary technology" means any
11 post-secondary educational program that is accredited by the
12 AVMA's Committee on Veterinary Technician Education and
13 Activities or any veterinary technician program that is
14 recognized as its equivalent by the AVMA's Committee on
15 Veterinary Technician Education and Activities.

16 "Animal" means any animal, vertebrate or invertebrate,
17 other than a human.

18 "Board" means the Veterinary Licensing and Disciplinary
19 Board.

20 "Certified veterinary technician" means a person who is
21 validly and currently licensed to practice veterinary
22 technology in this State.

23 "Client" means an entity, person, group, or corporation
24 that has entered into an agreement with a veterinarian for the
25 purposes of obtaining veterinary medical services.

26 "Complementary, alternative, and integrative therapies"

1 means a heterogeneous group of diagnostic and therapeutic
2 philosophies and practices, which at the time they are
3 performed may differ from current scientific knowledge, or
4 whose theoretical basis and techniques may diverge from
5 veterinary medicine routinely taught in accredited veterinary
6 medical colleges, or both. "Complementary, alternative, and
7 integrative therapies" includes ~~include~~, but is ~~are~~ not
8 limited to, veterinary acupuncture, acuthery, and
9 acupressure; veterinary homeopathy; veterinary manual or
10 manipulative therapy or therapy based on techniques practiced
11 in osteopathy, chiropractic medicine, or physical medicine and
12 therapy; veterinary nutraceutical therapy; veterinary
13 phytotherapy; and other therapies as defined by rule.

14 "Consultation" means when a veterinarian receives advice
15 in person, telephonically, electronically, or by any other
16 method of communication from a veterinarian licensed in this
17 or any other state or other person whose expertise, in the
18 opinion of the veterinarian, would benefit a patient. Under
19 any circumstance, the responsibility for the welfare of the
20 patient remains with the veterinarian receiving consultation.

21 "Department" means the Department of Financial and
22 Professional Regulation.

23 "Direct supervision" means the supervising veterinarian is
24 readily available on the premises where the animal is being
25 treated.

26 "Email address of record" means the designated email

1 address recorded by the Department in the applicant's
2 application file or the licensee's license file, as maintained
3 by the Department's licensure maintenance unit.

4 "Immediate supervision" means the supervising veterinarian
5 is in the immediate area, within audible and visual range of
6 the patient and the person treating the patient.

7 "Impaired veterinarian" means a veterinarian who is unable
8 to practice veterinary medicine with reasonable skill and
9 safety because of a physical or mental disability as evidenced
10 by a written determination or written consent based on
11 clinical evidence, including deterioration through the aging
12 process, loss of motor skills, or abuse of drugs or alcohol of
13 sufficient degree to diminish a person's ability to deliver
14 competent patient care.

15 "Indirect supervision" means the supervising veterinarian
16 need not be on the premises, but has given either written or
17 oral instructions for the treatment of the animal and is
18 available by telephone or other form of communication.

19 "Licensed veterinarian" means a person who is validly and
20 currently licensed to practice veterinary medicine in this
21 State.

22 "Patient" means an animal or group of animals that is
23 examined or treated by a veterinarian.

24 "Person" means an individual, firm, partnership (general,
25 limited, or limited liability), association, joint venture,
26 cooperative, corporation, limited liability company, or any

1 other group or combination acting in concert, whether or not
2 acting as a principal, partner, member, trustee, fiduciary,
3 receiver, or any other kind of legal or personal
4 representative, or as the successor in interest, assignee,
5 agent, factor, servant, employee, director, officer, or any
6 other representative of such person.

7 "Practice of veterinary medicine" means to diagnose,
8 prognose, treat, correct, change, alleviate, or prevent animal
9 disease, illness, pain, deformity, defect, injury, or other
10 physical, dental, or mental conditions by any method or mode,
11 such as telemedicine, including the performance of one or more
12 of the following:

13 (1) Prescribing, dispensing, administering, applying,
14 or ordering the administration of any drug, medicine,
15 biologic, apparatus, anesthetic, or other therapeutic or
16 diagnostic substance, or medical or surgical technique.

17 (2) (Blank).

18 (3) Performing upon an animal a surgical or dental
19 operation.

20 (3.5) Performing upon an animal complementary,
21 alternative, or integrative therapy.

22 (4) Performing upon an animal any manual or mechanical
23 procedure for reproductive management, including the
24 diagnosis or treatment of pregnancy, sterility, or
25 infertility.

26 (4.5) The rendering of advice or recommendation by any

1 means, including telephonic and other electronic
2 communications, with regard to the performing upon an
3 animal any manual or mechanical procedure for reproductive
4 management, including the diagnosis or treatment of
5 pregnancy, sterility, or infertility.

6 (5) Determining the health and fitness of an animal.

7 (6) Representing oneself, directly or indirectly, as
8 engaging in the practice of veterinary medicine.

9 (7) Using any word, letters, or title under such
10 circumstances as to induce the belief that the person
11 using them is qualified to engage in the practice of
12 veterinary medicine or any of its branches. Such use shall
13 be prima facie evidence of the intention to represent
14 oneself as engaging in the practice of veterinary
15 medicine.

16 "Secretary" means the Secretary of Financial and
17 Professional Regulation.

18 "Supervising veterinarian" means a veterinarian who
19 assumes responsibility for the professional care given to an
20 animal by a person working under his or her direction in either
21 an immediate, direct, or indirect supervision arrangement. The
22 supervising veterinarian must have examined the animal at such
23 time as acceptable veterinary medical practices require
24 ~~requires~~, consistent with the particular delegated animal
25 health care task.

26 "Therapeutic" means the treatment, control, and prevention

1 of disease.

2 "Veterinarian" means a person who is validly and currently
3 licensed to practice veterinary medicine in this State.

4 "Veterinarian-client-patient relationship" means that all
5 of the following conditions have been met:

6 (1) The veterinarian has assumed the responsibility
7 for making clinical judgments regarding the health of an
8 animal and the need for medical treatment and the client,
9 owner, or other caretaker has agreed to follow the
10 instructions of the veterinarian;

11 (2) There is sufficient knowledge of an animal by the
12 veterinarian to initiate at least a general or preliminary
13 diagnosis of the medical condition of the animal. This
14 means that the veterinarian has recently seen and is
15 personally acquainted with the keeping and care of the
16 animal by virtue of an in-person examination of the animal
17 or by medically appropriate and timely visits to the
18 premises where the animal is kept, or the veterinarian has
19 access to the patient's records and has been designated by
20 the veterinarian with the prior relationship to provide
21 reasonable and appropriate medical care if the
22 veterinarian with the prior relationship is unavailable;
23 and

24 (3) The practicing veterinarian is readily available
25 for follow-up in case of adverse reactions or failure of
26 the treatment regimen or, if unavailable, has designated

1 another available veterinarian who has access to the
2 patient's records to provide reasonable and appropriate
3 medical care.

4 "Veterinarian-client-patient relationship" does not mean a
5 relationship solely based on telephonic or other electronic
6 communications.

7 "Veterinary medicine" means all branches and specialties
8 included within the practice of veterinary medicine.

9 "Veterinary premises" means any premises or facility where
10 the practice of veterinary medicine occurs, including, but not
11 limited to, a mobile clinic, outpatient clinic, satellite
12 clinic, or veterinary hospital or clinic. "Veterinary
13 premises" does not mean the premises of a veterinary client,
14 research facility, a federal military base, or an accredited
15 college of veterinary medicine.

16 "Veterinary prescription drugs" means those drugs
17 restricted to use by or on the order of a licensed veterinarian
18 in accordance with Section 503(f) of the Federal Food, Drug,
19 and Cosmetic Act (21 U.S.C. 353).

20 "Veterinary specialist" means a veterinarian: (1) who has
21 been awarded and maintains certification from a veterinary
22 specialty organization recognized by the American Board of
23 Veterinary Specialties; (2) who has been awarded and maintains
24 certification from a veterinary certifying organization whose
25 standards have been found by the Board to be equivalent to or
26 more stringent than those of American Board of Veterinary

1 Specialties-recognized veterinary specialty organizations; or
2 (3) who otherwise meets criteria that may be established by
3 the Board to support a claim to be a veterinary specialist.

4 "Veterinary technology" means the performance of services
5 within the field of veterinary medicine by a person who, for
6 compensation or personal profit, is employed by a licensed
7 veterinarian to perform duties that require an understanding
8 of veterinary medicine necessary to carry out the orders of
9 the veterinarian. Those services, however, shall not include
10 diagnosing, prognosing, prescribing, or surgery.

11 (Source: P.A. 103-309, eff. 1-1-24; 103-505, eff. 1-1-24;
12 revised 8-6-24.)

13 Section 870. The Registered Surgical Assistant and
14 Registered Surgical Technologist Title Protection Act is
15 amended by changing Section 75 as follows:

16 (225 ILCS 130/75)

17 (Section scheduled to be repealed on January 1, 2029)

18 Sec. 75. Grounds for disciplinary action.

19 (a) The Department may refuse to issue, renew, or restore
20 a registration, may revoke or suspend a registration, or may
21 place on probation, reprimand, or take other disciplinary or
22 non-disciplinary action with regard to a person registered
23 under this Act, including, but not limited to, the imposition
24 of fines not to exceed \$10,000 for each violation and the

1 assessment of costs as provided for in Section 90, for any one
2 or combination of the following causes:

3 (1) Making a material misstatement in furnishing
4 information to the Department.

5 (2) Violating a provision of this Act or rules adopted
6 under this Act.

7 (3) Conviction by plea of guilty or nolo contendere,
8 finding of guilt, jury verdict, or entry of judgment or by
9 sentencing of any crime, including, but not limited to,
10 convictions, preceding sentences of supervision,
11 conditional discharge, or first offender probation, under
12 the laws of any jurisdiction of the United States that is
13 (i) a felony or (ii) a misdemeanor, an essential element
14 of which is dishonesty, or that is directly related to the
15 practice of the profession.

16 (4) Fraud or misrepresentation in applying for,
17 renewing, restoring, reinstating, or procuring a
18 registration under this Act.

19 (5) Aiding or assisting another person in violating a
20 provision of this Act or its rules.

21 (6) Failing to provide information within 60 days in
22 response to a written request made by the Department.

23 (7) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public, as defined by rule of the
26 Department.

1 (8) Discipline by another United States jurisdiction,
2 governmental agency, unit of government, or foreign
3 nation, if at least one of the grounds for discipline is
4 the same or substantially equivalent to those set forth in
5 this Section.

6 (9) Directly or indirectly giving to or receiving from
7 a person, firm, corporation, partnership, or association a
8 fee, commission, rebate, or other form of compensation for
9 professional services not actually or personally rendered.
10 Nothing in this paragraph (9) affects any bona fide
11 independent contractor or employment arrangements among
12 health care professionals, health facilities, health care
13 providers, or other entities, except as otherwise
14 prohibited by law. Any employment arrangements may include
15 provisions for compensation, health insurance, pension, or
16 other employment benefits for the provision of services
17 within the scope of the registrant's practice under this
18 Act. Nothing in this paragraph (9) shall be construed to
19 require an employment arrangement to receive professional
20 fees for services rendered.

21 (10) A finding by the Department that the registrant,
22 after having the registration placed on probationary
23 status, has violated the terms of probation.

24 (11) Willfully making or filing false records or
25 reports in the practice, including, but not limited to,
26 false records or reports filed with State agencies.

1 (12) Willfully making or signing a false statement,
2 certificate, or affidavit to induce payment.

3 (13) Willfully failing to report an instance of
4 suspected child abuse or neglect as required under the
5 Abused and Neglected Child Reporting Act.

6 (14) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 under the Abused and Neglected Child Reporting Act and
9 upon proof by clear and convincing evidence that the
10 registrant has caused a child to be an abused child or
11 neglected child as defined in the Abused and Neglected
12 Child Reporting Act.

13 (15) (Blank).

14 (16) Failure to report to the Department (A) any
15 adverse final action taken against the registrant by
16 another registering or licensing jurisdiction, government
17 agency, law enforcement agency, or any court or (B)
18 liability for conduct that would constitute grounds for
19 action as set forth in this Section.

20 (17) Habitual or excessive use or abuse of drugs
21 defined in law as controlled substances, alcohol, or any
22 other substance that results in the inability to practice
23 with reasonable judgment, skill, or safety.

24 (18) Physical or mental illness, including, but not
25 limited to, deterioration through the aging process or
26 loss of motor skills, which results in the inability to

1 practice the profession for which the person is registered
2 with reasonable judgment, skill, or safety.

3 (19) Gross malpractice.

4 (20) Immoral conduct in the commission of an act
5 related to the registrant's practice, including, but not
6 limited to, sexual abuse, sexual misconduct, or sexual
7 exploitation.

8 (21) Violation of the Health Care Worker Self-Referral
9 Act.

10 (b) The Department may refuse to issue or may suspend
11 without hearing the registration of a person who fails to file
12 a return, to pay the tax, penalty, or interest shown in a filed
13 return, or to pay a final assessment of the tax, penalty, or
14 interest as required by a tax Act administered by the
15 Department of Revenue, until the requirements of the tax Act
16 are satisfied in accordance with subsection (g) of Section
17 2105-15 of the Department of Professional Regulation Law of
18 the Civil Administrative Code of Illinois.

19 (b-1) The Department shall not revoke, suspend, summarily
20 suspend, place on probation, reprimand, refuse to issue or
21 renew, or take any other disciplinary or non-disciplinary
22 action against the license issued under this Act to practice
23 as a registered surgical assistant or registered surgical
24 technologist based solely upon the registered surgical
25 assistant or registered surgical technologist providing,
26 authorizing, recommending, aiding, assisting, referring for,

1 or otherwise participating in any health care service, so long
2 as the care was not unlawful under the laws of this State,
3 regardless of whether the patient was a resident of this State
4 or another state.

5 (b-2) The Department shall not revoke, suspend, summarily
6 suspend, place on prohibition, reprimand, refuse to issue or
7 renew, or take any other disciplinary or non-disciplinary
8 action against the license issued under this Act to practice
9 as a registered surgical assistant or registered surgical
10 technologist based upon the registered surgical assistant's or
11 registered surgical technologist's license being revoked or
12 suspended, or the registered surgical assistant's or
13 registered surgical technologist's being otherwise disciplined
14 by any other state, if that revocation, suspension, or other
15 form of discipline was based solely on the registered surgical
16 assistant or registered surgical technologist violating
17 another state's laws prohibiting the provision of,
18 authorization of, recommendation of, aiding or assisting in,
19 referring for, or participation in any health care service if
20 that health care service as provided would not have been
21 unlawful under the laws of this State and is consistent with
22 the standards of conduct for the registered surgical assistant
23 or registered surgical technologist practicing in this State.

24 (b-3) The conduct specified in subsection (b-1) or (b-2)
25 shall not constitute grounds for suspension under Section 145.

26 (b-4) An applicant seeking licensure, certification, or

1 authorization pursuant to this Act who has been subject to
2 disciplinary action by a duly authorized professional
3 disciplinary agency of another jurisdiction solely on the
4 basis of having provided, authorized, recommended, aided,
5 assisted, referred for, or otherwise participated in health
6 care shall not be denied such licensure, certification, or
7 authorization, unless the Department determines that such
8 action would have constituted professional misconduct in this
9 State. Nothing in this Section shall be construed as
10 prohibiting the Department from evaluating the conduct of such
11 applicant and making a determination regarding the licensure,
12 certification, or authorization to practice a profession under
13 this Act.

14 (c) The determination by a circuit court that a registrant
15 is subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code operates as an automatic suspension. The suspension will
18 end only upon (1) a finding by a court that the patient is no
19 longer subject to involuntary admission or judicial admission,
20 (2) issuance of an order so finding and discharging the
21 patient, and (3) filing of a petition for restoration
22 demonstrating fitness to practice.

23 (d) (Blank).

24 (e) In cases where the Department of Healthcare and Family
25 Services has previously determined a registrant or a potential
26 registrant is more than 30 days delinquent in the payment of

1 child support and has subsequently certified the delinquency
2 to the Department, the Department may refuse to issue or renew
3 or may revoke or suspend that person's registration or may
4 take other disciplinary action against that person based
5 solely upon the certification of delinquency made by the
6 Department of Healthcare and Family Services in accordance
7 with paragraph (5) of subsection (a) of Section 2105-15 of the
8 Department of Professional Regulation Law of the Civil
9 Administrative Code of Illinois.

10 (f) In enforcing this Section, the Department, upon a
11 showing of a possible violation, may compel any individual
12 registered under this Act or any individual who has applied
13 for registration to submit to a mental or physical examination
14 and evaluation, or both, that may include a substance abuse or
15 sexual offender evaluation, at the expense of the Department.
16 The Department shall specifically designate the examining
17 physician licensed to practice medicine in all of its branches
18 or, if applicable, the multidisciplinary team involved in
19 providing the mental or physical examination and evaluation,
20 or both. The multidisciplinary team shall be led by a
21 physician licensed to practice medicine in all of its branches
22 and may consist of one or more or a combination of physicians
23 licensed to practice medicine in all of its branches, licensed
24 chiropractic physicians, licensed clinical psychologists,
25 licensed clinical social workers, licensed clinical
26 professional counselors, and other professional and

1 administrative staff. Any examining physician or member of the
2 multidisciplinary team may require any person ordered to
3 submit to an examination and evaluation pursuant to this
4 Section to submit to any additional supplemental testing
5 deemed necessary to complete any examination or evaluation
6 process, including, but not limited to, blood testing,
7 urinalysis, psychological testing, or neuropsychological
8 testing.

9 The Department may order the examining physician or any
10 member of the multidisciplinary team to provide to the
11 Department any and all records, including business records,
12 that relate to the examination and evaluation, including any
13 supplemental testing performed. The Department may order the
14 examining physician or any member of the multidisciplinary
15 team to present testimony concerning this examination and
16 evaluation of the registrant or applicant, including testimony
17 concerning any supplemental testing or documents relating to
18 the examination and evaluation. No information, report,
19 record, or other documents in any way related to the
20 examination and evaluation shall be excluded by reason of any
21 common law or statutory privilege relating to communication
22 between the registrant or applicant and the examining
23 physician or any member of the multidisciplinary team. No
24 authorization is necessary from the registrant or applicant
25 ordered to undergo an evaluation and examination for the
26 examining physician or any member of the multidisciplinary

1 team to provide information, reports, records, or other
2 documents or to provide any testimony regarding the
3 examination and evaluation. The individual to be examined may
4 have, at the individual's own expense, another physician of
5 the individual's choice present during all aspects of the
6 examination.

7 Failure of any individual to submit to mental or physical
8 examination and evaluation, or both, when directed, shall
9 result in an automatic suspension without a hearing until such
10 time as the individual submits to the examination. If the
11 Department finds a registrant unable to practice because of
12 the reasons set forth in this Section, the Department shall
13 require such registrant to submit to care, counseling, or
14 treatment by physicians approved or designated by the
15 Department as a condition for continued, reinstated, or
16 renewed registration.

17 When the Secretary immediately suspends a registration
18 under this Section, a hearing upon such person's registration
19 must be convened by the Department within 15 days after such
20 suspension and completed without appreciable delay. The
21 Department shall have the authority to review the registrant's
22 record of treatment and counseling regarding the impairment to
23 the extent permitted by applicable federal statutes and
24 regulations safeguarding the confidentiality of medical
25 records.

26 Individuals registered under this Act and affected under

1 this Section shall be afforded an opportunity to demonstrate
2 to the Department that they can resume practice in compliance
3 with acceptable and prevailing standards under the provisions
4 of their registration.

5 (g) All fines imposed under this Section shall be paid
6 within 60 days after the effective date of the order imposing
7 the fine or in accordance with the terms set forth in the order
8 imposing the fine.

9 (h) ~~(f)~~ The Department may adopt rules to implement the
10 changes made by Public Act 102-1117.

11 (Source: P.A. 102-1117, eff. 1-13-23; 103-387, eff. 1-1-24;
12 103-605, eff. 7-1-24; revised 10-16-24.)

13 Section 875. The Auction License Act is amended by
14 changing Section 20-15 as follows:

15 (225 ILCS 407/20-15)

16 (Section scheduled to be repealed on January 1, 2030)

17 Sec. 20-15. Disciplinary actions; grounds. The Department
18 may refuse to issue or renew a license, may place on probation
19 or administrative supervision, suspend, or revoke any license
20 or may reprimand or take other disciplinary or
21 non-disciplinary action as the Department may deem proper,
22 including the imposition of fines not to exceed \$10,000 for
23 each violation upon any licensee or applicant under this Act
24 or any person or entity who holds oneself out as an applicant

1 or licensee for any of the following reasons:

2 (1) False or fraudulent representation or material
3 misstatement in furnishing information to the Department
4 in obtaining or seeking to obtain a license.

5 (2) Violation of any provision of this Act or the
6 rules adopted under this Act.

7 (3) Conviction of or entry of a plea of guilty or nolo
8 contendere, as set forth in subsection (c) of Section
9 10-5, to any crime that is a felony or misdemeanor under
10 the laws of the United States or any state or territory
11 thereof, or entry of an administrative sanction by a
12 government agency in this State or any other jurisdiction.

13 (3.5) Failing to notify the Department, within 30 days
14 after the occurrence, of the information required in
15 subsection (c) of Section 10-5.

16 (4) Being adjudged to be a person under legal
17 disability or subject to involuntary admission or to meet
18 the standard for judicial admission as provided in the
19 Mental Health and Developmental Disabilities Code.

20 (5) Discipline of a licensee by another state, the
21 District of Columbia, a territory of the United States, a
22 foreign nation, a governmental agency, or any other entity
23 authorized to impose discipline if at least one of the
24 grounds for that discipline is the same as or ~~the~~
25 equivalent to one of the grounds for discipline set forth
26 in this Act or for failing to report to the Department,

1 within 30 days, any adverse final action taken against the
2 licensee by any other licensing jurisdiction, government
3 agency, law enforcement agency, or court, or liability for
4 conduct that would constitute grounds for action as set
5 forth in this Act.

6 (6) Engaging in the practice of auctioneering,
7 conducting an auction, or providing an auction service
8 without a license or after the license was expired,
9 revoked, suspended, or terminated or while the license was
10 inoperative.

11 (7) Attempting to subvert or cheat on the auctioneer
12 exam or any continuing education exam, or aiding or
13 abetting another to do the same.

14 (8) Directly or indirectly giving to or receiving from
15 a person, firm, corporation, partnership, or association a
16 fee, commission, rebate, or other form of compensation for
17 professional service not actually or personally rendered,
18 except that an auctioneer licensed under this Act may
19 receive a fee from another licensed auctioneer from this
20 State or jurisdiction for the referring of a client or
21 prospect for auction services to the licensed auctioneer.

22 (9) Making any substantial misrepresentation or
23 untruthful advertising.

24 (10) Making any false promises of a character likely
25 to influence, persuade, or induce.

26 (11) Pursuing a continued and flagrant course of

1 misrepresentation or the making of false promises through
2 a licensee, agent, employee, advertising, or otherwise.

3 (12) Any misleading or untruthful advertising, or
4 using any trade name or insignia of membership in any
5 auctioneer association or organization of which the
6 licensee is not a member.

7 (13) Commingling funds of others with the licensee's
8 own funds or failing to keep the funds of others in an
9 escrow or trustee account.

10 (14) Failure to account for, remit, or return any
11 moneys, property, or documents coming into the licensee's
12 possession that belong to others, acquired through the
13 practice of auctioneering, conducting an auction, or
14 providing an auction service within 30 days of the written
15 request from the owner of said moneys, property, or
16 documents.

17 (15) Failure to maintain and deposit into a special
18 account, separate and apart from any personal or other
19 business accounts, all moneys belonging to others
20 entrusted to a licensee while acting as an auctioneer,
21 auction firm, or as a temporary custodian of the funds of
22 others.

23 (16) Failure to make available to Department personnel
24 during normal business hours all escrow and trustee
25 records and related documents maintained in connection
26 with the practice of auctioneering, conducting an auction,

1 or providing an auction service within 24 hours after a
2 request from Department personnel.

3 (17) Making or filing false records or reports in the
4 licensee's practice, including, but not limited to, false
5 records or reports filed with State agencies.

6 (18) Failing to voluntarily furnish copies of all
7 written instruments prepared by the auctioneer and signed
8 by all parties to all parties at the time of execution.

9 (19) Failing to provide information within 30 days in
10 response to a written request made by the Department.

11 (20) Engaging in any act that constitutes a violation
12 of the Illinois Human Rights Act.

13 (21) (Blank).

14 (22) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public.

17 (23) Offering or advertising real estate for sale or
18 lease at auction without a valid broker or managing
19 broker's license under the Real Estate License Act of
20 1983, or any successor Act, unless exempt from licensure
21 under the terms of the Real Estate License Act of 2000, or
22 any successor Act, except as provided in Section 5-32 of
23 the Real Estate License Act of 2000.

24 (24) Inability to practice the profession with
25 reasonable judgment, skill, or safety as a result of a
26 physical illness, mental illness, or disability.

1 (25) A pattern of practice or other behavior that
2 demonstrates incapacity or incompetence to practice under
3 this Act.

4 (26) Being named as a perpetrator in an indicated
5 report by the Department of Children and Family Services
6 under the Abused and Neglected Child Reporting Act and
7 upon proof by clear and convincing evidence that the
8 licensee has caused a child to be an abused child or a
9 neglected child as defined in the Abused and Neglected
10 Child Reporting Act.

11 (27) Inability to practice with reasonable judgment,
12 skill, or safety as a result of habitual or excessive use
13 or addiction to alcohol, narcotics, stimulants, or any
14 other chemical agent or drug.

15 (28) Willfully failing to report an instance of
16 suspected child abuse or neglect as required by the Abused
17 and Neglected Child Reporting Act.

18 (29) Violating the terms of any order issued by the
19 Department.

20 (Source: P.A. 102-970, eff. 5-27-22; 103-236, eff. 1-1-24;
21 revised 8-13-24.)

22 Section 880. The Illinois Certified Shorthand Reporters
23 Act of 1984 is amended by changing Section 27 as follows:

24 (225 ILCS 415/27) (from Ch. 111, par. 6243)

1 (Section scheduled to be repealed on January 1, 2030)

2 Sec. 27. As a condition for renewal of a license,
3 licensees shall be required to complete continuing education
4 in accordance with rules established by the Department.

5 Persons employed as full-time ~~full-time~~ court reporters
6 under the Court Reporters Act may apply for a waiver from the
7 continuing education requirements. The waiver shall be granted
8 upon the submission of evidence satisfactory to the Department
9 that the certified shorthand reporter is employed as a
10 full-time ~~full-time~~ court reporter under the Court Reporters
11 Act.

12 (Source: P.A. 98-445, eff. 12-31-13; revised 10-23-24.)

13 Section 885. The Hydraulic Fracturing Regulatory Act is
14 amended by changing Sections 1-83 and 1-87 as follows:

15 (225 ILCS 732/1-83)

16 Sec. 1-83. Order authority.

17 (a) Any person who has reason to believe the person has
18 ~~they have~~ incurred pollution or diminution of a water source
19 as a result of a high volume horizontal hydraulic fracturing
20 treatment of a well may notify the Department and request that
21 an investigation be conducted.

22 (b) Within 30 calendar days after notification, the
23 Department shall initiate the investigation of the claim and
24 make a reasonable effort to reach a determination within 180

1 calendar days after notification. The Department may contact
2 the Agency to seek the Agency's assistance in water quality
3 sampling. The Agency may seek cost recovery under subsection
4 (e) of Section 1-87 of this Act and recover all costs for
5 samples taken for the investigation under this Section.

6 (c) Any person conducting or who has conducted high volume
7 horizontal hydraulic fracturing operations shall supply any
8 information requested by the Department to assist the
9 Department. The Department shall give due consideration to any
10 information submitted during the course of the investigation.

11 (d) If sampling results or other information obtained as
12 part of the investigation or the results of tests conducted
13 under subsection (c) of Section 1-80 of this Act indicate that
14 concentrations exceed the standards or criteria referenced by
15 pollution or diminution under Section 1-5 of this Act, the
16 Department shall issue an order to the permittee as necessary
17 to require permanent or temporary replacement of a water
18 source. In addition to any other penalty available under the
19 law and consistent with the Department's order, the permittee
20 shall restore or replace the affected supply with an
21 alternative source of water adequate in quantity and quality
22 for the purposes served by the water source. The quality of a
23 restored or replaced water source shall meet or exceed the
24 quality of the original water source based upon the results of
25 the baseline test results under subsection (b) of Section 1-80
26 for that water source, or other available information. The

1 Department may require the permittee to take immediate action,
2 including, but not limited to, repair, replacement,
3 alteration, or prohibition of operation of equipment permitted
4 by the Department. The Department may issue conditions within
5 any order to protect the public health or welfare or the
6 environment.

7 (e) Within 15 calendar days after a determination has been
8 made regarding the pollution or diminution, the Department
9 shall provide notice of its findings and the orders, if any, to
10 all persons that use the water source for domestic,
11 agricultural, industrial, or any other legitimate beneficial
12 uses.

13 (f) Upon issuance of an order ~~Order~~ or a finding of
14 pollution or diminution under subsection (d) of this Section,
15 the Department shall contact the Agency and forward all
16 information from the investigation to the Agency. The Agency
17 shall investigate the potential for violations as designated
18 within Section 1-87 of this Act.

19 (g) Reports of potential cases of water pollution that may
20 be associated with high volume horizontal hydraulic fracturing
21 operations may be submitted electronically. The Department
22 shall establish a format for these reports to be submitted
23 through the website developed under Section 1-110 of this Act.
24 The Department shall electronically provide these reports to
25 the Agency.

26 (h) The Department shall publish, on its website, lists of

1 confirmed cases of pollution or diminution that result from
2 high volume horizontal hydraulic fracturing operations. This
3 information shall be searchable by county.

4 (i) Nothing in this Section shall prevent the Department
5 from issuing a cessation order under Section 8a of the
6 Illinois Oil and Gas Act.

7 (Source: P.A. 98-22, eff. 6-17-13; revised 10-23-24.)

8 (225 ILCS 732/1-87)

9 Sec. 1-87. Water quality investigation and enforcement.

10 (a) No person shall cause or allow high volume horizontal
11 hydraulic fracturing operations permitted under this Act to
12 violate Section 12 of the Illinois Environmental Protection
13 Act or surface water or groundwater regulations adopted under
14 the Illinois Environmental Protection Act.

15 (b) The Agency shall have the duty to investigate
16 complaints that activities under this Act have caused a
17 violation of Section 12 of the Illinois Environmental
18 Protection Act or surface or groundwater rules adopted under
19 the Illinois Environmental Protection Act. Any action taken by
20 the Agency in enforcing these violations shall be taken under
21 and consistent with the Illinois Environmental Protection Act,
22 including, but not limited to, the Agency's authority to seek
23 a civil or criminal cause of action under that Act. The test
24 results under subsections (b) and (c) of Section 1-80 of this
25 Act may be considered by the Agency during an investigation

1 under this Section.

2 (c) A person who has reason to believe the person has ~~they~~
3 ~~have~~ incurred contamination of a water source as a result of
4 high volume horizontal hydraulic fracturing may notify the
5 Agency and request an investigation be conducted. The Agency
6 shall forward this request to the Department for consideration
7 of an investigation under Section 1-83 of this Act. If the
8 Agency is provided with notice under subsection (f) of Section
9 1-83, the Agency shall conduct an investigation to determine
10 whether pollution or diminution is continuing to occur at the
11 location subject to the order, as well as locations identified
12 by the Department or at any other water source within 1,500
13 feet of the well site. Any person conducting or who has
14 conducted high volume horizontal hydraulic fracturing
15 operations shall supply any information requested to assist
16 the Agency in its investigation. The Agency shall give due
17 consideration to any information submitted during the course
18 of the investigation.

19 (d) Pollution or diminution is a violation of this Act and
20 may be pursued by the Department subject to the procedures and
21 remedies under Sections 1-100 and 1-105 of this Act.

22 (e) If an Agency investigation under Section 1-83 or
23 subsection (c) of this Section confirms that the cause of the
24 pollution, diminution, or water pollution is attributable to
25 high volume horizontal hydraulic fracturing operations, in
26 addition to any other relief available under law, the

1 permittee shall be required to reimburse the costs and
2 reasonable expenses incurred by the Agency for all activities
3 related to the investigation and cleanup. These costs shall
4 include, but not be limited to, inspections, investigations,
5 analyses, personnel, direct and indirect costs, studies,
6 assessments, reports, and review and evaluation of that data,
7 as well as costs under the Agency's review of whether the
8 quality of a restored or replaced water supply meets or
9 exceeds the quality of the water supply before it was affected
10 by the permittee. Costs shall be reimbursed to the Agency by
11 the permittee within 30 calendar days after receipt of a
12 written request for reimbursement by the Agency. For all costs
13 that remain unpaid following 30 calendar days after receipt of
14 a written request for reimbursement, the Agency may institute
15 a civil action for cost recovery under subsection (e) of
16 Section 1-101 of this Act. Failure to reimburse the Agency
17 within 30 calendar days after receipt of the written request
18 for reimbursement is a violation of this Act. Reimbursement of
19 costs collected under this subsection shall be deposited by
20 the Agency into the Illinois Clean Water Fund.

21 (Source: P.A. 98-22, eff. 6-17-13; revised 10-23-24.)

22 Section 890. The Sports Wagering Act is amended by
23 changing Section 25-15 as follows:

24 (230 ILCS 45/25-15)

1 Sec. 25-15. Board duties and powers.

2 (a) Except for sports wagering conducted under Section
3 25-70, the Board shall have the authority to regulate the
4 conduct of sports wagering under this Act.

5 (b) The Board may adopt any rules the Board considers
6 necessary for the successful implementation, administration,
7 and enforcement of this Act, except for Section 25-70. Rules
8 proposed by the Board may be adopted as emergency rules
9 pursuant to Section 5-45 of the Illinois Administrative
10 Procedure Act.

11 (c) The Board shall levy and collect all fees, surcharges,
12 civil penalties, and monthly taxes on adjusted gross sports
13 wagering receipts imposed by this Act and deposit all moneys
14 into the Sports Wagering Fund, except as otherwise provided
15 under this Act.

16 (d) The Board may exercise any other powers necessary to
17 enforce the provisions of this Act that it regulates and the
18 rules of the Board.

19 (e) The Board shall adopt rules for a license to be
20 employed by a master sports wagering licensee when the
21 employee works in a designated gaming area that has sports
22 wagering or performs duties in furtherance of or associated
23 with the operation of sports wagering by the master sports
24 wagering licensee (occupational license), which shall require
25 an annual license fee of \$250. However, occupational licenses
26 issued under the Illinois Gambling Act for employees of an

1 owners license or organization gaming licensee, once granted,
2 are considered equivalent licenses to work in sports wagering
3 positions located at the same gaming facility. License fees
4 shall be deposited into the State Gaming Fund and used for the
5 administration of this Act.

6 (f) The Board may require that licensees share, in real
7 time and at the sports wagering account level, information
8 regarding a wagerer, amount and type of wager, the time the
9 wager was placed, the location of the wager, including the
10 Internet protocol address, if applicable, the outcome of the
11 wager, and records of abnormal wagering activity. Information
12 shared under this subsection (f) must be submitted in the form
13 and manner as required by rule. If a sports governing body has
14 notified the Board that real-time information sharing for
15 wagers placed on its sports events is necessary and desirable,
16 licensees may share the same information in the form and
17 manner required by the Board by rule with the sports governing
18 body or its designee with respect to wagers on its sports
19 events subject to applicable federal, State, or local laws or
20 regulations, including, without limitation, privacy laws and
21 regulations. Such information may be provided in anonymized
22 form and may be used by a sports governing body solely for
23 integrity purposes. For purposes of this subsection (f), "real
24 time" ~~"real-time"~~ means a commercially reasonable periodic
25 interval.

26 (g) A master sports wagering licensee, professional sports

1 team, league, or association, sports governing body, or
2 institution of higher education may submit to the Board in
3 writing a request to prohibit a type or form of wagering if the
4 master sports wagering licensee, professional sports team,
5 league, or association, sports governing body, or institution
6 of higher education believes that such wagering by type or
7 form is contrary to public policy, unfair to consumers, or
8 affects the integrity of a particular sport or the sports
9 betting industry. The Board shall grant the request upon a
10 demonstration of good cause from the requester and
11 consultation with licensees. The Board shall respond to a
12 request pursuant to this subsection (g) concerning a
13 particular event before the start of the event or, if it is not
14 feasible to respond before the start of the event, as soon as
15 practicable.

16 (h) The Board and master sports wagering licensees may
17 cooperate with investigations conducted by sports governing
18 bodies or law enforcement agencies, including, but not limited
19 to, providing and facilitating the provision of account-level
20 betting information and audio or video files relating to
21 persons placing wagers.

22 (i) A master sports wagering licensee shall make
23 commercially reasonable efforts to promptly notify the Board
24 any information relating to:

25 (1) criminal or disciplinary proceedings commenced
26 against the master sports wagering licensee in connection

1 with its operations;

2 (2) abnormal wagering activity or patterns that may
3 indicate a concern with the integrity of a sports event or
4 sports events;

5 (3) any potential breach of the relevant sports
6 governing body's internal rules and codes of conduct
7 pertaining to sports wagering that a licensee has
8 knowledge of;

9 (4) any other conduct that corrupts a wagering outcome
10 of a sports event or sports events for purposes of
11 financial gain, including match fixing; and

12 (5) suspicious or illegal wagering activities,
13 including use of funds derived from illegal activity,
14 wagers to conceal or launder funds derived from illegal
15 activity, using agents to place wagers, and using false
16 identification.

17 A master sports wagering licensee shall also make
18 commercially reasonable efforts to promptly report information
19 relating to conduct described in paragraphs (2), (3), and (4)
20 of this subsection (i) to the relevant sports governing body.

21 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21;
22 revised 8-13-24.)

23 Section 895. The Liquor Control Act of 1934 is amended by
24 changing Section 6-15 as follows:

1 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

2 Sec. 6-15. No alcoholic liquors shall be sold or delivered
3 in any building belonging to or under the control of the State
4 or any political subdivision thereof except as provided in
5 this Act. The corporate authorities of any city, village,
6 incorporated town, township, or county may provide by
7 ordinance, however, that alcoholic liquor may be sold or
8 delivered in any specifically designated building belonging to
9 or under the control of the municipality, township, or county,
10 or in any building located on land under the control of the
11 municipality, township, or county; provided that such township
12 or county complies with all applicable local ordinances in any
13 incorporated area of the township or county. Alcoholic liquor
14 may be delivered to and sold under the authority of a special
15 use permit on any property owned by a conservation district
16 organized under the Conservation District Act, provided that
17 (i) the alcoholic liquor is sold only at an event authorized by
18 the governing board of the conservation district, (ii) the
19 issuance of the special use permit is authorized by the local
20 liquor control commissioner of the territory in which the
21 property is located, and (iii) the special use permit
22 authorizes the sale of alcoholic liquor for one day or less.
23 Alcoholic liquors may be delivered to and sold at any airport
24 belonging to or under the control of a municipality of more
25 than 25,000 inhabitants, or in any building or on any golf
26 course owned by a park district organized under the Park

1 District Code, subject to the approval of the governing board
2 of the district, or in any building or on any golf course owned
3 by a forest preserve district organized under the Downstate
4 Forest Preserve District Act, subject to the approval of the
5 governing board of the district, or on the grounds within 500
6 feet of any building owned by a forest preserve district
7 organized under the Downstate Forest Preserve District Act
8 during times when food is dispensed for consumption within 500
9 feet of the building from which the food is dispensed, subject
10 to the approval of the governing board of the district, or in a
11 building owned by a Local Mass Transit District organized
12 under the Local Mass Transit District Act, subject to the
13 approval of the governing Board of the District, or in
14 Bicentennial Park, or on the premises of the City of Mendota
15 Lake Park located adjacent to Route 51 in Mendota, Illinois,
16 or on the premises of Camden Park in Milan, Illinois, or in the
17 community center owned by the City of Loves Park that is
18 located at 1000 River Park Drive in Loves Park, Illinois, or,
19 in connection with the operation of an established food
20 serving facility during times when food is dispensed for
21 consumption on the premises, and at the following aquarium and
22 museums located in public parks: Art Institute of Chicago,
23 Chicago Academy of Sciences, Chicago Historical Society, Field
24 Museum of Natural History, Museum of Science and Industry,
25 DuSable Museum of African American History, John G. Shedd
26 Aquarium and Adler Planetarium, or at Lakeview Museum of Arts

1 and Sciences in Peoria, or in connection with the operation of
2 the facilities of the Chicago Zoological Society or the
3 Chicago Horticultural Society on land owned by the Forest
4 Preserve District of Cook County, or on any land used for a
5 golf course or for recreational purposes owned by the Forest
6 Preserve District of Cook County, subject to the control of
7 the Forest Preserve District Board of Commissioners and
8 applicable local law, provided that dram shop liability
9 insurance is provided at maximum coverage limits so as to hold
10 the District harmless from all financial loss, damage, and
11 harm, or in any building located on land owned by the Chicago
12 Park District if approved by the Park District Commissioners,
13 or on any land used for a golf course or for recreational
14 purposes and owned by the Illinois International Port District
15 if approved by the District's governing board, or at any
16 airport, golf course, faculty center, or facility in which
17 conference and convention type activities take place belonging
18 to or under control of any State university or public
19 community college district, provided that with respect to a
20 facility for conference and convention type activities
21 alcoholic liquors shall be limited to the use of the
22 convention or conference participants or participants in
23 cultural, political or educational activities held in such
24 facilities, and provided further that the faculty or staff of
25 the State university or a public community college district,
26 or members of an organization of students, alumni, faculty or

1 staff of the State university or a public community college
2 district are active participants in the conference or
3 convention, or in Memorial Stadium on the campus of the
4 University of Illinois at Urbana-Champaign during games in
5 which the Chicago Bears professional football team is playing
6 in that stadium during the renovation of Soldier Field, not
7 more than one and a half hours before the start of the game and
8 not after the end of the third quarter of the game, or in the
9 Pavilion Facility on the campus of the University of Illinois
10 at Chicago during games in which the Chicago Storm
11 professional soccer team is playing in that facility, not more
12 than one and a half hours before the start of the game and not
13 after the end of the third quarter of the game, or in the
14 Pavilion Facility on the campus of the University of Illinois
15 at Chicago during games in which the WNBA professional women's
16 basketball team is playing in that facility, not more than one
17 and a half hours before the start of the game and not after the
18 10-minute mark of the second half of the game, or by a catering
19 establishment which has rented facilities from a board of
20 trustees of a public community college district, or in a
21 restaurant that is operated by a commercial tenant in the
22 North Campus Parking Deck building that (1) is located at 1201
23 West University Avenue, Urbana, Illinois and (2) is owned by
24 the Board of Trustees of the University of Illinois, or, if
25 approved by the District board, on land owned by the
26 Metropolitan Sanitary District of Greater Chicago and leased

1 to others for a term of at least 20 years. Nothing in this
2 Section precludes the sale or delivery of alcoholic liquor in
3 the form of original packaged goods in premises located at 500
4 S. Racine in Chicago belonging to the University of Illinois
5 and used primarily as a grocery store by a commercial tenant
6 during the term of a lease that predates the University's
7 acquisition of the premises; but the University shall have no
8 power or authority to renew, transfer, or extend the lease
9 with terms allowing the sale of alcoholic liquor; and the sale
10 of alcoholic liquor shall be subject to all local laws and
11 regulations. After the acquisition by Winnebago County of the
12 property located at 404 Elm Street in Rockford, a commercial
13 tenant who sold alcoholic liquor at retail on a portion of the
14 property under a valid license at the time of the acquisition
15 may continue to do so for so long as the tenant and the County
16 may agree under existing or future leases, subject to all
17 local laws and regulations regarding the sale of alcoholic
18 liquor. Alcoholic liquors may be delivered to and sold at
19 Memorial Hall, located at 211 North Main Street, Rockford,
20 under conditions approved by Winnebago County and subject to
21 all local laws and regulations regarding the sale of alcoholic
22 liquor. Each facility shall provide dram shop liability in
23 maximum insurance coverage limits so as to save harmless the
24 State, municipality, State university, airport, golf course,
25 faculty center, facility in which conference and convention
26 type activities take place, park district, Forest Preserve

1 District, public community college district, aquarium, museum,
2 or sanitary district from all financial loss, damage or harm.
3 Alcoholic liquors may be sold at retail in buildings of golf
4 courses owned by municipalities or Illinois State University
5 in connection with the operation of an established food
6 serving facility during times when food is dispensed for
7 consumption upon the premises. Alcoholic liquors may be
8 delivered to and sold at retail in any building owned by a fire
9 protection district organized under the Fire Protection
10 District Act, provided that such delivery and sale is approved
11 by the board of trustees of the district, and provided further
12 that such delivery and sale is limited to fundraising events
13 and to a maximum of 6 events per year. However, the limitation
14 to fundraising events and to a maximum of 6 events per year
15 does not apply to the delivery, sale, or manufacture of
16 alcoholic liquors at the building located at 59 Main Street in
17 Oswego, Illinois, owned by the Oswego Fire Protection District
18 if the alcoholic liquor is sold or dispensed as approved by the
19 Oswego Fire Protection District and the property is no longer
20 being utilized for fire protection purposes.

21 Alcoholic liquors may be served or sold in buildings under
22 the control of the Board of Trustees of the University of
23 Illinois for events that the Board may determine are public
24 events and not related student activities. The Board of
25 Trustees shall issue a written policy within 6 months of
26 August 15, 2008 (the effective date of Public Act 95-847)

1 concerning the types of events that would be eligible for an
2 exemption. Thereafter, the Board of Trustees may issue
3 revised, updated, new, or amended policies as it deems
4 necessary and appropriate. In preparing its written policy,
5 the Board of Trustees shall, among other factors it considers
6 relevant and important, give consideration to the following:

7 (i) whether the event is a student activity or student-related
8 ~~student-related~~ activity; (ii) whether the physical setting of
9 the event is conducive to control of liquor sales and
10 distribution; (iii) the ability of the event operator to
11 ensure that the sale or serving of alcoholic liquors and the
12 demeanor of the participants are in accordance with State law
13 and University policies; (iv) regarding the anticipated
14 attendees at the event, the relative proportion of individuals
15 under the age of 21 to individuals age 21 or older; (v) the
16 ability of the venue operator to prevent the sale or
17 distribution of alcoholic liquors to individuals under the age
18 of 21; (vi) whether the event prohibits participants from
19 removing alcoholic beverages from the venue; and (vii) whether
20 the event prohibits participants from providing their own
21 alcoholic liquors to the venue. In addition, any policy
22 submitted by the Board of Trustees to the Illinois Liquor
23 Control Commission must require that any event at which
24 alcoholic liquors are served or sold in buildings under the
25 control of the Board of Trustees shall require the prior
26 written approval of the Office of the Chancellor for the

1 University campus where the event is located. The Board of
2 Trustees shall submit its policy, and any subsequently
3 revised, updated, new, or amended policies, to the Illinois
4 Liquor Control Commission, and any University event, or
5 location for an event, exempted under such policies shall
6 apply for a license under the applicable Sections of this Act.

7 Alcoholic liquors may be served or sold in buildings under
8 the control of the Board of Trustees of Northern Illinois
9 University for events that the Board may determine are public
10 events and not student-related activities. The Board of
11 Trustees shall issue a written policy within 6 months after
12 June 28, 2011 (the effective date of Public Act 97-45)
13 concerning the types of events that would be eligible for an
14 exemption. Thereafter, the Board of Trustees may issue
15 revised, updated, new, or amended policies as it deems
16 necessary and appropriate. In preparing its written policy,
17 the Board of Trustees shall, in addition to other factors it
18 considers relevant and important, give consideration to the
19 following: (i) whether the event is a student activity or
20 student-related activity; (ii) whether the physical setting of
21 the event is conducive to control of liquor sales and
22 distribution; (iii) the ability of the event operator to
23 ensure that the sale or serving of alcoholic liquors and the
24 demeanor of the participants are in accordance with State law
25 and University policies; (iv) the anticipated attendees at the
26 event and the relative proportion of individuals under the age

1 of 21 to individuals age 21 or older; (v) the ability of the
2 venue operator to prevent the sale or distribution of
3 alcoholic liquors to individuals under the age of 21; (vi)
4 whether the event prohibits participants from removing
5 alcoholic beverages from the venue; and (vii) whether the
6 event prohibits participants from providing their own
7 alcoholic liquors to the venue.

8 Alcoholic liquors may be served or sold in buildings under
9 the control of the Board of Trustees of Chicago State
10 University for events that the Board may determine are public
11 events and not student-related activities. The Board of
12 Trustees shall issue a written policy within 6 months after
13 August 2, 2013 (the effective date of Public Act 98-132)
14 concerning the types of events that would be eligible for an
15 exemption. Thereafter, the Board of Trustees may issue
16 revised, updated, new, or amended policies as it deems
17 necessary and appropriate. In preparing its written policy,
18 the Board of Trustees shall, in addition to other factors it
19 considers relevant and important, give consideration to the
20 following: (i) whether the event is a student activity or
21 student-related activity; (ii) whether the physical setting of
22 the event is conducive to control of liquor sales and
23 distribution; (iii) the ability of the event operator to
24 ensure that the sale or serving of alcoholic liquors and the
25 demeanor of the participants are in accordance with State law
26 and University policies; (iv) the anticipated attendees at the

1 event and the relative proportion of individuals under the age
2 of 21 to individuals age 21 or older; (v) the ability of the
3 venue operator to prevent the sale or distribution of
4 alcoholic liquors to individuals under the age of 21; (vi)
5 whether the event prohibits participants from removing
6 alcoholic beverages from the venue; and (vii) whether the
7 event prohibits participants from providing their own
8 alcoholic liquors to the venue.

9 Alcoholic liquors may be served or sold in buildings under
10 the control of the Board of Trustees of Illinois State
11 University for events that the Board may determine are public
12 events and not student-related activities. The Board of
13 Trustees shall issue a written policy within 6 months after
14 March 1, 2013 (the effective date of Public Act 97-1166)
15 concerning the types of events that would be eligible for an
16 exemption. Thereafter, the Board of Trustees may issue
17 revised, updated, new, or amended policies as it deems
18 necessary and appropriate. In preparing its written policy,
19 the Board of Trustees shall, in addition to other factors it
20 considers relevant and important, give consideration to the
21 following: (i) whether the event is a student activity or
22 student-related activity; (ii) whether the physical setting of
23 the event is conducive to control of liquor sales and
24 distribution; (iii) the ability of the event operator to
25 ensure that the sale or serving of alcoholic liquors and the
26 demeanor of the participants are in accordance with State law

1 and University policies; (iv) the anticipated attendees at the
2 event and the relative proportion of individuals under the age
3 of 21 to individuals age 21 or older; (v) the ability of the
4 venue operator to prevent the sale or distribution of
5 alcoholic liquors to individuals under the age of 21; (vi)
6 whether the event prohibits participants from removing
7 alcoholic beverages from the venue; and (vii) whether the
8 event prohibits participants from providing their own
9 alcoholic liquors to the venue.

10 Alcoholic liquors may be served or sold in buildings under
11 the control of the Board of Trustees of Southern Illinois
12 University for events that the Board may determine are public
13 events and not student-related activities. The Board of
14 Trustees shall issue a written policy within 6 months after
15 August 12, 2016 (the effective date of Public Act 99-795)
16 concerning the types of events that would be eligible for an
17 exemption. Thereafter, the Board of Trustees may issue
18 revised, updated, new, or amended policies as it deems
19 necessary and appropriate. In preparing its written policy,
20 the Board of Trustees shall, in addition to other factors it
21 considers relevant and important, give consideration to the
22 following: (i) whether the event is a student activity or
23 student-related activity; (ii) whether the physical setting of
24 the event is conducive to control of liquor sales and
25 distribution; (iii) the ability of the event operator to
26 ensure that the sale or serving of alcoholic liquors and the

1 demeanor of the participants are in accordance with State law
2 and University policies; (iv) the anticipated attendees at the
3 event and the relative proportion of individuals under the age
4 of 21 to individuals age 21 or older; (v) the ability of the
5 venue operator to prevent the sale or distribution of
6 alcoholic liquors to individuals under the age of 21; (vi)
7 whether the event prohibits participants from removing
8 alcoholic beverages from the venue; and (vii) whether the
9 event prohibits participants from providing their own
10 alcoholic liquors to the venue.

11 Alcoholic liquors may be served or sold in buildings under
12 the control of the Board of Trustees of a public university for
13 events that the Board of Trustees of that public university
14 may determine are public events and not student-related
15 activities. If the Board of Trustees of a public university
16 has not issued a written policy pursuant to an exemption under
17 this Section on or before July 15, 2016 (the effective date of
18 Public Act 99-550), then that Board of Trustees shall issue a
19 written policy within 6 months after July 15, 2016 (the
20 effective date of Public Act 99-550) concerning the types of
21 events that would be eligible for an exemption. Thereafter,
22 the Board of Trustees may issue revised, updated, new, or
23 amended policies as it deems necessary and appropriate. In
24 preparing its written policy, the Board of Trustees shall, in
25 addition to other factors it considers relevant and important,
26 give consideration to the following: (i) whether the event is

1 a student activity or student-related activity; (ii) whether
2 the physical setting of the event is conducive to control of
3 liquor sales and distribution; (iii) the ability of the event
4 operator to ensure that the sale or serving of alcoholic
5 liquors and the demeanor of the participants are in accordance
6 with State law and University policies; (iv) the anticipated
7 attendees at the event and the relative proportion of
8 individuals under the age of 21 to individuals age 21 or older;
9 (v) the ability of the venue operator to prevent the sale or
10 distribution of alcoholic liquors to individuals under the age
11 of 21; (vi) whether the event prohibits participants from
12 removing alcoholic beverages from the venue; and (vii) whether
13 the event prohibits participants from providing their own
14 alcoholic liquors to the venue. As used in this paragraph,
15 "public university" means the University of Illinois, Illinois
16 State University, Chicago State University, Governors State
17 University, Southern Illinois University, Northern Illinois
18 University, Eastern Illinois University, Western Illinois
19 University, and Northeastern Illinois University.

20 Alcoholic liquors may be served or sold in buildings under
21 the control of the Board of Trustees of a community college
22 district for events that the Board of Trustees of that
23 community college district may determine are public events and
24 not student-related activities. The Board of Trustees shall
25 issue a written policy within 6 months after July 15, 2016 (the
26 effective date of Public Act 99-550) concerning the types of

1 events that would be eligible for an exemption. Thereafter,
2 the Board of Trustees may issue revised, updated, new, or
3 amended policies as it deems necessary and appropriate. In
4 preparing its written policy, the Board of Trustees shall, in
5 addition to other factors it considers relevant and important,
6 give consideration to the following: (i) whether the event is
7 a student activity or student-related activity; (ii) whether
8 the physical setting of the event is conducive to control of
9 liquor sales and distribution; (iii) the ability of the event
10 operator to ensure that the sale or serving of alcoholic
11 liquors and the demeanor of the participants are in accordance
12 with State law and community college district policies; (iv)
13 the anticipated attendees at the event and the relative
14 proportion of individuals under the age of 21 to individuals
15 age 21 or older; (v) the ability of the venue operator to
16 prevent the sale or distribution of alcoholic liquors to
17 individuals under the age of 21; (vi) whether the event
18 prohibits participants from removing alcoholic beverages from
19 the venue; and (vii) whether the event prohibits participants
20 from providing their own alcoholic liquors to the venue. This
21 paragraph does not apply to any community college district
22 authorized to sell or serve alcoholic liquor under any other
23 provision of this Section.

24 Alcoholic liquor may be delivered to and sold at retail in
25 the Dorchester Senior Business Center owned by the Village of
26 Dolton if the alcoholic liquor is sold or dispensed only in

1 connection with organized functions for which the planned
2 attendance is 20 or more persons, and if the person or facility
3 selling or dispensing the alcoholic liquor has provided dram
4 shop liability insurance in maximum limits so as to hold
5 harmless the Village of Dolton and the State from all
6 financial loss, damage and harm.

7 Alcoholic liquors may be delivered to and sold at retail
8 in any building used as an Illinois State Armory provided:

9 (i) the Adjutant General's written consent to the
10 issuance of a license to sell alcoholic liquor in such
11 building is filed with the Commission;

12 (ii) the alcoholic liquor is sold or dispensed only in
13 connection with organized functions held on special
14 occasions;

15 (iii) the organized function is one for which the
16 planned attendance is 25 or more persons; and

17 (iv) the facility selling or dispensing the alcoholic
18 liquors has provided dram shop liability insurance in
19 maximum limits so as to save harmless the facility and the
20 State from all financial loss, damage or harm.

21 Alcoholic liquors may be delivered to and sold at retail
22 in the Chicago Civic Center, provided that:

23 (i) the written consent of the Public Building
24 Commission which administers the Chicago Civic Center is
25 filed with the Commission;

26 (ii) the alcoholic liquor is sold or dispensed only in

1 connection with organized functions held on special
2 occasions;

3 (iii) the organized function is one for which the
4 planned attendance is 25 or more persons;

5 (iv) the facility selling or dispensing the alcoholic
6 liquors has provided dram shop liability insurance in
7 maximum limits so as to hold harmless the Civic Center,
8 the City of Chicago and the State from all financial loss,
9 damage or harm; and

10 (v) all applicable local ordinances are complied with.

11 Alcoholic liquors may be delivered or sold in any building
12 belonging to or under the control of any city, village or
13 incorporated town where more than 75% of the physical
14 properties of the building is used for commercial or
15 recreational purposes, and the building is located upon a pier
16 extending into or over the waters of a navigable lake or stream
17 or on the shore of a navigable lake or stream. In accordance
18 with a license issued under this Act, alcoholic liquor may be
19 sold, served, or delivered in buildings and facilities under
20 the control of the Department of Natural Resources during
21 events or activities lasting no more than 7 continuous days
22 upon the written approval of the Director of Natural Resources
23 acting as the controlling government authority. The Director
24 of Natural Resources may specify conditions on that approval,
25 including, but not limited to, requirements for insurance and
26 hours of operation. Notwithstanding any other provision of

1 this Act, alcoholic liquor sold by a United States Army Corps
2 of Engineers or Department of Natural Resources concessionaire
3 who was operating on June 1, 1991 for on-premises consumption
4 only is not subject to the provisions of Articles IV and IX.
5 Beer and wine may be sold on the premises of the Joliet Park
6 District Stadium owned by the Joliet Park District when
7 written consent to the issuance of a license to sell beer and
8 wine in such premises is filed with the local liquor
9 commissioner by the Joliet Park District. Beer and wine may be
10 sold in buildings on the grounds of State veterans' homes when
11 written consent to the issuance of a license to sell beer and
12 wine in such buildings is filed with the Commission by the
13 Department of Veterans' Affairs, and the facility shall
14 provide dram shop liability in maximum insurance coverage
15 limits so as to save the facility harmless from all financial
16 loss, damage or harm. Such liquors may be delivered to and sold
17 at any property owned or held under lease by a Metropolitan
18 Pier and Exposition Authority or Metropolitan Exposition and
19 Auditorium Authority.

20 Beer and wine may be sold and dispensed at professional
21 sporting events and at professional concerts and other
22 entertainment events conducted on premises owned by the Forest
23 Preserve District of Kane County, subject to the control of
24 the District Commissioners and applicable local law, provided
25 that dram shop liability insurance is provided at maximum
26 coverage limits so as to hold the District harmless from all

1 financial loss, damage and harm.

2 Nothing in this Section shall preclude the sale or
3 delivery of beer and wine at a State or county fair or the sale
4 or delivery of beer or wine at a city fair in any otherwise
5 lawful manner.

6 Alcoholic liquors may be sold at retail in buildings in
7 State parks under the control of the Department of Natural
8 Resources, provided:

9 a. the State park has overnight lodging facilities
10 with some restaurant facilities or, not having overnight
11 lodging facilities, has restaurant facilities which serve
12 complete luncheon and dinner or supper meals,

13 b. (blank), and

14 c. the alcoholic liquors are sold by the State park
15 lodge or restaurant concessionaire only during the hours
16 from 11 o'clock a.m. until 12 o'clock midnight.
17 Notwithstanding any other provision of this Act, alcoholic
18 liquor sold by the State park or restaurant concessionaire
19 is not subject to the provisions of Articles IV and IX.

20 Alcoholic liquors may be sold at retail in buildings on
21 properties under the control of the Division of Historic
22 Preservation of the Department of Natural Resources or the
23 Abraham Lincoln Presidential Library and Museum provided:

24 a. the property has overnight lodging facilities with
25 some restaurant facilities or, not having overnight
26 lodging facilities, has restaurant facilities which serve

1 complete luncheon and dinner or supper meals,

2 b. consent to the issuance of a license to sell
3 alcoholic liquors in the buildings has been filed with the
4 commission by the Division of Historic Preservation of the
5 Department of Natural Resources or the Abraham Lincoln
6 Presidential Library and Museum, and

7 c. the alcoholic liquors are sold by the lodge or
8 restaurant concessionaire only during the hours from 11
9 o'clock a.m. until 12 o'clock midnight.

10 The sale of alcoholic liquors pursuant to this Section
11 does not authorize the establishment and operation of
12 facilities commonly called taverns, saloons, bars, cocktail
13 lounges, and the like except as a part of lodge and restaurant
14 facilities in State parks or golf courses owned by Forest
15 Preserve Districts with a population of less than 3,000,000 or
16 municipalities or park districts.

17 Alcoholic liquors may be sold at retail in the Springfield
18 Administration Building of the Department of Transportation
19 and the Illinois State Armory in Springfield; provided, that
20 the controlling government authority may consent to such sales
21 only if

22 a. the request is from a not-for-profit organization;

23 b. such sales would not impede normal operations of
24 the departments involved;

25 c. the not-for-profit organization provides dram shop
26 liability in maximum insurance coverage limits and agrees

1 to defend, save harmless and indemnify the State of
2 Illinois from all financial loss, damage or harm;

3 d. no such sale shall be made during normal working
4 hours of the State of Illinois; and

5 e. the consent is in writing.

6 Alcoholic liquors may be sold at retail in buildings in
7 recreational areas of river conservancy districts under the
8 control of, or leased from, the river conservancy districts.
9 Such sales are subject to reasonable local regulations as
10 provided in Article IV; however, no such regulations may
11 prohibit or substantially impair the sale of alcoholic liquors
12 on Sundays or Holidays.

13 Alcoholic liquors may be provided in long term care
14 facilities owned or operated by a county under Division 5-21
15 or 5-22 of the Counties Code, when approved by the facility
16 operator and not in conflict with the regulations of the
17 Illinois Department of Public Health, to residents of the
18 facility who have had their consumption of the alcoholic
19 liquors provided approved in writing by a physician licensed
20 to practice medicine in all its branches.

21 Alcoholic liquors may be delivered to and dispensed in
22 State housing assigned to employees of the Department of
23 Corrections. No person shall furnish or allow to be furnished
24 any alcoholic liquors to any prisoner confined in any jail,
25 reformatory, prison or house of correction except upon a
26 physician's prescription for medicinal purposes.

1 Alcoholic liquors may be sold at retail or dispensed at
2 the Willard Ice Building in Springfield, at the State Library
3 in Springfield, and at Illinois State Museum facilities by (1)
4 an agency of the State, whether legislative, judicial or
5 executive, provided that such agency first obtains written
6 permission to sell or dispense alcoholic liquors from the
7 controlling government authority, or by (2) a not-for-profit
8 organization, provided that such organization:

9 a. Obtains written consent from the controlling
10 government authority;

11 b. Sells or dispenses the alcoholic liquors in a
12 manner that does not impair normal operations of State
13 offices located in the building;

14 c. Sells or dispenses alcoholic liquors only in
15 connection with an official activity in the building;

16 d. Provides, or its catering service provides, dram
17 shop liability insurance in maximum coverage limits and in
18 which the carrier agrees to defend, save harmless and
19 indemnify the State of Illinois from all financial loss,
20 damage or harm arising out of the selling or dispensing of
21 alcoholic liquors.

22 Nothing in this Act shall prevent a not-for-profit
23 organization or agency of the State from employing the
24 services of a catering establishment for the selling or
25 dispensing of alcoholic liquors at authorized functions.

26 The controlling government authority for the Willard Ice

1 Building in Springfield shall be the Director of the
2 Department of Revenue. The controlling government authority
3 for Illinois State Museum facilities shall be the Director of
4 the Illinois State Museum. The controlling government
5 authority for the State Library in Springfield shall be the
6 Secretary of State.

7 Alcoholic liquors may be delivered to and sold at retail
8 or dispensed at any facility, property or building under the
9 jurisdiction of the Division of Historic Preservation of the
10 Department of Natural Resources, the Abraham Lincoln
11 Presidential Library and Museum, or the State Treasurer where
12 the delivery, sale or dispensing is by (1) an agency of the
13 State, whether legislative, judicial or executive, provided
14 that such agency first obtains written permission to sell or
15 dispense alcoholic liquors from a controlling government
16 authority, or by (2) an individual or organization provided
17 that such individual or organization:

18 a. Obtains written consent from the controlling
19 government authority;

20 b. Sells or dispenses the alcoholic liquors in a
21 manner that does not impair normal workings of State
22 offices or operations located at the facility, property or
23 building;

24 c. Sells or dispenses alcoholic liquors only in
25 connection with an official activity of the individual or
26 organization in the facility, property or building;

1 d. Provides, or its catering service provides, dram
2 shop liability insurance in maximum coverage limits and in
3 which the carrier agrees to defend, save harmless and
4 indemnify the State of Illinois from all financial loss,
5 damage or harm arising out of the selling or dispensing of
6 alcoholic liquors.

7 The controlling government authority for the Division of
8 Historic Preservation of the Department of Natural Resources
9 shall be the Director of Natural Resources, the controlling
10 government authority for the Abraham Lincoln Presidential
11 Library and Museum shall be the Executive Director of the
12 Abraham Lincoln Presidential Library and Museum, and the
13 controlling government authority for the facilities, property,
14 or buildings under the jurisdiction of the State Treasurer
15 shall be the State Treasurer or the State Treasurer's
16 designee.

17 Alcoholic liquors may be delivered to and sold at retail
18 or dispensed for consumption at the Michael Bilandic Building
19 at 160 North LaSalle Street, Chicago IL 60601, after the
20 normal business hours of any day care or child care facility
21 located in the building, by (1) a commercial tenant or
22 subtenant conducting business on the premises under a lease
23 made pursuant to Section 405-315 of the Department of Central
24 Management Services Law ~~(20 ILCS 405/405-315)~~, provided that
25 such tenant or subtenant who accepts delivery of, sells, or
26 dispenses alcoholic liquors shall procure and maintain dram

1 shop liability insurance in maximum coverage limits and in
2 which the carrier agrees to defend, indemnify, and save
3 harmless the State of Illinois from all financial loss,
4 damage, or harm arising out of the delivery, sale, or
5 dispensing of alcoholic liquors, or by (2) an agency of the
6 State, whether legislative, judicial, or executive, provided
7 that such agency first obtains written permission to accept
8 delivery of and sell or dispense alcoholic liquors from the
9 Director of Central Management Services, or by (3) a
10 not-for-profit organization, provided that such organization:

11 a. obtains written consent from the Department of
12 Central Management Services;

13 b. accepts delivery of and sells or dispenses the
14 alcoholic liquors in a manner that does not impair normal
15 operations of State offices located in the building;

16 c. accepts delivery of and sells or dispenses
17 alcoholic liquors only in connection with an official
18 activity in the building; and

19 d. provides, or its catering service provides, dram
20 shop liability insurance in maximum coverage limits and in
21 which the carrier agrees to defend, save harmless, and
22 indemnify the State of Illinois from all financial loss,
23 damage, or harm arising out of the selling or dispensing
24 of alcoholic liquors.

25 Nothing in this Act shall prevent a not-for-profit
26 organization or agency of the State from employing the

1 services of a catering establishment for the selling or
2 dispensing of alcoholic liquors at functions authorized by the
3 Director of Central Management Services.

4 Alcoholic liquors may be sold at retail or dispensed at
5 the James R. Thompson Center in Chicago, subject to the
6 provisions of Section 7.4 of the State Property Control Act,
7 and 222 South College Street in Springfield, Illinois by (1) a
8 commercial tenant or subtenant conducting business on the
9 premises under a lease or sublease made pursuant to Section
10 405-315 of the Department of Central Management Services Law
11 ~~(20 ILCS 405/405-315)~~, provided that such tenant or subtenant
12 who sells or dispenses alcoholic liquors shall procure and
13 maintain dram shop liability insurance in maximum coverage
14 limits and in which the carrier agrees to defend, indemnify
15 and save harmless the State of Illinois from all financial
16 loss, damage or harm arising out of the sale or dispensing of
17 alcoholic liquors, or by (2) an agency of the State, whether
18 legislative, judicial or executive, provided that such agency
19 first obtains written permission to sell or dispense alcoholic
20 liquors from the Director of Central Management Services, or
21 by (3) a not-for-profit organization, provided that such
22 organization:

23 a. Obtains written consent from the Department of
24 Central Management Services;

25 b. Sells or dispenses the alcoholic liquors in a
26 manner that does not impair normal operations of State

1 offices located in the building;

2 c. Sells or dispenses alcoholic liquors only in
3 connection with an official activity in the building;

4 d. Provides, or its catering service provides, dram
5 shop liability insurance in maximum coverage limits and in
6 which the carrier agrees to defend, save harmless and
7 indemnify the State of Illinois from all financial loss,
8 damage or harm arising out of the selling or dispensing of
9 alcoholic liquors.

10 Nothing in this Act shall prevent a not-for-profit
11 organization or agency of the State from employing the
12 services of a catering establishment for the selling or
13 dispensing of alcoholic liquors at functions authorized by the
14 Director of Central Management Services.

15 Alcoholic liquors may be sold or delivered at any facility
16 owned by the Illinois Sports Facilities Authority provided
17 that dram shop liability insurance has been made available in
18 a form, with such coverage and in such amounts as the Authority
19 reasonably determines is necessary.

20 Alcoholic liquors may be sold at retail or dispensed at
21 the Rockford State Office Building by (1) an agency of the
22 State, whether legislative, judicial or executive, provided
23 that such agency first obtains written permission to sell or
24 dispense alcoholic liquors from the Department of Central
25 Management Services, or by (2) a not-for-profit organization,
26 provided that such organization:

1 a. Obtains written consent from the Department of
2 Central Management Services;

3 b. Sells or dispenses the alcoholic liquors in a
4 manner that does not impair normal operations of State
5 offices located in the building;

6 c. Sells or dispenses alcoholic liquors only in
7 connection with an official activity in the building;

8 d. Provides, or its catering service provides, dram
9 shop liability insurance in maximum coverage limits and in
10 which the carrier agrees to defend, save harmless and
11 indemnify the State of Illinois from all financial loss,
12 damage or harm arising out of the selling or dispensing of
13 alcoholic liquors.

14 Nothing in this Act shall prevent a not-for-profit
15 organization or agency of the State from employing the
16 services of a catering establishment for the selling or
17 dispensing of alcoholic liquors at functions authorized by the
18 Department of Central Management Services.

19 Alcoholic liquors may be sold or delivered in a building
20 that is owned by McLean County, situated on land owned by the
21 county in the City of Bloomington, and used by the McLean
22 County Historical Society if the sale or delivery is approved
23 by an ordinance adopted by the county board, and the
24 municipality in which the building is located may not prohibit
25 that sale or delivery, notwithstanding any other provision of
26 this Section. The regulation of the sale and delivery of

1 alcoholic liquor in a building that is owned by McLean County,
2 situated on land owned by the county, and used by the McLean
3 County Historical Society as provided in this paragraph is an
4 exclusive power and function of the State and is a denial and
5 limitation under Article VII, Section 6, subsection (h) of the
6 Illinois Constitution of the power of a home rule municipality
7 to regulate that sale and delivery.

8 Alcoholic liquors may be sold or delivered in any building
9 situated on land held in trust for any school district
10 organized under Article 34 of the School Code, if the building
11 is not used for school purposes and if the sale or delivery is
12 approved by the board of education.

13 Alcoholic liquors may be delivered to and sold at retail
14 in any building owned by a public library district, provided
15 that the delivery and sale is approved by the board of trustees
16 of that public library district and is limited to library
17 fundraising events or programs of a cultural or educational
18 nature. Before the board of trustees of a public library
19 district may approve the delivery and sale of alcoholic
20 liquors, the board of trustees of the public library district
21 must have a written policy that has been approved by the board
22 of trustees of the public library district governing when and
23 under what circumstances alcoholic liquors may be delivered to
24 and sold at retail on property owned by that public library
25 district. The written policy must (i) provide that no
26 alcoholic liquor may be sold, distributed, or consumed in any

1 area of the library accessible to the general public during
2 the event or program, (ii) prohibit the removal of alcoholic
3 liquor from the venue during the event, and (iii) require that
4 steps be taken to prevent the sale or distribution of
5 alcoholic liquor to persons under the age of 21. Any public
6 library district that has alcoholic liquor delivered to or
7 sold at retail on property owned by the public library
8 district shall provide dram shop liability insurance in
9 maximum insurance coverage limits so as to save harmless the
10 public library districts from all financial loss, damage, or
11 harm.

12 Alcoholic liquors may be sold or delivered in buildings
13 owned by the Community Building Complex Committee of Boone
14 County, Illinois if the person or facility selling or
15 dispensing the alcoholic liquor has provided dram shop
16 liability insurance with coverage and in amounts that the
17 Committee reasonably determines are necessary.

18 Alcoholic liquors may be sold or delivered in the building
19 located at 1200 Centerville Avenue in Belleville, Illinois and
20 occupied by either the Belleville Area Special Education
21 District or the Belleville Area Special Services Cooperative.

22 Alcoholic liquors may be delivered to and sold at the
23 Louis Joliet Renaissance Center, City Center Campus, located
24 at 214 N. Ottawa Street, Joliet, and the Food
25 Services/Culinary Arts Department facilities, Main Campus,
26 located at 1215 Houbolt Road, Joliet, owned by or under the

1 control of Joliet Junior College, Illinois Community College
2 District No. 525.

3 Alcoholic liquors may be delivered to and sold at Triton
4 College, Illinois Community College District No. 504.

5 Alcoholic liquors may be delivered to and sold at the
6 College of DuPage, Illinois Community College District No.
7 502.

8 Alcoholic liquors may be delivered to and sold on any
9 property owned, operated, or controlled by Lewis and Clark
10 Community College, Illinois Community College District No.
11 536.

12 Alcoholic liquors may be delivered to and sold at the
13 building located at 446 East Hickory Avenue in Apple River,
14 Illinois, owned by the Apple River Fire Protection District,
15 and occupied by the Apple River Community Association if the
16 alcoholic liquor is sold or dispensed only in connection with
17 organized functions approved by the Apple River Community
18 Association for which the planned attendance is 20 or more
19 persons and if the person or facility selling or dispensing
20 the alcoholic liquor has provided dram shop liability
21 insurance in maximum limits so as to hold harmless the Apple
22 River Fire Protection District, the Village of Apple River,
23 and the Apple River Community Association from all financial
24 loss, damage, and harm.

25 Alcoholic liquors may be delivered to and sold at the
26 Sikia Restaurant, Kennedy King College Campus, located at 740

1 West 63rd Street, Chicago, and at the Food Services in the
2 Great Hall/Washburne Culinary Institute Department facility,
3 Kennedy King College Campus, located at 740 West 63rd Street,
4 Chicago, owned by or under the control of City Colleges of
5 Chicago, Illinois Community College District No. 508.

6 Alcoholic liquors may be delivered to and sold at the
7 building located at 305 West Grove St. in Poplar Grove,
8 Illinois that is owned and operated by North Boone Fire
9 District #3 if the alcoholic liquor is sold or dispensed only
10 in connection with organized functions approved by the North
11 Boone Fire District #3 for which the planned attendance is 20
12 or more persons and if the person or facility selling or
13 dispensing the alcoholic liquor has provided dram shop
14 liability insurance in maximum limits so as to hold harmless
15 North Boone County Fire District #3 from all financial loss,
16 damage, and harm.

17 (Source: P.A. 103-956, eff. 8-9-24; 103-971, eff. 8-9-24;
18 revised 9-25-24.)

19 Section 900. The Illinois Public Aid Code is amended by
20 changing Sections 5-5, 5-5.01a, 5-5a.1, 5-16.8, 5-16.8a,
21 5-30.1, and 14-12 and by setting forth and renumbering
22 Sections 5-5.24a and 5-52 as follows:

23 (305 ILCS 5/5-5)

24 (Text of Section before amendment by P.A. 103-808)

1 Sec. 5-5. Medical services. The Illinois Department, by
2 rule, shall determine the quantity and quality of and the rate
3 of reimbursement for the medical assistance for which payment
4 will be authorized, and the medical services to be provided,
5 which may include all or part of the following: (1) inpatient
6 hospital services; (2) outpatient hospital services; (3) other
7 laboratory and X-ray services; (4) skilled nursing home
8 services; (5) physicians' services whether furnished in the
9 office, the patient's home, a hospital, a skilled nursing
10 home, or elsewhere; (6) medical care, or any other type of
11 remedial care furnished by licensed practitioners; (7) home
12 health care services; (8) private duty nursing service; (9)
13 clinic services; (10) dental services, including prevention
14 and treatment of periodontal disease and dental caries disease
15 for pregnant individuals, provided by an individual licensed
16 to practice dentistry or dental surgery; for purposes of this
17 item (10), "dental services" means diagnostic, preventive, or
18 corrective procedures provided by or under the supervision of
19 a dentist in the practice of his or her profession; (11)
20 physical therapy and related services; (12) prescribed drugs,
21 dentures, and prosthetic devices; and eyeglasses prescribed by
22 a physician skilled in the diseases of the eye, or by an
23 optometrist, whichever the person may select; (13) other
24 diagnostic, screening, preventive, and rehabilitative
25 services, including to ensure that the individual's need for
26 intervention or treatment of mental disorders or substance use

1 disorders or co-occurring mental health and substance use
2 disorders is determined using a uniform screening, assessment,
3 and evaluation process inclusive of criteria, for children and
4 adults; for purposes of this item (13), a uniform screening,
5 assessment, and evaluation process refers to a process that
6 includes an appropriate evaluation and, as warranted, a
7 referral; "uniform" does not mean the use of a singular
8 instrument, tool, or process that all must utilize; (14)
9 transportation and such other expenses as may be necessary;
10 (15) medical treatment of sexual assault survivors, as defined
11 in Section 1a of the Sexual Assault Survivors Emergency
12 Treatment Act, for injuries sustained as a result of the
13 sexual assault, including examinations and laboratory tests to
14 discover evidence which may be used in criminal proceedings
15 arising from the sexual assault; (16) the diagnosis and
16 treatment of sickle cell anemia; (16.5) services performed by
17 a chiropractic physician licensed under the Medical Practice
18 Act of 1987 and acting within the scope of his or her license,
19 including, but not limited to, chiropractic manipulative
20 treatment; and (17) any other medical care, and any other type
21 of remedial care recognized under the laws of this State. The
22 term "any other type of remedial care" shall include nursing
23 care and nursing home service for persons who rely on
24 treatment by spiritual means alone through prayer for healing.

25 Notwithstanding any other provision of this Section, a
26 comprehensive tobacco use cessation program that includes

1 purchasing prescription drugs or prescription medical devices
2 approved by the Food and Drug Administration shall be covered
3 under the medical assistance program under this Article for
4 persons who are otherwise eligible for assistance under this
5 Article.

6 Notwithstanding any other provision of this Code,
7 reproductive health care that is otherwise legal in Illinois
8 shall be covered under the medical assistance program for
9 persons who are otherwise eligible for medical assistance
10 under this Article.

11 Notwithstanding any other provision of this Section, all
12 tobacco cessation medications approved by the United States
13 Food and Drug Administration and all individual and group
14 tobacco cessation counseling services and telephone-based
15 counseling services and tobacco cessation medications provided
16 through the Illinois Tobacco Quitline shall be covered under
17 the medical assistance program for persons who are otherwise
18 eligible for assistance under this Article. The Department
19 shall comply with all federal requirements necessary to obtain
20 federal financial participation, as specified in 42 CFR
21 433.15(b)(7), for telephone-based counseling services provided
22 through the Illinois Tobacco Quitline, including, but not
23 limited to: (i) entering into a memorandum of understanding or
24 interagency agreement with the Department of Public Health, as
25 administrator of the Illinois Tobacco Quitline; and (ii)
26 developing a cost allocation plan for Medicaid-allowable

1 Illinois Tobacco Quitline services in accordance with 45 CFR
2 95.507. The Department shall submit the memorandum of
3 understanding or interagency agreement, the cost allocation
4 plan, and all other necessary documentation to the Centers for
5 Medicare and Medicaid Services for review and approval.
6 Coverage under this paragraph shall be contingent upon federal
7 approval.

8 Notwithstanding any other provision of this Code, the
9 Illinois Department may not require, as a condition of payment
10 for any laboratory test authorized under this Article, that a
11 physician's handwritten signature appear on the laboratory
12 test order form. The Illinois Department may, however, impose
13 other appropriate requirements regarding laboratory test order
14 documentation.

15 Upon receipt of federal approval of an amendment to the
16 Illinois Title XIX State Plan for this purpose, the Department
17 shall authorize the Chicago Public Schools (CPS) to procure a
18 vendor or vendors to manufacture eyeglasses for individuals
19 enrolled in a school within the CPS system. CPS shall ensure
20 that its vendor or vendors are enrolled as providers in the
21 medical assistance program and in any capitated Medicaid
22 managed care entity (MCE) serving individuals enrolled in a
23 school within the CPS system. Under any contract procured
24 under this provision, the vendor or vendors must serve only
25 individuals enrolled in a school within the CPS system. Claims
26 for services provided by CPS's vendor or vendors to recipients

1 of benefits in the medical assistance program under this Code,
2 the Children's Health Insurance Program, or the Covering ALL
3 KIDS Health Insurance Program shall be submitted to the
4 Department or the MCE in which the individual is enrolled for
5 payment and shall be reimbursed at the Department's or the
6 MCE's established rates or rate methodologies for eyeglasses.

7 On and after July 1, 2012, the Department of Healthcare
8 and Family Services may provide the following services to
9 persons eligible for assistance under this Article who are
10 participating in education, training or employment programs
11 operated by the Department of Human Services as successor to
12 the Department of Public Aid:

13 (1) dental services provided by or under the
14 supervision of a dentist; and

15 (2) eyeglasses prescribed by a physician skilled in
16 the diseases of the eye, or by an optometrist, whichever
17 the person may select.

18 On and after July 1, 2018, the Department of Healthcare
19 and Family Services shall provide dental services to any adult
20 who is otherwise eligible for assistance under the medical
21 assistance program. As used in this paragraph, "dental
22 services" means diagnostic, preventative, restorative, or
23 corrective procedures, including procedures and services for
24 the prevention and treatment of periodontal disease and dental
25 caries disease, provided by an individual who is licensed to
26 practice dentistry or dental surgery or who is under the

1 supervision of a dentist in the practice of his or her
2 profession.

3 On and after July 1, 2018, targeted dental services, as
4 set forth in Exhibit D of the Consent Decree entered by the
5 United States District Court for the Northern District of
6 Illinois, Eastern Division, in the matter of Memisovski v.
7 Maram, Case No. 92 C 1982, that are provided to adults under
8 the medical assistance program shall be established at no less
9 than the rates set forth in the "New Rate" column in Exhibit D
10 of the Consent Decree for targeted dental services that are
11 provided to persons under the age of 18 under the medical
12 assistance program.

13 Subject to federal approval, on and after January 1, 2025,
14 the rates paid for sedation evaluation and the provision of
15 deep sedation and intravenous sedation for the purpose of
16 dental services shall be increased by 33% above the rates in
17 effect on December 31, 2024. The rates paid for nitrous oxide
18 sedation shall not be impacted by this paragraph and shall
19 remain the same as the rates in effect on December 31, 2024.

20 Notwithstanding any other provision of this Code and
21 subject to federal approval, the Department may adopt rules to
22 allow a dentist who is volunteering his or her service at no
23 cost to render dental services through an enrolled
24 not-for-profit health clinic without the dentist personally
25 enrolling as a participating provider in the medical
26 assistance program. A not-for-profit health clinic shall

1 include a public health clinic or Federally Qualified Health
2 Center or other enrolled provider, as determined by the
3 Department, through which dental services covered under this
4 Section are performed. The Department shall establish a
5 process for payment of claims for reimbursement for covered
6 dental services rendered under this provision.

7 Subject to appropriation and to federal approval, the
8 Department shall file administrative rules updating the
9 Handicapping Labio-Lingual Deviation orthodontic scoring tool
10 by January 1, 2025, or as soon as practicable.

11 On and after January 1, 2022, the Department of Healthcare
12 and Family Services shall administer and regulate a
13 school-based dental program that allows for the out-of-office
14 delivery of preventative dental services in a school setting
15 to children under 19 years of age. The Department shall
16 establish, by rule, guidelines for participation by providers
17 and set requirements for follow-up referral care based on the
18 requirements established in the Dental Office Reference Manual
19 published by the Department that establishes the requirements
20 for dentists participating in the All Kids Dental School
21 Program. Every effort shall be made by the Department when
22 developing the program requirements to consider the different
23 geographic differences of both urban and rural areas of the
24 State for initial treatment and necessary follow-up care. No
25 provider shall be charged a fee by any unit of local government
26 to participate in the school-based dental program administered

1 by the Department. Nothing in this paragraph shall be
2 construed to limit or preempt a home rule unit's or school
3 district's authority to establish, change, or administer a
4 school-based dental program in addition to, or independent of,
5 the school-based dental program administered by the
6 Department.

7 The Illinois Department, by rule, may distinguish and
8 classify the medical services to be provided only in
9 accordance with the classes of persons designated in Section
10 5-2.

11 The Department of Healthcare and Family Services must
12 provide coverage and reimbursement for amino acid-based
13 elemental formulas, regardless of delivery method, for the
14 diagnosis and treatment of (i) eosinophilic disorders and (ii)
15 short bowel syndrome when the prescribing physician has issued
16 a written order stating that the amino acid-based elemental
17 formula is medically necessary.

18 The Illinois Department shall authorize the provision of,
19 and shall authorize payment for, screening by low-dose
20 mammography for the presence of occult breast cancer for
21 individuals 35 years of age or older who are eligible for
22 medical assistance under this Article, as follows:

23 (A) A baseline mammogram for individuals 35 to 39
24 years of age.

25 (B) An annual mammogram for individuals 40 years of
26 age or older.

1 (C) A mammogram at the age and intervals considered
2 medically necessary by the individual's health care
3 provider for individuals under 40 years of age and having
4 a family history of breast cancer, prior personal history
5 of breast cancer, positive genetic testing, or other risk
6 factors.

7 (D) A comprehensive ultrasound screening and MRI of an
8 entire breast or breasts if a mammogram demonstrates
9 heterogeneous or dense breast tissue or when medically
10 necessary as determined by a physician licensed to
11 practice medicine in all of its branches.

12 (E) A screening MRI when medically necessary, as
13 determined by a physician licensed to practice medicine in
14 all of its branches.

15 (F) A diagnostic mammogram when medically necessary,
16 as determined by a physician licensed to practice medicine
17 in all its branches, advanced practice registered nurse,
18 or physician assistant.

19 The Department shall not impose a deductible, coinsurance,
20 copayment, or any other cost-sharing requirement on the
21 coverage provided under this paragraph; except that this
22 sentence does not apply to coverage of diagnostic mammograms
23 to the extent such coverage would disqualify a high-deductible
24 health plan from eligibility for a health savings account
25 pursuant to Section 223 of the Internal Revenue Code (26
26 U.S.C. 223).

1 All screenings shall include a physical breast exam,
2 instruction on self-examination and information regarding the
3 frequency of self-examination and its value as a preventative
4 tool.

5 For purposes of this Section:

6 "Diagnostic mammogram" means a mammogram obtained using
7 diagnostic mammography.

8 "Diagnostic mammography" means a method of screening that
9 is designed to evaluate an abnormality in a breast, including
10 an abnormality seen or suspected on a screening mammogram or a
11 subjective or objective abnormality otherwise detected in the
12 breast.

13 "Low-dose mammography" means the x-ray examination of the
14 breast using equipment dedicated specifically for mammography,
15 including the x-ray tube, filter, compression device, and
16 image receptor, with an average radiation exposure delivery of
17 less than one rad per breast for 2 views of an average size
18 breast. The term also includes digital mammography and
19 includes breast tomosynthesis.

20 "Breast tomosynthesis" means a radiologic procedure that
21 involves the acquisition of projection images over the
22 stationary breast to produce cross-sectional digital
23 three-dimensional images of the breast.

24 If, at any time, the Secretary of the United States
25 Department of Health and Human Services, or its successor
26 agency, promulgates rules or regulations to be published in

1 the Federal Register or publishes a comment in the Federal
2 Register or issues an opinion, guidance, or other action that
3 would require the State, pursuant to any provision of the
4 Patient Protection and Affordable Care Act (Public Law
5 111-148), including, but not limited to, 42 U.S.C.
6 18031(d)(3)(B) or any successor provision, to defray the cost
7 of any coverage for breast tomosynthesis outlined in this
8 paragraph, then the requirement that an insurer cover breast
9 tomosynthesis is inoperative other than any such coverage
10 authorized under Section 1902 of the Social Security Act, 42
11 U.S.C. 1396a, and the State shall not assume any obligation
12 for the cost of coverage for breast tomosynthesis set forth in
13 this paragraph.

14 On and after January 1, 2016, the Department shall ensure
15 that all networks of care for adult clients of the Department
16 include access to at least one breast imaging Center of
17 Imaging Excellence as certified by the American College of
18 Radiology.

19 On and after January 1, 2012, providers participating in a
20 quality improvement program approved by the Department shall
21 be reimbursed for screening and diagnostic mammography at the
22 same rate as the Medicare program's rates, including the
23 increased reimbursement for digital mammography and, after
24 January 1, 2023 (the effective date of Public Act 102-1018),
25 breast tomosynthesis.

26 The Department shall convene an expert panel including

1 representatives of hospitals, free-standing mammography
2 facilities, and doctors, including radiologists, to establish
3 quality standards for mammography.

4 On and after January 1, 2017, providers participating in a
5 breast cancer treatment quality improvement program approved
6 by the Department shall be reimbursed for breast cancer
7 treatment at a rate that is no lower than 95% of the Medicare
8 program's rates for the data elements included in the breast
9 cancer treatment quality program.

10 The Department shall convene an expert panel, including
11 representatives of hospitals, free-standing breast cancer
12 treatment centers, breast cancer quality organizations, and
13 doctors, including breast surgeons, reconstructive breast
14 surgeons, oncologists, and primary care providers to establish
15 quality standards for breast cancer treatment.

16 Subject to federal approval, the Department shall
17 establish a rate methodology for mammography at federally
18 qualified health centers and other encounter-rate clinics.
19 These clinics or centers may also collaborate with other
20 hospital-based mammography facilities. By January 1, 2016, the
21 Department shall report to the General Assembly on the status
22 of the provision set forth in this paragraph.

23 The Department shall establish a methodology to remind
24 individuals who are age-appropriate for screening mammography,
25 but who have not received a mammogram within the previous 18
26 months, of the importance and benefit of screening

1 mammography. The Department shall work with experts in breast
2 cancer outreach and patient navigation to optimize these
3 reminders and shall establish a methodology for evaluating
4 their effectiveness and modifying the methodology based on the
5 evaluation.

6 The Department shall establish a performance goal for
7 primary care providers with respect to their female patients
8 over age 40 receiving an annual mammogram. This performance
9 goal shall be used to provide additional reimbursement in the
10 form of a quality performance bonus to primary care providers
11 who meet that goal.

12 The Department shall devise a means of case-managing or
13 patient navigation for beneficiaries diagnosed with breast
14 cancer. This program shall initially operate as a pilot
15 program in areas of the State with the highest incidence of
16 mortality related to breast cancer. At least one pilot program
17 site shall be in the metropolitan Chicago area and at least one
18 site shall be outside the metropolitan Chicago area. On or
19 after July 1, 2016, the pilot program shall be expanded to
20 include one site in western Illinois, one site in southern
21 Illinois, one site in central Illinois, and 4 sites within
22 metropolitan Chicago. An evaluation of the pilot program shall
23 be carried out measuring health outcomes and cost of care for
24 those served by the pilot program compared to similarly
25 situated patients who are not served by the pilot program.

26 The Department shall require all networks of care to

1 develop a means either internally or by contract with experts
2 in navigation and community outreach to navigate cancer
3 patients to comprehensive care in a timely fashion. The
4 Department shall require all networks of care to include
5 access for patients diagnosed with cancer to at least one
6 academic commission on cancer-accredited cancer program as an
7 in-network covered benefit.

8 The Department shall provide coverage and reimbursement
9 for a human papillomavirus (HPV) vaccine that is approved for
10 marketing by the federal Food and Drug Administration for all
11 persons between the ages of 9 and 45. Subject to federal
12 approval, the Department shall provide coverage and
13 reimbursement for a human papillomavirus (HPV) vaccine for
14 persons of the age of 46 and above who have been diagnosed with
15 cervical dysplasia with a high risk of recurrence or
16 progression. The Department shall disallow any
17 preauthorization requirements for the administration of the
18 human papillomavirus (HPV) vaccine.

19 On or after July 1, 2022, individuals who are otherwise
20 eligible for medical assistance under this Article shall
21 receive coverage for perinatal depression screenings for the
22 12-month period beginning on the last day of their pregnancy.
23 Medical assistance coverage under this paragraph shall be
24 conditioned on the use of a screening instrument approved by
25 the Department.

26 Any medical or health care provider shall immediately

1 recommend, to any pregnant individual who is being provided
2 prenatal services and is suspected of having a substance use
3 disorder as defined in the Substance Use Disorder Act,
4 referral to a local substance use disorder treatment program
5 licensed by the Department of Human Services or to a licensed
6 hospital which provides substance abuse treatment services.
7 The Department of Healthcare and Family Services shall assure
8 coverage for the cost of treatment of the drug abuse or
9 addiction for pregnant recipients in accordance with the
10 Illinois Medicaid Program in conjunction with the Department
11 of Human Services.

12 All medical providers providing medical assistance to
13 pregnant individuals under this Code shall receive information
14 from the Department on the availability of services under any
15 program providing case management services for addicted
16 individuals, including information on appropriate referrals
17 for other social services that may be needed by addicted
18 individuals in addition to treatment for addiction.

19 The Illinois Department, in cooperation with the
20 Departments of Human Services (as successor to the Department
21 of Alcoholism and Substance Abuse) and Public Health, through
22 a public awareness campaign, may provide information
23 concerning treatment for alcoholism and drug abuse and
24 addiction, prenatal health care, and other pertinent programs
25 directed at reducing the number of drug-affected infants born
26 to recipients of medical assistance.

1 Neither the Department of Healthcare and Family Services
2 nor the Department of Human Services shall sanction the
3 recipient solely on the basis of the recipient's substance
4 abuse.

5 The Illinois Department shall establish such regulations
6 governing the dispensing of health services under this Article
7 as it shall deem appropriate. The Department should seek the
8 advice of formal professional advisory committees appointed by
9 the Director of the Illinois Department for the purpose of
10 providing regular advice on policy and administrative matters,
11 information dissemination and educational activities for
12 medical and health care providers, and consistency in
13 procedures to the Illinois Department.

14 The Illinois Department may develop and contract with
15 Partnerships of medical providers to arrange medical services
16 for persons eligible under Section 5-2 of this Code.
17 Implementation of this Section may be by demonstration
18 projects in certain geographic areas. The Partnership shall be
19 represented by a sponsor organization. The Department, by
20 rule, shall develop qualifications for sponsors of
21 Partnerships. Nothing in this Section shall be construed to
22 require that the sponsor organization be a medical
23 organization.

24 The sponsor must negotiate formal written contracts with
25 medical providers for physician services, inpatient and
26 outpatient hospital care, home health services, treatment for

1 alcoholism and substance abuse, and other services determined
2 necessary by the Illinois Department by rule for delivery by
3 Partnerships. Physician services must include prenatal and
4 obstetrical care. The Illinois Department shall reimburse
5 medical services delivered by Partnership providers to clients
6 in target areas according to provisions of this Article and
7 the Illinois Health Finance Reform Act, except that:

8 (1) Physicians participating in a Partnership and
9 providing certain services, which shall be determined by
10 the Illinois Department, to persons in areas covered by
11 the Partnership may receive an additional surcharge for
12 such services.

13 (2) The Department may elect to consider and negotiate
14 financial incentives to encourage the development of
15 Partnerships and the efficient delivery of medical care.

16 (3) Persons receiving medical services through
17 Partnerships may receive medical and case management
18 services above the level usually offered through the
19 medical assistance program.

20 Medical providers shall be required to meet certain
21 qualifications to participate in Partnerships to ensure the
22 delivery of high quality medical services. These
23 qualifications shall be determined by rule of the Illinois
24 Department and may be higher than qualifications for
25 participation in the medical assistance program. Partnership
26 sponsors may prescribe reasonable additional qualifications

1 for participation by medical providers, only with the prior
2 written approval of the Illinois Department.

3 Nothing in this Section shall limit the free choice of
4 practitioners, hospitals, and other providers of medical
5 services by clients. In order to ensure patient freedom of
6 choice, the Illinois Department shall immediately promulgate
7 all rules and take all other necessary actions so that
8 provided services may be accessed from therapeutically
9 certified optometrists to the full extent of the Illinois
10 Optometric Practice Act of 1987 without discriminating between
11 service providers.

12 The Department shall apply for a waiver from the United
13 States Health Care Financing Administration to allow for the
14 implementation of Partnerships under this Section.

15 The Illinois Department shall require health care
16 providers to maintain records that document the medical care
17 and services provided to recipients of Medical Assistance
18 under this Article. Such records must be retained for a period
19 of not less than 6 years from the date of service or as
20 provided by applicable State law, whichever period is longer,
21 except that if an audit is initiated within the required
22 retention period then the records must be retained until the
23 audit is completed and every exception is resolved. The
24 Illinois Department shall require health care providers to
25 make available, when authorized by the patient, in writing,
26 the medical records in a timely fashion to other health care

1 providers who are treating or serving persons eligible for
2 Medical Assistance under this Article. All dispensers of
3 medical services shall be required to maintain and retain
4 business and professional records sufficient to fully and
5 accurately document the nature, scope, details and receipt of
6 the health care provided to persons eligible for medical
7 assistance under this Code, in accordance with regulations
8 promulgated by the Illinois Department. The rules and
9 regulations shall require that proof of the receipt of
10 prescription drugs, dentures, prosthetic devices and
11 eyeglasses by eligible persons under this Section accompany
12 each claim for reimbursement submitted by the dispenser of
13 such medical services. No such claims for reimbursement shall
14 be approved for payment by the Illinois Department without
15 such proof of receipt, unless the Illinois Department shall
16 have put into effect and shall be operating a system of
17 post-payment audit and review which shall, on a sampling
18 basis, be deemed adequate by the Illinois Department to assure
19 that such drugs, dentures, prosthetic devices and eyeglasses
20 for which payment is being made are actually being received by
21 eligible recipients. Within 90 days after September 16, 1984
22 (the effective date of Public Act 83-1439), the Illinois
23 Department shall establish a current list of acquisition costs
24 for all prosthetic devices and any other items recognized as
25 medical equipment and supplies reimbursable under this Article
26 and shall update such list on a quarterly basis, except that

1 the acquisition costs of all prescription drugs shall be
2 updated no less frequently than every 30 days as required by
3 Section 5-5.12.

4 Notwithstanding any other law to the contrary, the
5 Illinois Department shall, within 365 days after July 22, 2013
6 (the effective date of Public Act 98-104), establish
7 procedures to permit skilled care facilities licensed under
8 the Nursing Home Care Act to submit monthly billing claims for
9 reimbursement purposes. Following development of these
10 procedures, the Department shall, by July 1, 2016, test the
11 viability of the new system and implement any necessary
12 operational or structural changes to its information
13 technology platforms in order to allow for the direct
14 acceptance and payment of nursing home claims.

15 Notwithstanding any other law to the contrary, the
16 Illinois Department shall, within 365 days after August 15,
17 2014 (the effective date of Public Act 98-963), establish
18 procedures to permit ID/DD facilities licensed under the ID/DD
19 Community Care Act and MC/DD facilities licensed under the
20 MC/DD Act to submit monthly billing claims for reimbursement
21 purposes. Following development of these procedures, the
22 Department shall have an additional 365 days to test the
23 viability of the new system and to ensure that any necessary
24 operational or structural changes to its information
25 technology platforms are implemented.

26 The Illinois Department shall require all dispensers of

1 medical services, other than an individual practitioner or
2 group of practitioners, desiring to participate in the Medical
3 Assistance program established under this Article to disclose
4 all financial, beneficial, ownership, equity, surety or other
5 interests in any and all firms, corporations, partnerships,
6 associations, business enterprises, joint ventures, agencies,
7 institutions or other legal entities providing any form of
8 health care services in this State under this Article.

9 The Illinois Department may require that all dispensers of
10 medical services desiring to participate in the medical
11 assistance program established under this Article disclose,
12 under such terms and conditions as the Illinois Department may
13 by rule establish, all inquiries from clients and attorneys
14 regarding medical bills paid by the Illinois Department, which
15 inquiries could indicate potential existence of claims or
16 liens for the Illinois Department.

17 Enrollment of a vendor shall be subject to a provisional
18 period and shall be conditional for one year. During the
19 period of conditional enrollment, the Department may terminate
20 the vendor's eligibility to participate in, or may disenroll
21 the vendor from, the medical assistance program without cause.
22 Unless otherwise specified, such termination of eligibility or
23 disenrollment is not subject to the Department's hearing
24 process. However, a disenrolled vendor may reapply without
25 penalty.

26 The Department has the discretion to limit the conditional

1 enrollment period for vendors based upon the category of risk
2 of the vendor.

3 Prior to enrollment and during the conditional enrollment
4 period in the medical assistance program, all vendors shall be
5 subject to enhanced oversight, screening, and review based on
6 the risk of fraud, waste, and abuse that is posed by the
7 category of risk of the vendor. The Illinois Department shall
8 establish the procedures for oversight, screening, and review,
9 which may include, but need not be limited to: criminal and
10 financial background checks; fingerprinting; license,
11 certification, and authorization verifications; unscheduled or
12 unannounced site visits; database checks; prepayment audit
13 reviews; audits; payment caps; payment suspensions; and other
14 screening as required by federal or State law.

15 The Department shall define or specify the following: (i)
16 by provider notice, the "category of risk of the vendor" for
17 each type of vendor, which shall take into account the level of
18 screening applicable to a particular category of vendor under
19 federal law and regulations; (ii) by rule or provider notice,
20 the maximum length of the conditional enrollment period for
21 each category of risk of the vendor; and (iii) by rule, the
22 hearing rights, if any, afforded to a vendor in each category
23 of risk of the vendor that is terminated or disenrolled during
24 the conditional enrollment period.

25 To be eligible for payment consideration, a vendor's
26 payment claim or bill, either as an initial claim or as a

1 resubmitted claim following prior rejection, must be received
2 by the Illinois Department, or its fiscal intermediary, no
3 later than 180 days after the latest date on the claim on which
4 medical goods or services were provided, with the following
5 exceptions:

6 (1) In the case of a provider whose enrollment is in
7 process by the Illinois Department, the 180-day period
8 shall not begin until the date on the written notice from
9 the Illinois Department that the provider enrollment is
10 complete.

11 (2) In the case of errors attributable to the Illinois
12 Department or any of its claims processing intermediaries
13 which result in an inability to receive, process, or
14 adjudicate a claim, the 180-day period shall not begin
15 until the provider has been notified of the error.

16 (3) In the case of a provider for whom the Illinois
17 Department initiates the monthly billing process.

18 (4) In the case of a provider operated by a unit of
19 local government with a population exceeding 3,000,000
20 when local government funds finance federal participation
21 for claims payments.

22 For claims for services rendered during a period for which
23 a recipient received retroactive eligibility, claims must be
24 filed within 180 days after the Department determines the
25 applicant is eligible. For claims for which the Illinois
26 Department is not the primary payer, claims must be submitted

1 to the Illinois Department within 180 days after the final
2 adjudication by the primary payer.

3 In the case of long term care facilities, within 120
4 calendar days of receipt by the facility of required
5 prescreening information, new admissions with associated
6 admission documents shall be submitted through the Medical
7 Electronic Data Interchange (MEDI) or the Recipient
8 Eligibility Verification (REV) System or shall be submitted
9 directly to the Department of Human Services using required
10 admission forms. Effective September 1, 2014, admission
11 documents, including all prescreening information, must be
12 submitted through MEDI or REV. Confirmation numbers assigned
13 to an accepted transaction shall be retained by a facility to
14 verify timely submittal. Once an admission transaction has
15 been completed, all resubmitted claims following prior
16 rejection are subject to receipt no later than 180 days after
17 the admission transaction has been completed.

18 Claims that are not submitted and received in compliance
19 with the foregoing requirements shall not be eligible for
20 payment under the medical assistance program, and the State
21 shall have no liability for payment of those claims.

22 To the extent consistent with applicable information and
23 privacy, security, and disclosure laws, State and federal
24 agencies and departments shall provide the Illinois Department
25 access to confidential and other information and data
26 necessary to perform eligibility and payment verifications and

1 other Illinois Department functions. This includes, but is not
2 limited to: information pertaining to licensure;
3 certification; earnings; immigration status; citizenship; wage
4 reporting; unearned and earned income; pension income;
5 employment; supplemental security income; social security
6 numbers; National Provider Identifier (NPI) numbers; the
7 National Practitioner Data Bank (NPDB); program and agency
8 exclusions; taxpayer identification numbers; tax delinquency;
9 corporate information; and death records.

10 The Illinois Department shall enter into agreements with
11 State agencies and departments, and is authorized to enter
12 into agreements with federal agencies and departments, under
13 which such agencies and departments shall share data necessary
14 for medical assistance program integrity functions and
15 oversight. The Illinois Department shall develop, in
16 cooperation with other State departments and agencies, and in
17 compliance with applicable federal laws and regulations,
18 appropriate and effective methods to share such data. At a
19 minimum, and to the extent necessary to provide data sharing,
20 the Illinois Department shall enter into agreements with State
21 agencies and departments, and is authorized to enter into
22 agreements with federal agencies and departments, including,
23 but not limited to: the Secretary of State; the Department of
24 Revenue; the Department of Public Health; the Department of
25 Human Services; and the Department of Financial and
26 Professional Regulation.

1 Beginning in fiscal year 2013, the Illinois Department
2 shall set forth a request for information to identify the
3 benefits of a pre-payment, post-adjudication, and post-edit
4 claims system with the goals of streamlining claims processing
5 and provider reimbursement, reducing the number of pending or
6 rejected claims, and helping to ensure a more transparent
7 adjudication process through the utilization of: (i) provider
8 data verification and provider screening technology; and (ii)
9 clinical code editing; and (iii) pre-pay, pre-adjudicated, or
10 post-adjudicated predictive modeling with an integrated case
11 management system with link analysis. Such a request for
12 information shall not be considered as a request for proposal
13 or as an obligation on the part of the Illinois Department to
14 take any action or acquire any products or services.

15 The Illinois Department shall establish policies,
16 procedures, standards and criteria by rule for the
17 acquisition, repair and replacement of orthotic and prosthetic
18 devices and durable medical equipment. Such rules shall
19 provide, but not be limited to, the following services: (1)
20 immediate repair or replacement of such devices by recipients;
21 and (2) rental, lease, purchase or lease-purchase of durable
22 medical equipment in a cost-effective manner, taking into
23 consideration the recipient's medical prognosis, the extent of
24 the recipient's needs, and the requirements and costs for
25 maintaining such equipment. Subject to prior approval, such
26 rules shall enable a recipient to temporarily acquire and use

1 alternative or substitute devices or equipment pending repairs
2 or replacements of any device or equipment previously
3 authorized for such recipient by the Department.
4 Notwithstanding any provision of Section 5-5f to the contrary,
5 the Department may, by rule, exempt certain replacement
6 wheelchair parts from prior approval and, for wheelchairs,
7 wheelchair parts, wheelchair accessories, and related seating
8 and positioning items, determine the wholesale price by
9 methods other than actual acquisition costs.

10 The Department shall require, by rule, all providers of
11 durable medical equipment to be accredited by an accreditation
12 organization approved by the federal Centers for Medicare and
13 Medicaid Services and recognized by the Department in order to
14 bill the Department for providing durable medical equipment to
15 recipients. No later than 15 months after the effective date
16 of the rule adopted pursuant to this paragraph, all providers
17 must meet the accreditation requirement.

18 In order to promote environmental responsibility, meet the
19 needs of recipients and enrollees, and achieve significant
20 cost savings, the Department, or a managed care organization
21 under contract with the Department, may provide recipients or
22 managed care enrollees who have a prescription or Certificate
23 of Medical Necessity access to refurbished durable medical
24 equipment under this Section (excluding prosthetic and
25 orthotic devices as defined in the Orthotics, Prosthetics, and
26 Pedorthics Practice Act and complex rehabilitation technology

1 products and associated services) through the State's
2 assistive technology program's reutilization program, using
3 staff with the Assistive Technology Professional (ATP)
4 Certification if the refurbished durable medical equipment:
5 (i) is available; (ii) is less expensive, including shipping
6 costs, than new durable medical equipment of the same type;
7 (iii) is able to withstand at least 3 years of use; (iv) is
8 cleaned, disinfected, sterilized, and safe in accordance with
9 federal Food and Drug Administration regulations and guidance
10 governing the reprocessing of medical devices in health care
11 settings; and (v) equally meets the needs of the recipient or
12 enrollee. The reutilization program shall confirm that the
13 recipient or enrollee is not already in receipt of the same or
14 similar equipment from another service provider, and that the
15 refurbished durable medical equipment equally meets the needs
16 of the recipient or enrollee. Nothing in this paragraph shall
17 be construed to limit recipient or enrollee choice to obtain
18 new durable medical equipment or place any additional prior
19 authorization conditions on enrollees of managed care
20 organizations.

21 The Department shall execute, relative to the nursing home
22 prescreening project, written inter-agency agreements with the
23 Department of Human Services and the Department on Aging, to
24 effect the following: (i) intake procedures and common
25 eligibility criteria for those persons who are receiving
26 non-institutional services; and (ii) the establishment and

1 development of non-institutional services in areas of the
2 State where they are not currently available or are
3 undeveloped; and (iii) notwithstanding any other provision of
4 law, subject to federal approval, on and after July 1, 2012, an
5 increase in the determination of need (DON) scores from 29 to
6 37 for applicants for institutional and home and
7 community-based long term care; if and only if federal
8 approval is not granted, the Department may, in conjunction
9 with other affected agencies, implement utilization controls
10 or changes in benefit packages to effectuate a similar savings
11 amount for this population; and (iv) no later than July 1,
12 2013, minimum level of care eligibility criteria for
13 institutional and home and community-based long term care; and
14 (v) no later than October 1, 2013, establish procedures to
15 permit long term care providers access to eligibility scores
16 for individuals with an admission date who are seeking or
17 receiving services from the long term care provider. In order
18 to select the minimum level of care eligibility criteria, the
19 Governor shall establish a workgroup that includes affected
20 agency representatives and stakeholders representing the
21 institutional and home and community-based long term care
22 interests. This Section shall not restrict the Department from
23 implementing lower level of care eligibility criteria for
24 community-based services in circumstances where federal
25 approval has been granted.

26 The Illinois Department shall develop and operate, in

1 cooperation with other State Departments and agencies and in
2 compliance with applicable federal laws and regulations,
3 appropriate and effective systems of health care evaluation
4 and programs for monitoring of utilization of health care
5 services and facilities, as it affects persons eligible for
6 medical assistance under this Code.

7 The Illinois Department shall report annually to the
8 General Assembly, no later than the second Friday in April of
9 1979 and each year thereafter, in regard to:

10 (a) actual statistics and trends in utilization of
11 medical services by public aid recipients;

12 (b) actual statistics and trends in the provision of
13 the various medical services by medical vendors;

14 (c) current rate structures and proposed changes in
15 those rate structures for the various medical vendors; and

16 (d) efforts at utilization review and control by the
17 Illinois Department.

18 The period covered by each report shall be the 3 years
19 ending on the June 30 prior to the report. The report shall
20 include suggested legislation for consideration by the General
21 Assembly. The requirement for reporting to the General
22 Assembly shall be satisfied by filing copies of the report as
23 required by Section 3.1 of the General Assembly Organization
24 Act, and filing such additional copies with the State
25 Government Report Distribution Center for the General Assembly
26 as is required under paragraph (t) of Section 7 of the State

1 Library Act.

2 Rulemaking authority to implement Public Act 95-1045, if
3 any, is conditioned on the rules being adopted in accordance
4 with all provisions of the Illinois Administrative Procedure
5 Act and all rules and procedures of the Joint Committee on
6 Administrative Rules; any purported rule not so adopted, for
7 whatever reason, is unauthorized.

8 On and after July 1, 2012, the Department shall reduce any
9 rate of reimbursement for services or other payments or alter
10 any methodologies authorized by this Code to reduce any rate
11 of reimbursement for services or other payments in accordance
12 with Section 5-5e.

13 Because kidney transplantation can be an appropriate,
14 cost-effective alternative to renal dialysis when medically
15 necessary and notwithstanding the provisions of Section 1-11
16 of this Code, beginning October 1, 2014, the Department shall
17 cover kidney transplantation for noncitizens with end-stage
18 renal disease who are not eligible for comprehensive medical
19 benefits, who meet the residency requirements of Section 5-3
20 of this Code, and who would otherwise meet the financial
21 requirements of the appropriate class of eligible persons
22 under Section 5-2 of this Code. To qualify for coverage of
23 kidney transplantation, such person must be receiving
24 emergency renal dialysis services covered by the Department.
25 Providers under this Section shall be prior approved and
26 certified by the Department to perform kidney transplantation

1 and the services under this Section shall be limited to
2 services associated with kidney transplantation.

3 Notwithstanding any other provision of this Code to the
4 contrary, on or after July 1, 2015, all FDA-approved ~~FDA~~
5 ~~approved~~ forms of medication assisted treatment prescribed for
6 the treatment of alcohol dependence or treatment of opioid
7 dependence shall be covered under both fee-for-service and
8 managed care medical assistance programs for persons who are
9 otherwise eligible for medical assistance under this Article
10 and shall not be subject to any (1) utilization control, other
11 than those established under the American Society of Addiction
12 Medicine patient placement criteria, (2) prior authorization
13 mandate, (3) lifetime restriction limit mandate, or (4)
14 limitations on dosage.

15 On or after July 1, 2015, opioid antagonists prescribed
16 for the treatment of an opioid overdose, including the
17 medication product, administration devices, and any pharmacy
18 fees or hospital fees related to the dispensing, distribution,
19 and administration of the opioid antagonist, shall be covered
20 under the medical assistance program for persons who are
21 otherwise eligible for medical assistance under this Article.
22 As used in this Section, "opioid antagonist" means a drug that
23 binds to opioid receptors and blocks or inhibits the effect of
24 opioids acting on those receptors, including, but not limited
25 to, naloxone hydrochloride or any other similarly acting drug
26 approved by the U.S. Food and Drug Administration. The

1 Department shall not impose a copayment on the coverage
2 provided for naloxone hydrochloride under the medical
3 assistance program.

4 Upon federal approval, the Department shall provide
5 coverage and reimbursement for all drugs that are approved for
6 marketing by the federal Food and Drug Administration and that
7 are recommended by the federal Public Health Service or the
8 United States Centers for Disease Control and Prevention for
9 pre-exposure prophylaxis and related pre-exposure prophylaxis
10 services, including, but not limited to, HIV and sexually
11 transmitted infection screening, treatment for sexually
12 transmitted infections, medical monitoring, assorted labs, and
13 counseling to reduce the likelihood of HIV infection among
14 individuals who are not infected with HIV but who are at high
15 risk of HIV infection.

16 A federally qualified health center, as defined in Section
17 1905(1)(2)(B) of the federal Social Security Act, shall be
18 reimbursed by the Department in accordance with the federally
19 qualified health center's encounter rate for services provided
20 to medical assistance recipients that are performed by a
21 dental hygienist, as defined under the Illinois Dental
22 Practice Act, working under the general supervision of a
23 dentist and employed by a federally qualified health center.

24 Within 90 days after October 8, 2021 (the effective date
25 of Public Act 102-665), the Department shall seek federal
26 approval of a State Plan amendment to expand coverage for

1 family planning services that includes presumptive eligibility
2 to individuals whose income is at or below 208% of the federal
3 poverty level. Coverage under this Section shall be effective
4 beginning no later than December 1, 2022.

5 Subject to approval by the federal Centers for Medicare
6 and Medicaid Services of a Title XIX State Plan amendment
7 electing the Program of All-Inclusive Care for the Elderly
8 (PACE) as a State Medicaid option, as provided for by Subtitle
9 I (commencing with Section 4801) of Title IV of the Balanced
10 Budget Act of 1997 (Public Law 105-33) and Part 460
11 (commencing with Section 460.2) of Subchapter E of Title 42 of
12 the Code of Federal Regulations, PACE program services shall
13 become a covered benefit of the medical assistance program,
14 subject to criteria established in accordance with all
15 applicable laws.

16 Notwithstanding any other provision of this Code,
17 community-based pediatric palliative care from a trained
18 interdisciplinary team shall be covered under the medical
19 assistance program as provided in Section 15 of the Pediatric
20 Palliative Care Act.

21 Notwithstanding any other provision of this Code, within
22 12 months after June 2, 2022 (the effective date of Public Act
23 102-1037) and subject to federal approval, acupuncture
24 services performed by an acupuncturist licensed under the
25 Acupuncture Practice Act who is acting within the scope of his
26 or her license shall be covered under the medical assistance

1 program. The Department shall apply for any federal waiver or
2 State Plan amendment, if required, to implement this
3 paragraph. The Department may adopt any rules, including
4 standards and criteria, necessary to implement this paragraph.

5 Notwithstanding any other provision of this Code, the
6 medical assistance program shall, subject to federal approval,
7 reimburse hospitals for costs associated with a newborn
8 screening test for the presence of metachromatic
9 leukodystrophy, as required under the Newborn Metabolic
10 Screening Act, at a rate not less than the fee charged by the
11 Department of Public Health. Notwithstanding any other
12 provision of this Code, the medical assistance program shall,
13 subject to appropriation and federal approval, also reimburse
14 hospitals for costs associated with all newborn screening
15 tests added on and after August 9, 2024 (the effective date of
16 Public Act 103-909) ~~this amendatory Act of the 103rd General~~
17 ~~Assembly~~ to the Newborn Metabolic Screening Act and required
18 to be performed under that Act at a rate not less than the fee
19 charged by the Department of Public Health. The Department
20 shall seek federal approval before the implementation of the
21 newborn screening test fees by the Department of Public
22 Health.

23 Notwithstanding any other provision of this Code,
24 beginning on January 1, 2024, subject to federal approval,
25 cognitive assessment and care planning services provided to a
26 person who experiences signs or symptoms of cognitive

1 impairment, as defined by the Diagnostic and Statistical
2 Manual of Mental Disorders, Fifth Edition, shall be covered
3 under the medical assistance program for persons who are
4 otherwise eligible for medical assistance under this Article.

5 Notwithstanding any other provision of this Code,
6 medically necessary reconstructive services that are intended
7 to restore physical appearance shall be covered under the
8 medical assistance program for persons who are otherwise
9 eligible for medical assistance under this Article. As used in
10 this paragraph, "reconstructive services" means treatments
11 performed on structures of the body damaged by trauma to
12 restore physical appearance.

13 (Source: P.A. 102-43, Article 30, Section 30-5, eff. 7-6-21;
14 102-43, Article 35, Section 35-5, eff. 7-6-21; 102-43, Article
15 55, Section 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123,
16 eff. 1-1-22; 102-558, eff. 8-20-21; 102-598, eff. 1-1-22;
17 102-655, eff. 1-1-22; 102-665, eff. 10-8-21; 102-813, eff.
18 5-13-22; 102-1018, eff. 1-1-23; 102-1037, eff. 6-2-22;
19 102-1038, eff. 1-1-23; 103-102, Article 15, Section 15-5, eff.
20 1-1-24; 103-102, Article 95, Section 95-15, eff. 1-1-24;
21 103-123, eff. 1-1-24; 103-154, eff. 6-30-23; 103-368, eff.
22 1-1-24; 103-593, Article 5, Section 5-5, eff. 6-7-24; 103-593,
23 Article 90, Section 90-5, eff. 6-7-24; 103-605, eff. 7-1-24;
24 103-909, eff. 8-9-24; 103-1040, eff. 8-9-24; revised
25 10-10-24.)

1 (Text of Section after amendment by P.A. 103-808)

2 Sec. 5-5. Medical services. The Illinois Department, by
3 rule, shall determine the quantity and quality of and the rate
4 of reimbursement for the medical assistance for which payment
5 will be authorized, and the medical services to be provided,
6 which may include all or part of the following: (1) inpatient
7 hospital services; (2) outpatient hospital services; (3) other
8 laboratory and X-ray services; (4) skilled nursing home
9 services; (5) physicians' services whether furnished in the
10 office, the patient's home, a hospital, a skilled nursing
11 home, or elsewhere; (6) medical care, or any other type of
12 remedial care furnished by licensed practitioners; (7) home
13 health care services; (8) private duty nursing service; (9)
14 clinic services; (10) dental services, including prevention
15 and treatment of periodontal disease and dental caries disease
16 for pregnant individuals, provided by an individual licensed
17 to practice dentistry or dental surgery; for purposes of this
18 item (10), "dental services" means diagnostic, preventive, or
19 corrective procedures provided by or under the supervision of
20 a dentist in the practice of his or her profession; (11)
21 physical therapy and related services; (12) prescribed drugs,
22 dentures, and prosthetic devices; and eyeglasses prescribed by
23 a physician skilled in the diseases of the eye, or by an
24 optometrist, whichever the person may select; (13) other
25 diagnostic, screening, preventive, and rehabilitative
26 services, including to ensure that the individual's need for

1 intervention or treatment of mental disorders or substance use
2 disorders or co-occurring mental health and substance use
3 disorders is determined using a uniform screening, assessment,
4 and evaluation process inclusive of criteria, for children and
5 adults; for purposes of this item (13), a uniform screening,
6 assessment, and evaluation process refers to a process that
7 includes an appropriate evaluation and, as warranted, a
8 referral; "uniform" does not mean the use of a singular
9 instrument, tool, or process that all must utilize; (14)
10 transportation and such other expenses as may be necessary;
11 (15) medical treatment of sexual assault survivors, as defined
12 in Section 1a of the Sexual Assault Survivors Emergency
13 Treatment Act, for injuries sustained as a result of the
14 sexual assault, including examinations and laboratory tests to
15 discover evidence which may be used in criminal proceedings
16 arising from the sexual assault; (16) the diagnosis and
17 treatment of sickle cell anemia; (16.5) services performed by
18 a chiropractic physician licensed under the Medical Practice
19 Act of 1987 and acting within the scope of his or her license,
20 including, but not limited to, chiropractic manipulative
21 treatment; and (17) any other medical care, and any other type
22 of remedial care recognized under the laws of this State. The
23 term "any other type of remedial care" shall include nursing
24 care and nursing home service for persons who rely on
25 treatment by spiritual means alone through prayer for healing.

26 Notwithstanding any other provision of this Section, a

1 comprehensive tobacco use cessation program that includes
2 purchasing prescription drugs or prescription medical devices
3 approved by the Food and Drug Administration shall be covered
4 under the medical assistance program under this Article for
5 persons who are otherwise eligible for assistance under this
6 Article.

7 Notwithstanding any other provision of this Code,
8 reproductive health care that is otherwise legal in Illinois
9 shall be covered under the medical assistance program for
10 persons who are otherwise eligible for medical assistance
11 under this Article.

12 Notwithstanding any other provision of this Section, all
13 tobacco cessation medications approved by the United States
14 Food and Drug Administration and all individual and group
15 tobacco cessation counseling services and telephone-based
16 counseling services and tobacco cessation medications provided
17 through the Illinois Tobacco Quitline shall be covered under
18 the medical assistance program for persons who are otherwise
19 eligible for assistance under this Article. The Department
20 shall comply with all federal requirements necessary to obtain
21 federal financial participation, as specified in 42 CFR
22 433.15(b)(7), for telephone-based counseling services provided
23 through the Illinois Tobacco Quitline, including, but not
24 limited to: (i) entering into a memorandum of understanding or
25 interagency agreement with the Department of Public Health, as
26 administrator of the Illinois Tobacco Quitline; and (ii)

1 developing a cost allocation plan for Medicaid-allowable
2 Illinois Tobacco Quitline services in accordance with 45 CFR
3 95.507. The Department shall submit the memorandum of
4 understanding or interagency agreement, the cost allocation
5 plan, and all other necessary documentation to the Centers for
6 Medicare and Medicaid Services for review and approval.
7 Coverage under this paragraph shall be contingent upon federal
8 approval.

9 Notwithstanding any other provision of this Code, the
10 Illinois Department may not require, as a condition of payment
11 for any laboratory test authorized under this Article, that a
12 physician's handwritten signature appear on the laboratory
13 test order form. The Illinois Department may, however, impose
14 other appropriate requirements regarding laboratory test order
15 documentation.

16 Upon receipt of federal approval of an amendment to the
17 Illinois Title XIX State Plan for this purpose, the Department
18 shall authorize the Chicago Public Schools (CPS) to procure a
19 vendor or vendors to manufacture eyeglasses for individuals
20 enrolled in a school within the CPS system. CPS shall ensure
21 that its vendor or vendors are enrolled as providers in the
22 medical assistance program and in any capitated Medicaid
23 managed care entity (MCE) serving individuals enrolled in a
24 school within the CPS system. Under any contract procured
25 under this provision, the vendor or vendors must serve only
26 individuals enrolled in a school within the CPS system. Claims

1 for services provided by CPS's vendor or vendors to recipients
2 of benefits in the medical assistance program under this Code,
3 the Children's Health Insurance Program, or the Covering ALL
4 KIDS Health Insurance Program shall be submitted to the
5 Department or the MCE in which the individual is enrolled for
6 payment and shall be reimbursed at the Department's or the
7 MCE's established rates or rate methodologies for eyeglasses.

8 On and after July 1, 2012, the Department of Healthcare
9 and Family Services may provide the following services to
10 persons eligible for assistance under this Article who are
11 participating in education, training or employment programs
12 operated by the Department of Human Services as successor to
13 the Department of Public Aid:

14 (1) dental services provided by or under the
15 supervision of a dentist; and

16 (2) eyeglasses prescribed by a physician skilled in
17 the diseases of the eye, or by an optometrist, whichever
18 the person may select.

19 On and after July 1, 2018, the Department of Healthcare
20 and Family Services shall provide dental services to any adult
21 who is otherwise eligible for assistance under the medical
22 assistance program. As used in this paragraph, "dental
23 services" means diagnostic, preventative, restorative, or
24 corrective procedures, including procedures and services for
25 the prevention and treatment of periodontal disease and dental
26 caries disease, provided by an individual who is licensed to

1 practice dentistry or dental surgery or who is under the
2 supervision of a dentist in the practice of his or her
3 profession.

4 On and after July 1, 2018, targeted dental services, as
5 set forth in Exhibit D of the Consent Decree entered by the
6 United States District Court for the Northern District of
7 Illinois, Eastern Division, in the matter of Memisovski v.
8 Maram, Case No. 92 C 1982, that are provided to adults under
9 the medical assistance program shall be established at no less
10 than the rates set forth in the "New Rate" column in Exhibit D
11 of the Consent Decree for targeted dental services that are
12 provided to persons under the age of 18 under the medical
13 assistance program.

14 Subject to federal approval, on and after January 1, 2025,
15 the rates paid for sedation evaluation and the provision of
16 deep sedation and intravenous sedation for the purpose of
17 dental services shall be increased by 33% above the rates in
18 effect on December 31, 2024. The rates paid for nitrous oxide
19 sedation shall not be impacted by this paragraph and shall
20 remain the same as the rates in effect on December 31, 2024.

21 Notwithstanding any other provision of this Code and
22 subject to federal approval, the Department may adopt rules to
23 allow a dentist who is volunteering his or her service at no
24 cost to render dental services through an enrolled
25 not-for-profit health clinic without the dentist personally
26 enrolling as a participating provider in the medical

1 assistance program. A not-for-profit health clinic shall
2 include a public health clinic or Federally Qualified Health
3 Center or other enrolled provider, as determined by the
4 Department, through which dental services covered under this
5 Section are performed. The Department shall establish a
6 process for payment of claims for reimbursement for covered
7 dental services rendered under this provision.

8 Subject to appropriation and to federal approval, the
9 Department shall file administrative rules updating the
10 Handicapping Labio-Lingual Deviation orthodontic scoring tool
11 by January 1, 2025, or as soon as practicable.

12 On and after January 1, 2022, the Department of Healthcare
13 and Family Services shall administer and regulate a
14 school-based dental program that allows for the out-of-office
15 delivery of preventative dental services in a school setting
16 to children under 19 years of age. The Department shall
17 establish, by rule, guidelines for participation by providers
18 and set requirements for follow-up referral care based on the
19 requirements established in the Dental Office Reference Manual
20 published by the Department that establishes the requirements
21 for dentists participating in the All Kids Dental School
22 Program. Every effort shall be made by the Department when
23 developing the program requirements to consider the different
24 geographic differences of both urban and rural areas of the
25 State for initial treatment and necessary follow-up care. No
26 provider shall be charged a fee by any unit of local government

1 to participate in the school-based dental program administered
2 by the Department. Nothing in this paragraph shall be
3 construed to limit or preempt a home rule unit's or school
4 district's authority to establish, change, or administer a
5 school-based dental program in addition to, or independent of,
6 the school-based dental program administered by the
7 Department.

8 The Illinois Department, by rule, may distinguish and
9 classify the medical services to be provided only in
10 accordance with the classes of persons designated in Section
11 5-2.

12 The Department of Healthcare and Family Services must
13 provide coverage and reimbursement for amino acid-based
14 elemental formulas, regardless of delivery method, for the
15 diagnosis and treatment of (i) eosinophilic disorders and (ii)
16 short bowel syndrome when the prescribing physician has issued
17 a written order stating that the amino acid-based elemental
18 formula is medically necessary.

19 The Illinois Department shall authorize the provision of,
20 and shall authorize payment for, screening by low-dose
21 mammography for the presence of occult breast cancer for
22 individuals 35 years of age or older who are eligible for
23 medical assistance under this Article, as follows:

24 (A) A baseline mammogram for individuals 35 to 39
25 years of age.

26 (B) An annual mammogram for individuals 40 years of

1 age or older.

2 (C) A mammogram at the age and intervals considered
3 medically necessary by the individual's health care
4 provider for individuals under 40 years of age and having
5 a family history of breast cancer, prior personal history
6 of breast cancer, positive genetic testing, or other risk
7 factors.

8 (D) A comprehensive ultrasound screening and MRI of an
9 entire breast or breasts if a mammogram demonstrates
10 heterogeneous or dense breast tissue or when medically
11 necessary as determined by a physician licensed to
12 practice medicine in all of its branches.

13 (E) A screening MRI when medically necessary, as
14 determined by a physician licensed to practice medicine in
15 all of its branches.

16 (F) A diagnostic mammogram when medically necessary,
17 as determined by a physician licensed to practice medicine
18 in all its branches, advanced practice registered nurse,
19 or physician assistant.

20 (G) Molecular breast imaging (MBI) and MRI of an
21 entire breast or breasts if a mammogram demonstrates
22 heterogeneous or dense breast tissue or when medically
23 necessary as determined by a physician licensed to
24 practice medicine in all of its branches, advanced
25 practice registered nurse, or physician assistant.

26 The Department shall not impose a deductible, coinsurance,

1 copayment, or any other cost-sharing requirement on the
2 coverage provided under this paragraph; except that this
3 sentence does not apply to coverage of diagnostic mammograms
4 to the extent such coverage would disqualify a high-deductible
5 health plan from eligibility for a health savings account
6 pursuant to Section 223 of the Internal Revenue Code (26
7 U.S.C. 223).

8 All screenings shall include a physical breast exam,
9 instruction on self-examination and information regarding the
10 frequency of self-examination and its value as a preventative
11 tool.

12 For purposes of this Section:

13 "Diagnostic mammogram" means a mammogram obtained using
14 diagnostic mammography.

15 "Diagnostic mammography" means a method of screening that
16 is designed to evaluate an abnormality in a breast, including
17 an abnormality seen or suspected on a screening mammogram or a
18 subjective or objective abnormality otherwise detected in the
19 breast.

20 "Low-dose mammography" means the x-ray examination of the
21 breast using equipment dedicated specifically for mammography,
22 including the x-ray tube, filter, compression device, and
23 image receptor, with an average radiation exposure delivery of
24 less than one rad per breast for 2 views of an average size
25 breast. The term also includes digital mammography and
26 includes breast tomosynthesis.

1 "Breast tomosynthesis" means a radiologic procedure that
2 involves the acquisition of projection images over the
3 stationary breast to produce cross-sectional digital
4 three-dimensional images of the breast.

5 If, at any time, the Secretary of the United States
6 Department of Health and Human Services, or its successor
7 agency, promulgates rules or regulations to be published in
8 the Federal Register or publishes a comment in the Federal
9 Register or issues an opinion, guidance, or other action that
10 would require the State, pursuant to any provision of the
11 Patient Protection and Affordable Care Act (Public Law
12 111-148), including, but not limited to, 42 U.S.C.
13 18031(d)(3)(B) or any successor provision, to defray the cost
14 of any coverage for breast tomosynthesis outlined in this
15 paragraph, then the requirement that an insurer cover breast
16 tomosynthesis is inoperative other than any such coverage
17 authorized under Section 1902 of the Social Security Act, 42
18 U.S.C. 1396a, and the State shall not assume any obligation
19 for the cost of coverage for breast tomosynthesis set forth in
20 this paragraph.

21 On and after January 1, 2016, the Department shall ensure
22 that all networks of care for adult clients of the Department
23 include access to at least one breast imaging Center of
24 Imaging Excellence as certified by the American College of
25 Radiology.

26 On and after January 1, 2012, providers participating in a

1 quality improvement program approved by the Department shall
2 be reimbursed for screening and diagnostic mammography at the
3 same rate as the Medicare program's rates, including the
4 increased reimbursement for digital mammography and, after
5 January 1, 2023 (the effective date of Public Act 102-1018),
6 breast tomosynthesis.

7 The Department shall convene an expert panel including
8 representatives of hospitals, free-standing mammography
9 facilities, and doctors, including radiologists, to establish
10 quality standards for mammography.

11 On and after January 1, 2017, providers participating in a
12 breast cancer treatment quality improvement program approved
13 by the Department shall be reimbursed for breast cancer
14 treatment at a rate that is no lower than 95% of the Medicare
15 program's rates for the data elements included in the breast
16 cancer treatment quality program.

17 The Department shall convene an expert panel, including
18 representatives of hospitals, free-standing breast cancer
19 treatment centers, breast cancer quality organizations, and
20 doctors, including radiologists that are trained in all forms
21 of FDA-approved ~~FDA-approved~~ breast imaging technologies,
22 breast surgeons, reconstructive breast surgeons, oncologists,
23 and primary care providers to establish quality standards for
24 breast cancer treatment.

25 Subject to federal approval, the Department shall
26 establish a rate methodology for mammography at federally

1 qualified health centers and other encounter-rate clinics.
2 These clinics or centers may also collaborate with other
3 hospital-based mammography facilities. By January 1, 2016, the
4 Department shall report to the General Assembly on the status
5 of the provision set forth in this paragraph.

6 The Department shall establish a methodology to remind
7 individuals who are age-appropriate for screening mammography,
8 but who have not received a mammogram within the previous 18
9 months, of the importance and benefit of screening
10 mammography. The Department shall work with experts in breast
11 cancer outreach and patient navigation to optimize these
12 reminders and shall establish a methodology for evaluating
13 their effectiveness and modifying the methodology based on the
14 evaluation.

15 The Department shall establish a performance goal for
16 primary care providers with respect to their female patients
17 over age 40 receiving an annual mammogram. This performance
18 goal shall be used to provide additional reimbursement in the
19 form of a quality performance bonus to primary care providers
20 who meet that goal.

21 The Department shall devise a means of case-managing or
22 patient navigation for beneficiaries diagnosed with breast
23 cancer. This program shall initially operate as a pilot
24 program in areas of the State with the highest incidence of
25 mortality related to breast cancer. At least one pilot program
26 site shall be in the metropolitan Chicago area and at least one

1 site shall be outside the metropolitan Chicago area. On or
2 after July 1, 2016, the pilot program shall be expanded to
3 include one site in western Illinois, one site in southern
4 Illinois, one site in central Illinois, and 4 sites within
5 metropolitan Chicago. An evaluation of the pilot program shall
6 be carried out measuring health outcomes and cost of care for
7 those served by the pilot program compared to similarly
8 situated patients who are not served by the pilot program.

9 The Department shall require all networks of care to
10 develop a means either internally or by contract with experts
11 in navigation and community outreach to navigate cancer
12 patients to comprehensive care in a timely fashion. The
13 Department shall require all networks of care to include
14 access for patients diagnosed with cancer to at least one
15 academic commission on cancer-accredited cancer program as an
16 in-network covered benefit.

17 The Department shall provide coverage and reimbursement
18 for a human papillomavirus (HPV) vaccine that is approved for
19 marketing by the federal Food and Drug Administration for all
20 persons between the ages of 9 and 45. Subject to federal
21 approval, the Department shall provide coverage and
22 reimbursement for a human papillomavirus (HPV) vaccine for
23 persons of the age of 46 and above who have been diagnosed with
24 cervical dysplasia with a high risk of recurrence or
25 progression. The Department shall disallow any
26 preauthorization requirements for the administration of the

1 human papillomavirus (HPV) vaccine.

2 On or after July 1, 2022, individuals who are otherwise
3 eligible for medical assistance under this Article shall
4 receive coverage for perinatal depression screenings for the
5 12-month period beginning on the last day of their pregnancy.
6 Medical assistance coverage under this paragraph shall be
7 conditioned on the use of a screening instrument approved by
8 the Department.

9 Any medical or health care provider shall immediately
10 recommend, to any pregnant individual who is being provided
11 prenatal services and is suspected of having a substance use
12 disorder as defined in the Substance Use Disorder Act,
13 referral to a local substance use disorder treatment program
14 licensed by the Department of Human Services or to a licensed
15 hospital which provides substance abuse treatment services.
16 The Department of Healthcare and Family Services shall assure
17 coverage for the cost of treatment of the drug abuse or
18 addiction for pregnant recipients in accordance with the
19 Illinois Medicaid Program in conjunction with the Department
20 of Human Services.

21 All medical providers providing medical assistance to
22 pregnant individuals under this Code shall receive information
23 from the Department on the availability of services under any
24 program providing case management services for addicted
25 individuals, including information on appropriate referrals
26 for other social services that may be needed by addicted

1 individuals in addition to treatment for addiction.

2 The Illinois Department, in cooperation with the
3 Departments of Human Services (as successor to the Department
4 of Alcoholism and Substance Abuse) and Public Health, through
5 a public awareness campaign, may provide information
6 concerning treatment for alcoholism and drug abuse and
7 addiction, prenatal health care, and other pertinent programs
8 directed at reducing the number of drug-affected infants born
9 to recipients of medical assistance.

10 Neither the Department of Healthcare and Family Services
11 nor the Department of Human Services shall sanction the
12 recipient solely on the basis of the recipient's substance
13 abuse.

14 The Illinois Department shall establish such regulations
15 governing the dispensing of health services under this Article
16 as it shall deem appropriate. The Department should seek the
17 advice of formal professional advisory committees appointed by
18 the Director of the Illinois Department for the purpose of
19 providing regular advice on policy and administrative matters,
20 information dissemination and educational activities for
21 medical and health care providers, and consistency in
22 procedures to the Illinois Department.

23 The Illinois Department may develop and contract with
24 Partnerships of medical providers to arrange medical services
25 for persons eligible under Section 5-2 of this Code.
26 Implementation of this Section may be by demonstration

1 projects in certain geographic areas. The Partnership shall be
2 represented by a sponsor organization. The Department, by
3 rule, shall develop qualifications for sponsors of
4 Partnerships. Nothing in this Section shall be construed to
5 require that the sponsor organization be a medical
6 organization.

7 The sponsor must negotiate formal written contracts with
8 medical providers for physician services, inpatient and
9 outpatient hospital care, home health services, treatment for
10 alcoholism and substance abuse, and other services determined
11 necessary by the Illinois Department by rule for delivery by
12 Partnerships. Physician services must include prenatal and
13 obstetrical care. The Illinois Department shall reimburse
14 medical services delivered by Partnership providers to clients
15 in target areas according to provisions of this Article and
16 the Illinois Health Finance Reform Act, except that:

17 (1) Physicians participating in a Partnership and
18 providing certain services, which shall be determined by
19 the Illinois Department, to persons in areas covered by
20 the Partnership may receive an additional surcharge for
21 such services.

22 (2) The Department may elect to consider and negotiate
23 financial incentives to encourage the development of
24 Partnerships and the efficient delivery of medical care.

25 (3) Persons receiving medical services through
26 Partnerships may receive medical and case management

1 services above the level usually offered through the
2 medical assistance program.

3 Medical providers shall be required to meet certain
4 qualifications to participate in Partnerships to ensure the
5 delivery of high quality medical services. These
6 qualifications shall be determined by rule of the Illinois
7 Department and may be higher than qualifications for
8 participation in the medical assistance program. Partnership
9 sponsors may prescribe reasonable additional qualifications
10 for participation by medical providers, only with the prior
11 written approval of the Illinois Department.

12 Nothing in this Section shall limit the free choice of
13 practitioners, hospitals, and other providers of medical
14 services by clients. In order to ensure patient freedom of
15 choice, the Illinois Department shall immediately promulgate
16 all rules and take all other necessary actions so that
17 provided services may be accessed from therapeutically
18 certified optometrists to the full extent of the Illinois
19 Optometric Practice Act of 1987 without discriminating between
20 service providers.

21 The Department shall apply for a waiver from the United
22 States Health Care Financing Administration to allow for the
23 implementation of Partnerships under this Section.

24 The Illinois Department shall require health care
25 providers to maintain records that document the medical care
26 and services provided to recipients of Medical Assistance

1 under this Article. Such records must be retained for a period
2 of not less than 6 years from the date of service or as
3 provided by applicable State law, whichever period is longer,
4 except that if an audit is initiated within the required
5 retention period then the records must be retained until the
6 audit is completed and every exception is resolved. The
7 Illinois Department shall require health care providers to
8 make available, when authorized by the patient, in writing,
9 the medical records in a timely fashion to other health care
10 providers who are treating or serving persons eligible for
11 Medical Assistance under this Article. All dispensers of
12 medical services shall be required to maintain and retain
13 business and professional records sufficient to fully and
14 accurately document the nature, scope, details and receipt of
15 the health care provided to persons eligible for medical
16 assistance under this Code, in accordance with regulations
17 promulgated by the Illinois Department. The rules and
18 regulations shall require that proof of the receipt of
19 prescription drugs, dentures, prosthetic devices and
20 eyeglasses by eligible persons under this Section accompany
21 each claim for reimbursement submitted by the dispenser of
22 such medical services. No such claims for reimbursement shall
23 be approved for payment by the Illinois Department without
24 such proof of receipt, unless the Illinois Department shall
25 have put into effect and shall be operating a system of
26 post-payment audit and review which shall, on a sampling

1 basis, be deemed adequate by the Illinois Department to assure
2 that such drugs, dentures, prosthetic devices and eyeglasses
3 for which payment is being made are actually being received by
4 eligible recipients. Within 90 days after September 16, 1984
5 (the effective date of Public Act 83-1439), the Illinois
6 Department shall establish a current list of acquisition costs
7 for all prosthetic devices and any other items recognized as
8 medical equipment and supplies reimbursable under this Article
9 and shall update such list on a quarterly basis, except that
10 the acquisition costs of all prescription drugs shall be
11 updated no less frequently than every 30 days as required by
12 Section 5-5.12.

13 Notwithstanding any other law to the contrary, the
14 Illinois Department shall, within 365 days after July 22, 2013
15 (the effective date of Public Act 98-104), establish
16 procedures to permit skilled care facilities licensed under
17 the Nursing Home Care Act to submit monthly billing claims for
18 reimbursement purposes. Following development of these
19 procedures, the Department shall, by July 1, 2016, test the
20 viability of the new system and implement any necessary
21 operational or structural changes to its information
22 technology platforms in order to allow for the direct
23 acceptance and payment of nursing home claims.

24 Notwithstanding any other law to the contrary, the
25 Illinois Department shall, within 365 days after August 15,
26 2014 (the effective date of Public Act 98-963), establish

1 procedures to permit ID/DD facilities licensed under the ID/DD
2 Community Care Act and MC/DD facilities licensed under the
3 MC/DD Act to submit monthly billing claims for reimbursement
4 purposes. Following development of these procedures, the
5 Department shall have an additional 365 days to test the
6 viability of the new system and to ensure that any necessary
7 operational or structural changes to its information
8 technology platforms are implemented.

9 The Illinois Department shall require all dispensers of
10 medical services, other than an individual practitioner or
11 group of practitioners, desiring to participate in the Medical
12 Assistance program established under this Article to disclose
13 all financial, beneficial, ownership, equity, surety or other
14 interests in any and all firms, corporations, partnerships,
15 associations, business enterprises, joint ventures, agencies,
16 institutions or other legal entities providing any form of
17 health care services in this State under this Article.

18 The Illinois Department may require that all dispensers of
19 medical services desiring to participate in the medical
20 assistance program established under this Article disclose,
21 under such terms and conditions as the Illinois Department may
22 by rule establish, all inquiries from clients and attorneys
23 regarding medical bills paid by the Illinois Department, which
24 inquiries could indicate potential existence of claims or
25 liens for the Illinois Department.

26 Enrollment of a vendor shall be subject to a provisional

1 period and shall be conditional for one year. During the
2 period of conditional enrollment, the Department may terminate
3 the vendor's eligibility to participate in, or may disenroll
4 the vendor from, the medical assistance program without cause.
5 Unless otherwise specified, such termination of eligibility or
6 disenrollment is not subject to the Department's hearing
7 process. However, a disenrolled vendor may reapply without
8 penalty.

9 The Department has the discretion to limit the conditional
10 enrollment period for vendors based upon the category of risk
11 of the vendor.

12 Prior to enrollment and during the conditional enrollment
13 period in the medical assistance program, all vendors shall be
14 subject to enhanced oversight, screening, and review based on
15 the risk of fraud, waste, and abuse that is posed by the
16 category of risk of the vendor. The Illinois Department shall
17 establish the procedures for oversight, screening, and review,
18 which may include, but need not be limited to: criminal and
19 financial background checks; fingerprinting; license,
20 certification, and authorization verifications; unscheduled or
21 unannounced site visits; database checks; prepayment audit
22 reviews; audits; payment caps; payment suspensions; and other
23 screening as required by federal or State law.

24 The Department shall define or specify the following: (i)
25 by provider notice, the "category of risk of the vendor" for
26 each type of vendor, which shall take into account the level of

1 screening applicable to a particular category of vendor under
2 federal law and regulations; (ii) by rule or provider notice,
3 the maximum length of the conditional enrollment period for
4 each category of risk of the vendor; and (iii) by rule, the
5 hearing rights, if any, afforded to a vendor in each category
6 of risk of the vendor that is terminated or disenrolled during
7 the conditional enrollment period.

8 To be eligible for payment consideration, a vendor's
9 payment claim or bill, either as an initial claim or as a
10 resubmitted claim following prior rejection, must be received
11 by the Illinois Department, or its fiscal intermediary, no
12 later than 180 days after the latest date on the claim on which
13 medical goods or services were provided, with the following
14 exceptions:

15 (1) In the case of a provider whose enrollment is in
16 process by the Illinois Department, the 180-day period
17 shall not begin until the date on the written notice from
18 the Illinois Department that the provider enrollment is
19 complete.

20 (2) In the case of errors attributable to the Illinois
21 Department or any of its claims processing intermediaries
22 which result in an inability to receive, process, or
23 adjudicate a claim, the 180-day period shall not begin
24 until the provider has been notified of the error.

25 (3) In the case of a provider for whom the Illinois
26 Department initiates the monthly billing process.

1 (4) In the case of a provider operated by a unit of
2 local government with a population exceeding 3,000,000
3 when local government funds finance federal participation
4 for claims payments.

5 For claims for services rendered during a period for which
6 a recipient received retroactive eligibility, claims must be
7 filed within 180 days after the Department determines the
8 applicant is eligible. For claims for which the Illinois
9 Department is not the primary payer, claims must be submitted
10 to the Illinois Department within 180 days after the final
11 adjudication by the primary payer.

12 In the case of long term care facilities, within 120
13 calendar days of receipt by the facility of required
14 prescreening information, new admissions with associated
15 admission documents shall be submitted through the Medical
16 Electronic Data Interchange (MEDI) or the Recipient
17 Eligibility Verification (REV) System or shall be submitted
18 directly to the Department of Human Services using required
19 admission forms. Effective September 1, 2014, admission
20 documents, including all prescreening information, must be
21 submitted through MEDI or REV. Confirmation numbers assigned
22 to an accepted transaction shall be retained by a facility to
23 verify timely submittal. Once an admission transaction has
24 been completed, all resubmitted claims following prior
25 rejection are subject to receipt no later than 180 days after
26 the admission transaction has been completed.

1 Claims that are not submitted and received in compliance
2 with the foregoing requirements shall not be eligible for
3 payment under the medical assistance program, and the State
4 shall have no liability for payment of those claims.

5 To the extent consistent with applicable information and
6 privacy, security, and disclosure laws, State and federal
7 agencies and departments shall provide the Illinois Department
8 access to confidential and other information and data
9 necessary to perform eligibility and payment verifications and
10 other Illinois Department functions. This includes, but is not
11 limited to: information pertaining to licensure;
12 certification; earnings; immigration status; citizenship; wage
13 reporting; unearned and earned income; pension income;
14 employment; supplemental security income; social security
15 numbers; National Provider Identifier (NPI) numbers; the
16 National Practitioner Data Bank (NPDB); program and agency
17 exclusions; taxpayer identification numbers; tax delinquency;
18 corporate information; and death records.

19 The Illinois Department shall enter into agreements with
20 State agencies and departments, and is authorized to enter
21 into agreements with federal agencies and departments, under
22 which such agencies and departments shall share data necessary
23 for medical assistance program integrity functions and
24 oversight. The Illinois Department shall develop, in
25 cooperation with other State departments and agencies, and in
26 compliance with applicable federal laws and regulations,

1 appropriate and effective methods to share such data. At a
2 minimum, and to the extent necessary to provide data sharing,
3 the Illinois Department shall enter into agreements with State
4 agencies and departments, and is authorized to enter into
5 agreements with federal agencies and departments, including,
6 but not limited to: the Secretary of State; the Department of
7 Revenue; the Department of Public Health; the Department of
8 Human Services; and the Department of Financial and
9 Professional Regulation.

10 Beginning in fiscal year 2013, the Illinois Department
11 shall set forth a request for information to identify the
12 benefits of a pre-payment, post-adjudication, and post-edit
13 claims system with the goals of streamlining claims processing
14 and provider reimbursement, reducing the number of pending or
15 rejected claims, and helping to ensure a more transparent
16 adjudication process through the utilization of: (i) provider
17 data verification and provider screening technology; and (ii)
18 clinical code editing; and (iii) pre-pay, pre-adjudicated, or
19 post-adjudicated predictive modeling with an integrated case
20 management system with link analysis. Such a request for
21 information shall not be considered as a request for proposal
22 or as an obligation on the part of the Illinois Department to
23 take any action or acquire any products or services.

24 The Illinois Department shall establish policies,
25 procedures, standards and criteria by rule for the
26 acquisition, repair and replacement of orthotic and prosthetic

1 devices and durable medical equipment. Such rules shall
2 provide, but not be limited to, the following services: (1)
3 immediate repair or replacement of such devices by recipients;
4 and (2) rental, lease, purchase or lease-purchase of durable
5 medical equipment in a cost-effective manner, taking into
6 consideration the recipient's medical prognosis, the extent of
7 the recipient's needs, and the requirements and costs for
8 maintaining such equipment. Subject to prior approval, such
9 rules shall enable a recipient to temporarily acquire and use
10 alternative or substitute devices or equipment pending repairs
11 or replacements of any device or equipment previously
12 authorized for such recipient by the Department.
13 Notwithstanding any provision of Section 5-5f to the contrary,
14 the Department may, by rule, exempt certain replacement
15 wheelchair parts from prior approval and, for wheelchairs,
16 wheelchair parts, wheelchair accessories, and related seating
17 and positioning items, determine the wholesale price by
18 methods other than actual acquisition costs.

19 The Department shall require, by rule, all providers of
20 durable medical equipment to be accredited by an accreditation
21 organization approved by the federal Centers for Medicare and
22 Medicaid Services and recognized by the Department in order to
23 bill the Department for providing durable medical equipment to
24 recipients. No later than 15 months after the effective date
25 of the rule adopted pursuant to this paragraph, all providers
26 must meet the accreditation requirement.

1 In order to promote environmental responsibility, meet the
2 needs of recipients and enrollees, and achieve significant
3 cost savings, the Department, or a managed care organization
4 under contract with the Department, may provide recipients or
5 managed care enrollees who have a prescription or Certificate
6 of Medical Necessity access to refurbished durable medical
7 equipment under this Section (excluding prosthetic and
8 orthotic devices as defined in the Orthotics, Prosthetics, and
9 Pedorthics Practice Act and complex rehabilitation technology
10 products and associated services) through the State's
11 assistive technology program's reutilization program, using
12 staff with the Assistive Technology Professional (ATP)
13 Certification if the refurbished durable medical equipment:
14 (i) is available; (ii) is less expensive, including shipping
15 costs, than new durable medical equipment of the same type;
16 (iii) is able to withstand at least 3 years of use; (iv) is
17 cleaned, disinfected, sterilized, and safe in accordance with
18 federal Food and Drug Administration regulations and guidance
19 governing the reprocessing of medical devices in health care
20 settings; and (v) equally meets the needs of the recipient or
21 enrollee. The reutilization program shall confirm that the
22 recipient or enrollee is not already in receipt of the same or
23 similar equipment from another service provider, and that the
24 refurbished durable medical equipment equally meets the needs
25 of the recipient or enrollee. Nothing in this paragraph shall
26 be construed to limit recipient or enrollee choice to obtain

1 new durable medical equipment or place any additional prior
2 authorization conditions on enrollees of managed care
3 organizations.

4 The Department shall execute, relative to the nursing home
5 prescreening project, written inter-agency agreements with the
6 Department of Human Services and the Department on Aging, to
7 effect the following: (i) intake procedures and common
8 eligibility criteria for those persons who are receiving
9 non-institutional services; and (ii) the establishment and
10 development of non-institutional services in areas of the
11 State where they are not currently available or are
12 undeveloped; and (iii) notwithstanding any other provision of
13 law, subject to federal approval, on and after July 1, 2012, an
14 increase in the determination of need (DON) scores from 29 to
15 37 for applicants for institutional and home and
16 community-based long term care; if and only if federal
17 approval is not granted, the Department may, in conjunction
18 with other affected agencies, implement utilization controls
19 or changes in benefit packages to effectuate a similar savings
20 amount for this population; and (iv) no later than July 1,
21 2013, minimum level of care eligibility criteria for
22 institutional and home and community-based long term care; and
23 (v) no later than October 1, 2013, establish procedures to
24 permit long term care providers access to eligibility scores
25 for individuals with an admission date who are seeking or
26 receiving services from the long term care provider. In order

1 to select the minimum level of care eligibility criteria, the
2 Governor shall establish a workgroup that includes affected
3 agency representatives and stakeholders representing the
4 institutional and home and community-based long term care
5 interests. This Section shall not restrict the Department from
6 implementing lower level of care eligibility criteria for
7 community-based services in circumstances where federal
8 approval has been granted.

9 The Illinois Department shall develop and operate, in
10 cooperation with other State Departments and agencies and in
11 compliance with applicable federal laws and regulations,
12 appropriate and effective systems of health care evaluation
13 and programs for monitoring of utilization of health care
14 services and facilities, as it affects persons eligible for
15 medical assistance under this Code.

16 The Illinois Department shall report annually to the
17 General Assembly, no later than the second Friday in April of
18 1979 and each year thereafter, in regard to:

19 (a) actual statistics and trends in utilization of
20 medical services by public aid recipients;

21 (b) actual statistics and trends in the provision of
22 the various medical services by medical vendors;

23 (c) current rate structures and proposed changes in
24 those rate structures for the various medical vendors; and

25 (d) efforts at utilization review and control by the
26 Illinois Department.

1 The period covered by each report shall be the 3 years
2 ending on the June 30 prior to the report. The report shall
3 include suggested legislation for consideration by the General
4 Assembly. The requirement for reporting to the General
5 Assembly shall be satisfied by filing copies of the report as
6 required by Section 3.1 of the General Assembly Organization
7 Act, and filing such additional copies with the State
8 Government Report Distribution Center for the General Assembly
9 as is required under paragraph (t) of Section 7 of the State
10 Library Act.

11 Rulemaking authority to implement Public Act 95-1045, if
12 any, is conditioned on the rules being adopted in accordance
13 with all provisions of the Illinois Administrative Procedure
14 Act and all rules and procedures of the Joint Committee on
15 Administrative Rules; any purported rule not so adopted, for
16 whatever reason, is unauthorized.

17 On and after July 1, 2012, the Department shall reduce any
18 rate of reimbursement for services or other payments or alter
19 any methodologies authorized by this Code to reduce any rate
20 of reimbursement for services or other payments in accordance
21 with Section 5-5e.

22 Because kidney transplantation can be an appropriate,
23 cost-effective alternative to renal dialysis when medically
24 necessary and notwithstanding the provisions of Section 1-11
25 of this Code, beginning October 1, 2014, the Department shall
26 cover kidney transplantation for noncitizens with end-stage

1 renal disease who are not eligible for comprehensive medical
2 benefits, who meet the residency requirements of Section 5-3
3 of this Code, and who would otherwise meet the financial
4 requirements of the appropriate class of eligible persons
5 under Section 5-2 of this Code. To qualify for coverage of
6 kidney transplantation, such person must be receiving
7 emergency renal dialysis services covered by the Department.
8 Providers under this Section shall be prior approved and
9 certified by the Department to perform kidney transplantation
10 and the services under this Section shall be limited to
11 services associated with kidney transplantation.

12 Notwithstanding any other provision of this Code to the
13 contrary, on or after July 1, 2015, all FDA-approved ~~FDA~~
14 ~~approved~~ forms of medication assisted treatment prescribed for
15 the treatment of alcohol dependence or treatment of opioid
16 dependence shall be covered under both fee-for-service and
17 managed care medical assistance programs for persons who are
18 otherwise eligible for medical assistance under this Article
19 and shall not be subject to any (1) utilization control, other
20 than those established under the American Society of Addiction
21 Medicine patient placement criteria, (2) prior authorization
22 mandate, (3) lifetime restriction limit mandate, or (4)
23 limitations on dosage.

24 On or after July 1, 2015, opioid antagonists prescribed
25 for the treatment of an opioid overdose, including the
26 medication product, administration devices, and any pharmacy

1 fees or hospital fees related to the dispensing, distribution,
2 and administration of the opioid antagonist, shall be covered
3 under the medical assistance program for persons who are
4 otherwise eligible for medical assistance under this Article.
5 As used in this Section, "opioid antagonist" means a drug that
6 binds to opioid receptors and blocks or inhibits the effect of
7 opioids acting on those receptors, including, but not limited
8 to, naloxone hydrochloride or any other similarly acting drug
9 approved by the U.S. Food and Drug Administration. The
10 Department shall not impose a copayment on the coverage
11 provided for naloxone hydrochloride under the medical
12 assistance program.

13 Upon federal approval, the Department shall provide
14 coverage and reimbursement for all drugs that are approved for
15 marketing by the federal Food and Drug Administration and that
16 are recommended by the federal Public Health Service or the
17 United States Centers for Disease Control and Prevention for
18 pre-exposure prophylaxis and related pre-exposure prophylaxis
19 services, including, but not limited to, HIV and sexually
20 transmitted infection screening, treatment for sexually
21 transmitted infections, medical monitoring, assorted labs, and
22 counseling to reduce the likelihood of HIV infection among
23 individuals who are not infected with HIV but who are at high
24 risk of HIV infection.

25 A federally qualified health center, as defined in Section
26 1905(1)(2)(B) of the federal Social Security Act, shall be

1 reimbursed by the Department in accordance with the federally
2 qualified health center's encounter rate for services provided
3 to medical assistance recipients that are performed by a
4 dental hygienist, as defined under the Illinois Dental
5 Practice Act, working under the general supervision of a
6 dentist and employed by a federally qualified health center.

7 Within 90 days after October 8, 2021 (the effective date
8 of Public Act 102-665), the Department shall seek federal
9 approval of a State Plan amendment to expand coverage for
10 family planning services that includes presumptive eligibility
11 to individuals whose income is at or below 208% of the federal
12 poverty level. Coverage under this Section shall be effective
13 beginning no later than December 1, 2022.

14 Subject to approval by the federal Centers for Medicare
15 and Medicaid Services of a Title XIX State Plan amendment
16 electing the Program of All-Inclusive Care for the Elderly
17 (PACE) as a State Medicaid option, as provided for by Subtitle
18 I (commencing with Section 4801) of Title IV of the Balanced
19 Budget Act of 1997 (Public Law 105-33) and Part 460
20 (commencing with Section 460.2) of Subchapter E of Title 42 of
21 the Code of Federal Regulations, PACE program services shall
22 become a covered benefit of the medical assistance program,
23 subject to criteria established in accordance with all
24 applicable laws.

25 Notwithstanding any other provision of this Code,
26 community-based pediatric palliative care from a trained

1 interdisciplinary team shall be covered under the medical
2 assistance program as provided in Section 15 of the Pediatric
3 Palliative Care Act.

4 Notwithstanding any other provision of this Code, within
5 12 months after June 2, 2022 (the effective date of Public Act
6 102-1037) and subject to federal approval, acupuncture
7 services performed by an acupuncturist licensed under the
8 Acupuncture Practice Act who is acting within the scope of his
9 or her license shall be covered under the medical assistance
10 program. The Department shall apply for any federal waiver or
11 State Plan amendment, if required, to implement this
12 paragraph. The Department may adopt any rules, including
13 standards and criteria, necessary to implement this paragraph.

14 Notwithstanding any other provision of this Code, the
15 medical assistance program shall, subject to federal approval,
16 reimburse hospitals for costs associated with a newborn
17 screening test for the presence of metachromatic
18 leukodystrophy, as required under the Newborn Metabolic
19 Screening Act, at a rate not less than the fee charged by the
20 Department of Public Health. Notwithstanding any other
21 provision of this Code, the medical assistance program shall,
22 subject to appropriation and federal approval, also reimburse
23 hospitals for costs associated with all newborn screening
24 tests added on and after August 9, 2024 (the effective date of
25 Public Act 103-909) ~~this amendatory Act of the 103rd General~~
26 ~~Assembly~~ to the Newborn Metabolic Screening Act and required

1 to be performed under that Act at a rate not less than the fee
2 charged by the Department of Public Health. The Department
3 shall seek federal approval before the implementation of the
4 newborn screening test fees by the Department of Public
5 Health.

6 Notwithstanding any other provision of this Code,
7 beginning on January 1, 2024, subject to federal approval,
8 cognitive assessment and care planning services provided to a
9 person who experiences signs or symptoms of cognitive
10 impairment, as defined by the Diagnostic and Statistical
11 Manual of Mental Disorders, Fifth Edition, shall be covered
12 under the medical assistance program for persons who are
13 otherwise eligible for medical assistance under this Article.

14 Notwithstanding any other provision of this Code,
15 medically necessary reconstructive services that are intended
16 to restore physical appearance shall be covered under the
17 medical assistance program for persons who are otherwise
18 eligible for medical assistance under this Article. As used in
19 this paragraph, "reconstructive services" means treatments
20 performed on structures of the body damaged by trauma to
21 restore physical appearance.

22 (Source: P.A. 102-43, Article 30, Section 30-5, eff. 7-6-21;
23 102-43, Article 35, Section 35-5, eff. 7-6-21; 102-43, Article
24 55, Section 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123,
25 eff. 1-1-22; 102-558, eff. 8-20-21; 102-598, eff. 1-1-22;
26 102-655, eff. 1-1-22; 102-665, eff. 10-8-21; 102-813, eff.

1 5-13-22; 102-1018, eff. 1-1-23; 102-1037, eff. 6-2-22;
2 102-1038, eff. 1-1-23; 103-102, Article 15, Section 15-5, eff.
3 1-1-24; 103-102, Article 95, Section 95-15, eff. 1-1-24;
4 103-123, eff. 1-1-24; 103-154, eff. 6-30-23; 103-368, eff.
5 1-1-24; 103-593, Article 5, Section 5-5, eff. 6-7-24; 103-593,
6 Article 90, Section 90-5, eff. 6-7-24; 103-605, eff. 7-1-24;
7 103-808, eff. 1-1-26; 103-909, eff. 8-9-24; 103-1040, eff.
8 8-9-24; revised 10-10-24.)

9 (305 ILCS 5/5-5.01a)

10 Sec. 5-5.01a. Supportive living facilities program.

11 (a) The Department shall establish and provide oversight
12 for a program of supportive living facilities that seek to
13 promote resident independence, dignity, respect, and
14 well-being in the most cost-effective manner.

15 A supportive living facility is (i) a free-standing
16 facility or (ii) a distinct physical and operational entity
17 within a mixed-use building that meets the criteria
18 established in subsection (d). A supportive living facility
19 integrates housing with health, personal care, and supportive
20 services and is a designated setting that offers residents
21 their own separate, private, and distinct living units.

22 Sites for the operation of the program shall be selected
23 by the Department based upon criteria that may include the
24 need for services in a geographic area, the availability of
25 funding, and the site's ability to meet the standards.

1 (b) Beginning July 1, 2014, subject to federal approval,
2 the Medicaid rates for supportive living facilities shall be
3 equal to the supportive living facility Medicaid rate
4 effective on June 30, 2014 increased by 8.85%. Once the
5 assessment imposed at Article V-G of this Code is determined
6 to be a permissible tax under Title XIX of the Social Security
7 Act, the Department shall increase the Medicaid rates for
8 supportive living facilities effective on July 1, 2014 by
9 9.09%. The Department shall apply this increase retroactively
10 to coincide with the imposition of the assessment in Article
11 V-G of this Code in accordance with the approval for federal
12 financial participation by the Centers for Medicare and
13 Medicaid Services.

14 The Medicaid rates for supportive living facilities
15 effective on July 1, 2017 must be equal to the rates in effect
16 for supportive living facilities on June 30, 2017 increased by
17 2.8%.

18 The Medicaid rates for supportive living facilities
19 effective on July 1, 2018 must be equal to the rates in effect
20 for supportive living facilities on June 30, 2018.

21 Subject to federal approval, the Medicaid rates for
22 supportive living services on and after July 1, 2019 must be at
23 least 54.3% of the average total nursing facility services per
24 diem for the geographic areas defined by the Department while
25 maintaining the rate differential for dementia care and must
26 be updated whenever the total nursing facility service per

1 diems are updated. Beginning July 1, 2022, upon the
2 implementation of the Patient Driven Payment Model, Medicaid
3 rates for supportive living services must be at least 54.3% of
4 the average total nursing services per diem rate for the
5 geographic areas. For purposes of this provision, the average
6 total nursing services per diem rate shall include all add-ons
7 for nursing facilities for the geographic area provided for in
8 Section 5-5.2. The rate differential for dementia care must be
9 maintained in these rates and the rates shall be updated
10 whenever nursing facility per diem rates are updated.

11 Subject to federal approval, beginning January 1, 2024,
12 the dementia care rate for supportive living services must be
13 no less than the non-dementia care supportive living services
14 rate multiplied by 1.5.

15 (b-5) Subject to federal approval, beginning January 1,
16 2025, Medicaid rates for supportive living services must be at
17 least 54.75% of the average total nursing services per diem
18 rate for the geographic areas defined by the Department and
19 shall include all add-ons for nursing facilities for the
20 geographic area provided for in Section 5-5.2.

21 (c) The Department may adopt rules to implement this
22 Section. Rules that establish or modify the services,
23 standards, and conditions for participation in the program
24 shall be adopted by the Department in consultation with the
25 Department on Aging, the Department of Rehabilitation
26 Services, and the Department of Mental Health and

1 Developmental Disabilities (or their successor agencies).

2 (d) Subject to federal approval by the Centers for
3 Medicare and Medicaid Services, the Department shall accept
4 for consideration of certification under the program any
5 application for a site or building where distinct parts of the
6 site or building are designated for purposes other than the
7 provision of supportive living services, but only if:

8 (1) those distinct parts of the site or building are
9 not designated for the purpose of providing assisted
10 living services as required under the Assisted Living and
11 Shared Housing Act;

12 (2) those distinct parts of the site or building are
13 completely separate from the part of the building used for
14 the provision of supportive living program services,
15 including separate entrances;

16 (3) those distinct parts of the site or building do
17 not share any common spaces with the part of the building
18 used for the provision of supportive living program
19 services; and

20 (4) those distinct parts of the site or building do
21 not share staffing with the part of the building used for
22 the provision of supportive living program services.

23 (e) Facilities or distinct parts of facilities which are
24 selected as supportive living facilities and are in good
25 standing with the Department's rules are exempt from the
26 provisions of the Nursing Home Care Act and the Illinois

1 Health Facilities Planning Act.

2 (f) Section 9817 of the American Rescue Plan Act of 2021
3 (Public Law 117-2) authorizes a 10% enhanced federal medical
4 assistance percentage for supportive living services for a
5 12-month period from April 1, 2021 through March 31, 2022.
6 Subject to federal approval, including the approval of any
7 necessary waiver amendments or other federally required
8 documents or assurances, for a 12-month period the Department
9 must pay a supplemental \$26 per diem rate to all supportive
10 living facilities with the additional federal financial
11 participation funds that result from the enhanced federal
12 medical assistance percentage from April 1, 2021 through March
13 31, 2022. The Department may issue parameters around how the
14 supplemental payment should be spent, including quality
15 improvement activities. The Department may alter the form,
16 methods, or timeframes concerning the supplemental per diem
17 rate to comply with any subsequent changes to federal law,
18 changes made by guidance issued by the federal Centers for
19 Medicare and Medicaid Services, or other changes necessary to
20 receive the enhanced federal medical assistance percentage.

21 (g) All applications for the expansion of supportive
22 living dementia care settings involving sites not approved by
23 the Department by January 1, 2024 ~~(Public Act 103-102)~~ may
24 allow new elderly non-dementia units in addition to new
25 dementia care units. The Department may approve such
26 applications only if the application has: (1) no more than one

1 non-dementia care unit for each dementia care unit and (2) the
2 site is not located within 4 miles of an existing supportive
3 living program site in Cook County (including the City of
4 Chicago), not located within 12 miles of an existing
5 supportive living program site in Alexander, Bond, Boone,
6 Calhoun, Champaign, Clinton, DeKalb, DuPage, Fulton, Grundy,
7 Henry, Jackson, Jersey, Johnson, Kane, Kankakee, Kendall,
8 Lake, Macon, Macoupin, Madison, Marshall, McHenry, McLean,
9 Menard, Mercer, Monroe, Peoria, Piatt, Rock Island, Sangamon,
10 Stark, St. Clair, Tazewell, Vermilion, Will, Williamson,
11 Winnebago, or Woodford counties, or not located within 25
12 miles of an existing supportive living program site in any
13 other county.

14 (h) Beginning January 1, 2025, subject to federal
15 approval, for a person who is a resident of a supportive living
16 facility under this Section, the monthly personal needs
17 allowance shall be \$120 per month.

18 (i) ~~(h)~~ As stated in the supportive living program home
19 and community-based service waiver approved by the federal
20 Centers for Medicare and Medicaid Services, and beginning July
21 1, 2025, the Department must maintain the rate add-on
22 implemented on January 1, 2023 for the provision of 2 meals per
23 day at no less than \$6.15 per day.

24 (j) ~~(f)~~ Subject to federal approval, the Department shall
25 allow a certified medication aide to administer medication in
26 a supportive living facility. For purposes of this subsection,

1 "certified medication aide" means a person who has met the
2 qualifications for certification under Section 79 of the
3 Assisted Living and Shared Housing Act and assists with
4 medication administration while under the supervision of a
5 registered professional nurse as authorized by Section 50-75
6 of the Nurse Practice Act. The Department may adopt rules to
7 implement this subsection.

8 (Source: P.A. 102-43, eff. 7-6-21; 102-699, eff. 4-19-22;
9 103-102, Article 20, Section 20-5, eff. 1-1-24; 103-102,
10 Article 100, Section 100-5, eff. 1-1-24; 103-593, Article 15,
11 Section 15-5, eff. 6-7-24; 103-593, Article 100, Section
12 100-5, eff. 6-7-24; 103-593, Article 165, Section 165-5, eff.
13 6-7-24; 103-605, eff. 7-1-24; 103-886, eff. 8-9-24; revised
14 10-8-24.)

15 (305 ILCS 5/5-5.24a)

16 Sec. 5-5.24a. Remote ultrasounds and remote fetal
17 nonstress tests; reimbursement.

18 (a) Subject to federal approval, for dates of service
19 beginning on and after January 1, 2025, the Department shall
20 reimburse for remote ultrasound procedures and remote fetal
21 nonstress tests when the patient is in a residence or other
22 off-site location from the patient's provider and the same
23 standard of care is met as would be present during an in-person
24 visit.

25 (b) Remote ultrasounds and remote fetal nonstress tests

1 are only eligible for reimbursement when the provider uses
2 digital technology:

3 (1) to collect medical and other forms of health data
4 from a patient and to electronically transmit that
5 information securely to a health care provider in a
6 different location for interpretation and recommendation;

7 (2) that is compliant with the federal Health
8 Insurance Portability and Accountability Act of 1996; and

9 (3) that is approved by the U.S. Food and Drug
10 Administration.

11 (c) A fetal nonstress test is only eligible for
12 reimbursement with a place of service modifier for at-home
13 monitoring with remote monitoring solutions that are cleared
14 by the U.S. Food and Drug Administration for on-label use for
15 monitoring fetal heart rate, maternal heart rate, and uterine
16 activity.

17 (d) The Department shall issue guidance to implement the
18 provisions of this Section.

19 (Source: P.A. 103-593, eff. 6-7-24.)

20 (305 ILCS 5/5-5.24b)

21 (This Section may contain text from a Public Act with a
22 delayed effective date)

23 Sec. 5-5.24b ~~5-5.24a~~. Coverage for at-home pregnancy
24 tests. Beginning January 1, 2025, the medical assistance
25 program shall provide coverage for at-home, urine-based

1 pregnancy tests that are ordered directly by a clinician or
2 furnished through a standing order for patient use, regardless
3 of whether the tests are otherwise available over the counter.
4 The coverage required under this Section is limited to a
5 multipack, as defined by the Department, of at-home,
6 urine-based pregnancy tests every 30 days.

7 (Source: P.A. 103-870, eff. 1-1-25; revised 10-2-24.)

8 (305 ILCS 5/5-5a.1)

9 Sec. 5-5a.1. Telehealth services for persons with
10 intellectual and developmental disabilities. The Department
11 shall file an amendment to the Home and Community-Based
12 Services Waiver Program for Adults with Developmental
13 Disabilities authorized under Section 1915(c) of the Social
14 Security Act to incorporate telehealth services administered
15 by a provider of telehealth services that demonstrates
16 knowledge and experience in providing medical and emergency
17 services for persons with intellectual and developmental
18 disabilities. For dates of service on and after January 1,
19 2025, the Department shall pay negotiated, agreed upon
20 administrative fees associated with implementing telehealth
21 services for persons with intellectual and developmental
22 disabilities who are receiving Community Integrated Living
23 Arrangement residential services under the Home and
24 Community-Based Services Waiver Program for Adults with
25 Developmental Disabilities. The implementation of telehealth

1 services shall not impede the choice of any individual
2 receiving waiver-funded services through the Home and
3 Community-Based Services Waiver Program for Adults with
4 Developmental Disabilities to receive in-person health care
5 services at any time. The Department shall ensure individuals
6 enrolled in the waiver, or their guardians, request to opt in
7 ~~opt in~~ to these services. For individuals who opt in, this
8 service shall be included in the individual's person-centered
9 plan. The use of telehealth services shall not be used for the
10 convenience of staff at any time nor shall it replace primary
11 care physician services.

12 (Source: P.A. 103-102, eff. 7-1-23; 103-593, eff. 6-7-24;
13 revised 10-23-24.)

14 (305 ILCS 5/5-16.8)

15 Sec. 5-16.8. Required health benefits. The medical
16 assistance program shall (i) provide the post-mastectomy care
17 benefits required to be covered by a policy of accident and
18 health insurance under Section 356t and the coverage required
19 under Sections 356g.5, 356q, 356u, 356w, 356x, 356z.6,
20 356z.26, 356z.29, 356z.32, 356z.33, 356z.34, 356z.35, 356z.46,
21 356z.47, 356z.51, 356z.53, 356z.59, 356z.60, 356z.61, 356z.64,
22 ~~and~~ 356z.67, ~~and~~ 356z.71, and 356z.75 of the Illinois
23 Insurance Code, (ii) be subject to the provisions of Sections
24 356z.19, 356z.44, 356z.49, 364.01, 370c, and 370c.1 of the
25 Illinois Insurance Code, and (iii) be subject to the

1 provisions of subsection (d-5) of Section 10 of the Network
2 Adequacy and Transparency Act.

3 The Department, by rule, shall adopt a model similar to
4 the requirements of Section 356z.39 of the Illinois Insurance
5 Code.

6 On and after July 1, 2012, the Department shall reduce any
7 rate of reimbursement for services or other payments or alter
8 any methodologies authorized by this Code to reduce any rate
9 of reimbursement for services or other payments in accordance
10 with Section 5-5e.

11 To ensure full access to the benefits set forth in this
12 Section, on and after January 1, 2016, the Department shall
13 ensure that provider and hospital reimbursement for
14 post-mastectomy care benefits required under this Section are
15 no lower than the Medicare reimbursement rate.

16 (Source: P.A. 102-30, eff. 1-1-22; 102-144, eff. 1-1-22;
17 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-530, eff.
18 1-1-22; 102-642, eff. 1-1-22; 102-804, eff. 1-1-23; 102-813,
19 eff. 5-13-22; 102-816, eff. 1-1-23; 102-1093, eff. 1-1-23;
20 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff.
21 1-1-24; 103-420, eff. 1-1-24; 103-605, eff. 7-1-24; 103-703,
22 eff. 1-1-25; 103-758, eff. 1-1-25; 103-1024, eff. 1-1-25;
23 revised 11-26-24.)

24 (305 ILCS 5/5-16.8a)

25 Sec. 5-16.8a. Rules concerning continuous glucose monitor

1 coverage. The Department shall adopt rules to implement the
2 changes made to Section 356z.59 of the Illinois Insurance
3 Code, as applied to the medical assistance program. The rules
4 shall, at a minimum, provide that:

5 (1) the ordering provider must be a physician licensed
6 under the Medical Practice Act of 1987 or a certified
7 nurse practitioner or physician assistant with a
8 collaborative agreement with the physician; the ordering
9 provider is not required to obtain continuing medical
10 education in order to prescribe a continuous glucose
11 monitor;

12 (2) continuous glucose monitors are not required to
13 have an alarm when glucose levels are outside the
14 predetermined ~~pre-determined~~ range; the capacity to
15 generate predictive alerts in case of impending
16 hypoglycemia; or the ability to transmit real-time glucose
17 values and alerts to the patient and designated other
18 persons;

19 (3) the beneficiary is not required to need intensive
20 insulin therapy;

21 (4) the beneficiary is not required to have a recent
22 history of emergency room visits or hospitalizations
23 related to hypoglycemia, hyperglycemia, or ketoacidosis;

24 (5) if the beneficiary has gestational diabetes, the
25 beneficiary is not required to have suboptimal glycemic
26 control that is likely to harm the beneficiary or the

1 fetus;

2 (6) if a beneficiary has diabetes mellitus and the
3 beneficiary does not meet the coverage requirements or if
4 the beneficiary is in a population in which continuous
5 glucose monitor usage has not been well-studied, requests
6 shall be reviewed, on a case-by-case basis, for medical
7 necessity and approved if appropriate; and

8 (7) prior authorization is required for a prescription
9 of a continuous glucose monitor; once a continuous glucose
10 monitor is prescribed, the prior authorization shall be
11 approved for a 12-month period.

12 (Source: P.A. 103-639, eff. 7-1-24; revised 10-23-24.)

13 (305 ILCS 5/5-30.1)

14 Sec. 5-30.1. Managed care protections.

15 (a) As used in this Section:

16 "Managed care organization" or "MCO" means any entity
17 which contracts with the Department to provide services where
18 payment for medical services is made on a capitated basis.

19 "Emergency services" means health care items and services,
20 including inpatient and outpatient hospital services,
21 furnished or required to evaluate and stabilize an emergency
22 medical condition. "Emergency services" include inpatient
23 stabilization services furnished during the inpatient
24 stabilization period. "Emergency services" do not include
25 post-stabilization medical services.

1 "Emergency medical condition" means a medical condition
2 manifesting itself by acute symptoms of sufficient severity,
3 regardless of the final diagnosis given, such that a prudent
4 layperson, who possesses an average knowledge of health and
5 medicine, could reasonably expect the absence of immediate
6 medical attention to result in:

7 (1) placing the health of the individual (or, with
8 respect to a pregnant woman, the health of the woman or her
9 unborn child) in serious jeopardy;

10 (2) serious impairment to bodily functions;

11 (3) serious dysfunction of any bodily organ or part;

12 (4) inadequately controlled pain; or

13 (5) with respect to a pregnant woman who is having
14 contractions:

15 (A) inadequate time to complete a safe transfer to
16 another hospital before delivery; or

17 (B) a transfer to another hospital may pose a
18 threat to the health or safety of the woman or unborn
19 child.

20 "Emergency medical screening examination" means a medical
21 screening examination and evaluation by a physician licensed
22 to practice medicine in all its branches or, to the extent
23 permitted by applicable laws, by other appropriately licensed
24 personnel under the supervision of or in collaboration with a
25 physician licensed to practice medicine in all its branches to
26 determine whether the need for emergency services exists.

1 "Health care services" mean any medical or behavioral
2 health services covered under the medical assistance program
3 that are subject to review under a service authorization
4 program.

5 "Inpatient stabilization period" means the initial 72
6 hours of inpatient stabilization services, beginning from the
7 date and time of the order for inpatient admission to the
8 hospital.

9 "Inpatient stabilization services" mean emergency services
10 furnished in the inpatient setting at a hospital pursuant to
11 an order for inpatient admission by a physician or other
12 qualified practitioner who has admitting privileges at the
13 hospital, as permitted by State law, to stabilize an emergency
14 medical condition following an emergency medical screening
15 examination.

16 "Post-stabilization medical services" means health care
17 services provided to an enrollee that are furnished in a
18 hospital by a provider that is qualified to furnish such
19 services and determined to be medically necessary by the
20 provider and directly related to the emergency medical
21 condition following stabilization.

22 "Provider" means a facility or individual who is actively
23 enrolled in the medical assistance program and licensed or
24 otherwise authorized to order, prescribe, refer, or render
25 health care services in this State.

26 "Service authorization determination" means a decision

1 made by a service authorization program in advance of,
2 concurrent to, or after the provision of a health care service
3 to approve, change the level of care, partially deny, deny, or
4 otherwise limit coverage and reimbursement for a health care
5 service upon review of a service authorization request.

6 "Service authorization program" means any utilization
7 review, utilization management, peer review, quality review,
8 or other medical management activity conducted by an MCO, or
9 its contracted utilization review organization, including, but
10 not limited to, prior authorization, prior approval,
11 pre-certification, concurrent review, retrospective review, or
12 certification of admission, of health care services provided
13 in the inpatient or outpatient hospital setting.

14 "Service authorization request" means a request by a
15 provider to a service authorization program to determine
16 whether a health care service meets the reimbursement
17 eligibility requirements for medically necessary, clinically
18 appropriate care, resulting in the issuance of a service
19 authorization determination.

20 "Utilization review organization" or "URO" means an MCO's
21 utilization review department or a peer review organization or
22 quality improvement organization that contracts with an MCO to
23 administer a service authorization program and make service
24 authorization determinations.

25 (b) As provided by Section 5-16.12, managed care
26 organizations are subject to the provisions of the Managed

1 Care Reform and Patient Rights Act.

2 (c) An MCO shall pay any provider of emergency services,
3 including for inpatient stabilization services provided during
4 the inpatient stabilization period, that does not have in
5 effect a contract with the contracted Medicaid MCO. The
6 default rate of reimbursement shall be the rate paid under
7 Illinois Medicaid fee-for-service program methodology,
8 including all policy adjusters, including but not limited to
9 Medicaid High Volume Adjustments, Medicaid Percentage
10 Adjustments, Outpatient High Volume Adjustments, and all
11 outlier add-on adjustments to the extent such adjustments are
12 incorporated in the development of the applicable MCO
13 capitated rates.

14 (d) (Blank).

15 (e) Notwithstanding any other provision of law, the
16 following requirements apply to MCOs in determining payment
17 for all emergency services, including inpatient stabilization
18 services provided during the inpatient stabilization period:

19 (1) The MCO shall not impose any service authorization
20 program requirements for emergency services, including,
21 but not limited to, prior authorization, prior approval,
22 pre-certification, certification of admission, concurrent
23 review, or retrospective review.

24 (A) Notification period: Hospitals shall notify
25 the enrollee's Medicaid MCO within 48 hours of the
26 date and time the order for inpatient admission is

1 written. Notification shall be limited to advising the
2 MCO that the patient has been admitted to a hospital
3 inpatient level of care.

4 (B) If the admitting hospital complies with the
5 notification provisions of subparagraph (A), the
6 Medicaid MCO may not initiate concurrent review before
7 the end of the inpatient stabilization period. If the
8 admitting hospital does not comply with the
9 notification requirements in subparagraph (A), the
10 Medicaid MCO may initiate concurrent review for the
11 continuation of the stay beginning at the end of the
12 48-hour notification period.

13 (C) Coverage for services provided during the
14 48-hour notification period may not be retrospectively
15 denied.

16 (2) The MCO shall cover emergency services provided to
17 enrollees who are temporarily away from their residence
18 and outside the contracting area to the extent that the
19 enrollees would be entitled to the emergency services if
20 they still were within the contracting area.

21 (3) The MCO shall have no obligation to cover
22 emergency services provided on an emergency basis that are
23 not covered services under the contract between the MCO
24 and the Department.

25 (4) The MCO shall not condition coverage for emergency
26 services on the treating provider notifying the MCO of the

1 enrollee's emergency medical screening examination and
2 treatment within 10 days after presentation for emergency
3 services.

4 (5) The determination of the attending emergency
5 physician, or the practitioner responsible for the
6 enrollee's care at the hospital, of whether an enrollee
7 requires inpatient stabilization services, can be
8 stabilized in the outpatient setting, or is sufficiently
9 stabilized for discharge or transfer to another setting,
10 shall be binding on the MCO. The MCO shall cover and
11 reimburse providers for emergency services as billed by
12 the provider for all enrollees whether the emergency
13 services are provided by an affiliated or non-affiliated
14 provider, except in cases of fraud. The MCO shall
15 reimburse inpatient stabilization services provided during
16 the inpatient stabilization period and billed as inpatient
17 level of care based on the appropriate inpatient
18 reimbursement methodology.

19 (6) The MCO's financial responsibility for
20 post-stabilization medical services it has not
21 pre-approved ends when:

22 (A) a plan physician with privileges at the
23 treating hospital assumes responsibility for the
24 enrollee's care;

25 (B) a plan physician assumes responsibility for
26 the enrollee's care through transfer;

1 (C) a contracting entity representative and the
2 treating physician reach an agreement concerning the
3 enrollee's care; or

4 (D) the enrollee is discharged.

5 (e-5) An MCO shall pay for all post-stabilization medical
6 services as a covered service in any of the following
7 situations:

8 (1) the MCO or its URO authorized such services;

9 (2) such services were administered to maintain the
10 enrollee's stabilized condition within one hour after a
11 request to the MCO for authorization of further
12 post-stabilization services;

13 (3) the MCO or its URO did not respond to a request to
14 authorize such services within one hour;

15 (4) the MCO or its URO could not be contacted; or

16 (5) the MCO or its URO and the treating provider, if
17 the treating provider is a non-affiliated provider, could
18 not reach an agreement concerning the enrollee's care and
19 an affiliated provider was unavailable for a consultation,
20 in which case the MCO must pay for such services rendered
21 by the treating non-affiliated provider until an
22 affiliated provider was reached and either concurred with
23 the treating non-affiliated provider's plan of care or
24 assumed responsibility for the enrollee's care. Such
25 payment shall be made at the default rate of reimbursement
26 paid under the State's Medicaid fee-for-service program

1 methodology, including all policy adjusters, including,
2 but not limited to, Medicaid High Volume Adjustments,
3 Medicaid Percentage Adjustments, Outpatient High Volume
4 Adjustments, and all outlier add-on adjustments to the
5 extent that such adjustments are incorporated in the
6 development of the applicable MCO capitated rates.

7 (f) Network adequacy and transparency.

8 (1) The Department shall:

9 (A) ensure that an adequate provider network is in
10 place, taking into consideration health professional
11 shortage areas and medically underserved areas;

12 (B) publicly release an explanation of its process
13 for analyzing network adequacy;

14 (C) periodically ensure that an MCO continues to
15 have an adequate network in place;

16 (D) require MCOs, including Medicaid Managed Care
17 Entities as defined in Section 5-30.2, to meet
18 provider directory requirements under Section 5-30.3;

19 (E) require MCOs to ensure that any
20 Medicaid-certified provider under contract with an MCO
21 and previously submitted on a roster on the date of
22 service is paid for any medically necessary,
23 Medicaid-covered, and authorized service rendered to
24 any of the MCO's enrollees, regardless of inclusion on
25 the MCO's published and publicly available directory
26 of available providers; and

1 (F) require MCOs, including Medicaid Managed Care
2 Entities as defined in Section 5-30.2, to meet each of
3 the requirements under subsection (d-5) of Section 10
4 of the Network Adequacy and Transparency Act; with
5 necessary exceptions to the MCO's network to ensure
6 that admission and treatment with a provider or at a
7 treatment facility in accordance with the network
8 adequacy standards in paragraph (3) of subsection
9 (d-5) of Section 10 of the Network Adequacy and
10 Transparency Act is limited to providers or facilities
11 that are Medicaid certified.

12 (2) Each MCO shall confirm its receipt of information
13 submitted specific to physician or dentist additions or
14 physician or dentist deletions from the MCO's provider
15 network within 3 days after receiving all required
16 information from contracted physicians or dentists, and
17 electronic physician and dental directories must be
18 updated consistent with current rules as published by the
19 Centers for Medicare and Medicaid Services or its
20 successor agency.

21 (g) Timely payment of claims.

22 (1) The MCO shall pay a claim within 30 days of
23 receiving a claim that contains all the essential
24 information needed to adjudicate the claim.

25 (2) The MCO shall notify the billing party of its
26 inability to adjudicate a claim within 30 days of

1 receiving that claim.

2 (3) The MCO shall pay a penalty that is at least equal
3 to the timely payment interest penalty imposed under
4 Section 368a of the Illinois Insurance Code for any claims
5 not timely paid.

6 (A) When an MCO is required to pay a timely payment
7 interest penalty to a provider, the MCO must calculate
8 and pay the timely payment interest penalty that is
9 due to the provider within 30 days after the payment of
10 the claim. In no event shall a provider be required to
11 request or apply for payment of any owed timely
12 payment interest penalties.

13 (B) Such payments shall be reported separately
14 from the claim payment for services rendered to the
15 MCO's enrollee and clearly identified as interest
16 payments.

17 (4) (A) The Department shall require MCOs to expedite
18 payments to providers identified on the Department's
19 expedited provider list, determined in accordance with 89
20 Ill. Adm. Code 140.71(b), on a schedule at least as
21 frequently as the providers are paid under the
22 Department's fee-for-service expedited provider schedule.

23 (B) Compliance with the expedited provider requirement
24 may be satisfied by an MCO through the use of a Periodic
25 Interim Payment (PIP) program that has been mutually
26 agreed to and documented between the MCO and the provider,

1 if the PIP program ensures that any expedited provider
2 receives regular and periodic payments based on prior
3 period payment experience from that MCO. Total payments
4 under the PIP program may be reconciled against future PIP
5 payments on a schedule mutually agreed to between the MCO
6 and the provider.

7 (C) The Department shall share at least monthly its
8 expedited provider list and the frequency with which it
9 pays providers on the expedited list.

10 (g-5) Recognizing that the rapid transformation of the
11 Illinois Medicaid program may have unintended operational
12 challenges for both payers and providers:

13 (1) in no instance shall a medically necessary covered
14 service rendered in good faith, based upon eligibility
15 information documented by the provider, be denied coverage
16 or diminished in payment amount if the eligibility or
17 coverage information available at the time the service was
18 rendered is later found to be inaccurate in the assignment
19 of coverage responsibility between MCOs or the
20 fee-for-service system, except for instances when an
21 individual is deemed to have not been eligible for
22 coverage under the Illinois Medicaid program; and

23 (2) the Department shall, by December 31, 2016, adopt
24 rules establishing policies that shall be included in the
25 Medicaid managed care policy and procedures manual
26 addressing payment resolutions in situations in which a

1 provider renders services based upon information obtained
2 after verifying a patient's eligibility and coverage plan
3 through either the Department's current enrollment system
4 or a system operated by the coverage plan identified by
5 the patient presenting for services:

6 (A) such medically necessary covered services
7 shall be considered rendered in good faith;

8 (B) such policies and procedures shall be
9 developed in consultation with industry
10 representatives of the Medicaid managed care health
11 plans and representatives of provider associations
12 representing the majority of providers within the
13 identified provider industry; and

14 (C) such rules shall be published for a review and
15 comment period of no less than 30 days on the
16 Department's website with final rules remaining
17 available on the Department's website.

18 The rules on payment resolutions shall include, but
19 not be limited to:

20 (A) the extension of the timely filing period;

21 (B) retroactive prior authorizations; and

22 (C) guaranteed minimum payment rate of no less
23 than the current, as of the date of service,
24 fee-for-service rate, plus all applicable add-ons,
25 when the resulting service relationship is out of
26 network.

1 The rules shall be applicable for both MCO coverage
2 and fee-for-service coverage.

3 If the fee-for-service system is ultimately determined to
4 have been responsible for coverage on the date of service, the
5 Department shall provide for an extended period for claims
6 submission outside the standard timely filing requirements.

7 (g-6) MCO Performance Metrics Report.

8 (1) The Department shall publish, on at least a
9 quarterly basis, each MCO's operational performance,
10 including, but not limited to, the following categories of
11 metrics:

12 (A) claims payment, including timeliness and
13 accuracy;

14 (B) prior authorizations;

15 (C) grievance and appeals;

16 (D) utilization statistics;

17 (E) provider disputes;

18 (F) provider credentialing; and

19 (G) member and provider customer service.

20 (2) The Department shall ensure that the metrics
21 report is accessible to providers online by January 1,
22 2017.

23 (3) The metrics shall be developed in consultation
24 with industry representatives of the Medicaid managed care
25 health plans and representatives of associations
26 representing the majority of providers within the

1 identified industry.

2 (4) Metrics shall be defined and incorporated into the
3 applicable Managed Care Policy Manual issued by the
4 Department.

5 (g-7) MCO claims processing and performance analysis. In
6 order to monitor MCO payments to hospital providers, pursuant
7 to Public Act 100-580, the Department shall post an analysis
8 of MCO claims processing and payment performance on its
9 website every 6 months. Such analysis shall include a review
10 and evaluation of a representative sample of hospital claims
11 that are rejected and denied for clean and unclean claims and
12 the top 5 reasons for such actions and timeliness of claims
13 adjudication, which identifies the percentage of claims
14 adjudicated within 30, 60, 90, and over 90 days, and the dollar
15 amounts associated with those claims.

16 (g-8) Dispute resolution process. The Department shall
17 maintain a provider complaint portal through which a provider
18 can submit to the Department unresolved disputes with an MCO.
19 An unresolved dispute means an MCO's decision that denies in
20 whole or in part a claim for reimbursement to a provider for
21 health care services rendered by the provider to an enrollee
22 of the MCO with which the provider disagrees. Disputes shall
23 not be submitted to the portal until the provider has availed
24 itself of the MCO's internal dispute resolution process.
25 Disputes that are submitted to the MCO internal dispute
26 resolution process may be submitted to the Department of

1 Healthcare and Family Services' complaint portal no sooner
2 than 30 days after submitting to the MCO's internal process
3 and not later than 30 days after the unsatisfactory resolution
4 of the internal MCO process or 60 days after submitting the
5 dispute to the MCO internal process. Multiple claim disputes
6 involving the same MCO may be submitted in one complaint,
7 regardless of whether the claims are for different enrollees,
8 when the specific reason for non-payment of the claims
9 involves a common question of fact or policy. Within 10
10 business days of receipt of a complaint, the Department shall
11 present such disputes to the appropriate MCO, which shall then
12 have 30 days to issue its written proposal to resolve the
13 dispute. The Department may grant one 30-day extension of this
14 time frame to one of the parties to resolve the dispute. If the
15 dispute remains unresolved at the end of this time frame or the
16 provider is not satisfied with the MCO's written proposal to
17 resolve the dispute, the provider may, within 30 days, request
18 the Department to review the dispute and make a final
19 determination. Within 30 days of the request for Department
20 review of the dispute, both the provider and the MCO shall
21 present all relevant information to the Department for
22 resolution and make individuals with knowledge of the issues
23 available to the Department for further inquiry if needed.
24 Within 30 days of receiving the relevant information on the
25 dispute, or the lapse of the period for submitting such
26 information, the Department shall issue a written decision on

1 the dispute based on contractual terms between the provider
2 and the MCO, contractual terms between the MCO and the
3 Department of Healthcare and Family Services and applicable
4 Medicaid policy. The decision of the Department shall be
5 final. By January 1, 2020, the Department shall establish by
6 rule further details of this dispute resolution process.
7 Disputes between MCOs and providers presented to the
8 Department for resolution are not contested cases, as defined
9 in Section 1-30 of the Illinois Administrative Procedure Act,
10 conferring any right to an administrative hearing.

11 (g-9)(1) The Department shall publish annually on its
12 website a report on the calculation of each managed care
13 organization's medical loss ratio showing the following:

14 (A) Premium revenue, with appropriate adjustments.

15 (B) Benefit expense, setting forth the aggregate
16 amount spent for the following:

17 (i) Direct paid claims.

18 (ii) Subcapitation payments.

19 (iii) Other claim payments.

20 (iv) Direct reserves.

21 (v) Gross recoveries.

22 (vi) Expenses for activities that improve health
23 care quality as allowed by the Department.

24 (2) The medical loss ratio shall be calculated consistent
25 with federal law and regulation following a claims runout
26 period determined by the Department.

1 (g-10) (1) "Liability effective date" means the date on
2 which an MCO becomes responsible for payment for medically
3 necessary and covered services rendered by a provider to one
4 of its enrollees in accordance with the contract terms between
5 the MCO and the provider. The liability effective date shall
6 be the later of:

7 (A) The execution date of a network participation
8 contract agreement.

9 (B) The date the provider or its representative
10 submits to the MCO the complete and accurate standardized
11 roster form for the provider in the format approved by the
12 Department.

13 (C) The provider effective date contained within the
14 Department's provider enrollment subsystem within the
15 Illinois Medicaid Program Advanced Cloud Technology
16 (IMPACT) System.

17 (2) The standardized roster form may be submitted to the
18 MCO at the same time that the provider submits an enrollment
19 application to the Department through IMPACT.

20 (3) By October 1, 2019, the Department shall require all
21 MCOs to update their provider directory with information for
22 new practitioners of existing contracted providers within 30
23 days of receipt of a complete and accurate standardized roster
24 template in the format approved by the Department provided
25 that the provider is effective in the Department's provider
26 enrollment subsystem within the IMPACT system. Such provider

1 directory shall be readily accessible for purposes of
2 selecting an approved health care provider and comply with all
3 other federal and State requirements.

4 (g-11) The Department shall work with relevant
5 stakeholders on the development of operational guidelines to
6 enhance and improve operational performance of Illinois'
7 Medicaid managed care program, including, but not limited to,
8 improving provider billing practices, reducing claim
9 rejections and inappropriate payment denials, and
10 standardizing processes, procedures, definitions, and response
11 timelines, with the goal of reducing provider and MCO
12 administrative burdens and conflict. The Department shall
13 include a report on the progress of these program improvements
14 and other topics in its Fiscal Year 2020 annual report to the
15 General Assembly.

16 (g-12) Notwithstanding any other provision of law, if the
17 Department or an MCO requires submission of a claim for
18 payment in a non-electronic format, a provider shall always be
19 afforded a period of no less than 90 business days, as a
20 correction period, following any notification of rejection by
21 either the Department or the MCO to correct errors or
22 omissions in the original submission.

23 Under no circumstances, either by an MCO or under the
24 State's fee-for-service system, shall a provider be denied
25 payment for failure to comply with any timely submission
26 requirements under this Code or under any existing contract,

1 unless the non-electronic format claim submission occurs after
2 the initial 180 days following the latest date of service on
3 the claim, or after the 90 business days correction period
4 following notification to the provider of rejection or denial
5 of payment.

6 (g-13) Utilization Review Standardization and
7 Transparency.

8 (1) To ensure greater standardization and transparency
9 related to service authorization determinations, for all
10 individuals covered under the medical assistance program,
11 including both the fee-for-service and managed care
12 programs, the Department shall, in consultation with the
13 MCOs, a statewide association representing the MCOs, a
14 statewide association representing the majority of
15 Illinois hospitals, a statewide association representing
16 physicians, or any other interested parties deemed
17 appropriate by the Department, adopt administrative rules
18 consistent with this subsection, in accordance with the
19 Illinois Administrative Procedure Act.

20 (2) Prior to July 1, 2025, the Department shall in
21 accordance with the Illinois Administrative Procedure Act
22 adopt rules which govern MCO practices for dates of
23 services on and after July 1, 2025, as follows:

24 (A) guidelines related to the publication of MCO
25 authorization policies;

26 (B) procedures that, due to medical complexity,

1 must be reimbursed under the applicable inpatient
2 methodology, when provided in the inpatient setting
3 and billed as an inpatient service;

4 (C) standardization of administrative forms used
5 in the member appeal process;

6 (D) limitations on second or subsequent medical
7 necessity review of a health care service already
8 authorized by the MCO or URO under a service
9 authorization program;

10 (E) standardization of peer-to-peer processes and
11 timelines;

12 (F) defined criteria for urgent and standard
13 post-acute care service authorization requests; and

14 (G) standardized criteria for service
15 authorization programs for authorization of admission
16 to a long-term acute care hospital.

17 (3) The Department shall expand the scope of the
18 quality and compliance audits conducted by its contracted
19 external quality review organization to include, but not
20 be limited to:

21 (A) an analysis of the Medicaid MCO's compliance
22 with nationally recognized clinical decision
23 guidelines;

24 (B) an analysis that compares and contrasts the
25 Medicaid MCO's service authorization determination
26 outcomes to the outcomes of each other MCO plan and the

1 State's fee-for-service program model to evaluate
2 whether service authorization determinations are being
3 made consistently by all Medicaid MCOs to ensure that
4 all individuals are being treated in accordance with
5 equitable standards of care;

6 (C) an analysis, for each Medicaid MCO, of the
7 number of service authorization requests, including
8 requests for concurrent review and certification of
9 admissions, received, initially denied, overturned
10 through any post-denial process including, but not
11 limited to, enrollee or provider appeal, peer-to-peer
12 review, or the provider dispute resolution process,
13 denied but approved for a lower or different level of
14 care, and the number denied on final determination;
15 and

16 (D) provide a written report to the General
17 Assembly, detailing the items listed in this
18 subsection and any other metrics deemed necessary by
19 the Department, by the second April, following June 7,
20 2024 (the effective date of Public Act 103-593) ~~this~~
21 ~~amendatory Act of the 103rd General Assembly~~, and each
22 April thereafter. The Department shall make this
23 report available within 30 days of delivery to the
24 General Assembly, on its public facing website.

25 (h) The Department shall not expand mandatory MCO
26 enrollment into new counties beyond those counties already

1 designated by the Department as of June 1, 2014 for the
2 individuals whose eligibility for medical assistance is not
3 the seniors or people with disabilities population until the
4 Department provides an opportunity for accountable care
5 entities and MCOs to participate in such newly designated
6 counties.

7 (h-5) Leading indicator data sharing. By January 1, 2024,
8 the Department shall obtain input from the Department of Human
9 Services, the Department of Juvenile Justice, the Department
10 of Children and Family Services, the State Board of Education,
11 managed care organizations, providers, and clinical experts to
12 identify and analyze key indicators and data elements that can
13 be used in an analysis of lead indicators from assessments and
14 data sets available to the Department that can be shared with
15 managed care organizations and similar care coordination
16 entities contracted with the Department as leading indicators
17 for elevated behavioral health crisis risk for children,
18 including data sets such as the Illinois Medicaid
19 Comprehensive Assessment of Needs and Strengths (IM-CANS),
20 calls made to the State's Crisis and Referral Entry Services
21 (CARES) hotline, health services information from Health and
22 Human Services Innovators, or other data sets that may include
23 key indicators. The workgroup shall complete its
24 recommendations for leading indicator data elements on or
25 before September 1, 2024. To the extent permitted by State and
26 federal law, the identified leading indicators shall be shared

1 with managed care organizations and similar care coordination
2 entities contracted with the Department on or before December
3 1, 2024 for the purpose of improving care coordination with
4 the early detection of elevated risk. Leading indicators shall
5 be reassessed annually with stakeholder input. The Department
6 shall implement guidance to managed care organizations and
7 similar care coordination entities contracted with the
8 Department, so that the managed care organizations and care
9 coordination entities respond to lead indicators with services
10 and interventions that are designed to help stabilize the
11 child.

12 (i) The requirements of this Section apply to contracts
13 with accountable care entities and MCOs entered into, amended,
14 or renewed after June 16, 2014 (the effective date of Public
15 Act 98-651).

16 (j) Health care information released to managed care
17 organizations. A health care provider shall release to a
18 Medicaid managed care organization, upon request, and subject
19 to the Health Insurance Portability and Accountability Act of
20 1996 and any other law applicable to the release of health
21 information, the health care information of the MCO's
22 enrollee, if the enrollee has completed and signed a general
23 release form that grants to the health care provider
24 permission to release the recipient's health care information
25 to the recipient's insurance carrier.

26 (k) The Department of Healthcare and Family Services,

1 managed care organizations, a statewide organization
2 representing hospitals, and a statewide organization
3 representing safety-net hospitals shall explore ways to
4 support billing departments in safety-net hospitals.

5 (l) The requirements of this Section added by Public Act
6 102-4 shall apply to services provided on or after the first
7 day of the month that begins 60 days after April 27, 2021 (the
8 effective date of Public Act 102-4).

9 (m) Except where otherwise expressly specified, the
10 requirements of this Section added by Public Act 103-593 ~~this~~
11 ~~amendatory Act of the 103rd General Assembly~~ shall apply to
12 services provided on or after July 1, 2025.

13 (Source: P.A. 102-4, eff. 4-27-21; 102-43, eff. 7-6-21;
14 102-144, eff. 1-1-22; 102-454, eff. 8-20-21; 102-813, eff.
15 5-13-22; 103-546, eff. 8-11-23; 103-593, eff. 6-7-24; 103-885,
16 eff. 8-9-24; revised 10-7-24.)

17 (305 ILCS 5/5-52)

18 Sec. 5-52. Custom prosthetic and orthotic devices;
19 reimbursement rates. Subject to federal approval, for dates of
20 service beginning on and after January 1, 2025, the Department
21 shall increase the current 2024 Medicaid rate by 7% under the
22 medical assistance program for custom prosthetic and orthotic
23 devices.

24 (Source: P.A. 103-593, eff. 6-7-24.)

1 (305 ILCS 5/5-56)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 Sec. 5-56 ~~5-52~~. Coverage for hormonal therapy to treat
5 menopause. The medical assistance program shall provide
6 coverage for medically necessary hormone therapy treatment to
7 treat menopause that has been induced by a hysterectomy.

8 (Source: P.A. 103-703, eff. 1-1-26; revised 10-2-24.)

9 (305 ILCS 5/5-57)

10 Sec. 5-57 ~~5-52~~. Genetic testing and evidence-based
11 screenings for an inherited gene mutation.

12 (a) In this Section, "genetic testing for an inherited
13 mutation" means germline multi-gene testing for an inherited
14 mutation associated with an increased risk of cancer in
15 accordance with evidence-based, clinical practice guidelines.

16 (b) Subject to federal approval, the medical assistance
17 program, after January 1, 2026, shall provide coverage for
18 clinical genetic testing for an inherited gene mutation for
19 individuals with a personal or family history of cancer, as
20 recommended by a health care professional in accordance with
21 current evidence-based clinical practice guidelines,
22 including, but not limited to, the current version of the
23 National Comprehensive Cancer Network clinical practice
24 guidelines.

25 (c) For individuals with a genetic test that is positive

1 for an inherited mutation associated with an increased risk of
2 cancer, coverage required under this Section shall include any
3 evidence-based screenings, as recommended by a health care
4 professional in accordance with current evidence-based
5 clinical practice guidelines, to the extent that the
6 management recommendation is not already covered by the
7 medical assistance program. In this subsection,
8 "evidence-based cancer screenings" means medically recommended
9 evidence-based screening modalities in accordance with current
10 clinical practice guidelines.

11 (Source: P.A. 103-914, eff. 1-1-25; revised 12-3-24.)

12 (305 ILCS 5/14-12)

13 Sec. 14-12. Hospital rate reform payment system. The
14 hospital payment system pursuant to Section 14-11 of this
15 Article shall be as follows:

16 (a) Inpatient hospital services. Effective for discharges
17 on and after July 1, 2014, reimbursement for inpatient general
18 acute care services shall utilize the All Patient Refined
19 Diagnosis Related Grouping (APR-DRG) software, version 30,
20 distributed by 3MTM Health Information System.

21 (1) The Department shall establish Medicaid weighting
22 factors to be used in the reimbursement system established
23 under this subsection. Initial weighting factors shall be
24 the weighting factors as published by 3M Health
25 Information System, associated with Version 30.0 adjusted

1 for the Illinois experience.

2 (2) The Department shall establish a
3 statewide-standardized amount to be used in the inpatient
4 reimbursement system. The Department shall publish these
5 amounts on its website no later than 10 calendar days
6 prior to their effective date.

7 (3) In addition to the statewide-standardized amount,
8 the Department shall develop adjusters to adjust the rate
9 of reimbursement for critical Medicaid providers or
10 services for trauma, transplantation services, perinatal
11 care, and Graduate Medical Education (GME).

12 (4) The Department shall develop add-on payments to
13 account for exceptionally costly inpatient stays,
14 consistent with Medicare outlier principles. Outlier fixed
15 loss thresholds may be updated to control for excessive
16 growth in outlier payments no more frequently than on an
17 annual basis, but at least once every 4 years. Upon
18 updating the fixed loss thresholds, the Department shall
19 be required to update base rates within 12 months.

20 (5) The Department shall define those hospitals or
21 distinct parts of hospitals that shall be exempt from the
22 APR-DRG reimbursement system established under this
23 Section. The Department shall publish these hospitals'
24 inpatient rates on its website no later than 10 calendar
25 days prior to their effective date.

26 (6) Beginning July 1, 2014 and ending on December 31,

1 2023, in addition to the statewide-standardized amount,
2 the Department shall develop an adjustor to adjust the
3 rate of reimbursement for safety-net hospitals defined in
4 Section 5-5e.1 of this Code excluding pediatric hospitals.

5 (7) Beginning July 1, 2014, in addition to the
6 statewide-standardized amount, the Department shall
7 develop an adjustor to adjust the rate of reimbursement
8 for Illinois freestanding inpatient psychiatric hospitals
9 that are not designated as children's hospitals by the
10 Department but are primarily treating patients under the
11 age of 21.

12 (7.5) (Blank).

13 (8) Beginning July 1, 2018, in addition to the
14 statewide-standardized amount, the Department shall adjust
15 the rate of reimbursement for hospitals designated by the
16 Department of Public Health as a Perinatal Level II or II+
17 center by applying the same adjustor that is applied to
18 Perinatal and Obstetrical care cases for Perinatal Level
19 III centers, as of December 31, 2017.

20 (9) Beginning July 1, 2018, in addition to the
21 statewide-standardized amount, the Department shall apply
22 the same adjustor that is applied to trauma cases as of
23 December 31, 2017 to inpatient claims to treat patients
24 with burns, including, but not limited to, APR-DRGs 841,
25 842, 843, and 844.

26 (10) Beginning July 1, 2018, the

1 statewide-standardized amount for inpatient general acute
2 care services shall be uniformly increased so that base
3 claims projected reimbursement is increased by an amount
4 equal to the funds allocated in paragraph (1) of
5 subsection (b) of Section 5A-12.6, less the amount
6 allocated under paragraphs (8) and (9) of this subsection
7 and paragraphs (3) and (4) of subsection (b) multiplied by
8 40%.

9 (11) Beginning July 1, 2018, the reimbursement for
10 inpatient rehabilitation services shall be increased by
11 the addition of a \$96 per day add-on.

12 (b) Outpatient hospital services. Effective for dates of
13 service on and after July 1, 2014, reimbursement for
14 outpatient services shall utilize the Enhanced Ambulatory
15 Procedure Grouping (EAPG) software, version 3.7 distributed by
16 3MTM Health Information System.

17 (1) The Department shall establish Medicaid weighting
18 factors to be used in the reimbursement system established
19 under this subsection. The initial weighting factors shall
20 be the weighting factors as published by 3M Health
21 Information System, associated with Version 3.7.

22 (2) The Department shall establish service specific
23 statewide-standardized amounts to be used in the
24 reimbursement system.

25 (A) The initial statewide standardized amounts,
26 with the labor portion adjusted by the Calendar Year

1 2013 Medicare Outpatient Prospective Payment System
2 wage index with reclassifications, shall be published
3 by the Department on its website no later than 10
4 calendar days prior to their effective date.

5 (B) The Department shall establish adjustments to
6 the statewide-standardized amounts for each Critical
7 Access Hospital, as designated by the Department of
8 Public Health in accordance with 42 CFR 485, Subpart
9 F. For outpatient services provided on or before June
10 30, 2018, the EAPG standardized amounts are determined
11 separately for each critical access hospital such that
12 simulated EAPG payments using outpatient base period
13 paid claim data plus payments under Section 5A-12.4 of
14 this Code net of the associated tax costs are equal to
15 the estimated costs of outpatient base period claims
16 data with a rate year cost inflation factor applied.

17 (3) In addition to the statewide-standardized amounts,
18 the Department shall develop adjusters to adjust the rate
19 of reimbursement for critical Medicaid hospital outpatient
20 providers or services, including outpatient high volume or
21 safety-net hospitals. Beginning July 1, 2018, the
22 outpatient high volume adjustor shall be increased to
23 increase annual expenditures associated with this adjustor
24 by \$79,200,000, based on the State Fiscal Year 2015 base
25 year data and this adjustor shall apply to public
26 hospitals, except for large public hospitals, as defined

1 under 89 Ill. Adm. Code 148.25(a).

2 (4) Beginning July 1, 2018, in addition to the
3 statewide standardized amounts, the Department shall make
4 an add-on payment for outpatient expensive devices and
5 drugs. This add-on payment shall at least apply to claim
6 lines that: (i) are assigned with one of the following
7 EAPGs: 490, 1001 to 1020, and coded with one of the
8 following revenue codes: 0274 to 0276, 0278; or (ii) are
9 assigned with one of the following EAPGs: 430 to 441, 443,
10 444, 460 to 465, 495, 496, 1090. The add-on payment shall
11 be calculated as follows: the claim line's covered charges
12 multiplied by the hospital's total acute cost to charge
13 ratio, less the claim line's EAPG payment plus \$1,000,
14 multiplied by 0.8.

15 (5) Beginning July 1, 2018, the statewide-standardized
16 amounts for outpatient services shall be increased by a
17 uniform percentage so that base claims projected
18 reimbursement is increased by an amount equal to no less
19 than the funds allocated in paragraph (1) of subsection
20 (b) of Section 5A-12.6, less the amount allocated under
21 paragraphs (8) and (9) of subsection (a) and paragraphs
22 (3) and (4) of this subsection multiplied by 46%.

23 (6) Effective for dates of service on or after July 1,
24 2018, the Department shall establish adjustments to the
25 statewide-standardized amounts for each Critical Access
26 Hospital, as designated by the Department of Public Health

1 in accordance with 42 CFR 485, Subpart F, such that each
2 Critical Access Hospital's standardized amount for
3 outpatient services shall be increased by the applicable
4 uniform percentage determined pursuant to paragraph (5) of
5 this subsection. It is the intent of the General Assembly
6 that the adjustments required under this paragraph (6) by
7 Public Act 100-1181 shall be applied retroactively to
8 claims for dates of service provided on or after July 1,
9 2018.

10 (7) Effective for dates of service on or after March
11 8, 2019 (the effective date of Public Act 100-1181), the
12 Department shall recalculate and implement an updated
13 statewide-standardized amount for outpatient services
14 provided by hospitals that are not Critical Access
15 Hospitals to reflect the applicable uniform percentage
16 determined pursuant to paragraph (5).

17 (1) Any recalculation to the
18 statewide-standardized amounts for outpatient services
19 provided by hospitals that are not Critical Access
20 Hospitals shall be the amount necessary to achieve the
21 increase in the statewide-standardized amounts for
22 outpatient services increased by a uniform percentage,
23 so that base claims projected reimbursement is
24 increased by an amount equal to no less than the funds
25 allocated in paragraph (1) of subsection (b) of
26 Section 5A-12.6, less the amount allocated under

1 paragraphs (8) and (9) of subsection (a) and
2 paragraphs (3) and (4) of this subsection, for all
3 hospitals that are not Critical Access Hospitals,
4 multiplied by 46%.

5 (2) It is the intent of the General Assembly that
6 the recalculations required under this paragraph (7)
7 by Public Act 100-1181 shall be applied prospectively
8 to claims for dates of service provided on or after
9 March 8, 2019 (the effective date of Public Act
10 100-1181) and that no recoupment or repayment by the
11 Department or an MCO of payments attributable to
12 recalculation under this paragraph (7), issued to the
13 hospital for dates of service on or after July 1, 2018
14 and before March 8, 2019 (the effective date of Public
15 Act 100-1181), shall be permitted.

16 (8) The Department shall ensure that all necessary
17 adjustments to the managed care organization capitation
18 base rates necessitated by the adjustments under
19 subparagraph (6) or (7) of this subsection are completed
20 and applied retroactively in accordance with Section
21 5-30.8 of this Code within 90 days of March 8, 2019 (the
22 effective date of Public Act 100-1181).

23 (9) Within 60 days after federal approval of the
24 change made to the assessment in Section 5A-2 by Public
25 Act 101-650, the Department shall incorporate into the
26 EAPG system for outpatient services those services

1 performed by hospitals currently billed through the
2 Non-Institutional Provider billing system.

3 (b-5) Notwithstanding any other provision of this Section,
4 beginning with dates of service on and after January 1, 2023,
5 any general acute care hospital with more than 500 outpatient
6 psychiatric Medicaid services to persons under 19 years of age
7 in any calendar year shall be paid the outpatient add-on
8 payment of no less than \$113.

9 (c) In consultation with the hospital community, the
10 Department is authorized to replace 89 Ill. Adm. Code 152.150
11 as published in 38 Ill. Reg. 4980 through 4986 within 12 months
12 of June 16, 2014 (the effective date of Public Act 98-651). If
13 the Department does not replace these rules within 12 months
14 of June 16, 2014 (the effective date of Public Act 98-651), the
15 rules in effect for 152.150 as published in 38 Ill. Reg. 4980
16 through 4986 shall remain in effect until modified by rule by
17 the Department. Nothing in this subsection shall be construed
18 to mandate that the Department file a replacement rule.

19 (d) Transition period. There shall be a transition period
20 to the reimbursement systems authorized under this Section
21 that shall begin on the effective date of these systems and
22 continue until June 30, 2018, unless extended by rule by the
23 Department. To help provide an orderly and predictable
24 transition to the new reimbursement systems and to preserve
25 and enhance access to the hospital services during this
26 transition, the Department shall allocate a transitional

1 hospital access pool of at least \$290,000,000 annually so that
2 transitional hospital access payments are made to hospitals.

3 (1) After the transition period, the Department may
4 begin incorporating the transitional hospital access pool
5 into the base rate structure; however, the transitional
6 hospital access payments in effect on June 30, 2018 shall
7 continue to be paid, if continued under Section 5A-16.

8 (2) After the transition period, if the Department
9 reduces payments from the transitional hospital access
10 pool, it shall increase base rates, develop new adjustors,
11 adjust current adjustors, develop new hospital access
12 payments based on updated information, or any combination
13 thereof by an amount equal to the decreases proposed in
14 the transitional hospital access pool payments, ensuring
15 that the entire transitional hospital access pool amount
16 shall continue to be used for hospital payments.

17 (d-5) Hospital and health care transformation program. The
18 Department shall develop a hospital and health care
19 transformation program to provide financial assistance to
20 hospitals in transforming their services and care models to
21 better align with the needs of the communities they serve. The
22 payments authorized in this Section shall be subject to
23 approval by the federal government.

24 (1) Phase 1. In State fiscal years 2019 through 2020,
25 the Department shall allocate funds from the transitional
26 access hospital pool to create a hospital transformation

1 pool of at least \$262,906,870 annually and make hospital
2 transformation payments to hospitals. Subject to Section
3 5A-16, in State fiscal years 2019 and 2020, an Illinois
4 hospital that received either a transitional hospital
5 access payment under subsection (d) or a supplemental
6 payment under subsection (f) of this Section in State
7 fiscal year 2018, shall receive a hospital transformation
8 payment as follows:

9 (A) If the hospital's Rate Year 2017 Medicaid
10 inpatient utilization rate is equal to or greater than
11 45%, the hospital transformation payment shall be
12 equal to 100% of the sum of its transitional hospital
13 access payment authorized under subsection (d) and any
14 supplemental payment authorized under subsection (f).

15 (B) If the hospital's Rate Year 2017 Medicaid
16 inpatient utilization rate is equal to or greater than
17 25% but less than 45%, the hospital transformation
18 payment shall be equal to 75% of the sum of its
19 transitional hospital access payment authorized under
20 subsection (d) and any supplemental payment authorized
21 under subsection (f).

22 (C) If the hospital's Rate Year 2017 Medicaid
23 inpatient utilization rate is less than 25%, the
24 hospital transformation payment shall be equal to 50%
25 of the sum of its transitional hospital access payment
26 authorized under subsection (d) and any supplemental

1 payment authorized under subsection (f).

2 (2) Phase 2.

3 (A) The funding amount from phase one shall be
4 incorporated into directed payment and pass-through
5 payment methodologies described in Section 5A-12.7.

6 (B) Because there are communities in Illinois that
7 experience significant health care disparities due to
8 systemic racism, as recently emphasized by the
9 COVID-19 pandemic, aggravated by social determinants
10 of health and a lack of sufficiently allocated health
11 care ~~healthcare~~ resources, particularly
12 community-based services, preventive care, obstetric
13 care, chronic disease management, and specialty care,
14 the Department shall establish a health care
15 transformation program that shall be supported by the
16 transformation funding pool. It is the intention of
17 the General Assembly that innovative partnerships
18 funded by the pool must be designed to establish or
19 improve integrated health care delivery systems that
20 will provide significant access to the Medicaid and
21 uninsured populations in their communities, as well as
22 improve health care equity. It is also the intention
23 of the General Assembly that partnerships recognize
24 and address the disparities revealed by the COVID-19
25 pandemic, as well as the need for post-COVID care.
26 During State fiscal years 2021 through 2027, the

1 hospital and health care transformation program shall
2 be supported by an annual transformation funding pool
3 of up to \$150,000,000, pending federal matching funds,
4 to be allocated during the specified fiscal years for
5 the purpose of facilitating hospital and health care
6 transformation. No disbursement of moneys for
7 transformation projects from the transformation
8 funding pool described under this Section shall be
9 considered an award, a grant, or an expenditure of
10 grant funds. Funding agreements made in accordance
11 with the transformation program shall be considered
12 purchases of care under the Illinois Procurement Code,
13 and funds shall be expended by the Department in a
14 manner that maximizes federal funding to expend the
15 entire allocated amount.

16 The Department shall convene, within 30 days after
17 March 12, 2021 (the effective date of Public Act
18 101-655), a workgroup that includes subject matter
19 experts on health care ~~healthcare~~ disparities and
20 stakeholders from distressed communities, which could
21 be a subcommittee of the Medicaid Advisory Committee,
22 to review and provide recommendations on how
23 Department policy, including health care
24 transformation, can improve health disparities and the
25 impact on communities disproportionately affected by
26 COVID-19. The workgroup shall consider and make

1 recommendations on the following issues: a community
2 safety-net designation of certain hospitals, racial
3 equity, and a regional partnership to bring additional
4 specialty services to communities.

5 (C) As provided in paragraph (9) of Section 3 of
6 the Illinois Health Facilities Planning Act, any
7 hospital participating in the transformation program
8 may be excluded from the requirements of the Illinois
9 Health Facilities Planning Act for those projects
10 related to the hospital's transformation. To be
11 eligible, the hospital must submit to the Health
12 Facilities and Services Review Board approval from the
13 Department that the project is a part of the
14 hospital's transformation.

15 (D) As provided in subsection (a-20) of Section
16 32.5 of the Emergency Medical Services (EMS) Systems
17 Act, a hospital that received hospital transformation
18 payments under this Section may convert to a
19 freestanding emergency center. To be eligible for such
20 a conversion, the hospital must submit to the
21 Department of Public Health approval from the
22 Department that the project is a part of the
23 hospital's transformation.

24 (E) Criteria for proposals. To be eligible for
25 funding under this Section, a transformation proposal
26 shall meet all of the following criteria:

1 (i) the proposal shall be designed based on
2 community needs assessment completed by either a
3 University partner or other qualified entity with
4 significant community input;

5 (ii) the proposal shall be a collaboration
6 among providers across the care and community
7 spectrum, including preventative care, primary
8 care specialty care, hospital services, mental
9 health and substance abuse services, as well as
10 community-based entities that address the social
11 determinants of health;

12 (iii) the proposal shall be specifically
13 designed to improve health care ~~healthcare~~
14 outcomes and reduce health care ~~healthcare~~
15 disparities, and improve the coordination,
16 effectiveness, and efficiency of care delivery;

17 (iv) the proposal shall have specific
18 measurable metrics related to disparities that
19 will be tracked by the Department and made public
20 by the Department;

21 (v) the proposal shall include a commitment to
22 include Business Enterprise Program certified
23 vendors or other entities controlled and managed
24 by minorities or women; and

25 (vi) the proposal shall specifically increase
26 access to primary, preventive, or specialty care.

1 (F) Entities eligible to be funded.

2 (i) Proposals for funding should come from
3 collaborations operating in one of the most
4 distressed communities in Illinois as determined
5 by the U.S. Centers for Disease Control and
6 Prevention's Social Vulnerability Index for
7 Illinois and areas disproportionately impacted by
8 COVID-19 or from rural areas of Illinois.

9 (ii) The Department shall prioritize
10 partnerships from distressed communities, which
11 include Business Enterprise Program certified
12 vendors or other entities controlled and managed
13 by minorities or women and also include one or
14 more of the following: safety-net hospitals,
15 critical access hospitals, the campuses of
16 hospitals that have closed since January 1, 2018,
17 or other health care ~~healthcare~~ providers designed
18 to address specific health care ~~healthcare~~
19 disparities, including the impact of COVID-19 on
20 individuals and the community and the need for
21 post-COVID care. All funded proposals must include
22 specific measurable goals and metrics related to
23 improved outcomes and reduced disparities which
24 shall be tracked by the Department.

25 (iii) The Department should target the funding
26 in the following ways: \$30,000,000 of

1 transformation funds to projects that are a
2 collaboration between a safety-net hospital,
3 particularly community safety-net hospitals, and
4 other providers and designed to address specific
5 health care ~~healthcare~~ disparities, \$20,000,000 of
6 transformation funds to collaborations between
7 safety-net hospitals and a larger hospital partner
8 that increases specialty care in distressed
9 communities, \$30,000,000 of transformation funds
10 to projects that are a collaboration between
11 hospitals and other providers in distressed areas
12 of the State designed to address specific health
13 care ~~healthcare~~ disparities, \$15,000,000 to
14 collaborations between critical access hospitals
15 and other providers designed to address specific
16 health care ~~healthcare~~ disparities, and
17 \$15,000,000 to cross-provider collaborations
18 designed to address specific health care
19 ~~healthcare~~ disparities, and \$5,000,000 to
20 collaborations that focus on workforce
21 development.

22 (iv) The Department may allocate up to
23 \$5,000,000 for planning, racial equity analysis,
24 or consulting resources for the Department or
25 entities without the resources to develop a plan
26 to meet the criteria of this Section. Any contract

1 for consulting services issued by the Department
2 under this subparagraph shall comply with the
3 provisions of Section 5-45 of the State Officials
4 and Employees Ethics Act. Based on availability of
5 federal funding, the Department may directly
6 procure consulting services or provide funding to
7 the collaboration. The provision of resources
8 under this subparagraph is not a guarantee that a
9 project will be approved.

10 (v) The Department shall take steps to ensure
11 that safety-net hospitals operating in
12 under-resourced communities receive priority
13 access to hospital and health care ~~healthcare~~
14 transformation funds, including consulting funds,
15 as provided under this Section.

16 (G) Process for submitting and approving projects
17 for distressed communities. The Department shall issue
18 a template for application. The Department shall post
19 any proposal received on the Department's website for
20 at least 2 weeks for public comment, and any such
21 public comment shall also be considered in the review
22 process. Applicants may request that proprietary
23 financial information be redacted from publicly posted
24 proposals and the Department in its discretion may
25 agree. Proposals for each distressed community must
26 include all of the following:

1 (i) A detailed description of how the project
2 intends to affect the goals outlined in this
3 subsection, describing new interventions, new
4 technology, new structures, and other changes to
5 the health care ~~healthcare~~ delivery system
6 planned.

7 (ii) A detailed description of the racial and
8 ethnic makeup of the entities' board and
9 leadership positions and the salaries of the
10 executive staff of entities in the partnership
11 that is seeking to obtain funding under this
12 Section.

13 (iii) A complete budget, including an overall
14 timeline and a detailed pathway to sustainability
15 within a 5-year period, specifying other sources
16 of funding, such as in-kind, cost-sharing, or
17 private donations, particularly for capital needs.
18 There is an expectation that parties to the
19 transformation project dedicate resources to the
20 extent they are able and that these expectations
21 are delineated separately for each entity in the
22 proposal.

23 (iv) A description of any new entities formed
24 or other legal relationships between collaborating
25 entities and how funds will be allocated among
26 participants.

1 (v) A timeline showing the evolution of sites
2 and specific services of the project over a 5-year
3 period, including services available to the
4 community by site.

5 (vi) Clear milestones indicating progress
6 toward the proposed goals of the proposal as
7 checkpoints along the way to continue receiving
8 funding. The Department is authorized to refine
9 these milestones in agreements, and is authorized
10 to impose reasonable penalties, including
11 repayment of funds, for substantial lack of
12 progress.

13 (vii) A clear statement of the level of
14 commitment the project will include for minorities
15 and women in contracting opportunities, including
16 as equity partners where applicable, or as
17 subcontractors and suppliers in all phases of the
18 project.

19 (viii) If the community study utilized is not
20 the study commissioned and published by the
21 Department, the applicant must define the
22 methodology used, including documentation of clear
23 community participation.

24 (ix) A description of the process used in
25 collaborating with all levels of government in the
26 community served in the development of the

1 project, including, but not limited to,
2 legislators and officials of other units of local
3 government.

4 (x) Documentation of a community input process
5 in the community served, including links to
6 proposal materials on public websites.

7 (xi) Verifiable project milestones and quality
8 metrics that will be impacted by transformation.
9 These project milestones and quality metrics must
10 be identified with improvement targets that must
11 be met.

12 (xii) Data on the number of existing employees
13 by various job categories and wage levels by the
14 zip code of the employees' residence and
15 benchmarks for the continued maintenance and
16 improvement of these levels. The proposal must
17 also describe any retraining or other workforce
18 development planned for the new project.

19 (xiii) If a new entity is created by the
20 project, a description of how the board will be
21 reflective of the community served by the
22 proposal.

23 (xiv) An explanation of how the proposal will
24 address the existing disparities that exacerbated
25 the impact of COVID-19 and the need for post-COVID
26 care in the community, if applicable.

1 (xv) An explanation of how the proposal is
2 designed to increase access to care, including
3 specialty care based upon the community's needs.

4 (H) The Department shall evaluate proposals for
5 compliance with the criteria listed under subparagraph
6 (G). Proposals meeting all of the criteria may be
7 eligible for funding with the areas of focus
8 prioritized as described in item (ii) of subparagraph
9 (F). Based on the funds available, the Department may
10 negotiate funding agreements with approved applicants
11 to maximize federal funding. Nothing in this
12 subsection requires that an approved project be funded
13 to the level requested. Agreements shall specify the
14 amount of funding anticipated annually, the
15 methodology of payments, the limit on the number of
16 years such funding may be provided, and the milestones
17 and quality metrics that must be met by the projects in
18 order to continue to receive funding during each year
19 of the program. Agreements shall specify the terms and
20 conditions under which a health care facility that
21 receives funds under a purchase of care agreement and
22 closes in violation of the terms of the agreement must
23 pay an early closure fee no greater than 50% of the
24 funds it received under the agreement, prior to the
25 Health Facilities and Services Review Board
26 considering an application for closure of the

1 facility. Any project that is funded shall be required
2 to provide quarterly written progress reports, in a
3 form prescribed by the Department, and at a minimum
4 shall include the progress made in achieving any
5 milestones or metrics or Business Enterprise Program
6 commitments in its plan. The Department may reduce or
7 end payments, as set forth in transformation plans, if
8 milestones or metrics or Business Enterprise Program
9 commitments are not achieved. The Department shall
10 seek to make payments from the transformation fund in
11 a manner that is eligible for federal matching funds.

12 In reviewing the proposals, the Department shall
13 take into account the needs of the community, data
14 from the study commissioned by the Department from the
15 University of Illinois-Chicago if applicable, feedback
16 from public comment on the Department's website, as
17 well as how the proposal meets the criteria listed
18 under subparagraph (G). Alignment with the
19 Department's overall strategic initiatives shall be an
20 important factor. To the extent that fiscal year
21 funding is not adequate to fund all eligible projects
22 that apply, the Department shall prioritize
23 applications that most comprehensively and effectively
24 address the criteria listed under subparagraph (G).

25 (3) (Blank).

26 (4) Hospital Transformation Review Committee. There is

1 created the Hospital Transformation Review Committee. The
2 Committee shall consist of 14 members. No later than 30
3 days after March 12, 2018 (the effective date of Public
4 Act 100-581), the 4 legislative leaders shall each appoint
5 3 members; the Governor shall appoint the Director of
6 Healthcare and Family Services, or his or her designee, as
7 a member; and the Director of Healthcare and Family
8 Services shall appoint one member. Any vacancy shall be
9 filled by the applicable appointing authority within 15
10 calendar days. The members of the Committee shall select a
11 Chair and a Vice-Chair from among its members, provided
12 that the Chair and Vice-Chair cannot be appointed by the
13 same appointing authority and must be from different
14 political parties. The Chair shall have the authority to
15 establish a meeting schedule and convene meetings of the
16 Committee, and the Vice-Chair shall have the authority to
17 convene meetings in the absence of the Chair. The
18 Committee may establish its own rules with respect to
19 meeting schedule, notice of meetings, and the disclosure
20 of documents; however, the Committee shall not have the
21 power to subpoena individuals or documents and any rules
22 must be approved by 9 of the 14 members. The Committee
23 shall perform the functions described in this Section and
24 advise and consult with the Director in the administration
25 of this Section. In addition to reviewing and approving
26 the policies, procedures, and rules for the hospital and

1 health care transformation program, the Committee shall
2 consider and make recommendations related to qualifying
3 criteria and payment methodologies related to safety-net
4 hospitals and children's hospitals. Members of the
5 Committee appointed by the legislative leaders shall be
6 subject to the jurisdiction of the Legislative Ethics
7 Commission, not the Executive Ethics Commission, and all
8 requests under the Freedom of Information Act shall be
9 directed to the applicable Freedom of Information officer
10 for the General Assembly. The Department shall provide
11 operational support to the Committee as necessary. The
12 Committee is dissolved on April 1, 2019.

13 (e) Beginning 36 months after initial implementation, the
14 Department shall update the reimbursement components in
15 subsections (a) and (b), including standardized amounts and
16 weighting factors, and at least once every 4 years and no more
17 frequently than annually thereafter. The Department shall
18 publish these updates on its website no later than 30 calendar
19 days prior to their effective date.

20 (f) Continuation of supplemental payments. Any
21 supplemental payments authorized under 89 Illinois
22 Administrative Code 148 effective January 1, 2014 and that
23 continue during the period of July 1, 2014 through December
24 31, 2014 shall remain in effect as long as the assessment
25 imposed by Section 5A-2 that is in effect on December 31, 2017
26 remains in effect.

1 (g) Notwithstanding subsections (a) through (f) of this
2 Section and notwithstanding the changes authorized under
3 Section 5-5b.1, any updates to the system shall not result in
4 any diminishment of the overall effective rates of
5 reimbursement as of the implementation date of the new system
6 (July 1, 2014). These updates shall not preclude variations in
7 any individual component of the system or hospital rate
8 variations. Nothing in this Section shall prohibit the
9 Department from increasing the rates of reimbursement or
10 developing payments to ensure access to hospital services.
11 Nothing in this Section shall be construed to guarantee a
12 minimum amount of spending in the aggregate or per hospital as
13 spending may be impacted by factors, including, but not
14 limited to, the number of individuals in the medical
15 assistance program and the severity of illness of the
16 individuals.

17 (h) The Department shall have the authority to modify by
18 rulemaking any changes to the rates or methodologies in this
19 Section as required by the federal government to obtain
20 federal financial participation for expenditures made under
21 this Section.

22 (i) Except for subsections (g) and (h) of this Section,
23 the Department shall, pursuant to subsection (c) of Section
24 5-40 of the Illinois Administrative Procedure Act, provide for
25 presentation at the June 2014 hearing of the Joint Committee
26 on Administrative Rules (JCAR) additional written notice to

1 JCAR of the following rules in order to commence the second
2 notice period for the following rules: rules published in the
3 Illinois Register, rule dated February 21, 2014 at 38 Ill.
4 Reg. 4559 (Medical Payment), 4628 (Specialized Health Care
5 Delivery Systems), 4640 (Hospital Services), 4932 (Diagnostic
6 Related Grouping (DRG) Prospective Payment System (PPS)), and
7 4977 (Hospital Reimbursement Changes), and published in the
8 Illinois Register dated March 21, 2014 at 38 Ill. Reg. 6499
9 (Specialized Health Care Delivery Systems) and 6505 (Hospital
10 Services).

11 (j) Out-of-state hospitals. Beginning July 1, 2018, for
12 purposes of determining for State fiscal years 2019 and 2020
13 and subsequent fiscal years the hospitals eligible for the
14 payments authorized under subsections (a) and (b) of this
15 Section, the Department shall include out-of-state hospitals
16 that are designated a Level I pediatric trauma center or a
17 Level I trauma center by the Department of Public Health as of
18 December 1, 2017.

19 (k) The Department shall notify each hospital and managed
20 care organization, in writing, of the impact of the updates
21 under this Section at least 30 calendar days prior to their
22 effective date.

23 (l) This Section is subject to Section 14-12.5.

24 (Source: P.A. 102-682, eff. 12-10-21; 102-1037, eff. 6-2-22;
25 103-102, eff. 6-16-23; 103-154, eff. 6-30-23; revised
26 10-16-24.)

1 Section 905. The Illinois Caregiver Assistance and
2 Resource Portal Act is amended by changing Section 25-1 as
3 follows:

4 (320 ILCS 70/25-1)

5 Sec. 25-1. Short title. This Article ~~Act~~ may be cited as
6 the Illinois Caregiver Assistance and Resource Portal Act. As
7 used in this Article, "this Act" refers to this Article.

8 (Source: P.A. 103-588, eff. 6-5-24; revised 7-19-24.)

9 Section 910. The Department of Early Childhood Act is
10 amended by changing Section 15-5 as follows:

11 (325 ILCS 3/15-5)

12 Sec. 15-5. Transition of administrative responsibilities
13 related to home-visiting services. Beginning July 1, 2024, the
14 Department of Early Childhood and the Department of Human
15 Services shall collaborate and plan for the transition of
16 administrative responsibilities related to home-visiting
17 services as prescribed in Section 10-16 of the Department of
18 Human Services Act.

19 (Source: P.A. 103-594, eff. 6-25-24; revised 10-21-24.)

20 Section 915. The Child Abuse Notice Act is amended by
21 changing Section 5 as follows:

1 (325 ILCS 6/5)

2 Sec. 5. Posted notice required. Each of the following
3 businesses and other establishments shall, upon the
4 availability of the model notice described in Section 10, post
5 a notice that complies with the requirements of this Act in a
6 conspicuous place in all restrooms open to the public, or in
7 another conspicuous location in clear view of the public and
8 employees where similar notices are customarily posted:

9 (1) Hotels and motels.

10 (2) Entertainment facilities or sporting facilities
11 that are indoor structures with a legal occupancy of at
12 least 5,000 persons.

13 (3) Tattoo and body piercing establishments.

14 (4) Primary airports, as defined in Section 47102(16)
15 of Title 49 of the United States Code.

16 (5) Intercity passenger rail or light rail stations.

17 (6) Bus stations.

18 (7) Truck stops. As used in this Act, "truck stop"
19 means a privately owned ~~privately-owned~~ and operated
20 facility that provides food, fuel, shower, or other
21 sanitary facilities, and lawful overnight truck parking.

22 (8) Emergency rooms within general acute care
23 hospitals, in which case the notice may be posted by
24 electronic means.

25 (9) Urgent care centers, in which case the notice may

1 be posted by electronic means.

2 (Source: P.A. 103-813, eff. 1-1-25; revised 12-1-24.)

3 Section 920. The Children's Mental Health Act is amended
4 by changing Section 5 as follows:

5 (405 ILCS 49/5)

6 Sec. 5. Children's Mental Health Partnership; Children's
7 Mental Health Plan.

8 (a) The Children's Mental Health Partnership (hereafter
9 referred to as "the Partnership") created under Public Act
10 93-495 and continued under Public Act 102-899 shall advise
11 State agencies and the Children's Behavioral Health
12 Transformation Initiative on designing and implementing
13 short-term and long-term strategies to provide comprehensive
14 and coordinated services for children from birth to age 25 and
15 their families with the goal of addressing children's mental
16 health needs across a full continuum of care, including social
17 determinants of health, prevention, early identification, and
18 treatment. The recommended strategies shall build upon the
19 recommendations in the Children's Mental Health Plan of 2022
20 and may include, but are not limited to, recommendations
21 regarding the following:

22 (1) Increasing public awareness on issues connected to
23 children's mental health and wellness to decrease stigma,
24 promote acceptance, and strengthen the ability of

1 children, families, and communities to access supports.

2 (2) Coordination of programs, services, and policies
3 across child-serving State agencies to best monitor and
4 assess spending, as well as foster innovation of adaptive
5 or new practices.

6 (3) Funding and resources for children's mental health
7 prevention, early identification, and treatment across
8 child-serving State agencies.

9 (4) Facilitation of research on best practices and
10 model programs and dissemination of this information to
11 State policymakers, practitioners, and the general public.

12 (5) Monitoring programs, services, and policies
13 addressing children's mental health and wellness.

14 (6) Growing, retaining, diversifying, and supporting
15 the child-serving workforce, with special emphasis on
16 professional development around child and family mental
17 health and wellness services.

18 (7) Supporting the design, implementation, and
19 evaluation of a quality-driven children's mental health
20 system of care across all child services that prevents
21 mental health concerns and mitigates trauma.

22 (8) Improving the system to more effectively meet the
23 emergency and residential placement needs for all children
24 with severe mental and behavioral challenges.

25 (b) The Partnership shall have the responsibility of
26 developing and updating the Children's Mental Health Plan and

1 advising the relevant State agencies on implementation of the
2 Plan. The Children's Mental Health Partnership shall be
3 comprised of the following members:

4 (1) The Governor or his or her designee.

5 (2) The Attorney General or his or her designee.

6 (3) The Secretary of the Department of Human Services
7 or his or her designee.

8 (4) The State Superintendent of Education or his or
9 her designee.

10 (5) The Director of the Department of Children and
11 Family Services or his or her designee.

12 (6) The Director of the Department of Healthcare and
13 Family Services or his or her designee.

14 (7) The Director of the Department of Public Health or
15 his or her designee.

16 (8) The Director of the Department of Juvenile Justice
17 or his or her designee.

18 (9) The Secretary of Early Childhood or his or her
19 designee.

20 (10) The Director of the Criminal Justice Information
21 Authority or his or her designee.

22 (11) One member of the General Assembly appointed by
23 the Speaker of the House.

24 (12) One member of the General Assembly appointed by
25 the President of the Senate.

26 (13) One member of the General Assembly appointed by

1 the Minority Leader of the Senate.

2 (14) One member of the General Assembly appointed by
3 the Minority Leader of the House.

4 (15) Up to 25 representatives from the public
5 reflecting a diversity of age, gender identity, race,
6 ethnicity, socioeconomic status, and geographic location,
7 to be appointed by the Governor. Those public members
8 appointed under this paragraph must include, but are not
9 limited to:

10 (A) a family member or individual with lived
11 experience in the children's mental health system;

12 (B) a child advocate;

13 (C) a community mental health expert,
14 practitioner, or provider;

15 (D) a representative of a statewide association
16 representing a majority of hospitals in the State;

17 (E) an early childhood expert or practitioner;

18 (F) a representative from the K-12 school system;

19 (G) a representative from the health care
20 ~~healthcare~~ sector;

21 (H) a substance use prevention expert or
22 practitioner, or a representative of a statewide
23 association representing community-based mental health
24 substance use disorder treatment providers in the
25 State;

26 (I) a violence prevention expert or practitioner;

1 (J) a representative from the juvenile justice
2 system;

3 (K) a school social worker; and

4 (L) a representative of a statewide organization
5 representing pediatricians.

6 (16) Two co-chairs appointed by the Governor, one
7 being a representative from the public and one being the
8 Director of Public Health.

9 The members appointed by the Governor shall be appointed
10 for 4 years with one opportunity for reappointment, except as
11 otherwise provided for in this subsection. Members who were
12 appointed by the Governor and are serving on January 1, 2023
13 (the effective date of Public Act 102-899) shall maintain
14 their appointment until the term of their appointment has
15 expired. For new appointments made pursuant to Public Act
16 102-899, members shall be appointed for one-year, 2-year, or
17 4-year terms, as determined by the Governor, with no more than
18 9 of the Governor's new or existing appointees serving the
19 same term. Those new appointments serving a one-year or 2-year
20 term may be appointed to 2 additional 4-year terms. If a
21 vacancy occurs in the Partnership membership, the vacancy
22 shall be filled in the same manner as the original appointment
23 for the remainder of the term.

24 The Partnership shall be convened no later than January
25 31, 2023 to discuss the changes in Public Act 102-899.

26 The members of the Partnership shall serve without

1 compensation but may be entitled to reimbursement for all
2 necessary expenses incurred in the performance of their
3 official duties as members of the Partnership from funds
4 appropriated for that purpose.

5 The Partnership may convene and appoint special committees
6 or study groups to operate under the direction of the
7 Partnership. Persons appointed to such special committees or
8 study groups shall only receive reimbursement for reasonable
9 expenses.

10 (b-5) The Partnership shall include an adjunct council
11 comprised of no more than 6 youth aged 14 to 25 and 4
12 representatives of 4 different community-based organizations
13 that focus on youth mental health. Of the community-based
14 organizations that focus on youth mental health, one of the
15 community-based organizations shall be led by an
16 LGBTQ-identified person, one of the community-based
17 organizations shall be led by a person of color, and one of the
18 community-based organizations shall be led by a woman. Of the
19 representatives appointed to the council from the
20 community-based organizations, at least one representative
21 shall be LGBTQ-identified, at least one representative shall
22 be a person of color, and at least one representative shall be
23 a woman. The council members shall be appointed by the Chair of
24 the Partnership and shall reflect the racial, gender identity,
25 sexual orientation, ability, socioeconomic, ethnic, and
26 geographic diversity of the State, including rural, suburban,

1 and urban appointees. The council shall make recommendations
2 to the Partnership regarding youth mental health, including,
3 but not limited to, identifying barriers to youth feeling
4 supported by and empowered by the system of mental health and
5 treatment providers, barriers perceived by youth in accessing
6 mental health services, gaps in the mental health system,
7 available resources in schools, including youth's perceptions
8 and experiences with outreach personnel, agency websites, and
9 informational materials, methods to destigmatize mental health
10 services, and how to improve State policy concerning student
11 mental health. The mental health system may include services
12 for substance use disorders and addiction. The council shall
13 meet at least 4 times annually.

14 (c) (Blank).

15 (d) The Illinois Children's Mental Health Partnership has
16 the following powers and duties:

17 (1) Conducting research assessments to determine the
18 needs and gaps of programs, services, and policies that
19 touch children's mental health.

20 (2) Developing policy statements for interagency
21 cooperation to cover all aspects of mental health
22 delivery, including social determinants of health,
23 prevention, early identification, and treatment.

24 (3) Recommending policies and providing information on
25 effective programs for delivery of mental health services.

26 (4) Using funding from federal, State, or

1 philanthropic partners, to fund pilot programs or research
2 activities to resource innovative practices by
3 organizational partners that will address children's
4 mental health. However, the Partnership may not provide
5 direct services.

6 (4.1) The Partnership shall work with community
7 networks and the Children's Behavioral Health
8 Transformation Initiative team to implement a community
9 needs assessment, that will raise awareness of gaps in
10 existing community-based services for youth.

11 (5) Submitting an annual report, on or before December
12 30 of each year, to the Governor and the General Assembly
13 on the progress of the Plan, any recommendations regarding
14 State policies, laws, or rules necessary to fulfill the
15 purposes of the Act, and any additional recommendations
16 regarding mental or behavioral health that the Partnership
17 deems necessary.

18 (6) (Blank).

19 The Partnership may designate a fiscal and administrative
20 agent that can accept funds to carry out its duties as outlined
21 in this Section.

22 The Department of Public Health shall provide technical
23 and administrative support for the Partnership.

24 (e) The Partnership may accept monetary gifts or grants
25 from the federal government or any agency thereof, from any
26 charitable foundation or professional association, or from any

1 reputable source for implementation of any program necessary
2 or desirable to carry out the powers and duties as defined
3 under this Section.

4 (f) On or before January 1, 2027, the Partnership shall
5 submit recommendations to the Governor and General Assembly
6 that includes recommended updates to the Act to reflect the
7 current mental health landscape in this State.

8 (Source: P.A. 102-16, eff. 6-17-21; 102-116, eff. 7-23-21;
9 102-899, eff. 1-1-23; 102-1034, eff. 1-1-23; 103-154, eff.
10 6-30-23; 103-594, eff. 6-25-24; 103-885, eff. 8-9-24; revised
11 10-9-24.)

12 Section 925. The First Responder Mental Health Grant
13 Program Act is amended by changing Section 10 as follows:

14 (405 ILCS 135/10)

15 Sec. 10. Definitions. In this Act:

16 "Behavioral health" means mental health, health relating
17 to substance use, or both.

18 "Behavioral health care" means services, treatment,
19 medication, and other measures to overcome, mitigate, or
20 prevent a behavioral health issue. These services, treatment,
21 medication, and other measures qualify as "behavioral health
22 care" even if there is no formal diagnosis of a specific
23 condition.

24 "Department" means the Department of Human Services.

1 "First responder" means a law enforcement officer,
2 firefighter, emergency medical services personnel as defined
3 in Section 3.5 of the Emergency Medical Services (EMS) Systems
4 Act, or public safety telecommunicator as defined in Section 2
5 of the Emergency Telephone System ~~Systems~~ Act.

6 "Record" means any record kept by a therapist or by an
7 agency in the course of providing behavioral health care to a
8 first responder concerning the first responder and the
9 services provided. "Record" includes the personal notes of the
10 therapist or agency. "Record" includes all records maintained
11 by a court that have been created in connection with, in
12 preparation for, or as a result of the filing of any petition
13 or certificate under Chapter II, Chapter III, or Chapter IV of
14 the Mental Health and Developmental Disabilities Code and
15 includes the petitions, certificates, dispositional reports,
16 treatment plans, and reports of diagnostic evaluations and of
17 hearings under Article VIII of Chapter III or under Article V
18 of Chapter IV of that Code. "Record" does not include
19 information that has been de-identified in accordance with
20 HIPAA, as specified in 45 CFR 164.514. "Record" does not
21 include a reference to the receipt of behavioral health care
22 noted during a patient history and physical or other summary
23 of care.

24 (Source: P.A. 102-911, eff. 1-1-23; revised 7-22-24.)

25 Section 930. The AIDS Confidentiality Act is amended by

changing Section 3 as follows:

(410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

Sec. 3. Definitions. When used in this Act:

(a) "AIDS" means acquired immunodeficiency syndrome.

(b) "Authority" means the Illinois Health Information Exchange Authority established pursuant to the Illinois Health Information Exchange and Technology Act.

(c) "Business associate" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103.

(d) "Covered entity" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103.

(e) "De-identified information" means health information that is not individually identifiable as described under HIPAA, as specified in 45 CFR 164.514(b).

(f) "Department" means the Illinois Department of Public Health or its designated agents.

(g) "Disclosure" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 160.103.

(h) "Health care operations" has the meaning ascribed to it under HIPAA, as specified in 45 CFR 164.501.

(i) "Health care professional" means (i) a licensed physician, (ii) a licensed physician assistant, (iii) a licensed advanced practice registered nurse, (iv) an advanced practice registered nurse or physician assistant who practices in a hospital or ambulatory surgical treatment center and

1 possesses appropriate clinical privileges, (v) a licensed
2 dentist, (vi) a licensed podiatric physician, or (vii) an
3 individual certified to provide HIV testing and counseling by
4 a State ~~state~~ or local public health department.

5 (j) "Health care provider" has the meaning ascribed to it
6 under HIPAA, as specified in 45 CFR 160.103.

7 (k) "Health facility" means a hospital, nursing home,
8 blood bank, blood center, sperm bank, or other health care
9 institution, including any "health facility" as that term is
10 defined in the Illinois Finance Authority Act.

11 (l) "Health information exchange" or "HIE" means a health
12 information exchange or health information organization that
13 oversees and governs the electronic exchange of health
14 information. In certain circumstances, in accordance with
15 HIPAA, an HIE will be a business associate.

16 (m) "Health oversight agency" has the meaning ascribed to
17 it under HIPAA, as specified in 45 CFR 164.501.

18 (n) "HIPAA" means the Health Insurance Portability and
19 Accountability Act of 1996, Public Law 104-191, as amended by
20 the Health Information Technology for Economic and Clinical
21 Health Act of 2009, Public Law 111-05, and any subsequent
22 amendments thereto and any regulations promulgated thereunder.

23 (o) "HIV" means the human immunodeficiency virus.

24 (p) "HIV-related information" means the identity of a
25 person upon whom an HIV test is performed, the results of an
26 HIV test, as well as diagnosis, treatment, and prescription

1 information that reveals a patient is HIV-positive, including
2 such information contained in a limited data set. "HIV-related
3 information" does not include information that has been
4 de-identified in accordance with HIPAA.

5 (q) "Informed consent" means:

6 (1) where a health care provider, health care
7 professional, or health facility has implemented opt-in
8 testing, a process by which an individual or the
9 individual's ~~their~~ legal representative receives pre-test
10 information, has an opportunity to ask questions, and
11 consents verbally or in writing to the test without undue
12 inducement or any element of force, fraud, deceit, duress,
13 or other form of constraint or coercion; or

14 (2) where a health care provider, health care
15 professional, or health facility has implemented opt-out
16 testing, the individual or the individual's ~~their~~ legal
17 representative has been notified verbally or in writing
18 that the test is planned, has received pre-test
19 information, has been given the opportunity to ask
20 questions and the opportunity to decline testing, and has
21 not declined testing; where such notice is provided,
22 consent for opt-out HIV testing may be incorporated into
23 the patient's general consent for medical care on the same
24 basis as are other screening or diagnostic tests; a
25 separate consent for opt-out HIV testing is not required.

26 In addition, where the person providing informed consent

1 is a participant in an HIE, informed consent requires a fair
2 explanation that the results of the patient's HIV test will be
3 accessible through an HIE and meaningful disclosure of the
4 patient's opt-out right under Section 9.6 of this Act.

5 A health care provider, health care professional, or
6 health facility undertaking an informed consent process for
7 HIV testing under this subsection may combine a form used to
8 obtain informed consent for HIV testing with forms used to
9 obtain written consent for general medical care or any other
10 medical test or procedure, provided that the forms make it
11 clear that the subject may consent to general medical care,
12 tests, or procedures without being required to consent to HIV
13 testing, and clearly explain how the subject may decline HIV
14 testing. Health facility clerical staff or other staff
15 responsible for the consent form for general medical care may
16 obtain consent for HIV testing through a general consent form.

17 (r) "Limited data set" has the meaning ascribed to it
18 under HIPAA, as described in 45 CFR 164.514(e)(2).

19 (s) "Minimum necessary" means the HIPAA standard for
20 using, disclosing, and requesting protected health information
21 found in 45 CFR 164.502(b) and 164.514(d).

22 (s-1) "Opt-in testing" means an approach where an HIV test
23 is presented by offering the test and the patient accepts or
24 declines testing.

25 (s-3) "Opt-out testing" means an approach where an HIV
26 test is presented such that a patient is notified that HIV

1 testing may occur unless the patient declines.

2 (t) "Organized health care arrangement" has the meaning
3 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

4 (u) "Patient safety activities" has the meaning ascribed
5 to it under 42 CFR 3.20.

6 (v) "Payment" has the meaning ascribed to it under HIPAA,
7 as specified in 45 CFR 164.501.

8 (w) "Person" includes any natural person, partnership,
9 association, joint venture, trust, governmental entity, public
10 or private corporation, health facility, or other legal
11 entity.

12 (w-5) "Pre-test information" means:

13 (1) a reasonable explanation of the test, including
14 its purpose, potential uses, limitations, and the meaning
15 of its results; and

16 (2) a reasonable explanation of the procedures to be
17 followed, including the voluntary nature of the test, the
18 availability of a qualified person to answer questions,
19 the right to withdraw consent to the testing process at
20 any time, the right to anonymity to the extent provided by
21 law with respect to participation in the test and
22 disclosure of test results, and the right to confidential
23 treatment of information identifying the subject of the
24 test and the results of the test, to the extent provided by
25 law.

26 Pre-test information may be provided in writing, verbally,

1 or by video, electronic, or other means and may be provided as
2 designated by the supervising health care professional or the
3 health facility.

4 For the purposes of this definition, a qualified person to
5 answer questions is a health care professional or, when acting
6 under the supervision of a health care professional, a
7 registered nurse, medical assistant, or other person
8 determined to be sufficiently knowledgeable about HIV testing,
9 its purpose, potential uses, limitations, the meaning of the
10 test results, and the testing procedures in the professional
11 judgment of a supervising health care professional or as
12 designated by a health care facility.

13 (x) "Protected health information" has the meaning
14 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

15 (y) "Research" has the meaning ascribed to it under HIPAA,
16 as specified in 45 CFR 164.501.

17 (z) "State agency" means an instrumentality of the State
18 of Illinois and any instrumentality of another state that,
19 pursuant to applicable law or a written undertaking with an
20 instrumentality of the State of Illinois, is bound to protect
21 the privacy of HIV-related information of Illinois persons.

22 (aa) "Test" or "HIV test" means a test to determine the
23 presence of the antibody or antigen to HIV, or of HIV
24 infection.

25 (bb) "Treatment" has the meaning ascribed to it under
26 HIPAA, as specified in 45 CFR 164.501.

1 (cc) "Use" has the meaning ascribed to it under HIPAA, as
2 specified in 45 CFR 160.103, where context dictates.

3 (Source: P.A. 103-508, eff. 8-4-23; revised 7-19-24.)

4 Section 935. The Genetic Information Privacy Act is
5 amended by changing Section 10 as follows:

6 (410 ILCS 513/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Business associate" has the meaning ascribed to it under
9 HIPAA, as specified in 45 CFR 160.103.

10 "Covered entity" has the meaning ascribed to it under
11 HIPAA, as specified in 45 CFR 160.103.

12 "De-identified information" means health information that
13 is not individually identifiable as described under HIPAA, as
14 specified in 45 CFR 164.514(b).

15 "Disclosure" has the meaning ascribed to it under HIPAA,
16 as specified in 45 CFR 160.103.

17 "Employer" means the State of Illinois, any unit of local
18 government, and any board, commission, department,
19 institution, or school district, any party to a public
20 contract, any joint apprenticeship or training committee
21 within the State, and every other person employing employees
22 within the State.

23 "Employment agency" means both public and private
24 employment agencies and any person, labor organization, or

1 labor union having a hiring hall or hiring office regularly
2 undertaking, with or without compensation, to procure
3 opportunities to work, or to procure, recruit, refer, or place
4 employees.

5 "Family member" means, with respect to an individual, (i)
6 the spouse of the individual; (ii) a dependent child of the
7 individual, including a child who is born to or placed for
8 adoption with the individual; (iii) any other person
9 qualifying as a covered dependent under a managed care plan;
10 and (iv) all other individuals related by blood or law to the
11 individual or the spouse or child described in subsections (i)
12 through (iii) of this definition.

13 "Genetic information" has the meaning ascribed to it under
14 HIPAA, as specified in 45 CFR 160.103.

15 "Genetic monitoring" means the periodic examination of
16 employees to evaluate acquired modifications to their genetic
17 material, such as chromosomal damage or evidence of increased
18 occurrence of mutations that may have developed in the course
19 of employment due to exposure to toxic substances in the
20 workplace in order to identify, evaluate, and respond to
21 effects of or control adverse environmental exposures in the
22 workplace.

23 "Genetic services" has the meaning ascribed to it under
24 HIPAA, as specified in 45 CFR 160.103.

25 "Genetic testing" and "genetic test" have the meaning
26 ascribed to "genetic test" under HIPAA, as specified in 45 CFR

1 160.103. "Genetic testing" includes direct-to-consumer
2 commercial genetic testing.

3 "Health care operations" has the meaning ascribed to it
4 under HIPAA, as specified in 45 CFR 164.501.

5 "Health care professional" means (i) a licensed physician,
6 (ii) a licensed physician assistant, (iii) a licensed advanced
7 practice registered nurse, (iv) a licensed dentist, (v) a
8 licensed podiatric physician ~~podiatrist~~, (vi) a licensed
9 genetic counselor, or (vii) an individual certified to provide
10 genetic testing by a state or local public health department.

11 "Health care provider" has the meaning ascribed to it
12 under HIPAA, as specified in 45 CFR 160.103.

13 "Health facility" means a hospital, blood bank, blood
14 center, sperm bank, or other health care institution,
15 including any "health facility" as that term is defined in the
16 Illinois Finance Authority Act.

17 "Health information exchange" or "HIE" means a health
18 information exchange or health information organization that
19 exchanges health information electronically. In certain
20 circumstances, in accordance with HIPAA, an HIE will be a
21 business associate.

22 "Health oversight agency" has the meaning ascribed to it
23 under HIPAA, as specified in 45 CFR 164.501.

24 "HIPAA" means the Health Insurance Portability and
25 Accountability Act of 1996, Public Law 104-191, as amended by
26 the Health Information Technology for Economic and Clinical

1 Health Act of 2009, Public Law 111-05, and any subsequent
2 amendments thereto and any regulations promulgated thereunder.

3 "Insurer" means (i) an entity that is subject to the
4 jurisdiction of the Director of Insurance and (ii) a managed
5 care plan.

6 "Labor organization" includes any organization, labor
7 union, craft union, or any voluntary unincorporated
8 association designed to further the cause of the rights of
9 union labor that is constituted for the purpose, in whole or in
10 part, of collective bargaining or of dealing with employers
11 concerning grievances, terms or conditions of employment, or
12 apprenticeships or applications for apprenticeships, or of
13 other mutual aid or protection in connection with employment,
14 including apprenticeships or applications for apprenticeships.

15 "Licensing agency" means a board, commission, committee,
16 council, department, or officers, except a judicial officer,
17 in this State or any political subdivision authorized to
18 grant, deny, renew, revoke, suspend, annul, withdraw, or amend
19 a license or certificate of registration.

20 "Limited data set" has the meaning ascribed to it under
21 HIPAA, as described in 45 CFR 164.514(e) (2).

22 "Managed care plan" means a plan that establishes,
23 operates, or maintains a network of health care providers that
24 have entered into agreements with the plan to provide health
25 care services to enrollees where the plan has the ultimate and
26 direct contractual obligation to the enrollee to arrange for

1 the provision of or pay for services through:

2 (1) organizational arrangements for ongoing quality
3 assurance, utilization review programs, or dispute
4 resolution; or

5 (2) financial incentives for persons enrolled in the
6 plan to use the participating providers and procedures
7 covered by the plan.

8 A managed care plan may be established or operated by any
9 entity including a licensed insurance company, hospital or
10 medical service plan, health maintenance organization, limited
11 health service organization, preferred provider organization,
12 third party administrator, or an employer or employee
13 organization.

14 "Minimum necessary" means HIPAA's standard for using,
15 disclosing, and requesting protected health information found
16 in 45 CFR 164.502(b) and 164.514(d).

17 "Nontherapeutic purpose" means a purpose that is not
18 intended to improve or preserve the life or health of the
19 individual whom the information concerns.

20 "Organized health care arrangement" has the meaning
21 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

22 "Patient safety activities" has the meaning ascribed to it
23 under 42 CFR 3.20.

24 "Payment" has the meaning ascribed to it under HIPAA, as
25 specified in 45 CFR 164.501.

26 "Person" includes any natural person, partnership,

1 association, joint venture, trust, governmental entity, public
2 or private corporation, health facility, or other legal
3 entity.

4 "Protected health information" has the meaning ascribed to
5 it under HIPAA, as specified in 45 CFR 164.103.

6 "Research" has the meaning ascribed to it under HIPAA, as
7 specified in 45 CFR 164.501.

8 "State agency" means an instrumentality of the State of
9 Illinois and any instrumentality of another state which
10 pursuant to applicable law or a written undertaking with an
11 instrumentality of the State of Illinois is bound to protect
12 the privacy of genetic information of Illinois persons.

13 "Treatment" has the meaning ascribed to it under HIPAA, as
14 specified in 45 CFR 164.501.

15 "Use" has the meaning ascribed to it under HIPAA, as
16 specified in 45 CFR 160.103, where context dictates.

17 (Source: P.A. 103-508, eff. 8-4-23; revised 7-19-24.)

18 Section 940. The Illinois Food, Drug and Cosmetic Act is
19 amended by changing Section 3.22 as follows:

20 (410 ILCS 620/3.22) (from Ch. 56 1/2, par. 503.22)

21 Sec. 3.22. (a) Whoever knowingly distributes, or possesses
22 with intent to distribute, human growth hormone for any use in
23 humans other than the treatment of a disease or other
24 recognized medical condition, where the use has been

1 authorized by the Secretary of Health and Human Services and
2 under the order of a physician, is guilty of a Class 3 felony,
3 and may be fined an amount not to exceed \$50,000. As used in
4 this Section, the term "human growth hormone" means somatrem,
5 somatropin, or an analog ~~analogue~~ of either of them.

6 (b) Whoever distributes, or possesses with intent to
7 distribute, a synthetic drug product or a drug that is
8 misbranded under this Act is guilty of a Class 2 felony and may
9 be fined an amount not to exceed \$100,000. A person convicted
10 of a second or subsequent violation of this Section is guilty
11 of a Class 1 felony, the fine for which shall not exceed
12 \$250,000.

13 (c) Whoever falsely advertises a synthetic drug product is
14 guilty of a Class 3 felony and may be fined an amount not to
15 exceed \$100,000.

16 (d) Whoever commits any offense set forth in this Section
17 and the offense involves an individual under 18 years of age is
18 punishable by not more than 10 years imprisonment, and twice
19 the fine authorized above. Any conviction for a violation of
20 this Section shall be considered a violation of the Illinois
21 Controlled Substances Act for the purposes of forfeiture under
22 Section 505 of such Act.

23 (e) Any person convicted under this Section is subject to
24 the forfeiture provisions set forth in subsections (c), (d),
25 (e), (f), (g), (h), and (i) of Section 3.23 of this Act.

26 (Source: P.A. 97-872, eff. 7-31-12; revised 7-19-24.)

1 Section 945. The Food Handling Regulation Enforcement Act
2 is amended by changing Section 4 as follows:

3 (410 ILCS 625/4)

4 Sec. 4. Cottage food operation.

5 (a) For the purpose of this Section:

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

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

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

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

24 "Department" means the Department of Public Health.

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

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

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

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

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

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

24 "Low-acid canned food" means any canned food with a
25 finished equilibrium pH greater than 4.6 and a water activity
26 greater than 0.85.

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

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

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

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

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

17 (1) (Blank).

18 (1.3) A cottage food operation must register with the
19 local health department for the unit of local government
20 in which it is located, but may sell products outside of
21 the unit of local government where the cottage food
22 operation is located. If a county does not have a local
23 health department, the county shall enter into an
24 agreement or contract with a local health department in an
25 adjacent county to register cottage food operations in the
26 jurisdiction of the county that does not have a health

1 department. The adjacent local health department where the
2 cottage food operation registers has the powers described
3 in subsection (d). A copy of the certificate of
4 registration must be available upon request by any local
5 health department.

6 (1.5) A cottage food operation shall not sell or offer
7 to sell the following food items or processed foods
8 containing the following food items, except as indicated:

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

10 (B) dairy, except as an ingredient in a baked good
11 or candy that is not a time/temperature control for
12 safety food, such as caramel, subject to paragraph
13 (4), or as an ingredient in a baked good frosting, such
14 as buttercream;

15 (C) eggs, except as an ingredient in a food that is
16 not a time/temperature control for safety food,
17 including dry noodles, or as an ingredient in a baked
18 good frosting, such as buttercream, if the eggs are
19 not raw;

20 (D) pumpkin pies, sweet potato pies, cheesecakes,
21 custard pies, creme pies, and pastries with
22 time/temperature control for safety foods that are
23 fillings or toppings;

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

26 (F) low-acid canned foods;

1 (G) sprouts;

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

5 (I) cut or pureed fresh tomato or melon;

6 (J) dehydrated tomato or melon;

7 (K) frozen cut melon;

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

9 (M) alcoholic beverages; or

10 (N) kombucha.

11 (1.6) In order to sell canned tomatoes or a canned
12 product containing tomatoes, a cottage food operator shall
13 either:

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

18 (B) submit the recipe, at the cottage food
19 operator's expense, to a commercial laboratory
20 according to the commercial laboratory's directions to
21 test that the product has been adequately acidified;
22 use only the varietal or proportionate varietals of
23 tomato included in the tested recipe for all
24 subsequent batches of such recipe; and provide
25 documentation of the annual test results of the recipe
26 submitted under this subparagraph upon registration

1 and to an inspector upon request during any inspection
2 authorized by subsection (d).

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

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

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

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

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

24 (B) A fermented or acidified food that is not
25 canned shall be sold in any container that is new,
26 clean, and seals properly and must be stored,

1 transported, and sold at or below 41 degrees.

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

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

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

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

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

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

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

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

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

15 (F) the date the product was processed; and

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

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

23 (9) In the case of a product that is difficult to
24 properly label or package, or for other reasons, the local
25 health department of the location where the product is
26 sold may grant permission to sell products that are not

1 prepackaged, in which case other prominent written notice
2 shall be provided to the purchaser.

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

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

16 (A) farmers' markets;

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

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

26 (D) delivery to the customer;

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

4 (F) mobile farmers markets.

5 (12) Only food that is not a time/temperature
6 ~~time or temperature~~ control for safety food may be
7 shipped. A cottage food product shall not be shipped out
8 of State. Each cottage food product that is shipped must
9 be sealed in a manner that reveals tampering, including,
10 but not limited to, a sticker or pop top.

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

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

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

24 (c) A local health department shall register any eligible
25 cottage food operation that meets the requirements of this
26 Section and shall issue a certificate of registration with an

1 identifying registration number to each registered cottage
2 food operation. A local health department may establish a
3 self-certification program for cottage food operators to
4 affirm compliance with applicable laws, rules, and
5 regulations. Registration shall be completed annually and the
6 local health department may impose a fee not to exceed \$50.

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

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

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

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

26 (e) A local health department that receives a consumer

1 complaint or a report of foodborne illness related to a
2 cottage food operator in another jurisdiction shall refer the
3 complaint or report to the local health department where the
4 cottage food operator is registered.

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

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

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

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

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

19 (g) A person who produces or packages a baked good that is
20 not a time/temperature control for safety food for sale by a
21 religious, charitable, or nonprofit organization for
22 fundraising purposes is exempt from the requirements of this
23 Section.

24 (h) A home rule unit may not regulate cottage food
25 operations in a manner inconsistent with the regulation by the
26 State of cottage food operations under this Section. This

1 Section is a limitation under subsection (i) of Section 6 of
2 Article VII of the Illinois Constitution on the concurrent
3 exercise by home rule units of powers and functions exercised
4 by the State.

5 (i) The Department may adopt rules as may be necessary to
6 implement the provisions of this Section.

7 (Source: P.A. 102-633, eff. 1-1-22; 103-903, eff. 1-1-25;
8 revised 11-25-24.)

9 Section 950. The Cannabis Regulation and Tax Act is
10 amended by changing Sections 7-30, 10-45, 15-20, 15-36, 15-70,
11 and 20-15 as follows:

12 (410 ILCS 705/7-30)

13 Sec. 7-30. Reporting. By January 1, 2021, and on January 1
14 of every year thereafter, or upon request by the Illinois
15 Cannabis Regulation Oversight Officer, each cannabis business
16 establishment licensed under this Act and the Compassionate
17 Use of Medical Cannabis Program Act shall report to the
18 Illinois Cannabis Regulation Oversight Officer, on a form to
19 be provided by the Illinois Cannabis Regulation Oversight
20 Officer, information that will allow it to assess the extent
21 of diversity in the medical and adult use cannabis industry
22 and methods for reducing or eliminating any identified
23 barriers to entry, including access to capital. Failure of a
24 cannabis business establishment to respond to the request of

1 the Cannabis Regulation Oversight Officer to complete the
2 form, report, and any other request for information may be
3 grounds for disciplinary action by the Department of Financial
4 and Professional Regulation or the Department of Agriculture.
5 The information to be collected shall be designed to identify
6 the following:

7 (1) the number and percentage of licenses provided to
8 Social Equity Applicants and to businesses owned by
9 minorities, women, veterans, and people with disabilities;

10 (2) the total number and percentage of employees in
11 the cannabis industry who meet the criteria in item (3) (i)
12 or (3) (ii) in the definition of Social Equity Applicant or
13 who are minorities, women, veterans, or people with
14 disabilities;

15 (3) the total number and percentage of contractors and
16 subcontractors in the cannabis industry that meet the
17 definition of a Social Equity Applicant or who are owned
18 by minorities, women, veterans, or people with
19 disabilities, if known to the cannabis business
20 establishment; and

21 (4) recommendations on reducing or eliminating any
22 identified barriers to entry, including access to capital,
23 in the cannabis industry.

24 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
25 revised 7-19-24.)

1 (410 ILCS 705/10-45)

2 Sec. 10-45. Cannabis Equity Commission.

3 (a) The Cannabis Equity Commission is created and shall
4 reflect the diversity of the State of Illinois, including
5 geographic, racial, and ethnic diversity. The Cannabis Equity
6 Commission shall be responsible for the following:

7 (1) Ensuring that equity goals in the Illinois
8 cannabis industry, as stated in Section 10-40, are met.

9 (2) Tracking and analyzing minorities in the
10 marketplace.

11 (3) Ensuring that revenue is being invested properly
12 into R3 areas under Section 10-40.

13 (4) Recommending changes to make the law more
14 equitable to communities harmed the most by the war on
15 drugs.

16 (5) Create standards to protect true social equity
17 applicants from predatory businesses.

18 (b) The Cannabis Equity Commission's ex officio members
19 shall, within 4 months after March 23, 2021 (the effective
20 date of Public Act 101-658) ~~this amendatory Act of the 101st~~
21 ~~General Assembly~~, convene the Commission to appoint a full
22 Cannabis Equity Commission and oversee, provide guidance to,
23 and develop an administrative structure for the Cannabis
24 Equity Commission. The ex officio members are:

25 (1) The Governor, or his or her designee, who shall
26 serve as chair.

1 (2) The Attorney General, or his or her designee.

2 (3) The Director of Commerce and Economic Opportunity,
3 or his or her designee.

4 (4) The Director of Public Health, or his or her
5 designee.

6 (5) The Director of Corrections, or his or her
7 designee.

8 (6) The Secretary ~~Director~~ of Financial and
9 Professional Regulation, or his or her designee.

10 (7) The Director of Agriculture, or his or her
11 designee.

12 (8) The Executive Director of the Illinois Criminal
13 Justice Information Authority, or his or her designee.

14 (9) The Secretary of Human Services, or his or her
15 designee.

16 (10) A member of the Senate, designated by the
17 President of the Senate.

18 (11) A member of the House of Representatives,
19 designated by the Speaker of the House of Representatives.

20 (12) A member of the Senate, designated by the
21 Minority Leader of the Senate.

22 (13) A member of the House of Representatives,
23 designated by the Minority Leader of the House of
24 Representatives.

25 (c) Within 90 days after the ex officio members convene,
26 the following members shall be appointed to the Commission by

1 the chair:

2 (1) Four community-based providers or community
3 development organization representatives who provide
4 services to treat violence and address the social
5 determinants of health, or promote community investment,
6 including, but not limited to, services such as job
7 placement and training, educational services, workforce
8 development programming, and wealth building. No more than
9 2 community-based organization representatives shall work
10 primarily in Cook County. At least one of the
11 community-based providers shall have expertise in
12 providing services to an immigrant population.

13 (2) Two experts in the field of violence reduction.

14 (3) One male who has previously been incarcerated and
15 is over the age of 24 at the time of appointment.

16 (4) One female who has previously been incarcerated
17 and is over the age of 24 at the time of appointment.

18 (5) Two individuals who have previously been
19 incarcerated and are between the ages of 17 and 24 at the
20 time of appointment.

21 As used in this subsection (c), "an individual who has
22 been previously incarcerated" has the same meaning as defined
23 in paragraph (2) of subsection (e) of Section 10-40.

24 (Source: P.A. 101-658, eff. 3-23-21; revised 7-19-24.)

25 (410 ILCS 705/15-20)

1 Sec. 15-20. Early Approval Adult Use Dispensing
2 Organization License; secondary site.

3 (a) Any medical cannabis dispensing organization holding a
4 valid registration under the Compassionate Use of Medical
5 Cannabis Program Act as of the effective date of this Act may,
6 within 60 days of the effective date of this Act, apply to the
7 Department for an Early Approval Adult Use Dispensing
8 Organization License to operate a dispensing organization to
9 serve purchasers at a secondary site not within 1,500 feet of
10 another medical cannabis dispensing organization or adult use
11 dispensing organization. The Early Approval Adult Use
12 Dispensing Organization secondary site shall be within any BLS
13 Region that shares territory with the dispensing organization
14 district to which the medical cannabis dispensing organization
15 is assigned under the administrative rules for dispensing
16 organizations under the Compassionate Use of Medical Cannabis
17 Program Act.

18 (a-5) If, within 360 days of the effective date of this
19 Act, a dispensing organization is unable to find a location
20 within the BLS Regions prescribed in subsection (a) of this
21 Section in which to operate an Early Approval Adult Use
22 Dispensing Organization at a secondary site because no
23 jurisdiction within the prescribed area allows the operation
24 of an Adult Use ~~Cannabis~~ Dispensing Organization, the
25 Department of Financial and Professional Regulation may waive
26 the geographic restrictions of subsection (a) of this Section

1 and specify another BLS Region into which the dispensary may
2 be placed.

3 (b) (Blank) .

4 (c) A medical cannabis dispensing organization seeking
5 issuance of an Early Approval Adult Use Dispensing
6 Organization License at a secondary site to serve purchasers
7 at a secondary site as prescribed in subsection (a) of this
8 Section shall submit an application on forms provided by the
9 Department. The application must meet or include the following
10 qualifications:

11 (1) a payment of a nonrefundable application fee of
12 \$30,000;

13 (2) proof of registration as a medical cannabis
14 dispensing organization that is in good standing;

15 (3) submission of the application by the same person
16 or entity that holds the medical cannabis dispensing
17 organization registration;

18 (4) the legal name of the medical cannabis dispensing
19 organization;

20 (5) the physical address of the medical cannabis
21 dispensing organization and the proposed physical address
22 of the secondary site;

23 (6) a copy of the current local zoning ordinance
24 Sections relevant to dispensary operations and
25 documentation of the approval, the conditional approval or
26 the status of a request for zoning approval from the local

1 zoning office that the proposed dispensary location is in
2 compliance with the local zoning rules;

3 (7) a plot plan of the dispensary drawn to scale. The
4 applicant shall submit general specifications of the
5 building exterior and interior layout;

6 (8) a statement that the dispensing organization
7 agrees to respond to the Department's supplemental
8 requests for information;

9 (9) for the building or land to be used as the proposed
10 dispensary:

11 (A) if the property is not owned by the applicant,
12 a written statement from the property owner and
13 landlord, if any, certifying consent that the
14 applicant may operate a dispensary on the premises; or

15 (B) if the property is owned by the applicant,
16 confirmation of ownership;

17 (10) a copy of the proposed operating bylaws;

18 (11) a copy of the proposed business plan that
19 complies with the requirements in this Act, including, at
20 a minimum, the following:

21 (A) a description of services to be offered; and

22 (B) a description of the process of dispensing
23 cannabis;

24 (12) a copy of the proposed security plan that
25 complies with the requirements in this Article, including:

26 (A) a description of the delivery process by which

1 cannabis will be received from a transporting
2 organization, including receipt of manifests and
3 protocols that will be used to avoid diversion, theft,
4 or loss at the dispensary acceptance point; and

5 (B) the process or controls that will be
6 implemented to monitor the dispensary, secure the
7 premises, agents, patients, and currency, and prevent
8 the diversion, theft, or loss of cannabis; and

9 (C) the process to ensure that access to the
10 restricted access areas is restricted to, registered
11 agents, service professionals, transporting
12 organization agents, Department inspectors, and
13 security personnel;

14 (13) a proposed inventory control plan that complies
15 with this Section;

16 (14) the name, address, social security number, and
17 date of birth of each principal officer and board member
18 of the dispensing organization; each of those individuals
19 shall be at least 21 years of age;

20 (15) a nonrefundable Cannabis Business Development Fee
21 equal to \$200,000, to be deposited into the Cannabis
22 Business Development Fund; and

23 (16) a commitment to completing one of the following
24 Social Equity Inclusion Plans in subsection (d).

25 (d) Before receiving an Early Approval Adult Use
26 Dispensing Organization License at a secondary site, a

1 dispensing organization shall indicate the Social Equity
2 Inclusion Plan that the applicant plans to achieve before the
3 expiration of the Early Approval Adult Use Dispensing
4 Organization License from the list below:

5 (1) make a contribution of 3% of total sales from June
6 1, 2018 to June 1, 2019, or \$100,000, whichever is less, to
7 the Cannabis Business Development Fund. This is in
8 addition to the fee required by paragraph (16) of
9 subsection (c) of this Section;

10 (2) make a grant of 3% of total sales from June 1, 2018
11 to June 1, 2019, or \$100,000, whichever is less, to a
12 cannabis industry training or education program at an
13 Illinois community college as defined in the Public
14 Community College Act;

15 (3) make a donation of \$100,000 or more to a program
16 that provides job training services to persons recently
17 incarcerated or that operates in a Disproportionately
18 Impacted Area;

19 (4) participate as a host in a cannabis business
20 establishment incubator program approved by the Department
21 of Commerce and Economic Opportunity, and in which an
22 Early Approval Adult Use Dispensing Organization License
23 at a secondary site holder agrees to provide a loan of at
24 least \$100,000 and mentorship to incubate, for at least a
25 year, a Social Equity Applicant intending to seek a
26 license or a licensee that qualifies as a Social Equity

1 Applicant. In this paragraph (4), "incubate" means
2 providing direct financial assistance and training
3 necessary to engage in licensed cannabis industry activity
4 similar to that of the host licensee. The Early Approval
5 Adult Use Dispensing Organization License holder or the
6 same entity holding any other licenses issued under this
7 Act shall not take an ownership stake of greater than 10%
8 in any business receiving incubation services to comply
9 with this subsection. If an Early Approval Adult Use
10 Dispensing Organization License at a secondary site holder
11 fails to find a business to incubate in order to comply
12 with this subsection before its Early Approval Adult Use
13 Dispensing Organization License at a secondary site
14 expires, it may opt to meet the requirement of this
15 subsection by completing another item from this subsection
16 before the expiration of its Early Approval Adult Use
17 Dispensing Organization License at a secondary site to
18 avoid a penalty; or

19 (5) participate in a sponsorship program for at least
20 2 years approved by the Department of Commerce and
21 Economic Opportunity in which an Early Approval Adult Use
22 Dispensing Organization License at a secondary site holder
23 agrees to provide an interest-free loan of at least
24 \$200,000 to a Social Equity Applicant. The sponsor shall
25 not take an ownership stake of greater than 10% in any
26 business receiving sponsorship services to comply with

1 this subsection.

2 (e) The license fee required by paragraph (1) of
3 subsection (c) of this Section is in addition to any license
4 fee required for the renewal of a registered medical cannabis
5 dispensing organization license.

6 (f) Applicants must submit all required information,
7 including the requirements in subsection (c) of this Section,
8 to the Department. Failure by an applicant to submit all
9 required information may result in the application being
10 disqualified. Principal officers shall not be required to
11 submit to the fingerprint and background check requirements of
12 Section 5-20.

13 (g) If the Department receives an application that fails
14 to provide the required elements contained in subsection (c),
15 the Department shall issue a deficiency notice to the
16 applicant. The applicant shall have 10 calendar days from the
17 date of the deficiency notice to submit complete information.
18 Applications that are still incomplete after this opportunity
19 to cure may be disqualified.

20 (h) Once all required information and documents have been
21 submitted, the Department will review the application. The
22 Department may request revisions and retains final approval
23 over dispensary features. Once the application is complete and
24 meets the Department's approval, the Department shall
25 conditionally approve the license. Final approval is
26 contingent on the build-out and Department inspection.

1 (i) Upon submission of the Early Approval Adult Use
2 Dispensing Organization at a secondary site application, the
3 applicant shall request an inspection and the Department may
4 inspect the Early Approval Adult Use Dispensing Organization's
5 secondary site to confirm compliance with the application and
6 this Act.

7 (j) The Department shall only issue an Early Approval
8 Adult Use Dispensing Organization License at a secondary site
9 after the completion of a successful inspection.

10 (k) If an applicant passes the inspection under this
11 Section, the Department shall issue the Early Approval Adult
12 Use Dispensing Organization License at a secondary site within
13 10 business days unless:

14 (1) the ~~The~~ licensee, any principal officer or board
15 member of the licensee, or any person having a financial
16 or voting interest of 5% or greater in the licensee is
17 delinquent in filing any required tax returns or paying
18 any amounts owed to the State of Illinois; or

19 (2) the ~~The~~ Secretary of Financial and Professional
20 Regulation determines there is reason, based on documented
21 compliance violations, the licensee is not entitled to an
22 Early Approval Adult Use Dispensing Organization License
23 at its secondary site.

24 (1) Once the Department has issued a license, the
25 dispensing organization shall notify the Department of the
26 proposed opening date.

1 (m) A registered medical cannabis dispensing organization
2 that obtains an Early Approval Adult Use Dispensing
3 Organization License at a secondary site may begin selling
4 cannabis, cannabis-infused products, paraphernalia, and
5 related items to purchasers under the rules of this Act no
6 sooner than January 1, 2020.

7 (n) If there is a shortage of cannabis or cannabis-infused
8 products, a dispensing organization holding both a dispensing
9 organization license under the Compassionate Use of Medical
10 Cannabis Program Act and this Article shall prioritize serving
11 qualifying patients and caregivers before serving purchasers.

12 (o) An Early Approval Adult Use Dispensing Organization
13 License at a secondary site is valid until March 31, 2021. A
14 dispensing organization that obtains an Early Approval Adult
15 Use Dispensing Organization License at a secondary site shall
16 receive written or electronic notice 90 days before the
17 expiration of the license that the license will expire, and
18 inform the license holder that it may renew its Early Approval
19 Adult Use Dispensing Organization License at a secondary site.
20 The Department shall renew an Early Approval Adult Use
21 Dispensing Organization License at a secondary site within 60
22 days of submission of the renewal application being deemed
23 complete if:

24 (1) the dispensing organization submits an application
25 and the required nonrefundable renewal fee of \$30,000, to
26 be deposited into the Cannabis Regulation Fund;

1 (2) the Department has not suspended or permanently
2 revoked the Early Approval Adult Use Dispensing
3 Organization License or a medical cannabis dispensing
4 organization license held by the same person or entity for
5 violating this Act or rules adopted under this Act or the
6 Compassionate Use of Medical Cannabis Program Act or rules
7 adopted under that Act; and

8 (3) the dispensing organization has completed a Social
9 Equity Inclusion Plan provided by paragraph (1), (2), or
10 (3) of subsection (d) of this Section or has made
11 substantial progress toward completing a Social Equity
12 Inclusion Plan provided by paragraph (4) or (5) of
13 subsection (d) of this Section.

14 (p) The Early Approval Adult Use Dispensing Organization
15 Licensee at a secondary site renewed pursuant to subsection
16 (o) shall receive written or electronic notice 90 days before
17 the expiration of the license that the license will expire,
18 and that informs the license holder that it may apply for an
19 Adult Use Dispensing Organization License on forms provided by
20 the Department. The Department shall grant an Adult Use
21 Dispensing Organization License within 60 days of an
22 application being deemed complete if the applicant has meet
23 all of the criteria in Section 15-36.

24 (q) If a dispensing organization fails to submit an
25 application for renewal of an Early Approval Adult Use
26 Dispensing Organization License or for an Adult Use Dispensing

1 Organization License before the expiration dates provided in
2 subsections (o) and (p) of this Section, the dispensing
3 organization shall cease serving purchasers until it receives
4 a renewal or an Adult Use Dispensing Organization License.

5 (r) A dispensing organization agent who holds a valid
6 dispensing organization agent identification card issued under
7 the Compassionate Use of Medical Cannabis Program Act and is
8 an officer, director, manager, or employee of the dispensing
9 organization licensed under this Section may engage in all
10 activities authorized by this Article to be performed by a
11 dispensing organization agent.

12 (s) If the Department suspends, permanently revokes, or
13 otherwise disciplines the Early Approval Adult Use Dispensing
14 Organization License of a dispensing organization that also
15 holds a medical cannabis dispensing organization license
16 issued under the Compassionate Use of Medical Cannabis Program
17 Act, the Department may consider the suspension, permanent
18 revocation, or other discipline as grounds to take
19 disciplinary action against the medical cannabis dispensing
20 organization.

21 (t) All fees collected pursuant to this Section shall be
22 deposited into the Cannabis Regulation Fund, unless otherwise
23 specified.

24 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
25 revised 7-19-24.)

1 (410 ILCS 705/15-36)

2 Sec. 15-36. Adult Use Dispensing Organization License.

3 (a) A person is only eligible to receive an Adult Use
4 Dispensing Organization License if the person has been awarded
5 a Conditional Adult Use Dispensing Organization License
6 pursuant to this Act or has renewed its license pursuant to
7 subsection (k) of Section 15-15 or subsection (p) of Section
8 15-20.

9 (b) The Department shall not issue an Adult Use Dispensing
10 Organization License until:

11 (1) the Department has inspected the dispensary site
12 and proposed operations and verified that they are in
13 compliance with this Act and local zoning laws;

14 (2) the Conditional Adult Use Dispensing Organization
15 License holder has paid a license fee of \$60,000 or a
16 prorated amount accounting for the difference of time
17 between when the Adult Use Dispensing Organization License
18 is issued and March 31 of the next even-numbered year; and

19 (3) the Conditional Adult Use Dispensing Organization
20 License holder has met all the requirements in this Act
21 and rules.

22 (c) No person or entity shall hold any legal, equitable,
23 ownership, or beneficial interest, directly or indirectly, of
24 more than 10 dispensing organizations licensed under this
25 Article. Further, no person or entity that is:

26 (1) employed by, is an agent of, or participates in

1 the management of a dispensing organization or registered
2 medical cannabis dispensing organization;

3 (2) a principal officer of a dispensing organization
4 or registered medical cannabis dispensing organization; or

5 (3) an entity controlled by or affiliated with a
6 principal officer of a dispensing organization or
7 registered medical cannabis dispensing organization;

8 shall hold any legal, equitable, ownership, or beneficial
9 interest, directly or indirectly, in a dispensing organization
10 that would result in such person or entity owning or
11 participating in the management of more than 10 Early Approval
12 Adult Use Dispensing Organization Licenses, Early Approval
13 Adult Use Dispensing Organization Licenses at a secondary
14 site, Conditional Adult Use Dispensing Organization Licenses,
15 or Adult Use Dispensing Organization Licenses. For the purpose
16 of this subsection, participating in management may include,
17 without limitation, controlling decisions regarding staffing,
18 pricing, purchasing, marketing, store design, hiring, and
19 website design.

20 (d) The Department shall deny an application if granting
21 that application would result in a person or entity obtaining
22 direct or indirect financial interest in more than 10 Early
23 Approval Adult Use Dispensing Organization Licenses,
24 Conditional Adult Use Dispensing Organization Licenses, Adult
25 Use Dispensing Organization Licenses, or any combination
26 thereof. If a person or entity is awarded a Conditional Adult

1 Use Dispensing Organization License that would cause the
2 person or entity to be in violation of this subsection, he,
3 she, or it shall choose which license application it wants to
4 abandon and such licenses shall become available to the next
5 qualified applicant in the region in which the abandoned
6 license was awarded.

7 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
8 revised 7-19-24.)

9 (410 ILCS 705/15-70)

10 Sec. 15-70. Operational requirements; prohibitions.

11 (a) A dispensing organization shall operate in accordance
12 with the representations made in its application and license
13 materials. It shall be in compliance with this Act and rules.

14 (b) A dispensing organization must include the legal name
15 of the dispensary on the packaging of any cannabis product it
16 sells.

17 (c) All cannabis, cannabis-infused products, and cannabis
18 seeds must be obtained from an Illinois registered adult use
19 cultivation center, craft grower, infuser, or another
20 dispensary.

21 (d) Dispensing organizations are prohibited from selling
22 any product containing alcohol except tinctures, which must be
23 limited to containers that are no larger than 100 milliliters.

24 (e) A dispensing organization shall inspect and count
25 product received from a transporting organization, adult use

1 cultivation center, craft grower, infuser organization, or
2 other dispensing organization before dispensing it.

3 (f) A dispensing organization may only accept cannabis
4 deliveries into a restricted access area. Deliveries may not
5 be accepted through the public or limited access areas unless
6 otherwise approved by the Department.

7 (g) A dispensing organization shall maintain compliance
8 with State and local building, fire, and zoning requirements
9 or regulations.

10 (h) A dispensing organization shall submit a list to the
11 Department of the names of all service professionals that will
12 work at the dispensary. The list shall include a description
13 of the type of business or service provided. Changes to the
14 service professional list shall be promptly provided. No
15 service professional shall work in the dispensary until the
16 name is provided to the Department on the service professional
17 list.

18 (i) A dispensing organization's license allows for a
19 dispensary to be operated only at a single location.

20 (j) A dispensary may operate between 6 a.m. and 10 p.m.
21 local time.

22 (k) A dispensing organization must keep all lighting
23 outside and inside the dispensary in good working order and
24 wattage sufficient for security cameras.

25 (l) A dispensing organization must keep all air treatment
26 systems that will be installed to reduce odors in good working

1 order.

2 (m) A dispensing organization must contract with a private
3 security contractor that is licensed under Section 10-5 of the
4 Private Detective, Private Alarm, Private Security,
5 Fingerprint Vendor, and Locksmith Act of 2004 to provide
6 on-site security at all hours of the dispensary's operation.

7 (n) A dispensing organization shall ensure that any
8 building or equipment used by a dispensing organization for
9 the storage or sale of cannabis is maintained in a clean and
10 sanitary condition.

11 (o) The dispensary shall be free from infestation by
12 insects, rodents, or pests.

13 (p) A dispensing organization shall not:

14 (1) Produce or manufacture cannabis;

15 (2) Accept a cannabis product from an adult use
16 cultivation center, craft grower, infuser, dispensing
17 organization, or transporting organization unless it is
18 pre-packaged and labeled in accordance with this Act and
19 any rules that may be adopted pursuant to this Act;

20 (3) Obtain cannabis or cannabis-infused products from
21 outside the State of Illinois;

22 (4) Sell cannabis or cannabis-infused products to a
23 purchaser unless the dispensing organization is licensed
24 under the Compassionate Use of Medical Cannabis Program
25 Act, and the individual is registered under the
26 Compassionate Use of Medical Cannabis Program or the

1 purchaser has been verified to be 21 years of age or older;

2 (5) Enter into an exclusive agreement with any adult
3 use cultivation center, craft grower, or infuser.
4 Dispensaries shall provide consumers an assortment of
5 products from various cannabis business establishment
6 licensees such that the inventory available for sale at
7 any dispensary from any single cultivation center, craft
8 grower, processor, transporter, or infuser entity shall
9 not be more than 40% of the total inventory available for
10 sale. For the purpose of this subsection, a cultivation
11 center, craft grower, processor, or infuser shall be
12 considered part of the same entity if the licensees share
13 at least one principal officer. The Department may request
14 that a dispensary diversify its products as needed or
15 otherwise discipline a dispensing organization for
16 violating this requirement;

17 (6) Refuse to conduct business with an adult use
18 cultivation center, craft grower, transporting
19 organization, or infuser that has the ability to properly
20 deliver the product and is permitted by the Department of
21 Agriculture, on the same terms as other adult use
22 cultivation centers, craft growers, infusers, or
23 transporters with whom it is dealing;

24 (7) Operate drive-through windows;

25 (8) Allow for the dispensing of cannabis or
26 cannabis-infused products in vending machines;

1 (9) Transport cannabis to residences or other
2 locations where purchasers may be for delivery;

3 (10) Enter into agreements to allow persons who are
4 not dispensing organization agents to deliver cannabis or
5 to transport cannabis to purchasers;

6 (11) Operate a dispensary if its video surveillance
7 equipment is inoperative;

8 (12) Operate a dispensary if the point-of-sale
9 equipment is inoperative;

10 (13) Operate a dispensary if the State's cannabis
11 electronic verification system is inoperative;

12 (14) Have fewer than 2 people working at the
13 dispensary at any time while the dispensary is open;

14 (15) Be located within 1,500 feet of the property line
15 of a pre-existing dispensing organization, unless the
16 applicant is a Social Equity Applicant or Social Equity
17 Justice Involved Applicant located or seeking to locate
18 within 1,500 feet of a dispensing organization licensed
19 under Section 15-15 or Section 15-20;

20 (16) Sell clones or any other live plant material;

21 (17) Sell cannabis, cannabis concentrate, or
22 cannabis-infused products in combination or bundled with
23 each other or any other items for one price, and each item
24 of cannabis, concentrate, or cannabis-infused product must
25 be separately identified by quantity and price on the
26 receipt;

1 (18) Violate any other requirements or prohibitions
2 set by Department rules.

3 (q) It is unlawful for any person having an Early Approval
4 Adult Use ~~Cannabis~~ Dispensing Organization License, a
5 Conditional Adult Use ~~Cannabis~~ Dispensing Organization
6 License, an Adult Use Dispensing Organization License, or a
7 medical cannabis dispensing organization license issued under
8 the Compassionate Use of Medical Cannabis Program Act or any
9 officer, associate, member, representative, or agent of such
10 licensee to accept, receive, or borrow money or anything else
11 of value or accept or receive credit (other than merchandising
12 credit in the ordinary course of business for a period not to
13 exceed 30 days) directly or indirectly from any adult use
14 cultivation center, craft grower, infuser, or transporting
15 organization in exchange for preferential placement on the
16 dispensing organization's shelves, display cases, or website.
17 This includes anything received or borrowed or from any
18 stockholders, officers, agents, or persons connected with an
19 adult use cultivation center, craft grower, infuser, or
20 transporting organization.

21 (r) It is unlawful for any person having an Early Approval
22 Adult Use ~~Cannabis~~ Dispensing Organization License, a
23 Conditional Adult Use ~~Cannabis~~ Dispensing Organization
24 License, an Adult Use Dispensing Organization License, or a
25 medical cannabis dispensing organization license issued under
26 the Compassionate Use of Medical Cannabis Program to enter

1 into any contract with any person licensed to cultivate,
2 process, or transport cannabis whereby such dispensing
3 organization agrees not to sell any cannabis cultivated,
4 processed, transported, manufactured, or distributed by any
5 other cultivator, transporter, or infuser, and any provision
6 in any contract violative of this Section shall render the
7 whole of such contract void and no action shall be brought
8 thereon in any court.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
10 102-98, eff. 7-15-21; revised 7-23-24.)

11 (410 ILCS 705/20-15)

12 Sec. 20-15. Conditional Adult Use Cultivation Center
13 application.

14 (a) If the Department of Agriculture makes available
15 additional cultivation center licenses pursuant to Section
16 20-5, applicants for a Conditional Adult Use Cultivation
17 Center License shall electronically submit the following in
18 such form as the Department of Agriculture may direct:

19 (1) the nonrefundable application fee set by rule by
20 the Department of Agriculture, to be deposited into the
21 Cannabis Regulation Fund;

22 (2) the legal name of the cultivation center;

23 (3) the proposed physical address of the cultivation
24 center;

25 (4) the name, address, social security number, and

1 date of birth of each principal officer and board member
2 of the cultivation center; each principal officer and
3 board member shall be at least 21 years of age;

4 (5) the details of any administrative or judicial
5 proceeding in which any of the principal officers or board
6 members of the cultivation center (i) pled guilty, were
7 convicted, were fined, or had a registration or license
8 suspended or revoked, or (ii) managed or served on the
9 board of a business or non-profit organization that pled
10 guilty, was convicted, was fined, or had a registration or
11 license suspended or revoked;

12 (6) proposed operating bylaws that include procedures
13 for the oversight of the cultivation center, including the
14 development and implementation of a plant monitoring
15 system, accurate recordkeeping, staffing plan, and
16 security plan approved by the Illinois State Police that
17 are in accordance with the rules issued by the Department
18 of Agriculture under this Act. A physical inventory shall
19 be performed of all plants and cannabis on a weekly basis
20 by the cultivation center;

21 (7) verification from the Illinois State Police that
22 all background checks of the prospective principal
23 officers, board members, and agents of the cannabis
24 business establishment have been conducted;

25 (8) a copy of the current local zoning ordinance or
26 permit and verification that the proposed cultivation

1 center is in compliance with the local zoning rules and
2 distance limitations established by the local
3 jurisdiction;

4 (9) proposed employment practices, in which the
5 applicant must demonstrate a plan of action to inform,
6 hire, and educate minorities, women, veterans, and persons
7 with disabilities, engage in fair labor practices, and
8 provide worker protections;

9 (10) whether an applicant can demonstrate experience
10 in or business practices that promote economic empowerment
11 in Disproportionately Impacted Areas;

12 (11) experience with the cultivation of agricultural
13 or horticultural products, operating an agriculturally
14 related business, or operating a horticultural business;

15 (12) a description of the enclosed, locked facility
16 where cannabis will be grown, harvested, manufactured,
17 processed, packaged, or otherwise prepared for
18 distribution to a dispensing organization;

19 (13) a survey of the enclosed, locked facility,
20 including the space used for cultivation;

21 (14) cultivation, processing, inventory, and packaging
22 plans;

23 (15) a description of the applicant's experience with
24 agricultural cultivation techniques and industry
25 standards;

26 (16) a list of any academic degrees, certifications,

1 or relevant experience of all prospective principal
2 officers, board members, and agents of the related
3 business;

4 (17) the identity of every person having a financial
5 or voting interest of 5% or greater in the cultivation
6 center operation with respect to which the license is
7 sought, whether a trust, corporation, partnership, limited
8 liability company, or sole proprietorship, including the
9 name and address of each person;

10 (18) a plan describing how the cultivation center will
11 address each of the following:

12 (i) energy needs, including estimates of monthly
13 electricity and gas usage, to what extent it will
14 procure energy from a local utility or from on-site
15 generation, and if it has or will adopt a sustainable
16 energy use and energy conservation policy;

17 (ii) water needs, including estimated water draw
18 and if it has or will adopt a sustainable water use and
19 water conservation policy; and

20 (iii) waste management, including if it has or
21 will adopt a waste reduction policy;

22 (19) a diversity plan that includes a narrative of not
23 more than 2,500 words that establishes a goal of diversity
24 in ownership, management, employment, and contracting to
25 ensure that diverse participants and groups are afforded
26 equality of opportunity;

1 (20) any other information required by rule;

2 (21) a recycling plan:

3 (A) Purchaser packaging, including cartridges,
4 shall be accepted by the applicant and recycled.

5 (B) Any recyclable waste generated by the cannabis
6 cultivation facility shall be recycled per applicable
7 State and local laws, ordinances, and rules.

8 (C) Any cannabis waste, liquid waste, or hazardous
9 waste shall be disposed of in accordance with 8 Ill.
10 Adm. Code 1000.460, except, to the greatest extent
11 feasible, all cannabis plant waste will be rendered
12 unusable by grinding and incorporating the cannabis
13 plant waste with compostable mixed waste to be
14 disposed of in accordance with 8 Ill. Adm. Code
15 1000.460(g)(1);

16 (22) commitment to comply with local waste provisions:
17 a cultivation facility must remain in compliance with
18 applicable State and federal environmental requirements,
19 including, but not limited to:

20 (A) storing, securing, and managing all
21 recyclables and waste, including organic waste
22 composed of or containing finished cannabis and
23 cannabis products, in accordance with applicable State
24 and local laws, ordinances, and rules; and

25 (B) disposing liquid waste containing cannabis or
26 byproducts of cannabis processing in compliance with

1 all applicable State and federal requirements,
2 including, but not limited to, the cannabis
3 cultivation facility's permits under Title X of the
4 Environmental Protection Act; and

5 (23) a commitment to a technology standard for
6 resource efficiency of the cultivation center facility.

7 (A) A cannabis cultivation facility commits to use
8 resources efficiently, including energy and water. For
9 the following, a cannabis cultivation facility commits
10 to meet or exceed the technology standard identified
11 in items (i), (ii), (iii), and (iv), which may be
12 modified by rule:

13 (i) lighting systems, including light bulbs;

14 (ii) HVAC system;

15 (iii) water application system to the crop;

16 and

17 (iv) filtration system for removing
18 contaminants from wastewater.

19 (B) Lighting. The Lighting Power Densities (LPD)
20 for cultivation space commits to not exceed an average
21 of 36 watts per gross square foot of active and growing
22 space canopy, or all installed lighting technology
23 shall meet a photosynthetic photon efficacy (PPE) of
24 no less than 2.2 micromoles per joule fixture and
25 shall be featured on the DesignLights Consortium (DLC)
26 Horticultural Specification Qualified Products List

1 (QPL). In the event that DLC requirement for minimum
2 efficacy exceeds 2.2 micromoles per joule fixture,
3 that PPE shall become the new standard.

4 (C) HVAC.

5 (i) For cannabis grow operations with less
6 than 6,000 square feet of canopy, the licensee
7 commits that all HVAC units will be
8 high-efficiency ductless split HVAC units, or
9 other more energy efficient equipment.

10 (ii) For cannabis grow operations with 6,000
11 square feet of canopy or more, the licensee
12 commits that all HVAC units will be variable
13 refrigerant flow HVAC units, or other more energy
14 efficient equipment.

15 (D) Water application.

16 (i) The cannabis cultivation facility commits
17 to use automated watering systems, including, but
18 not limited to, drip irrigation and flood tables,
19 to irrigate cannabis crop.

20 (ii) The cannabis cultivation facility commits
21 to measure runoff from watering events and report
22 this volume in its water usage plan, and that on
23 average, watering events shall have no more than
24 20% of runoff of water.

25 (E) Filtration. The cultivator commits that HVAC
26 condensate, dehumidification water, excess runoff, and

1 other wastewater produced by the cannabis cultivation
2 facility shall be captured and filtered to the best of
3 the facility's ability to achieve the quality needed
4 to be reused in subsequent watering rounds.

5 (F) Reporting energy use and efficiency as
6 required by rule.

7 (b) Applicants must submit all required information,
8 including the information required in Section 20-10, to the
9 Department of Agriculture. Failure by an applicant to submit
10 all required information may result in the application being
11 disqualified.

12 (c) If the Department of Agriculture receives an
13 application with missing information, the Department of
14 Agriculture may issue a deficiency notice to the applicant.
15 The applicant shall have 10 calendar days from the date of the
16 deficiency notice to resubmit the incomplete information.
17 Applications that are still incomplete after this opportunity
18 to cure will not be scored and will be disqualified.

19 (d) (Blank).

20 (e) A cultivation center that is awarded a Conditional
21 Adult Use Cultivation Center License pursuant to the criteria
22 in Section 20-20 shall not grow, purchase, possess, or sell
23 cannabis or cannabis-infused products until the person has
24 received an Adult Use Cultivation Center License issued by the
25 Department of Agriculture pursuant to Section 20-21 of this
26 Act.

1 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
2 102-538, eff. 8-20-21; revised 7-23-24.)

3 Section 955. The Environmental Protection Act is amended
4 by changing Sections 9.2, 12, 12.7, 39.5, 57.4, 57.5, 57.8,
5 57.9, 59.1, 59.9, and 59.10 and by setting forth, renumbering,
6 and changing multiple versions of Section 22.23e as follows:

7 (415 ILCS 5/9.2) (from Ch. 111 1/2, par. 1009.2)

8 Sec. 9.2. Sulfur dioxide emission standards.

9 ~~(a) (Blank.)~~

10 ~~(b)~~ In granting any alternative emission standard or
11 variance relating to sulfur dioxide emissions from a
12 coal-burning stationary source, the Board may require the use
13 of Illinois coal as a condition of such alternative standard
14 or variance, provided that the Board determines that Illinois
15 coal of the proper quality is available and competitive in
16 price; such determination shall include consideration of the
17 cost of pollution control equipment and the economic impact on
18 the Illinois coal mining industry.

19 (Source: P.A. 92-574, eff. 9-26-02; revised 7-24-24.)

20 (415 ILCS 5/12) (from Ch. 111 1/2, par. 1012)

21 Sec. 12. Actions prohibited. No person shall:

22 (a) Cause or threaten or allow the discharge of any
23 contaminants into the environment in any State so as to

1 cause or tend to cause water pollution in Illinois, either
2 alone or in combination with matter from other sources, or
3 so as to violate regulations or standards adopted by the
4 Pollution Control Board under this Act. Notwithstanding
5 any provision of law to the contrary, compliance with the
6 terms and conditions of a permit issued under Section
7 39(b) of this ~~the~~ Act for a permit that authorizes reuse of
8 wastewater for irrigation shall be deemed compliance with
9 this subsection.

10 (b) Construct, install, or operate any equipment,
11 facility, vessel, or aircraft capable of causing or
12 contributing to water pollution, or designed to prevent
13 water pollution, of any type designated by Board
14 regulations, without a permit granted by the Agency, or in
15 violation of any conditions imposed by such permit.

16 (c) Increase the quantity or strength of any discharge
17 of contaminants into the waters, or construct or install
18 any sewer or sewage treatment facility or any new outlet
19 for contaminants into the waters of this State, without a
20 permit granted by the Agency.

21 (d) Deposit any contaminants upon the land in such
22 place and manner so as to create a water pollution hazard.

23 (e) Sell, offer, or use any article in any area in
24 which the Board has by regulation forbidden its sale,
25 offer, or use for reasons of water pollution control.

26 (f) Cause, threaten, or allow the discharge of any

1 contaminant into the waters of the State, as defined
2 herein, including, but not limited to, waters to any
3 sewage works, or into any well or from any point source
4 within the State, without an NPDES permit for point source
5 discharges issued by the Agency under Section 39(b) of
6 this Act, or in violation of any term or condition imposed
7 by such permit, or in violation of any NPDES permit filing
8 requirement established under Section 39(b), or in
9 violation of any regulations adopted by the Board or of
10 any order adopted by the Board with respect to the NPDES
11 program.

12 No permit shall be required under this subsection and
13 under Section 39(b) of this Act for any discharge for
14 which a permit is not required under the Federal Water
15 Pollution Control Act, as now or hereafter amended, and
16 regulations pursuant thereto.

17 For all purposes of this Act, a permit issued by the
18 Administrator of the United States Environmental
19 Protection Agency under Section 402 of the Federal Water
20 Pollution Control Act, as now or hereafter amended, shall
21 be deemed to be a permit issued by the Agency pursuant to
22 Section 39(b) of this Act. However, this shall not apply
23 to the exclusion from the requirement of an operating
24 permit provided under Section 13(b) (i).

25 Compliance with the terms and conditions of any permit
26 issued under Section 39(b) of this Act shall be deemed

1 compliance with this subsection except that it shall not
2 be deemed compliance with any standard or effluent
3 limitation imposed for a toxic pollutant injurious to
4 human health.

5 In any case where a permit has been timely applied for
6 pursuant to Section 39(b) of this Act but final
7 administrative disposition of such application has not
8 been made, it shall not be a violation of this subsection
9 to discharge without such permit unless the complainant
10 proves that final administrative disposition has not been
11 made because of the failure of the applicant to furnish
12 information reasonably required or requested in order to
13 process the application.

14 (g) Cause, threaten, or allow the underground
15 injection of contaminants without a UIC permit issued by
16 the Agency under Section 39(d) of this Act, or in
17 violation of any term or condition imposed by such permit,
18 or in violation of any regulations or standards adopted by
19 the Board or of any order adopted by the Board with respect
20 to the UIC program.

21 No permit shall be required under this subsection and
22 under Section 39(d) of this Act for any underground
23 injection of contaminants for which a permit is not
24 required under Part C of the Safe Drinking Water Act (P.L.
25 93-523), as amended, unless a permit is authorized or
26 required under regulations adopted by the Board pursuant

1 to Section 13 of this Act.

2 (h) Introduce contaminants into a sewage works from
3 any nondomestic source except in compliance with the
4 regulations and standards adopted by the Board under this
5 Act.

6 (i) Beginning January 1, 2013 or 6 months after the
7 date of issuance of a general NPDES permit for surface
8 discharging private sewage disposal systems by the
9 Illinois Environmental Protection Agency or by the United
10 States Environmental Protection Agency, whichever is
11 later, construct or install a surface discharging private
12 sewage disposal system that discharges into the waters of
13 the United States, as that term is used in the Federal
14 Water Pollution Control Act, unless he or she has a
15 coverage letter under a NPDES permit issued by the
16 Illinois Environmental Protection Agency or by the United
17 States Environmental Protection Agency or he or she is
18 constructing or installing the surface discharging private
19 sewage disposal system in a jurisdiction in which the
20 local public health department has a general NPDES permit
21 issued by the Illinois Environmental Protection Agency or
22 by the United States Environmental Protection Agency and
23 the surface discharging private sewage disposal system is
24 covered under the general NPDES permit.

25 (Source: P.A. 103-801, eff. 1-1-25; revised 11-25-24.)

1 (415 ILCS 5/12.7)

2 Sec. 12.7. Wastewater reuse. Notwithstanding any other
3 provision of law, the use of treated municipal wastewater from
4 a publicly owned treatment works is authorized for irrigation
5 when conducted in accordance with a permit issued under
6 Section 39(b) of this ~~the~~ Act.

7 (Source: P.A. 103-801, eff. 1-1-25; revised 12-1-24.)

8 (415 ILCS 5/22.23e)

9 Sec. 22.23e. Paint and paint-related wastes.

10 (a) As used in this Section:

11 "Paint" means a pigmented or unpigmented powder coating,
12 or a pigmented or unpigmented mixture of binder and suitable
13 liquid, that forms an adherent coating when applied to a
14 surface. Powder coating is a surface coating that is applied
15 as a dry powder and is fused into a continuous coating film
16 through the use of heat. "Paint" includes architectural paint
17 as defined in the Paint Stewardship Act.

18 "Paint-related waste" is (i) material contaminated with
19 paint that results from the packaging of paint, wholesale and
20 retail operations, paint manufacturing, and paint application
21 or removal activities or (ii) material derived from the
22 reclamation of paint-related wastes that is recycled in a
23 manner other than burning for energy recovery or used in a
24 manner constituting disposal.

25 (b) (1) Paint and paint-related waste that are hazardous

1 waste are hereby designated as a category of universal waste
2 subject to the streamlined hazardous waste rules set forth in
3 35 Ill. Adm. Code 733. Within 60 days after January 1, 2025
4 (the effective date of Public Act 103-887) ~~this amendatory Act~~
5 ~~of the 103rd General Assembly~~, the Agency shall propose, and
6 within 180 days after receipt of the Agency's proposal the
7 Board shall adopt, rules that reflect this designation and
8 that prescribe procedures and standards for the management of
9 hazardous waste paint and paint-related waste as a universal
10 waste consistent with the provisions set forth within this
11 Section.

12 (2) If the United States Environmental Protection Agency
13 adopts streamlined hazardous waste regulations pertaining to
14 the management of hazardous waste paint or paint-related
15 waste, or otherwise exempts such paint or paint-related waste
16 from regulation as hazardous waste, the Board shall adopt an
17 equivalent rule in accordance with Section 7.2 of this Act
18 within 180 days of adoption of the federal regulation. The
19 equivalent Board rule may serve as an alternative to the rules
20 adopted under paragraph (1) of this subsection (b).

21 (c) Until the Board adopts rules pursuant to paragraph (1)
22 of subsection (b) that prescribe procedures and standards for
23 the management of hazardous waste paint and paint-related
24 waste by small quantity handlers of universal waste, the
25 following requirements shall apply to small quantity handlers
26 of universal waste managing hazardous waste paint and

1 paint-related waste as a universal waste:

2 (1) Waste Management. A small quantity handler of
3 universal waste shall manage universal waste paint and
4 paint-related waste in a way that prevents releases of any
5 universal waste or any component of universal waste to the
6 environment, including, but not limited to, in accordance
7 with the following requirements:

8 (A) The small quantity handler of universal waste
9 shall collect and store universal waste paint and
10 paint-related waste in containers that are
11 structurally sound, leakproof, and compatible with the
12 universal waste paint and paint-related waste.

13 (B) The small quantity handler of universal waste
14 shall ensure that containers in which the universal
15 waste paint and paint-related waste are contained do
16 not leak and remain closed, except when wastes are
17 being added to or removed from the container.

18 (C) The small quantity handler of universal waste,
19 upon detection of a release of universal waste paint
20 and paint-related waste, shall do the following:

21 (i) Stop the release.

22 (ii) Contain the released universal waste
23 paint and paint-related waste.

24 (iii) Clean up and properly manage the
25 released universal waste paint and paint-related
26 waste and other materials generated from the

1 cleanup.

2 (iv) Remove any leaking container from service
3 by transferring the contents to another container.

4 (v) Repair any leaking container before
5 returning it to service.

6 (D) A small quantity handler of universal waste
7 shall manage universal waste paint and paint-related
8 waste that is ignitable or reactive in accordance with
9 local fire codes.

10 (E) A small quantity handler of universal waste
11 shall manage universal waste paint and paint-related
12 waste that are incompatible in separate containers.

13 (F) A small quantity handler of universal waste
14 shall design, maintain, and operate areas of its
15 facility where universal waste paints and
16 paint-related wastes are collected and stored to
17 minimize the possibility of a fire, explosion, or
18 unplanned sudden or non-sudden release of universal
19 waste or hazardous constituents to air, soil, or
20 surface water which could threaten human health or the
21 environment.

22 (2) Labeling or marking. Each container in which
23 universal waste paint and paint-related waste is
24 accumulated shall be labeled to identify the contents of
25 the container.

26 (3) Accumulation time limits.

1 (A) A small quantity handler of universal waste
2 may accumulate universal waste paint and paint-related
3 waste for no longer than one year from the date the
4 universal waste is generated. However, handlers may
5 accumulate universal waste for longer than one year if
6 the activity is solely for the purpose of accumulating
7 quantities to facilitate proper recovery, treatment,
8 or disposal. The handler bears the burden of proving
9 that this activity is solely for the purpose of
10 accumulation of the quantities of universal waste
11 necessary to facilitate proper recovery, treatment, or
12 disposal.

13 (B) A small quantity handler of universal waste
14 who accumulates universal waste must be able to
15 demonstrate the length of time that the universal
16 waste has been accumulated. The handler may make this
17 demonstration by any of the following methods:

18 (i) placing the universal waste paint and
19 paint-related waste in a container and marking or
20 labeling the container with the earliest date that
21 universal waste paint or paint-related waste in
22 the container became a waste or was received;

23 (ii) marking or labeling each individual item
24 of universal waste paint and paint-related waste
25 with the date the universal waste paint and
26 paint-related waste became a waste or was

1 received;

2 (iii) maintaining an inventory system on-site
3 that identifies the date each unit of universal
4 waste paint and paint-related waste became a waste
5 or was received;

6 (iv) placing universal waste paint and
7 paint-related waste in a specific accumulation
8 area and identifying the earliest date that any of
9 the universal waste paint and paint-related waste
10 in the area became a waste or was received; or

11 (v) any other method that clearly demonstrates
12 the length of time the universal waste paint and
13 paint-related waste have been accumulated from the
14 date they become a waste or are received.

15 (4) Employee training. A small quantity handler of
16 universal waste shall inform all employees who handle or
17 have responsibility for managing universal waste paint and
18 paint-related waste. The information shall describe proper
19 handling and emergency procedures appropriate to the
20 universal waste paint and paint-related waste.

21 (5) Response to releases.

22 (A) A small quantity handler of universal waste
23 must immediately contain all releases of universal
24 waste paint and paint-related waste and other residues
25 from universal waste paint and paint-related waste.

26 (B) A small quantity handler of universal waste

1 must determine whether any material resulting from the
2 release is hazardous waste and, if so, must manage the
3 hazardous waste in compliance with all applicable
4 hazardous waste requirements of this Act and rules
5 adopted under this Act. The handler is considered the
6 generator of the material resulting from the release
7 and must manage the material in compliance with this
8 Act and rules adopted under this Act.

9 (6) Off-site shipments.

10 (A) A small quantity handler of universal waste is
11 prohibited from sending or taking universal waste
12 paint and paint-related waste to a place other than
13 another universal waste handler, a destination
14 facility, or a foreign destination.

15 (B) If a small quantity handler of universal waste
16 self-transportes universal waste paint and
17 paint-related waste off-site ~~offsite~~, the handler
18 becomes a universal waste transporter for those
19 self-transportation activities and shall comply with
20 the Board's existing rules for universal waste
21 transporters.

22 (C) If universal waste paint and paint-related
23 waste being offered for off-site transportation meets
24 the definition of hazardous materials under 49 CFR
25 Parts 171 to 180, a small quantity handler of
26 universal waste shall package, label, mark and placard

1 the shipment, and prepare the proper shipping papers
2 in accordance with the applicable United States
3 Department of Transportation regulations under 49 CFR
4 Parts 172 to 180.

5 (D) Prior to sending a shipment of universal waste
6 paint and paint-related waste to another universal
7 waste handler, the originating handler shall ensure
8 that the receiving handler agrees to receive the
9 shipment.

10 (E) If a small quantity handler of universal waste
11 sends a shipment of universal waste paint and
12 paint-related waste to another handler or to a
13 destination facility and if the shipment is rejected
14 by the receiving handler or destination facility, the
15 originating handler shall either:

16 (i) receive the universal waste paint and
17 paint-related waste back when notified that the
18 shipment has been rejected; or

19 (ii) agree with the receiving handler on a
20 destination facility to which the shipment will be
21 sent.

22 (F) A small quantity handler of universal waste
23 may reject a shipment containing universal waste paint
24 and paint-related waste, or a portion of a shipment
25 containing universal waste paint and paint-related
26 waste, received from another handler. If a handler

1 rejects a shipment or a portion of a shipment, the
2 rejecting handler shall contact the originating
3 handler to notify the originating handler of the
4 rejection and to discuss reshipment of the load. The
5 receiving handler shall:

6 (i) send the shipment back to the originating
7 handler; or

8 (ii) if agreed to by both the originating and
9 receiving handler, send the shipment to a
10 destination facility.

11 (G) If a small quantity handler of universal waste
12 receives a shipment of nonhazardous, non-universal
13 waste, the handler may manage the waste in any way that
14 is in compliance with applicable law.

15 (d) Until the Board adopts rules pursuant to subsection
16 (b), the following additional requirements shall apply:

17 (1) Paints and paint-related wastes that are exempt
18 household wastes or very small quantity generator wastes
19 under existing Board rules remain exempt from the
20 hazardous waste rules but may be managed as universal
21 wastes under 35 Ill. Adm. Code 733.108.

22 (2) Universal waste transporters that transport paints
23 or paint-related wastes that are universal wastes are
24 subject to the existing Board rules for universal waste
25 transporters.

26 (3) Universal waste destination facilities that manage

1 paints or paint-related wastes that are universal wastes
2 are subject to the existing Board rules for universal
3 waste destination facilities.

4 (Source: P.A. 103-887, eff. 1-1-25; revised 12-1-24.)

5 (415 ILCS 5/22.23f)

6 Sec. 22.23f ~~22.23e~~. End-of-life electric vehicle and
7 battery electric storage system batteries.

8 (a) In this Section:

9 "Battery energy storage solution facility" or "BESS" means
10 a facility that stores and distributes energy in the form of
11 electricity and that stores electricity using battery devices
12 and other means. "Battery energy storage solution" or "BESS"
13 includes any permanent structures associated with the battery
14 energy storage facility and all associated transmission lines,
15 substations, and other equipment related to the storage and
16 transmission of electric power.

17 "Battery storage site" means a site where used batteries
18 are stored.

19 "Electric vehicle" or "EV" has the same meaning as defined
20 in Section 11-1308 of the Illinois Vehicle Code.

21 "Electric vehicle battery" or "EV battery" means a
22 rechargeable battery that is used to power the electric motors
23 that propel an electric vehicle. "Electric vehicle battery"
24 includes, but is not limited to, lithium-ion batteries and
25 nickel-metal hydride batteries.

1 "Used battery" means an EV battery that is sold, given, or
2 otherwise conveyed to a battery storage site.

3 "Storage" means any accumulation of used batteries that
4 does not constitute disposal.

5 (b) No person shall cause or allow the operation of a
6 battery storage site at which 5,000 kilograms or more of used
7 batteries are stored at any one time unless:

8 (1) the battery storage site is registered with the
9 Agency in accordance with this Section;

10 (2) the owner or operator of the battery storage site
11 maintains records documenting the following:

12 (A) the weight or volume of whole or partial used
13 batteries received at the battery storage site each
14 week;

15 (B) the weight or volume of whole or partial used
16 batteries leaving the battery storage site each week;
17 and

18 (C) the weight or volume of whole or partial used
19 batteries remaining at the battery storage site at the
20 end of each week; and

21 (3) the owner or operator of the battery storage site
22 is an automotive parts recycler as defined in Section
23 1-105.3 of the Illinois Vehicle Code and licensed under
24 Section 5-301 of the Illinois Vehicle Code.

25 The records required under this Section shall be made
26 available for inspection and copying by the Agency during the

1 normal business hours.

2 (c) The owner or operator of each battery storage site in
3 operation prior to February 1, 2026, at which 5,000 kilograms
4 or more of used batteries are stored at any one time, must
5 register with the Agency prior to February 1, 2026 and each
6 February 1 thereafter. Any owners or operators of a battery
7 storage site that comes into operation after February 1, 2026
8 shall register with the Agency prior to commencing operation.
9 Registration must be on forms and in a format prescribed by the
10 Agency. Agency registration forms shall include, at a minimum,
11 information regarding the following:

12 (1) the name and address of the owner and operator of
13 the battery storage site;

14 (2) A description of the operations conducted at the
15 battery storage site;

16 (3) the weight or volume of whole or partial used
17 batteries received at the battery storage site over the
18 past calendar year; and

19 (4) the weight or volume of whole or partial used
20 batteries at the battery storage site at the end of the
21 calendar year.

22 (d) No later than January 1, 2026 (one ± year after the
23 effective date of Public Act 103-1006) ~~this amendatory Act,~~
24 the Agency shall propose to the Board, and no later than one
25 year after receipt of the Agency's proposal, the Board shall
26 adopt, rules for the operation of battery storage sites. Such

1 rules shall include, but not be limited to: requirements for
2 end-of-life battery receipt, handling, storage, and transfer;
3 standards for fire prevention; requirements for contingency
4 planning and emergency response; recordkeeping; reporting; and
5 financial assurance.

6 (Source: P.A. 103-1006, eff. 1-1-25; revised 12-3-24.)

7 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

8 Sec. 39.5. Clean Air Act Permit Program.

9 1. Definitions. For purposes of this Section:

10 "Administrative permit amendment" means a permit revision
11 subject to subsection 13 of this Section.

12 "Affected source for acid deposition" means a source that
13 includes one or more affected units under Title IV of the Clean
14 Air Act.

15 "Affected States" for purposes of formal distribution of a
16 draft CAAPP permit to other States for comments prior to
17 issuance, means all States:

18 (1) Whose air quality may be affected by the source
19 covered by the draft permit and that are contiguous to
20 Illinois; or

21 (2) That are within 50 miles of the source.

22 "Affected unit for acid deposition" shall have the meaning
23 given to the term "affected unit" in the regulations
24 promulgated under Title IV of the Clean Air Act.

25 "Applicable Clean Air Act requirement" means all of the

1 following as they apply to emissions units in a source
2 (including regulations that have been promulgated or approved
3 by USEPA pursuant to the Clean Air Act which directly impose
4 requirements upon a source and other such federal requirements
5 which have been adopted by the Board. These may include
6 requirements and regulations which have future effective
7 compliance dates. Requirements and regulations will be exempt
8 if USEPA determines that such requirements need not be
9 contained in a Title V permit):

10 (1) Any standard or other requirement provided for in
11 the applicable state implementation plan approved or
12 promulgated by USEPA under Title I of the Clean Air Act
13 that implements the relevant requirements of the Clean Air
14 Act, including any revisions to the state Implementation
15 Plan promulgated in 40 CFR Part 52, Subparts A and O and
16 other subparts applicable to Illinois. For purposes of
17 this paragraph (1) of this definition, "any standard or
18 other requirement" means only such standards or
19 requirements directly enforceable against an individual
20 source under the Clean Air Act.

21 (2)(i) Any term or condition of any preconstruction
22 permits issued pursuant to regulations approved or
23 promulgated by USEPA under Title I of the Clean Air
24 Act, including Part C or D of the Clean Air Act.

25 (ii) Any term or condition as required pursuant to
26 this Section 39.5 of any federally enforceable State

1 operating permit issued pursuant to regulations
2 approved or promulgated by USEPA under Title I of the
3 Clean Air Act, including Part C or D of the Clean Air
4 Act.

5 (3) Any standard or other requirement under Section
6 111 of the Clean Air Act, including Section 111(d).

7 (4) Any standard or other requirement under Section
8 112 of the Clean Air Act, including any requirement
9 concerning accident prevention under Section 112(r)(7) of
10 the Clean Air Act.

11 (5) Any standard or other requirement of the acid rain
12 program under Title IV of the Clean Air Act or the
13 regulations promulgated thereunder.

14 (6) Any requirements established pursuant to Section
15 504(b) or Section 114(a)(3) of the Clean Air Act.

16 (7) Any standard or other requirement governing solid
17 waste incineration, under Section 129 of the Clean Air
18 Act.

19 (8) Any standard or other requirement for consumer and
20 commercial products, under Section 183(e) of the Clean Air
21 Act.

22 (9) Any standard or other requirement for tank
23 vessels, under Section 183(f) of the Clean Air Act.

24 (10) Any standard or other requirement of the program
25 to control air pollution from Outer Continental Shelf
26 sources, under Section 328 of the Clean Air Act.

1 (11) Any standard or other requirement of the
2 regulations promulgated to protect stratospheric ozone
3 under Title VI of the Clean Air Act, unless USEPA has
4 determined that such requirements need not be contained in
5 a Title V permit.

6 (12) Any national ambient air quality standard or
7 increment or visibility requirement under Part C of Title
8 I of the Clean Air Act, but only as it would apply to
9 temporary sources permitted pursuant to Section 504(e) of
10 the Clean Air Act.

11 "Applicable requirement" means all applicable Clean Air
12 Act requirements and any other standard, limitation, or other
13 requirement contained in this Act or regulations promulgated
14 under this Act as applicable to sources of air contaminants
15 (including requirements that have future effective compliance
16 dates).

17 "CAAPP" means the Clean Air Act Permit Program, developed
18 pursuant to Title V of the Clean Air Act.

19 "CAAPP application" means an application for a CAAPP
20 permit.

21 "CAAPP Permit" or "permit" (unless the context suggests
22 otherwise) means any permit issued, renewed, amended,
23 modified, or revised pursuant to Title V of the Clean Air Act.

24 "CAAPP source" means any source for which the owner or
25 operator is required to obtain a CAAPP permit pursuant to
26 subsection 2 of this Section.

1 "Clean Air Act" means the Clean Air Act, as now and
2 hereafter amended, 42 U.S.C. 7401, et seq.

3 "Designated representative" has the meaning given to it in
4 Section 402(26) of the Clean Air Act and the regulations
5 promulgated thereunder, which state that the term "designated
6 representative" means a responsible person or official
7 authorized by the owner or operator of a unit to represent the
8 owner or operator in all matters pertaining to the holding,
9 transfer, or disposition of allowances allocated to a unit,
10 and the submission of and compliance with permits, permit
11 applications, and compliance plans for the unit.

12 "Draft CAAPP permit" means the version of a CAAPP permit
13 for which public notice and an opportunity for public comment
14 and hearing is offered by the Agency.

15 "Effective date of the CAAPP" means the date that USEPA
16 approves Illinois' CAAPP.

17 "Emission unit" means any part or activity of a stationary
18 source that emits or has the potential to emit any air
19 pollutant. This term is not meant to alter or affect the
20 definition of the term "unit" for purposes of Title IV of the
21 Clean Air Act.

22 "Federally enforceable" means enforceable by USEPA.

23 "Final permit action" means the Agency's granting with
24 conditions, refusal to grant, renewal of, or revision of a
25 CAAPP permit, the Agency's determination of incompleteness of
26 a submitted CAAPP application, or the Agency's failure to act

1 on an application for a permit, permit renewal, or permit
2 revision within the time specified in subsection 13,
3 subsection 14, or paragraph (j) of subsection 5 of this
4 Section.

5 "General permit" means a permit issued to cover numerous
6 similar sources in accordance with subsection 11 of this
7 Section.

8 "Major source" means a source for which emissions of one
9 or more air pollutants meet the criteria for major status
10 pursuant to paragraph (c) of subsection 2 of this Section.

11 "Maximum achievable control technology" or "MACT" means
12 the maximum degree of reductions in emissions deemed
13 achievable under Section 112 of the Clean Air Act.

14 "Owner or operator" means any person who owns, leases,
15 operates, controls, or supervises a stationary source.

16 "Permit modification" means a revision to a CAAPP permit
17 that cannot be accomplished under the provisions for
18 administrative permit amendments under subsection 13 of this
19 Section.

20 "Permit revision" means a permit modification or
21 administrative permit amendment.

22 "Phase II" means the period of the national acid rain
23 program, established under Title IV of the Clean Air Act,
24 beginning January 1, 2000, and continuing thereafter.

25 "Phase II acid rain permit" means the portion of a CAAPP
26 permit issued, renewed, modified, or revised by the Agency

1 during Phase II for an affected source for acid deposition.

2 "Potential to emit" means the maximum capacity of a
3 stationary source to emit any air pollutant under its physical
4 and operational design. Any physical or operational limitation
5 on the capacity of a source to emit an air pollutant, including
6 air pollution control equipment and restrictions on hours of
7 operation or on the type or amount of material combusted,
8 stored, or processed, shall be treated as part of its design if
9 the limitation is enforceable by USEPA. This definition does
10 not alter or affect the use of this term for any other purposes
11 under the Clean Air Act, or the term "capacity factor" as used
12 in Title IV of the Clean Air Act or the regulations promulgated
13 thereunder.

14 "Preconstruction Permit" or "Construction Permit" means a
15 permit which is to be obtained prior to commencing or
16 beginning actual construction or modification of a source or
17 emissions unit.

18 "Proposed CAAPP permit" means the version of a CAAPP
19 permit that the Agency proposes to issue and forwards to USEPA
20 for review in compliance with applicable requirements of the
21 Act and regulations promulgated thereunder.

22 "Regulated air pollutant" means the following:

23 (1) Nitrogen oxides (NOx) or any volatile organic
24 compound.

25 (2) Any pollutant for which a national ambient air
26 quality standard has been promulgated.

1 (3) Any pollutant that is subject to any standard
2 promulgated under Section 111 of the Clean Air Act.

3 (4) Any Class I or II substance subject to a standard
4 promulgated under or established by Title VI of the Clean
5 Air Act.

6 (5) Any pollutant subject to a standard promulgated
7 under Section 112 or other requirements established under
8 Section 112 of the Clean Air Act, including Sections
9 112(g), (j), and (r).

10 (i) Any pollutant subject to requirements under
11 Section 112(j) of the Clean Air Act. Any pollutant
12 listed under Section 112(b) for which the subject
13 source would be major shall be considered to be
14 regulated 18 months after the date on which USEPA was
15 required to promulgate an applicable standard pursuant
16 to Section 112(e) of the Clean Air Act, if USEPA fails
17 to promulgate such standard.

18 (ii) Any pollutant for which the requirements of
19 Section 112(g)(2) of the Clean Air Act have been met,
20 but only with respect to the individual source subject
21 to Section 112(g)(2) requirement.

22 (6) Greenhouse gases.

23 "Renewal" means the process by which a permit is reissued
24 at the end of its term.

25 "Responsible official" means one of the following:

26 (1) For a corporation: a president, secretary,

1 treasurer, or vice-president of the corporation in charge
2 of a principal business function, or any other person who
3 performs similar policy or decision-making functions for
4 the corporation, or a duly authorized representative of
5 such person if the representative is responsible for the
6 overall operation of one or more manufacturing,
7 production, or operating facilities applying for or
8 subject to a permit and either (i) the facilities employ
9 more than 250 persons or have gross annual sales or
10 expenditures exceeding \$25 million (in second quarter 1980
11 dollars), or (ii) the delegation of authority to such
12 representative is approved in advance by the Agency.

13 (2) For a partnership or sole proprietorship: a
14 general partner or the proprietor, respectively, or in the
15 case of a partnership in which all of the partners are
16 corporations, a duly authorized representative of the
17 partnership if the representative is responsible for the
18 overall operation of one or more manufacturing,
19 production, or operating facilities applying for or
20 subject to a permit and either (i) the facilities employ
21 more than 250 persons or have gross annual sales or
22 expenditures exceeding \$25 million (in second quarter 1980
23 dollars), or (ii) the delegation of authority to such
24 representative is approved in advance by the Agency.

25 (3) For a municipality, State, federal ~~Federal~~, or
26 other public agency: either a principal executive officer

1 or ranking elected official. For the purposes of this
2 part, a principal executive officer of a federal ~~Federal~~
3 agency includes the chief executive officer having
4 responsibility for the overall operations of a principal
5 geographic unit of the agency (e.g., a Regional
6 Administrator of USEPA).

7 (4) For affected sources for acid deposition:

8 (i) The designated representative shall be the
9 "responsible official" in so far as actions,
10 standards, requirements, or prohibitions under Title
11 IV of the Clean Air Act or the regulations promulgated
12 thereunder are concerned.

13 (ii) The designated representative may also be the
14 "responsible official" for any other purposes with
15 respect to air pollution control.

16 "Section 502(b)(10) changes" means changes that contravene
17 express permit terms. "Section 502(b)(10) changes" do not
18 include changes that would violate applicable requirements or
19 contravene federally enforceable permit terms or conditions
20 that are monitoring (including test methods), recordkeeping,
21 reporting, or compliance certification requirements.

22 "Solid waste incineration unit" means a distinct operating
23 unit of any facility which combusts any solid waste material
24 from commercial or industrial establishments or the general
25 public (including single and multiple residences, hotels, and
26 motels). The term does not include incinerators or other units

1 required to have a permit under Section 3005 of the Solid Waste
2 Disposal Act. The term also does not include (A) materials
3 recovery facilities (including primary or secondary smelters)
4 which combust waste for the primary purpose of recovering
5 metals, (B) qualifying small power production facilities, as
6 defined in Section 3(17)(C) of the Federal Power Act (16
7 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as
8 defined in Section 3(18)(B) of the Federal Power Act (16
9 U.S.C. 796(18)(B)), which burn homogeneous waste (such as
10 units which burn tires or used oil, but not including
11 refuse-derived fuel) for the production of electric energy or
12 in the case of qualifying cogeneration facilities which burn
13 homogeneous waste for the production of electric energy and
14 steam or forms of useful energy (such as heat) which are used
15 for industrial, commercial, heating, or cooling purposes, or
16 (C) air curtain incinerators provided that such incinerators
17 only burn wood wastes, yard waste, and clean lumber and that
18 such air curtain incinerators comply with opacity limitations
19 to be established by the USEPA by rule.

20 "Source" means any stationary source (or any group of
21 stationary sources) that is located on one or more contiguous
22 or adjacent properties that are under common control of the
23 same person (or persons under common control) and that belongs
24 to a single major industrial grouping. For the purposes of
25 defining "source," a stationary source or group of stationary
26 sources shall be considered part of a single major industrial

1 grouping if all of the pollutant emitting activities at such
2 source or group of sources located on contiguous or adjacent
3 properties and under common control belong to the same Major
4 Group (i.e., all have the same two-digit code) as described in
5 the Standard Industrial Classification Manual, 1987, or such
6 pollutant emitting activities at a stationary source (or group
7 of stationary sources) located on contiguous or adjacent
8 properties and under common control constitute a support
9 facility. The determination as to whether any group of
10 stationary sources is located on contiguous or adjacent
11 properties, and/or is under common control, and/or whether the
12 pollutant emitting activities at such group of stationary
13 sources constitute a support facility shall be made on a
14 case-by-case ~~case-by-case~~ basis.

15 "Stationary source" means any building, structure,
16 facility, or installation that emits or may emit any regulated
17 air pollutant or any pollutant listed under Section 112(b) of
18 the Clean Air Act, except those emissions resulting directly
19 from an internal combustion engine for transportation purposes
20 or from a nonroad engine or nonroad vehicle as defined in
21 Section 216 of the Clean Air Act.

22 "Subject to regulation" has the meaning given to it in 40
23 CFR 70.2, as now or hereafter amended.

24 "Support facility" means any stationary source (or group
25 of stationary sources) that conveys, stores, or otherwise
26 assists to a significant extent in the production of a

1 principal product at another stationary source (or group of
2 stationary sources). A support facility shall be considered to
3 be part of the same source as the stationary source (or group
4 of stationary sources) that it supports regardless of the
5 2-digit Standard Industrial Classification code for the
6 support facility.

7 "USEPA" means the Administrator of the United States
8 Environmental Protection Agency (USEPA) or a person designated
9 by the Administrator.

10 1.1. Exclusion From the CAAPP.

11 a. An owner or operator of a source which determines
12 that the source could be excluded from the CAAPP may seek
13 such exclusion prior to the date that the CAAPP
14 application for the source is due but in no case later than
15 9 months after the effective date of the CAAPP through the
16 imposition of federally enforceable conditions limiting
17 the "potential to emit" of the source to a level below the
18 major source threshold for that source as described in
19 paragraph (c) of subsection 2 of this Section, within a
20 State operating permit issued pursuant to subsection (a)
21 of Section 39 of this Act. After such date, an exclusion
22 from the CAAPP may be sought under paragraph (c) of
23 subsection 3 of this Section.

24 b. An owner or operator of a source seeking exclusion
25 from the CAAPP pursuant to paragraph (a) of this

1 subsection must submit a permit application consistent
2 with the existing State permit program which specifically
3 requests such exclusion through the imposition of such
4 federally enforceable conditions.

5 c. Upon such request, if the Agency determines that
6 the owner or operator of a source has met the requirements
7 for exclusion pursuant to paragraph (a) of this subsection
8 and other applicable requirements for permit issuance
9 under subsection (a) of Section 39 of this Act, the Agency
10 shall issue a State operating permit for such source under
11 subsection (a) of Section 39 of this Act, as amended, and
12 regulations promulgated thereunder with federally
13 enforceable conditions limiting the "potential to emit" of
14 the source to a level below the major source threshold for
15 that source as described in paragraph (c) of subsection 2
16 of this Section.

17 d. The Agency shall provide an owner or operator of a
18 source which may be excluded from the CAAPP pursuant to
19 this subsection with reasonable notice that the owner or
20 operator may seek such exclusion.

21 e. The Agency shall provide such sources with the
22 necessary permit application forms.

23 2. Applicability.

24 a. Sources subject to this Section shall include:

25 i. Any major source as defined in paragraph (c) of

1 this subsection.

2 ii. Any source subject to a standard or other
3 requirements promulgated under Section 111 (New Source
4 Performance Standards) or Section 112 (Hazardous Air
5 Pollutants) of the Clean Air Act, except that a source
6 is not required to obtain a permit solely because it is
7 subject to regulations or requirements under Section
8 112(r) of the Clean Air Act.

9 iii. Any affected source for acid deposition, as
10 defined in subsection 1 of this Section.

11 iv. Any other source subject to this Section under
12 the Clean Air Act or regulations promulgated
13 thereunder, or applicable Board regulations.

14 b. Sources exempted from this Section shall include:

15 i. All sources listed in paragraph (a) of this
16 subsection that are not major sources, affected
17 sources for acid deposition or solid waste
18 incineration units required to obtain a permit
19 pursuant to Section 129(e) of the Clean Air Act, until
20 the source is required to obtain a CAAPP permit
21 pursuant to the Clean Air Act or regulations
22 promulgated thereunder.

23 ii. Nonmajor sources subject to a standard or
24 other requirements subsequently promulgated by USEPA
25 under Section 111 or 112 of the Clean Air Act that are
26 determined by USEPA to be exempt at the time a new

1 standard is promulgated.

2 iii. All sources and source categories that would
3 be required to obtain a permit solely because they are
4 subject to Part 60, Subpart AAA - Standards of
5 Performance for New Residential Wood Heaters (40 CFR
6 Part 60).

7 iv. All sources and source categories that would
8 be required to obtain a permit solely because they are
9 subject to Part 61, Subpart M - National Emission
10 Standard for Hazardous Air Pollutants for Asbestos,
11 Section 61.145 (40 CFR Part 61).

12 v. Any other source categories exempted by USEPA
13 regulations pursuant to Section 502(a) of the Clean
14 Air Act.

15 vi. Major sources of greenhouse gas emissions
16 required to obtain a CAAPP permit under this Section
17 if any of the following occurs:

18 (A) enactment of federal legislation depriving
19 the Administrator of the USEPA of authority to
20 regulate greenhouse gases under the Clean Air Act;

21 (B) the issuance of any opinion, ruling,
22 judgment, order, or decree by a federal court
23 depriving the Administrator of the USEPA of
24 authority to regulate greenhouse gases under the
25 Clean Air Act; or

26 (C) action by the President of the United

1 States or the President's authorized agent,
2 including the Administrator of the USEPA, to
3 repeal or withdraw the Greenhouse Gas Tailoring
4 Rule (75 Fed. Reg. 31514, June 3, 2010).

5 If any event listed in this subparagraph (vi)
6 occurs, CAAPP permits issued after such event shall
7 not impose permit terms or conditions addressing
8 greenhouse gases during the effectiveness of any event
9 listed in subparagraph (vi). If any event listed in
10 this subparagraph (vi) occurs, any owner or operator
11 with a CAAPP permit that includes terms or conditions
12 addressing greenhouse gases may elect to submit an
13 application to the Agency to address a revision or
14 repeal of such terms or conditions. If any owner or
15 operator submits such an application, the Agency shall
16 expeditiously process the permit application in
17 accordance with applicable laws and regulations.
18 Nothing in this subparagraph (vi) shall relieve an
19 owner or operator of a source from the requirement to
20 obtain a CAAPP permit for its emissions of regulated
21 air pollutants other than greenhouse gases, as
22 required by this Section.

23 c. For purposes of this Section the term "major
24 source" means any source that is:

25 i. A major source under Section 112 of the Clean
26 Air Act, which is defined as:

1 A. For pollutants other than radionuclides,
2 any stationary source or group of stationary
3 sources located within a contiguous area and under
4 common control that emits or has the potential to
5 emit, in the aggregate, 10 tons per year (tpy) or
6 more of any hazardous air pollutant which has been
7 listed pursuant to Section 112(b) of the Clean Air
8 Act, 25 tpy or more of any combination of such
9 hazardous air pollutants, or such lesser quantity
10 as USEPA may establish by rule. Notwithstanding
11 the preceding sentence, emissions from any oil or
12 gas exploration or production well (with its
13 associated equipment) and emissions from any
14 pipeline compressor or pump station shall not be
15 aggregated with emissions from other similar
16 units, whether or not such units are in a
17 contiguous area or under common control, to
18 determine whether such stations are major sources.

19 B. For radionuclides, "major source" shall
20 have the meaning specified by the USEPA by rule.

21 ii. A major stationary source of air pollutants,
22 as defined in Section 302 of the Clean Air Act, that
23 directly emits or has the potential to emit, 100 tpy or
24 more of any air pollutant subject to regulation
25 (including any major source of fugitive emissions of
26 any such pollutant, as determined by rule by USEPA).

1 For purposes of this subsection, "fugitive emissions"
2 means those emissions which could not reasonably pass
3 through a stack, chimney, vent, or other functionally
4 equivalent ~~functionally equivalent~~ opening. The
5 fugitive emissions of a stationary source shall not be
6 considered in determining whether it is a major
7 stationary source for the purposes of Section 302(j)
8 of the Clean Air Act, unless the source belongs to one
9 of the following categories of stationary source:

- 10 A. Coal cleaning plants (with thermal dryers).
- 11 B. Kraft pulp mills.
- 12 C. Portland cement plants.
- 13 D. Primary zinc smelters.
- 14 E. Iron and steel mills.
- 15 F. Primary aluminum ore reduction plants.
- 16 G. Primary copper smelters.
- 17 H. Municipal incinerators capable of charging
18 more than 250 tons of refuse per day.
- 19 I. Hydrofluoric, sulfuric, or nitric acid
20 plants.
- 21 J. Petroleum refineries.
- 22 K. Lime plants.
- 23 L. Phosphate rock processing plants.
- 24 M. Coke oven batteries.
- 25 N. Sulfur recovery plants.
- 26 O. Carbon black plants (furnace process).

1 P. Primary lead smelters.

2 Q. Fuel conversion plants.

3 R. Sintering plants.

4 S. Secondary metal production plants.

5 T. Chemical process plants.

6 U. Fossil-fuel boilers (or combination
7 thereof) totaling more than 250 million British
8 thermal units per hour heat input.

9 V. Petroleum storage and transfer units with a
10 total storage capacity exceeding 300,000 barrels.

11 W. Taconite ore processing plants.

12 X. Glass fiber processing plants.

13 Y. Charcoal production plants.

14 Z. Fossil fuel-fired steam electric plants of
15 more than 250 million British thermal units per
16 hour heat input.

17 AA. All other stationary source categories,
18 which as of August 7, 1980 are being regulated by a
19 standard promulgated under Section 111 or 112 of
20 the Clean Air Act.

21 BB. Any other stationary source category
22 designated by USEPA by rule.

23 iii. A major stationary source as defined in part
24 D of Title I of the Clean Air Act including:

25 A. For ozone nonattainment areas, sources with
26 the potential to emit 100 tons or more per year of

1 volatile organic compounds or oxides of nitrogen
2 in areas classified as "marginal" or "moderate",
3 50 tons or more per year in areas classified as
4 "serious", 25 tons or more per year in areas
5 classified as "severe", and 10 tons or more per
6 year in areas classified as "extreme"; except that
7 the references in this clause to 100, 50, 25, and
8 10 tons per year of nitrogen oxides shall not
9 apply with respect to any source for which USEPA
10 has made a finding, under Section 182(f)(1) or (2)
11 of the Clean Air Act, that requirements otherwise
12 applicable to such source under Section 182(f) of
13 the Clean Air Act do not apply. Such sources shall
14 remain subject to the major source criteria of
15 subparagraph (ii) of paragraph (c) of this
16 subsection.

17 B. For ozone transport regions established
18 pursuant to Section 184 of the Clean Air Act,
19 sources with the potential to emit 50 tons or more
20 per year of volatile organic compounds (VOCs).

21 C. For carbon monoxide nonattainment areas (1)
22 that are classified as "serious", and (2) in which
23 stationary sources contribute significantly to
24 carbon monoxide levels as determined under rules
25 issued by USEPA, sources with the potential to
26 emit 50 tons or more per year of carbon monoxide.

1 D. For particulate matter (PM-10)
2 nonattainment areas classified as "serious",
3 sources with the potential to emit 70 tons or more
4 per year of PM-10.

5 3. Agency Authority To Issue CAAPP Permits and Federally
6 Enforceable State Operating Permits.

7 a. The Agency shall issue CAAPP permits under this
8 Section consistent with the Clean Air Act and regulations
9 promulgated thereunder and this Act and regulations
10 promulgated thereunder.

11 b. The Agency shall issue CAAPP permits for fixed
12 terms of 5 years, except CAAPP permits issued for solid
13 waste incineration units combusting municipal waste which
14 shall be issued for fixed terms of 12 years and except
15 CAAPP permits for affected sources for acid deposition
16 which shall be issued for initial terms to expire on
17 December 31, 1999, and for fixed terms of 5 years
18 thereafter.

19 c. The Agency shall have the authority to issue a
20 State operating permit for a source under subsection (a)
21 of Section 39 of this Act, as amended, and regulations
22 promulgated thereunder, which includes federally
23 enforceable conditions limiting the "potential to emit" of
24 the source to a level below the major source threshold for
25 that source as described in paragraph (c) of subsection 2

1 of this Section, thereby excluding the source from the
2 CAAPP, when requested by the applicant pursuant to
3 paragraph (u) of subsection 5 of this Section. The public
4 notice requirements of this Section applicable to CAAPP
5 permits shall also apply to the initial issuance of
6 permits under this paragraph.

7 d. For purposes of this Act, a permit issued by USEPA
8 under Section 505 of the Clean Air Act, as now and
9 hereafter amended, shall be deemed to be a permit issued
10 by the Agency pursuant to this Section 39.5 ~~of this Act~~.

11 4. Transition.

12 a. An owner or operator of a CAAPP source shall not be
13 required to renew an existing State operating permit for
14 any emission unit at such CAAPP source once a CAAPP
15 application timely submitted prior to expiration of the
16 State operating permit has been deemed complete. For
17 purposes other than permit renewal, the obligation upon
18 the owner or operator of a CAAPP source to obtain a State
19 operating permit is not removed upon submittal of the
20 complete CAAPP permit application. An owner or operator of
21 a CAAPP source seeking to make a modification to a source
22 prior to the issuance of its CAAPP permit shall be
23 required to obtain a construction permit, operating
24 permit, or both as required for such modification in
25 accordance with the State permit program under subsection

1 (a) of Section 39 of this Act, as amended, and regulations
2 promulgated thereunder. The application for such
3 construction permit, operating permit, or both shall be
4 considered an amendment to the CAAPP application submitted
5 for such source.

6 b. An owner or operator of a CAAPP source shall
7 continue to operate in accordance with the terms and
8 conditions of its applicable State operating permit
9 notwithstanding the expiration of the State operating
10 permit until the source's CAAPP permit has been issued.

11 c. An owner or operator of a CAAPP source shall submit
12 its initial CAAPP application to the Agency no later than
13 12 months after the effective date of the CAAPP. The
14 Agency may request submittal of initial CAAPP applications
15 during this 12-month period according to a schedule set
16 forth within Agency procedures, however, in no event shall
17 the Agency require such submittal earlier than 3 months
18 after such effective date of the CAAPP. An owner or
19 operator may voluntarily submit its initial CAAPP
20 application prior to the date required within this
21 paragraph or applicable procedures, if any, subsequent to
22 the date the Agency submits the CAAPP to USEPA for
23 approval.

24 d. The Agency shall act on initial CAAPP applications
25 in accordance with paragraph (j) of subsection 5 of this
26 Section.

1 e. For purposes of this Section, the term "initial
2 CAAPP application" shall mean the first CAAPP application
3 submitted for a source existing as of the effective date
4 of the CAAPP.

5 f. The Agency shall provide owners or operators of
6 CAAPP sources with at least 3 months advance notice of the
7 date on which their applications are required to be
8 submitted. In determining which sources shall be subject
9 to early submittal, the Agency shall include among its
10 considerations the complexity of the permit application,
11 and the burden that such early submittal will have on the
12 source.

13 g. The CAAPP permit shall upon becoming effective
14 supersede the State operating permit.

15 h. The Agency shall have the authority to adopt
16 procedural rules, in accordance with the Illinois
17 Administrative Procedure Act, as the Agency deems
18 necessary, to implement this subsection.

19 5. Applications and Completeness.

20 a. An owner or operator of a CAAPP source shall submit
21 its complete CAAPP application consistent with the Act and
22 applicable regulations.

23 b. An owner or operator of a CAAPP source shall submit
24 a single complete CAAPP application covering all emission
25 units at that source.

1 c. To be deemed complete, a CAAPP application must
2 provide all information, as requested in Agency
3 application forms, sufficient to evaluate the subject
4 source and its application and to determine all applicable
5 requirements, pursuant to the Clean Air Act, and
6 regulations thereunder, this Act and regulations
7 thereunder. Such Agency application forms shall be
8 finalized and made available prior to the date on which
9 any CAAPP application is required.

10 d. An owner or operator of a CAAPP source shall
11 submit, as part of its complete CAAPP application, a
12 compliance plan, including a schedule of compliance,
13 describing how each emission unit will comply with all
14 applicable requirements. Any such schedule of compliance
15 shall be supplemental to, and shall not sanction
16 noncompliance with, the applicable requirements on which
17 it is based.

18 e. Each submitted CAAPP application shall be certified
19 for truth, accuracy, and completeness by a responsible
20 official in accordance with applicable regulations.

21 f. The Agency shall provide notice to a CAAPP
22 applicant as to whether a submitted CAAPP application is
23 complete. Unless the Agency notifies the applicant of
24 incompleteness, within 60 days after receipt of the CAAPP
25 application, the application shall be deemed complete. The
26 Agency may request additional information as needed to

1 make the completeness determination. The Agency may to the
2 extent practicable provide the applicant with a reasonable
3 opportunity to correct deficiencies prior to a final
4 determination of completeness.

5 g. If after the determination of completeness the
6 Agency finds that additional information is necessary to
7 evaluate or take final action on the CAAPP application,
8 the Agency may request in writing such information from
9 the source with a reasonable deadline for response.

10 h. If the owner or operator of a CAAPP source submits a
11 timely and complete CAAPP application, the source's
12 failure to have a CAAPP permit shall not be a violation of
13 this Section until the Agency takes final action on the
14 submitted CAAPP application, provided, however, where the
15 applicant fails to submit the requested information under
16 paragraph (g) of this subsection 5 within the time frame
17 specified by the Agency, this protection shall cease to
18 apply.

19 i. Any applicant who fails to submit any relevant
20 facts necessary to evaluate the subject source and its
21 CAAPP application or who has submitted incorrect
22 information in a CAAPP application shall, upon becoming
23 aware of such failure or incorrect submittal, submit
24 supplementary facts or correct information to the Agency.
25 In addition, an applicant shall provide to the Agency
26 additional information as necessary to address any

1 requirements which become applicable to the source
2 subsequent to the date the applicant submitted its
3 complete CAAPP application but prior to release of the
4 draft CAAPP permit.

5 j. The Agency shall issue or deny the CAAPP permit
6 within 18 months after the date of receipt of the complete
7 CAAPP application, with the following exceptions: (i)
8 permits for affected sources for acid deposition shall be
9 issued or denied within 6 months after receipt of a
10 complete application in accordance with subsection 17 of
11 this Section; (ii) the Agency shall act on initial CAAPP
12 applications within 24 months after the date of receipt of
13 the complete CAAPP application; (iii) the Agency shall act
14 on complete applications containing early reduction
15 demonstrations under Section 112(i)(5) of the Clean Air
16 Act within 9 months of receipt of the complete CAAPP
17 application.

18 Where the Agency does not take final action on the
19 permit within the required time period, the permit shall
20 not be deemed issued; rather, the failure to act shall be
21 treated as a final permit action for purposes of judicial
22 review pursuant to Sections 40.2 and 41 of this Act.

23 k. The submittal of a complete CAAPP application shall
24 not affect the requirement that any source have a
25 preconstruction permit under Title I of the Clean Air Act.

26 1. Unless a timely and complete renewal application

1 has been submitted consistent with this subsection, a
2 CAAPP source operating upon the expiration of its CAAPP
3 permit shall be deemed to be operating without a CAAPP
4 permit. Such operation is prohibited under this Act.

5 m. Permits being renewed shall be subject to the same
6 procedural requirements, including those for public
7 participation and federal review and objection, that apply
8 to original permit issuance.

9 n. For purposes of permit renewal, a timely
10 application is one that is submitted no less than 9 months
11 prior to the date of permit expiration.

12 o. The terms and conditions of a CAAPP permit shall
13 remain in effect until the issuance of a CAAPP renewal
14 permit provided a timely and complete CAAPP application
15 has been submitted.

16 p. The owner or operator of a CAAPP source seeking a
17 permit shield pursuant to paragraph (j) of subsection 7 of
18 this Section shall request such permit shield in the CAAPP
19 application regarding that source.

20 q. The Agency shall make available to the public all
21 documents submitted by the applicant to the Agency,
22 including each CAAPP application, compliance plan
23 (including the schedule of compliance), and emissions or
24 compliance monitoring report, with the exception of
25 information entitled to confidential treatment pursuant to
26 Section 7 of this Act.

1 r. The Agency shall use the standardized forms
2 required under Title IV of the Clean Air Act and
3 regulations promulgated thereunder for affected sources
4 for acid deposition.

5 s. An owner or operator of a CAAPP source may include
6 within its CAAPP application a request for permission to
7 operate during a startup, malfunction, or breakdown
8 consistent with applicable Board regulations.

9 t. An owner or operator of a CAAPP source, in order to
10 utilize the operational flexibility provided under
11 paragraph (1) of subsection 7 of this Section, must
12 request such use and provide the necessary information
13 within its CAAPP application.

14 u. An owner or operator of a CAAPP source which seeks
15 exclusion from the CAAPP through the imposition of
16 federally enforceable conditions, pursuant to paragraph
17 (c) of subsection 3 of this Section, must request such
18 exclusion within a CAAPP application submitted consistent
19 with this subsection on or after the date that the CAAPP
20 application for the source is due. Prior to such date, but
21 in no case later than 9 months after the effective date of
22 the CAAPP, such owner or operator may request the
23 imposition of federally enforceable conditions pursuant to
24 paragraph (b) of subsection 1.1 of this Section.

25 v. CAAPP applications shall contain accurate
26 information on allowable emissions to implement the fee

1 provisions of subsection 18 of this Section.

2 w. An owner or operator of a CAAPP source shall submit
3 within its CAAPP application emissions information
4 regarding all regulated air pollutants emitted at that
5 source consistent with applicable Agency procedures.
6 Emissions information regarding insignificant activities
7 or emission levels, as determined by the Agency pursuant
8 to Board regulations, may be submitted as a list within
9 the CAAPP application. The Agency shall propose
10 regulations to the Board defining insignificant activities
11 or emission levels, consistent with federal regulations,
12 if any, no later than 18 months after the effective date of
13 Public Act 87-1213 ~~this amendatory Act of 1992~~, consistent
14 with Section 112(n)(1) of the Clean Air Act. The Board
15 shall adopt final regulations defining insignificant
16 activities or emission levels no later than 9 months after
17 the date of the Agency's proposal.

18 x. The owner or operator of a new CAAPP source shall
19 submit its complete CAAPP application consistent with this
20 subsection within 12 months after commencing operation of
21 such source. The owner or operator of an existing source
22 that has been excluded from the provisions of this Section
23 under subsection 1.1 or paragraph (c) of subsection 3 of
24 this Section and that becomes subject to the CAAPP solely
25 due to a change in operation at the source shall submit its
26 complete CAAPP application consistent with this subsection

1 at least 180 days before commencing operation in
2 accordance with the change in operation.

3 y. The Agency shall have the authority to adopt
4 procedural rules, in accordance with the Illinois
5 Administrative Procedure Act, as the Agency deems
6 necessary to implement this subsection.

7 6. Prohibitions.

8 a. It shall be unlawful for any person to violate any
9 terms or conditions of a permit issued under this Section,
10 to operate any CAAPP source except in compliance with a
11 permit issued by the Agency under this Section or to
12 violate any other applicable requirements. All terms and
13 conditions of a permit issued under this Section are
14 enforceable by USEPA and citizens under the Clean Air Act,
15 except those, if any, that are specifically designated as
16 not being federally enforceable in the permit pursuant to
17 paragraph (m) of subsection 7 of this Section.

18 b. After the applicable CAAPP permit or renewal
19 application submittal date, as specified in subsection 5
20 of this Section, no person shall operate a CAAPP source
21 without a CAAPP permit unless the complete CAAPP permit or
22 renewal application for such source has been timely
23 submitted to the Agency.

24 c. No owner or operator of a CAAPP source shall cause
25 or threaten or allow the continued operation of an

1 emission source during malfunction or breakdown of the
2 emission source or related air pollution control equipment
3 if such operation would cause a violation of the standards
4 or limitations applicable to the source, unless the CAAPP
5 permit granted to the source provides for such operation
6 consistent with this Act and applicable Board regulations.

7 7. Permit Content.

8 a. All CAAPP permits shall contain emission
9 limitations and standards and other enforceable terms and
10 conditions, including, but not limited to, operational
11 requirements, and schedules for achieving compliance at
12 the earliest reasonable date, which are or will be
13 required to accomplish the purposes and provisions of this
14 Act and to assure compliance with all applicable
15 requirements.

16 b. The Agency shall include among such conditions
17 applicable monitoring, reporting, recordkeeping, ~~record~~
18 ~~keeping~~ and compliance certification requirements, as
19 authorized by paragraphs (d), (e), and (f) of this
20 subsection, that the Agency deems necessary to assure
21 compliance with the Clean Air Act, the regulations
22 promulgated thereunder, this Act, and applicable Board
23 regulations. When monitoring, reporting, recordkeeping
24 ~~record-keeping~~, and compliance certification requirements
25 are specified within the Clean Air Act, regulations

1 promulgated thereunder, this Act, or applicable
2 regulations, such requirements shall be included within
3 the CAAPP permit. The Board shall have authority to
4 promulgate additional regulations where necessary to
5 accomplish the purposes of the Clean Air Act, this Act,
6 and regulations promulgated thereunder.

7 c. The Agency shall assure, within such conditions,
8 the use of terms, test methods, units, averaging periods,
9 and other statistical conventions consistent with the
10 applicable emission limitations, standards, and other
11 requirements contained in the permit.

12 d. To meet the requirements of this subsection with
13 respect to monitoring, the permit shall:

14 i. Incorporate and identify all applicable
15 emissions monitoring and analysis procedures or test
16 methods required under the Clean Air Act, regulations
17 promulgated thereunder, this Act, and applicable Board
18 regulations, including any procedures and methods
19 promulgated by USEPA pursuant to Section 504(b) or
20 Section 114 (a) (3) of the Clean Air Act.

21 ii. Where the applicable requirement does not
22 require periodic testing or instrumental or
23 noninstrumental monitoring (which may consist of
24 recordkeeping designed to serve as monitoring),
25 require periodic monitoring sufficient to yield
26 reliable data from the relevant time period that is

1 representative of the source's compliance with the
2 permit, as reported pursuant to paragraph (f) of this
3 subsection. The Agency may determine that
4 recordkeeping requirements are sufficient to meet the
5 requirements of this subparagraph.

6 iii. As necessary, specify requirements concerning
7 the use, maintenance, and when appropriate,
8 installation of monitoring equipment or methods.

9 e. To meet the requirements of this subsection with
10 respect to recordkeeping ~~record keeping~~, the permit shall
11 incorporate and identify all applicable recordkeeping
12 requirements and require, where applicable, the following:

13 i. Records of required monitoring information that
14 include the following:

15 A. The date, place and time of sampling or
16 measurements.

17 B. The date(s) analyses were performed.

18 C. The company or entity that performed the
19 analyses.

20 D. The analytical techniques or methods used.

21 E. The results of such analyses.

22 F. The operating conditions as existing at the
23 time of sampling or measurement.

24 ii. Retention of records of all monitoring data
25 and support information for a period of at least 5
26 years from the date of the monitoring sample,

1 measurement, report, or application. Support
2 information includes all calibration and maintenance
3 records, original strip-chart recordings for
4 continuous monitoring instrumentation, and copies of
5 all reports required by the permit.

6 f. To meet the requirements of this subsection with
7 respect to reporting, the permit shall incorporate and
8 identify all applicable reporting requirements and require
9 the following:

10 i. Submittal of reports of any required monitoring
11 every 6 months. More frequent submittals may be
12 requested by the Agency if such submittals are
13 necessary to assure compliance with this Act or
14 regulations promulgated by the Board thereunder. All
15 instances of deviations from permit requirements must
16 be clearly identified in such reports. All required
17 reports must be certified by a responsible official
18 consistent with subsection 5 of this Section.

19 ii. Prompt reporting of deviations from permit
20 requirements, including those attributable to upset
21 conditions as defined in the permit, the probable
22 cause of such deviations, and any corrective actions
23 or preventive measures taken.

24 g. Each CAAPP permit issued under subsection 10 of
25 this Section shall include a condition prohibiting
26 emissions exceeding any allowances that the source

1 lawfully holds under Title IV of the Clean Air Act or the
2 regulations promulgated thereunder, consistent with
3 subsection 17 of this Section and applicable regulations,
4 if any.

5 h. All CAAPP permits shall state that, where another
6 applicable requirement of the Clean Air Act is more
7 stringent than any applicable requirement of regulations
8 promulgated under Title IV of the Clean Air Act, both
9 provisions shall be incorporated into the permit and shall
10 be State and federally enforceable.

11 i. Each CAAPP permit issued under subsection 10 of
12 this Section shall include a severability clause to ensure
13 the continued validity of the various permit requirements
14 in the event of a challenge to any portions of the permit.

15 j. The following shall apply with respect to owners or
16 operators requesting a permit shield:

17 i. The Agency shall include in a CAAPP permit,
18 when requested by an applicant pursuant to paragraph
19 (p) of subsection 5 of this Section, a provision
20 stating that compliance with the conditions of the
21 permit shall be deemed compliance with applicable
22 requirements which are applicable as of the date of
23 release of the proposed permit, provided that:

24 A. The applicable requirement is specifically
25 identified within the permit; or

26 B. The Agency in acting on the CAAPP

1 application or revision determines in writing that
2 other requirements specifically identified are not
3 applicable to the source, and the permit includes
4 that determination or a concise summary thereof.

5 ii. The permit shall identify the requirements for
6 which the source is shielded. The shield shall not
7 extend to applicable requirements which are
8 promulgated after the date of release of the proposed
9 permit unless the permit has been modified to reflect
10 such new requirements.

11 iii. A CAAPP permit which does not expressly
12 indicate the existence of a permit shield shall not
13 provide such a shield.

14 iv. Nothing in this paragraph or in a CAAPP permit
15 shall alter or affect the following:

16 A. The provisions of Section 303 (emergency
17 powers) of the Clean Air Act, including USEPA's
18 authority under that section.

19 B. The liability of an owner or operator of a
20 source for any violation of applicable
21 requirements prior to or at the time of permit
22 issuance.

23 C. The applicable requirements of the acid
24 rain program consistent with Section 408(a) of the
25 Clean Air Act.

26 D. The ability of USEPA to obtain information

1 from a source pursuant to Section 114
2 (inspections, monitoring, and entry) of the Clean
3 Air Act.

4 k. Each CAAPP permit shall include an emergency
5 provision providing an affirmative defense of emergency to
6 an action brought for noncompliance with technology-based
7 emission limitations under a CAAPP permit if the following
8 conditions are met through properly signed,
9 contemporaneous operating logs, or other relevant
10 evidence:

11 i. An emergency occurred and the permittee can
12 identify the cause(s) of the emergency.

13 ii. The permitted facility was at the time being
14 properly operated.

15 iii. The permittee submitted notice of the
16 emergency to the Agency within 2 working days after
17 the time when emission limitations were exceeded due
18 to the emergency. This notice must contain a detailed
19 description of the emergency, any steps taken to
20 mitigate emissions, and corrective actions taken.

21 iv. During the period of the emergency the
22 permittee took all reasonable steps to minimize levels
23 of emissions that exceeded the emission limitations,
24 standards, or requirements in the permit.

25 For purposes of this subsection, "emergency" means any
26 situation arising from sudden and reasonably unforeseeable

1 events beyond the control of the source, such as an act of
2 God, that requires immediate corrective action to restore
3 normal operation, and that causes the source to exceed a
4 technology-based emission limitation under the permit, due
5 to unavoidable increases in emissions attributable to the
6 emergency. An emergency shall not include noncompliance to
7 the extent caused by improperly designed equipment, lack
8 of preventative maintenance, careless or improper
9 operation, or operation error.

10 In any enforcement proceeding, the permittee seeking
11 to establish the occurrence of an emergency has the burden
12 of proof. This provision is in addition to any emergency
13 or upset provision contained in any applicable
14 requirement. This provision does not relieve a permittee
15 of any reporting obligations under existing federal or
16 state laws or regulations.

17 1. The Agency shall include in each permit issued
18 under subsection 10 of this Section:

19 i. Terms and conditions for reasonably anticipated
20 operating scenarios identified by the source in its
21 application. The permit terms and conditions for each
22 such operating scenario shall meet all applicable
23 requirements and the requirements of this Section.

24 A. Under this subparagraph, the source must
25 record in a log at the permitted facility a record
26 of the scenario under which it is operating

1 contemporaneously with making a change from one
2 operating scenario to another.

3 B. The permit shield described in paragraph
4 (j) of subsection 7 of this Section shall extend
5 to all terms and conditions under each such
6 operating scenario.

7 ii. Where requested by an applicant, all terms and
8 conditions allowing for trading of emissions increases
9 and decreases between different emission units at the
10 CAAPP source, to the extent that the applicable
11 requirements provide for trading of such emissions
12 increases and decreases without a case-by-case
13 approval of each emissions trade. Such terms and
14 conditions:

15 A. Shall include all terms required under this
16 subsection to determine compliance;

17 B. Must meet all applicable requirements;

18 C. Shall extend the permit shield described in
19 paragraph (j) of subsection 7 of this Section to
20 all terms and conditions that allow such increases
21 and decreases in emissions.

22 m. The Agency shall specifically designate as not
23 being federally enforceable under the Clean Air Act any
24 terms and conditions included in the permit that are not
25 specifically required under the Clean Air Act or federal
26 regulations promulgated thereunder. Terms or conditions so

1 designated shall be subject to all applicable State
2 requirements, except the requirements of subsection 7
3 (other than this paragraph, paragraph q of subsection 7,
4 subsections 8 through 11, and subsections 13 through 16 of
5 this Section). The Agency shall, however, include such
6 terms and conditions in the CAAPP permit issued to the
7 source.

8 n. Each CAAPP permit issued under subsection 10 of
9 this Section shall specify and reference the origin of and
10 authority for each term or condition, and identify any
11 difference in form as compared to the applicable
12 requirement upon which the term or condition is based.

13 o. Each CAAPP permit issued under subsection 10 of
14 this Section shall include provisions stating the
15 following:

16 i. Duty to comply. The permittee must comply with
17 all terms and conditions of the CAAPP permit. Any
18 permit noncompliance constitutes a violation of the
19 Clean Air Act and the Act, and is grounds for any or
20 all of the following: enforcement action; permit
21 termination, revocation and reissuance, or
22 modification; or denial of a permit renewal
23 application.

24 ii. Need to halt or reduce activity not a defense.
25 It shall not be a defense for a permittee in an
26 enforcement action that it would have been necessary

1 to halt or reduce the permitted activity in order to
2 maintain compliance with the conditions of this
3 permit.

4 iii. Permit actions. The permit may be modified,
5 revoked, reopened, and reissued, or terminated for
6 cause in accordance with the applicable subsections of
7 this Section 39.5 ~~of this Act~~. The filing of a request
8 by the permittee for a permit modification, revocation
9 and reissuance, or termination, or of a notification
10 of planned changes or anticipated noncompliance does
11 not stay any permit condition.

12 iv. Property rights. The permit does not convey
13 any property rights of any sort, or any exclusive
14 privilege.

15 v. Duty to provide information. The permittee
16 shall furnish to the Agency within a reasonable time
17 specified by the Agency any information that the
18 Agency may request in writing to determine whether
19 cause exists for modifying, revoking and reissuing, or
20 terminating the permit or to determine compliance with
21 the permit. Upon request, the permittee shall also
22 furnish to the Agency copies of records required to be
23 kept by the permit or, for information claimed to be
24 confidential, the permittee may furnish such records
25 directly to USEPA along with a claim of
26 confidentiality.

1 vi. Duty to pay fees. The permittee must pay fees
2 to the Agency consistent with the fee schedule
3 approved pursuant to subsection 18 of this Section,
4 and submit any information relevant thereto.

5 vii. Emissions trading. No permit revision shall
6 be required for increases in emissions allowed under
7 any approved economic incentives, marketable permits,
8 emissions trading, and other similar programs or
9 processes for changes that are provided for in the
10 permit and that are authorized by the applicable
11 requirement.

12 p. Each CAAPP permit issued under subsection 10 of
13 this Section shall contain the following elements with
14 respect to compliance:

15 i. Compliance certification, testing, monitoring,
16 reporting, and recordkeeping ~~record—keeping~~
17 requirements sufficient to assure compliance with the
18 terms and conditions of the permit. Any document
19 (including reports) required by a CAAPP permit shall
20 contain a certification by a responsible official that
21 meets the requirements of subsection 5 of this Section
22 and applicable regulations.

23 ii. Inspection and entry requirements that
24 necessitate that, upon presentation of credentials and
25 other documents as may be required by law and in
26 accordance with constitutional limitations, the

1 permittee shall allow the Agency, or an authorized
2 representative to perform the following:

3 A. Enter upon the permittee's premises where a
4 CAAPP source is located or emissions-related
5 activity is conducted, or where records must be
6 kept under the conditions of the permit.

7 B. Have access to and copy, at reasonable
8 times, any records that must be kept under the
9 conditions of the permit.

10 C. Inspect at reasonable times any facilities,
11 equipment (including monitoring and air pollution
12 control equipment), practices, or operations
13 regulated or required under the permit.

14 D. Sample or monitor any substances or
15 parameters at any location:

16 1. As authorized by the Clean Air Act, at
17 reasonable times, for the purposes of assuring
18 compliance with the CAAPP permit or applicable
19 requirements; or

20 2. As otherwise authorized by this Act.

21 iii. A schedule of compliance consistent with
22 subsection 5 of this Section and applicable
23 regulations.

24 iv. Progress reports consistent with an applicable
25 schedule of compliance pursuant to paragraph (d) of
26 subsection 5 of this Section and applicable

1 regulations to be submitted semiannually, or more
2 frequently if the Agency determines that such more
3 frequent submittals are necessary for compliance with
4 the Act or regulations promulgated by the Board
5 thereunder. Such progress reports shall contain the
6 following:

7 A. Required dates for achieving the
8 activities, milestones, or compliance required by
9 the schedule of compliance and dates when such
10 activities, milestones, or compliance were
11 achieved.

12 B. An explanation of why any dates in the
13 schedule of compliance were not or will not be
14 met, and any preventive or corrective measures
15 adopted.

16 v. Requirements for compliance certification with
17 terms and conditions contained in the permit,
18 including emission limitations, standards, or work
19 practices. Permits shall include each of the
20 following:

21 A. The frequency (annually or more frequently
22 as specified in any applicable requirement or by
23 the Agency pursuant to written procedures) of
24 submissions of compliance certifications.

25 B. A means for assessing or monitoring the
26 compliance of the source with its emissions

1 limitations, standards, and work practices.

2 C. A requirement that the compliance
3 certification include the following:

4 1. The identification of each term or
5 condition contained in the permit that is the
6 basis of the certification.

7 2. The compliance status.

8 3. Whether compliance was continuous or
9 intermittent.

10 4. The method(s) used for determining the
11 compliance status of the source, both
12 currently and over the reporting period
13 consistent with subsection 7 of this Section.

14 D. A requirement that all compliance
15 certifications be submitted to the Agency.

16 E. Additional requirements as may be specified
17 pursuant to Sections 114(a)(3) and 504(b) of the
18 Clean Air Act.

19 F. Other provisions as the Agency may require.

20 q. If the owner or operator of CAAPP source can
21 demonstrate in its CAAPP application, including an
22 application for a significant modification, that an
23 alternative emission limit would be equivalent to that
24 contained in the applicable Board regulations, the Agency
25 shall include the alternative emission limit in the CAAPP
26 permit, which shall supersede the emission limit set forth

1 in the applicable Board regulations, and shall include
2 conditions that insure that the resulting emission limit
3 is quantifiable, accountable, enforceable, and based on
4 replicable procedures.

5 8. Public Notice; Affected State Review.

6 a. The Agency shall provide notice to the public,
7 including an opportunity for public comment and a hearing,
8 on each draft CAAPP permit for issuance, renewal, or
9 significant modification, subject to Section 7.1 and
10 subsection (a) of Section 7 of this Act.

11 b. The Agency shall prepare a draft CAAPP permit and a
12 statement that sets forth the legal and factual basis for
13 the draft CAAPP permit conditions, including references to
14 the applicable statutory or regulatory provisions. The
15 Agency shall provide this statement to any person who
16 requests it.

17 c. The Agency shall give notice of each draft CAAPP
18 permit to the applicant and to any affected State on or
19 before the time that the Agency has provided notice to the
20 public, except as otherwise provided in this Act.

21 d. The Agency, as part of its submittal of a proposed
22 permit to USEPA (or as soon as possible after the
23 submittal for minor permit modification procedures allowed
24 under subsection 14 of this Section), shall notify USEPA
25 and any affected State in writing of any refusal of the

1 Agency to accept all of the recommendations for the
2 proposed permit that an affected State submitted during
3 the public or affected State review period. The notice
4 shall include the Agency's reasons for not accepting the
5 recommendations. The Agency is not required to accept
6 recommendations that are not based on applicable
7 requirements or the requirements of this Section.

8 e. The Agency shall make available to the public any
9 CAAPP permit application, compliance plan (including the
10 schedule of compliance), CAAPP permit, and emissions or
11 compliance monitoring report. If an owner or operator of a
12 CAAPP source is required to submit information entitled to
13 protection from disclosure under Section 7.1 and
14 subsection (a) of Section 7 of this Act, the owner or
15 operator shall submit such information separately. The
16 requirements of Section 7.1 and subsection (a) of Section
17 7 of this Act shall apply to such information, which shall
18 not be included in a CAAPP permit unless required by law.
19 The contents of a CAAPP permit shall not be entitled to
20 protection under Section 7.1 and subsection (a) of Section
21 7 of this Act.

22 f. The Agency shall have the authority to adopt
23 procedural rules, in accordance with the Illinois
24 Administrative Procedure Act, as the Agency deems
25 necessary, to implement this subsection.

26 g. If requested by the permit applicant, the Agency

1 shall provide the permit applicant with a copy of the
2 draft CAAPP permit prior to any public review period. If
3 requested by the permit applicant, the Agency shall
4 provide the permit applicant with a copy of the final
5 CAAPP permit prior to issuance of the CAAPP permit.

6 9. USEPA Notice and Objection.

7 a. The Agency shall provide to USEPA for its review a
8 copy of each CAAPP application (including any application
9 for permit modification), statement of basis as provided
10 in paragraph (b) of subsection 8 of this Section, proposed
11 CAAPP permit, CAAPP permit, and, if the Agency does not
12 incorporate any affected State's recommendations on a
13 proposed CAAPP permit, a written statement of this
14 decision and its reasons for not accepting the
15 recommendations, except as otherwise provided in this Act
16 or by agreement with USEPA. To the extent practicable, the
17 preceding information shall be provided in computer
18 readable format compatible with USEPA's national database
19 management system.

20 b. The Agency shall not issue the proposed CAAPP
21 permit if USEPA objects in writing within 45 days after
22 receipt of the proposed CAAPP permit and all necessary
23 supporting information.

24 c. If USEPA objects in writing to the issuance of the
25 proposed CAAPP permit within the 45-day period, the Agency

1 shall respond in writing and may revise and resubmit the
2 proposed CAAPP permit in response to the stated objection,
3 to the extent supported by the record, within 90 days
4 after the date of the objection. Prior to submitting a
5 revised permit to USEPA, the Agency shall provide the
6 applicant and any person who participated in the public
7 comment process, pursuant to subsection 8 of this Section,
8 with a 10-day period to comment on any revision which the
9 Agency is proposing to make to the permit in response to
10 USEPA's objection in accordance with Agency procedures.

11 d. Any USEPA objection under this subsection,
12 according to the Clean Air Act, will include a statement
13 of reasons for the objection and a description of the
14 terms and conditions that must be in the permit, in order
15 to adequately respond to the objections. Grounds for a
16 USEPA objection include the failure of the Agency to: (1)
17 submit the items and notices required under this
18 subsection; (2) submit any other information necessary to
19 adequately review the proposed CAAPP permit; or (3)
20 process the permit under subsection 8 of this Section
21 except for minor permit modifications.

22 e. If USEPA does not object in writing to issuance of a
23 permit under this subsection, any person may petition
24 USEPA within 60 days after expiration of the 45-day review
25 period to make such objection.

26 f. If the permit has not yet been issued and USEPA

1 objects to the permit as a result of a petition, the Agency
2 shall not issue the permit until USEPA's objection has
3 been resolved. The Agency shall provide a 10-day comment
4 period in accordance with paragraph c of this subsection.
5 A petition does not, however, stay the effectiveness of a
6 permit or its requirements if the permit was issued after
7 expiration of the 45-day review period and prior to a
8 USEPA objection.

9 g. If the Agency has issued a permit after expiration
10 of the 45-day review period and prior to receipt of a USEPA
11 objection under this subsection in response to a petition
12 submitted pursuant to paragraph e of this subsection, the
13 Agency may, upon receipt of an objection from USEPA,
14 revise and resubmit the permit to USEPA pursuant to this
15 subsection after providing a 10-day comment period in
16 accordance with paragraph c of this subsection. If the
17 Agency fails to submit a revised permit in response to the
18 objection, USEPA shall modify, terminate, or revoke the
19 permit. In any case, the source will not be in violation of
20 the requirement to have submitted a timely and complete
21 application.

22 h. The Agency shall have the authority to adopt
23 procedural rules, in accordance with the Illinois
24 Administrative Procedure Act, as the Agency deems
25 necessary, to implement this subsection.

1 10. Final Agency Action.

2 a. The Agency shall issue a CAAPP permit, permit
3 modification, or permit renewal if all of the following
4 conditions are met:

5 i. The applicant has submitted a complete and
6 certified application for a permit, permit
7 modification, or permit renewal consistent with
8 subsections 5 and 14 of this Section, as applicable,
9 and applicable regulations.

10 ii. The applicant has submitted with its complete
11 application an approvable compliance plan, including a
12 schedule for achieving compliance, consistent with
13 subsection 5 of this Section and applicable
14 regulations.

15 iii. The applicant has timely paid the fees
16 required pursuant to subsection 18 of this Section and
17 applicable regulations.

18 iv. The Agency has received a complete CAAPP
19 application and, if necessary, has requested and
20 received additional information from the applicant
21 consistent with subsection 5 of this Section and
22 applicable regulations.

23 v. The Agency has complied with all applicable
24 provisions regarding public notice and affected State
25 review consistent with subsection 8 of this Section
26 and applicable regulations.

1 vi. The Agency has provided a copy of each CAAPP
2 application, or summary thereof, pursuant to agreement
3 with USEPA and proposed CAAPP permit required under
4 subsection 9 of this Section to USEPA, and USEPA has
5 not objected to the issuance of the permit in
6 accordance with the Clean Air Act and 40 CFR Part 70.

7 b. The Agency shall have the authority to deny a CAAPP
8 permit, permit modification, or permit renewal if the
9 applicant has not complied with the requirements of
10 subparagraphs (i) through (iv) of paragraph (a) of this
11 subsection or if USEPA objects to its issuance.

12 c. i. Prior to denial of a CAAPP permit, permit
13 modification, or permit renewal under this Section,
14 the Agency shall notify the applicant of the possible
15 denial and the reasons for the denial.

16 ii. Within such notice, the Agency shall specify
17 an appropriate date by which the applicant shall
18 adequately respond to the Agency's notice. Such date
19 shall not exceed 15 days from the date the
20 notification is received by the applicant. The Agency
21 may grant a reasonable extension for good cause shown.

22 iii. Failure by the applicant to adequately
23 respond by the date specified in the notification or
24 by any granted extension date shall be grounds for
25 denial of the permit.

26 For purposes of obtaining judicial review under

1 Sections 40.2 and 41 of this Act, the Agency shall
2 provide to USEPA and each applicant, and, upon
3 request, to affected States, any person who
4 participated in the public comment process, and any
5 other person who could obtain judicial review under
6 Sections 40.2 and 41 of this Act, a copy of each CAAPP
7 permit or notification of denial pertaining to that
8 party.

9 d. The Agency shall have the authority to adopt
10 procedural rules, in accordance with the Illinois
11 Administrative Procedure Act, as the Agency deems
12 necessary, to implement this subsection.

13 11. General Permits.

14 a. The Agency may issue a general permit covering
15 numerous similar sources, except for affected sources for
16 acid deposition unless otherwise provided in regulations
17 promulgated under Title IV of the Clean Air Act.

18 b. The Agency shall identify, in any general permit,
19 criteria by which sources may qualify for the general
20 permit.

21 c. CAAPP sources that would qualify for a general
22 permit must apply for coverage under the terms of the
23 general permit or must apply for a CAAPP permit consistent
24 with subsection 5 of this Section and applicable
25 regulations.

1 d. The Agency shall comply with the public comment and
2 hearing provisions of this Section as well as the USEPA
3 and affected State review procedures prior to issuance of
4 a general permit.

5 e. When granting a subsequent request by a qualifying
6 CAAPP source for coverage under the terms of a general
7 permit, the Agency shall not be required to repeat the
8 public notice and comment procedures. The granting of such
9 request shall not be considered a final permit action for
10 purposes of judicial review.

11 f. The Agency may not issue a general permit to cover
12 any discrete emission unit at a CAAPP source if another
13 CAAPP permit covers emission units at the source.

14 g. The Agency shall have the authority to adopt
15 procedural rules, in accordance with the Illinois
16 Administrative Procedure Act, as the Agency deems
17 necessary, to implement this subsection.

18 12. Operational Flexibility.

19 a. An owner or operator of a CAAPP source may make
20 changes at the CAAPP source without requiring a prior
21 permit revision, consistent with subparagraphs (i) through
22 (iii) of paragraph (a) of this subsection, so long as the
23 changes are not modifications under any provision of Title
24 I of the Clean Air Act and they do not exceed the emissions
25 allowable under the permit (whether expressed therein as a

1 rate of emissions or in terms of total emissions),
2 provided that the owner or operator of the CAAPP source
3 provides USEPA and the Agency with written notification as
4 required below in advance of the proposed changes, which
5 shall be a minimum of 7 days, unless otherwise provided by
6 the Agency in applicable regulations regarding
7 emergencies. The owner or operator of a CAAPP source and
8 the Agency shall each attach such notice to their copy of
9 the relevant permit.

10 i. An owner or operator of a CAAPP source may make
11 Section 502 (b) (10) changes without a permit
12 revision, if the changes are not modifications under
13 any provision of Title I of the Clean Air Act and the
14 changes do not exceed the emissions allowable under
15 the permit (whether expressed therein as a rate of
16 emissions or in terms of total emissions).

17 A. For each such change, the written
18 notification required above shall include a brief
19 description of the change within the source, the
20 date on which the change will occur, any change in
21 emissions, and any permit term or condition that
22 is no longer applicable as a result of the change.

23 B. The permit shield described in paragraph
24 (j) of subsection 7 of this Section shall not
25 apply to any change made pursuant to this
26 subparagraph.

1 ii. An owner or operator of a CAAPP source may
2 trade increases and decreases in emissions in the
3 CAAPP source, where the applicable implementation plan
4 provides for such emission trades without requiring a
5 permit revision. This provision is available in those
6 cases where the permit does not already provide for
7 such emissions trading.

8 A. Under this subparagraph (ii) of paragraph
9 (a) of this subsection, the written notification
10 required above shall include such information as
11 may be required by the provision in the applicable
12 implementation plan authorizing the emissions
13 trade, including, at a minimum, when the proposed
14 changes will occur, a description of each such
15 change, any change in emissions, the permit
16 requirements with which the source will comply
17 using the emissions trading provisions of the
18 applicable implementation plan, and the pollutants
19 emitted subject to the emissions trade. The notice
20 shall also refer to the provisions in the
21 applicable implementation plan with which the
22 source will comply and provide for the emissions
23 trade.

24 B. The permit shield described in paragraph
25 (j) of subsection 7 of this Section shall not
26 apply to any change made pursuant to subparagraph

1 (ii) of paragraph (a) of this subsection.
2 Compliance with the permit requirements that the
3 source will meet using the emissions trade shall
4 be determined according to the requirements of the
5 applicable implementation plan authorizing the
6 emissions trade.

7 iii. If requested within a CAAPP application, the
8 Agency shall issue a CAAPP permit which contains terms
9 and conditions, including all terms required under
10 subsection 7 of this Section to determine compliance,
11 allowing for the trading of emissions increases and
12 decreases at the CAAPP source solely for the purpose
13 of complying with a federally enforceable
14 ~~federally-enforceable~~ emissions cap that is
15 established in the permit independent of otherwise
16 applicable requirements. The owner or operator of a
17 CAAPP source shall include in its CAAPP application
18 proposed replicable procedures and permit terms that
19 ensure the emissions trades are quantifiable and
20 enforceable. The permit shall also require compliance
21 with all applicable requirements.

22 A. Under this subparagraph (iii) of paragraph
23 (a), the written notification required above shall
24 state when the change will occur and shall
25 describe the changes in emissions that will result
26 and how these increases and decreases in emissions

1 will comply with the terms and conditions of the
2 permit.

3 B. The permit shield described in paragraph
4 (j) of subsection 7 of this Section shall extend
5 to terms and conditions that allow such increases
6 and decreases in emissions.

7 b. An owner or operator of a CAAPP source may make
8 changes that are not addressed or prohibited by the
9 permit, other than those which are subject to any
10 requirements under Title IV of the Clean Air Act or are
11 modifications under any provisions of Title I of the Clean
12 Air Act, without a permit revision, in accordance with the
13 following requirements:

14 (i) Each such change shall meet all applicable
15 requirements and shall not violate any existing permit
16 term or condition;

17 (ii) Sources must provide contemporaneous written
18 notice to the Agency and USEPA of each such change,
19 except for changes that qualify as insignificant under
20 provisions adopted by the Agency or the Board. Such
21 written notice shall describe each such change,
22 including the date, any change in emissions,
23 pollutants emitted, and any applicable requirement
24 that would apply as a result of the change;

25 (iii) The change shall not qualify for the shield
26 described in paragraph (j) of subsection 7 of this

1 Section; and

2 (iv) The permittee shall keep a record describing
3 changes made at the source that result in emissions of
4 a regulated air pollutant subject to an applicable
5 Clean Air Act requirement, but not otherwise regulated
6 under the permit, and the emissions resulting from
7 those changes.

8 c. The Agency shall have the authority to adopt
9 procedural rules, in accordance with the Illinois
10 Administrative Procedure Act, as the Agency deems
11 necessary to implement this subsection.

12 13. Administrative Permit Amendments.

13 a. The Agency shall take final action on a request for
14 an administrative permit amendment within 60 days after
15 receipt of the request. Neither notice nor an opportunity
16 for public and affected State comment shall be required
17 for the Agency to incorporate such revisions, provided it
18 designates the permit revisions as having been made
19 pursuant to this subsection.

20 b. The Agency shall submit a copy of the revised
21 permit to USEPA.

22 c. For purposes of this Section the term
23 "administrative permit amendment" shall be defined as a
24 permit revision that can accomplish one or more of the
25 changes described below:

- 1 i. Corrects typographical errors;
- 2 ii. Identifies a change in the name, address, or
3 phone number of any person identified in the permit,
4 or provides a similar minor administrative change at
5 the source;
- 6 iii. Requires more frequent monitoring or
7 reporting by the permittee;
- 8 iv. Allows for a change in ownership or
9 operational control of a source where the Agency
10 determines that no other change in the permit is
11 necessary, provided that a written agreement
12 containing a specific date for transfer of permit
13 responsibility, coverage, and liability between the
14 current and new permittees has been submitted to the
15 Agency;
- 16 v. Incorporates into the CAAPP permit the
17 requirements from preconstruction review permits
18 authorized under a USEPA-approved program, provided
19 the program meets procedural and compliance
20 requirements substantially equivalent to those
21 contained in this Section;
- 22 vi. (Blank); or
- 23 vii. Any other type of change which USEPA has
24 determined as part of the approved CAAPP permit
25 program to be similar to those included in this
26 subsection.

1 d. The Agency shall, upon taking final action granting
2 a request for an administrative permit amendment, allow
3 coverage by the permit shield in paragraph (j) of
4 subsection 7 of this Section for administrative permit
5 amendments made pursuant to subparagraph (v) of paragraph
6 (c) of this subsection which meet the relevant
7 requirements for significant permit modifications.

8 e. Permit revisions and modifications, including
9 administrative amendments and automatic amendments
10 (pursuant to Sections 408(b) and 403(d) of the Clean Air
11 Act or regulations promulgated thereunder), for purposes
12 of the acid rain portion of the permit shall be governed by
13 the regulations promulgated under Title IV of the Clean
14 Air Act. Owners or operators of affected sources for acid
15 deposition shall have the flexibility to amend their
16 compliance plans as provided in the regulations
17 promulgated under Title IV of the Clean Air Act.

18 f. The CAAPP source may implement the changes
19 addressed in the request for an administrative permit
20 amendment immediately upon submittal of the request.

21 g. The Agency shall have the authority to adopt
22 procedural rules, in accordance with the Illinois
23 Administrative Procedure Act, as the Agency deems
24 necessary, to implement this subsection.

25 14. Permit Modifications.

1 a. Minor permit modification procedures.

2 i. The Agency shall review a permit modification
3 using the "minor permit" modification procedures only
4 for those permit modifications that:

5 A. Do not violate any applicable requirement;

6 B. Do not involve significant changes to
7 existing monitoring, reporting, or recordkeeping
8 requirements in the permit;

9 C. Do not require a case-by-case determination
10 of an emission limitation or other standard, or a
11 source-specific determination of ambient impacts,
12 or a visibility or increment analysis;

13 D. Do not seek to establish or change a permit
14 term or condition for which there is no
15 corresponding underlying requirement and which
16 avoids an applicable requirement to which the
17 source would otherwise be subject. Such terms and
18 conditions include:

19 1. A federally enforceable emissions cap
20 assumed to avoid classification as a
21 modification under any provision of Title I of
22 the Clean Air Act; and

23 2. An alternative emissions limit approved
24 pursuant to regulations promulgated under
25 Section 112(i)(5) of the Clean Air Act;

26 E. Are not modifications under any provision

1 of Title I of the Clean Air Act; and

2 F. Are not required to be processed as a
3 significant modification.

4 ii. Notwithstanding subparagraph (i) of paragraph
5 (a) and subparagraph (ii) of paragraph (b) of this
6 subsection, minor permit modification procedures may
7 be used for permit modifications involving the use of
8 economic incentives, marketable permits, emissions
9 trading, and other similar approaches, to the extent
10 that such minor permit modification procedures are
11 explicitly provided for in an applicable
12 implementation plan or in applicable requirements
13 promulgated by USEPA.

14 iii. An applicant requesting the use of minor
15 permit modification procedures shall meet the
16 requirements of subsection 5 of this Section and shall
17 include the following in its application:

18 A. A description of the change, the emissions
19 resulting from the change, and any new applicable
20 requirements that will apply if the change occurs;

21 B. The source's suggested draft permit;

22 C. Certification by a responsible official,
23 consistent with paragraph (e) of subsection 5 of
24 this Section and applicable regulations, that the
25 proposed modification meets the criteria for use
26 of minor permit modification procedures and a

1 request that such procedures be used; and

2 D. Completed forms for the Agency to use to
3 notify USEPA and affected States as required under
4 subsections 8 and 9 of this Section.

5 iv. Within 5 working days after receipt of a
6 complete permit modification application, the Agency
7 shall notify USEPA and affected States of the
8 requested permit modification in accordance with
9 subsections 8 and 9 of this Section. The Agency
10 promptly shall send any notice required under
11 paragraph (d) of subsection 8 of this Section to
12 USEPA.

13 v. The Agency may not issue a final permit
14 modification until after the 45-day review period for
15 USEPA or until USEPA has notified the Agency that
16 USEPA will not object to the issuance of the permit
17 modification, whichever comes first, although the
18 Agency can approve the permit modification prior to
19 that time. Within 90 days after the Agency's receipt
20 of an application under the minor permit modification
21 procedures or 15 days after the end of USEPA's 45-day
22 review period under subsection 9 of this Section,
23 whichever is later, the Agency shall:

24 A. Issue the permit modification as proposed;

25 B. Deny the permit modification application;

26 C. Determine that the requested modification

1 does not meet the minor permit modification
2 criteria and should be reviewed under the
3 significant modification procedures; or

4 D. Revise the draft permit modification and
5 transmit to USEPA the new proposed permit
6 modification as required by subsection 9 of this
7 Section.

8 vi. Any CAAPP source may make the change proposed
9 in its minor permit modification application
10 immediately after it files such application. After the
11 CAAPP source makes the change allowed by the preceding
12 sentence, and until the Agency takes any of the
13 actions specified in items (A) through (C) of
14 subparagraph (v) of paragraph (a) of this subsection,
15 the source must comply with both the applicable
16 requirements governing the change and the proposed
17 permit terms and conditions. During this time period,
18 the source need not comply with the existing permit
19 terms and conditions it seeks to modify. If the source
20 fails to comply with its proposed permit terms and
21 conditions during this time period, the existing
22 permit terms and conditions which it seeks to modify
23 may be enforced against it.

24 vii. The permit shield under paragraph (j) of
25 subsection 7 of this Section may not extend to minor
26 permit modifications.

1 viii. If a construction permit is required,
2 pursuant to subsection (a) of Section 39 of this Act
3 and regulations thereunder, for a change for which the
4 minor permit modification procedures are applicable,
5 the source may request that the processing of the
6 construction permit application be consolidated with
7 the processing of the application for the minor permit
8 modification. In such cases, the provisions of this
9 Section, including those within subsections 5, 8, and
10 9, shall apply and the Agency shall act on such
11 applications pursuant to subparagraph (v) of paragraph
12 (a) of subsection 14 of this Section. The source may
13 make the proposed change immediately after filing its
14 application for the minor permit modification. Nothing
15 in this subparagraph shall otherwise affect the
16 requirements and procedures applicable to construction
17 permits.

18 b. Group Processing of Minor Permit Modifications.

19 i. Where requested by an applicant within its
20 application, the Agency shall process groups of a
21 source's applications for certain modifications
22 eligible for minor permit modification processing in
23 accordance with the provisions of this paragraph (b).

24 ii. Permit modifications may be processed in
25 accordance with the procedures for group processing,
26 for those modifications:

1 A. Which meet the criteria for minor permit
2 modification procedures under subparagraph (i) of
3 paragraph (a) of subsection 14 of this Section;
4 and

5 B. That collectively are below 10 percent of
6 the emissions allowed by the permit for the
7 emissions unit for which change is requested, 20
8 percent of the applicable definition of major
9 source set forth in subsection 2 of this Section,
10 or 5 tons per year, whichever is least.

11 iii. An applicant requesting the use of group
12 processing procedures shall meet the requirements of
13 subsection 5 of this Section and shall include the
14 following in its application:

15 A. A description of the change, the emissions
16 resulting from the change, and any new applicable
17 requirements that will apply if the change occurs.

18 B. The source's suggested draft permit.

19 C. Certification by a responsible official
20 consistent with paragraph (e) of subsection 5 of
21 this Section, that the proposed modification meets
22 the criteria for use of group processing
23 procedures and a request that such procedures be
24 used.

25 D. A list of the source's other pending
26 applications awaiting group processing, and a

1 determination of whether the requested
2 modification, aggregated with these other
3 applications, equals or exceeds the threshold set
4 under item (B) of subparagraph (ii) of paragraph
5 (b) of this subsection.

6 E. Certification, consistent with paragraph
7 (e) of subsection 5 of this Section, that the
8 source has notified USEPA of the proposed
9 modification. Such notification need only contain
10 a brief description of the requested modification.

11 F. Completed forms for the Agency to use to
12 notify USEPA and affected states as required under
13 subsections 8 and 9 of this Section.

14 iv. On a quarterly basis or within 5 business days
15 after receipt of an application demonstrating that the
16 aggregate of a source's pending applications equals or
17 exceeds the threshold level set forth within item (B)
18 of subparagraph (ii) of paragraph (b) of this
19 subsection, whichever is earlier, the Agency shall
20 promptly notify USEPA and affected States of the
21 requested permit modifications in accordance with
22 subsections 8 and 9 of this Section. The Agency shall
23 send any notice required under paragraph (d) of
24 subsection 8 of this Section to USEPA.

25 v. The provisions of subparagraph (v) of paragraph
26 (a) of this subsection shall apply to modifications

1 eligible for group processing, except that the Agency
2 shall take one of the actions specified in items (A)
3 through (D) of subparagraph (v) of paragraph (a) of
4 this subsection within 180 days after receipt of the
5 application or 15 days after the end of USEPA's 45-day
6 review period under subsection 9 of this Section,
7 whichever is later.

8 vi. The provisions of subparagraph (vi) of
9 paragraph (a) of this subsection shall apply to
10 modifications for group processing.

11 vii. The provisions of paragraph (j) of subsection
12 7 of this Section shall not apply to modifications
13 eligible for group processing.

14 c. Significant Permit Modifications.

15 i. Significant modification procedures shall be
16 used for applications requesting significant permit
17 modifications and for those applications that do not
18 qualify as either minor permit modifications or as
19 administrative permit amendments.

20 ii. Every significant change in existing
21 monitoring permit terms or conditions and every
22 relaxation of reporting or recordkeeping requirements
23 shall be considered significant. A modification shall
24 also be considered significant if in the judgment of
25 the Agency action on an application for modification
26 would require decisions to be made on technically

1 complex issues. Nothing herein shall be construed to
2 preclude the permittee from making changes consistent
3 with this Section that would render existing permit
4 compliance terms and conditions irrelevant.

5 iii. Significant permit modifications must meet
6 all the requirements of this Section, including those
7 for applications (including completeness review),
8 public participation, review by affected States, and
9 review by USEPA applicable to initial permit issuance
10 and permit renewal. The Agency shall take final action
11 on significant permit modifications within 9 months
12 after receipt of a complete application.

13 d. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary, to implement this subsection.

17 15. Reopenings for Cause by the Agency.

18 a. Each issued CAAPP permit shall include provisions
19 specifying the conditions under which the permit will be
20 reopened prior to the expiration of the permit. Such
21 revisions shall be made as expeditiously as practicable. A
22 CAAPP permit shall be reopened and revised under any of
23 the following circumstances, in accordance with procedures
24 adopted by the Agency:

25 i. Additional requirements under the Clean Air Act

1 become applicable to a major CAAPP source for which 3
2 or more years remain on the original term of the
3 permit. Such a reopening shall be completed not later
4 than 18 months after the promulgation of the
5 applicable requirement. No such revision is required
6 if the effective date of the requirement is later than
7 the date on which the permit is due to expire.

8 ii. Additional requirements (including excess
9 emissions requirements) become applicable to an
10 affected source for acid deposition under the acid
11 rain program. Excess emissions offset plans shall be
12 deemed to be incorporated into the permit upon
13 approval by USEPA.

14 iii. The Agency or USEPA determines that the
15 permit contains a material mistake or that inaccurate
16 statements were made in establishing the emissions
17 standards, limitations, or other terms or conditions
18 of the permit.

19 iv. The Agency or USEPA determines that the permit
20 must be revised or revoked to assure compliance with
21 the applicable requirements.

22 b. In the event that the Agency determines that there
23 are grounds for revoking a CAAPP permit, for cause,
24 consistent with paragraph a of this subsection, it shall
25 file a petition before the Board setting forth the basis
26 for such revocation. In any such proceeding, the Agency

1 shall have the burden of establishing that the permit
2 should be revoked under the standards set forth in this
3 Act and the Clean Air Act. Any such proceeding shall be
4 conducted pursuant to the Board's procedures for
5 adjudicatory hearings and the Board shall render its
6 decision within 120 days of the filing of the petition.
7 The Agency shall take final action to revoke and reissue a
8 CAAPP permit consistent with the Board's order.

9 c. Proceedings regarding a reopened CAAPP permit shall
10 follow the same procedures as apply to initial permit
11 issuance and shall affect only those parts of the permit
12 for which cause to reopen exists.

13 d. Reopenings under paragraph (a) of this subsection
14 shall not be initiated before a notice of such intent is
15 provided to the CAAPP source by the Agency at least 30 days
16 in advance of the date that the permit is to be reopened,
17 except that the Agency may provide a shorter time period
18 in the case of an emergency.

19 e. The Agency shall have the authority to adopt
20 procedural rules, in accordance with the Illinois
21 Administrative Procedure Act, as the Agency deems
22 necessary, to implement this subsection.

23 16. Reopenings for Cause by USEPA.

24 a. When USEPA finds that cause exists to terminate,
25 modify, or revoke and reissue a CAAPP permit pursuant to

1 subsection 15 of this Section, and thereafter notifies the
2 Agency and the permittee of such finding in writing, the
3 Agency shall forward to USEPA and the permittee a proposed
4 determination of termination, modification, or revocation
5 and reissuance as appropriate, in accordance with
6 paragraph (b) of this subsection. The Agency's proposed
7 determination shall be in accordance with the record, the
8 Clean Air Act, regulations promulgated thereunder, this
9 Act and regulations promulgated thereunder. Such proposed
10 determination shall not affect the permit or constitute a
11 final permit action for purposes of this Act or the
12 Administrative Review Law. The Agency shall forward to
13 USEPA such proposed determination within 90 days after
14 receipt of the notification from USEPA. If additional time
15 is necessary to submit the proposed determination, the
16 Agency shall request a 90-day extension from USEPA and
17 shall submit the proposed determination within 180 days
18 after receipt of notification from USEPA.

19 b. i. Prior to the Agency's submittal to USEPA of a
20 proposed determination to terminate or revoke and
21 reissue the permit, the Agency shall file a petition
22 before the Board setting forth USEPA's objection, the
23 permit record, the Agency's proposed determination,
24 and the justification for its proposed determination.
25 The Board shall conduct a hearing pursuant to the
26 rules prescribed by Section 32 of this Act, and the

1 burden of proof shall be on the Agency.

2 ii. After due consideration of the written and
3 oral statements, the testimony and arguments that
4 shall be submitted at hearing, the Board shall issue
5 and enter an interim order for the proposed
6 determination, which shall set forth all changes, if
7 any, required in the Agency's proposed determination.
8 The interim order shall comply with the requirements
9 for final orders as set forth in Section 33 of this
10 Act. Issuance of an interim order by the Board under
11 this paragraph, however, shall not affect the permit
12 status and does not constitute a final action for
13 purposes of this Act or the Administrative Review Law.

14 iii. The Board shall cause a copy of its interim
15 order to be served upon all parties to the proceeding
16 as well as upon USEPA. The Agency shall submit the
17 proposed determination to USEPA in accordance with the
18 Board's Interim Order within 180 days after receipt of
19 the notification from USEPA.

20 c. USEPA shall review the proposed determination to
21 terminate, modify, or revoke and reissue the permit within
22 90 days after receipt.

23 i. When USEPA reviews the proposed determination
24 to terminate or revoke and reissue and does not
25 object, the Board shall, within 7 days after receipt
26 of USEPA's final approval, enter the interim order as

1 a final order. The final order may be appealed as
2 provided by Title XI of this Act. The Agency shall take
3 final action in accordance with the Board's final
4 order.

5 ii. When USEPA reviews such proposed determination
6 to terminate or revoke and reissue and objects, the
7 Agency shall submit USEPA's objection and the Agency's
8 comments and recommendation on the objection to the
9 Board and permittee. The Board shall review its
10 interim order in response to USEPA's objection and the
11 Agency's comments and recommendation and issue a final
12 order in accordance with Sections 32 and 33 of this
13 Act. The Agency shall, within 90 days after receipt of
14 such objection, respond to USEPA's objection in
15 accordance with the Board's final order.

16 iii. When USEPA reviews such proposed
17 determination to modify and objects, the Agency shall,
18 within 90 days after receipt of the objection, resolve
19 the objection and modify the permit in accordance with
20 USEPA's objection, based upon the record, the Clean
21 Air Act, regulations promulgated thereunder, this Act,
22 and regulations promulgated thereunder.

23 d. If the Agency fails to submit the proposed
24 determination pursuant to paragraph a of this subsection
25 or fails to resolve any USEPA objection pursuant to
26 paragraph c of this subsection, USEPA will terminate,

1 modify, or revoke and reissue the permit.

2 e. The Agency shall have the authority to adopt
3 procedural rules, in accordance with the Illinois
4 Administrative Procedure Act, as the Agency deems
5 necessary, to implement this subsection.

6 17. Title IV; Acid Rain Provisions.

7 a. The Agency shall act on initial CAAPP applications
8 for affected sources for acid deposition in accordance
9 with this Section and Title V of the Clean Air Act and
10 regulations promulgated thereunder, except as modified by
11 Title IV of the Clean Air Act and regulations promulgated
12 thereunder. The Agency shall issue initial CAAPP permits
13 to the affected sources for acid deposition which shall
14 become effective no earlier than January 1, 1995, and
15 which shall terminate on December 31, 1999, in accordance
16 with this Section. Subsequent CAAPP permits issued to
17 affected sources for acid deposition shall be issued for a
18 fixed term of 5 years. Title IV of the Clean Air Act and
19 regulations promulgated thereunder, including, but not
20 limited to, 40 CFR ~~C.F.R.~~ Part 72, as now or hereafter
21 amended, are applicable to and enforceable under this Act.

22 b. A designated representative of an affected source
23 for acid deposition shall submit a timely and complete
24 Phase II acid rain permit application and compliance plan
25 to the Agency, not later than January 1, 1996, that meets

1 the requirements of Titles IV and V of the Clean Air Act
2 and regulations. The Agency shall act on the Phase II acid
3 rain permit application and compliance plan in accordance
4 with this Section and Title V of the Clean Air Act and
5 regulations promulgated thereunder, except as modified by
6 Title IV of the Clean Air Act and regulations promulgated
7 thereunder. The Agency shall issue the Phase II acid rain
8 permit to an affected source for acid deposition no later
9 than December 31, 1997, which shall become effective on
10 January 1, 2000, in accordance with this Section, except
11 as modified by Title IV and regulations promulgated
12 thereunder; provided that the designated representative of
13 the source submitted a timely and complete Phase II permit
14 application and compliance plan to the Agency that meets
15 the requirements of Title IV and V of the Clean Air Act and
16 regulations.

17 c. Each Phase II acid rain permit issued in accordance
18 with this subsection shall have a fixed term of 5 years.
19 Except as provided in paragraph b above, the Agency shall
20 issue or deny a Phase II acid rain permit within 18 months
21 of receiving a complete Phase II permit application and
22 compliance plan.

23 d. A designated representative of a new unit, as
24 defined in Section 402 of the Clean Air Act, shall submit a
25 timely and complete Phase II acid rain permit application
26 and compliance plan that meets the requirements of Titles

1 IV and V of the Clean Air Act and its regulations. The
2 Agency shall act on the new unit's Phase II acid rain
3 permit application and compliance plan in accordance with
4 this Section and Title V of the Clean Air Act and its
5 regulations, except as modified by Title IV of the Clean
6 Air Act and its regulations. The Agency shall reopen the
7 new unit's CAAPP permit for cause to incorporate the
8 approved Phase II acid rain permit in accordance with this
9 Section. The Phase II acid rain permit for the new unit
10 shall become effective no later than the date required
11 under Title IV of the Clean Air Act and its regulations.

12 e. A designated representative of an affected source
13 for acid deposition shall submit a timely and complete
14 Title IV NOx permit application to the Agency, not later
15 than January 1, 1998, that meets the requirements of
16 Titles IV and V of the Clean Air Act and its regulations.
17 The Agency shall reopen the Phase II acid rain permit for
18 cause and incorporate the approved NOx provisions into the
19 Phase II acid rain permit not later than January 1, 1999,
20 in accordance with this Section, except as modified by
21 Title IV of the Clean Air Act and regulations promulgated
22 thereunder. Such reopening shall not affect the term of
23 the Phase II acid rain permit.

24 f. The designated representative of the affected
25 source for acid deposition shall renew the initial CAAPP
26 permit and Phase II acid rain permit in accordance with

1 this Section and Title V of the Clean Air Act and
2 regulations promulgated thereunder, except as modified by
3 Title IV of the Clean Air Act and regulations promulgated
4 thereunder.

5 g. In the case of an affected source for acid
6 deposition for which a complete Phase II acid rain permit
7 application and compliance plan are timely received under
8 this subsection, the complete permit application and
9 compliance plan, including amendments thereto, shall be
10 binding on the owner, operator and designated
11 representative, all affected units for acid deposition at
12 the affected source, and any other unit, as defined in
13 Section 402 of the Clean Air Act, governed by the Phase II
14 acid rain permit application and shall be enforceable as
15 an acid rain permit for purposes of Titles IV and V of the
16 Clean Air Act, from the date of submission of the acid rain
17 permit application until a Phase II acid rain permit is
18 issued or denied by the Agency.

19 h. The Agency shall not include or implement any
20 measure which would interfere with or modify the
21 requirements of Title IV of the Clean Air Act or
22 regulations promulgated thereunder.

23 i. Nothing in this Section shall be construed as
24 affecting allowances or USEPA's decision regarding an
25 excess emissions offset plan, as set forth in Title IV of
26 the Clean Air Act or regulations promulgated thereunder.

1 i. No permit revision shall be required for
2 increases in emissions that are authorized by
3 allowances acquired pursuant to the acid rain program,
4 provided that such increases do not require a permit
5 revision under any other applicable requirement.

6 ii. No limit shall be placed on the number of
7 allowances held by the source. The source may not,
8 however, use allowances as a defense to noncompliance
9 with any other applicable requirement.

10 iii. Any such allowance shall be accounted for
11 according to the procedures established in regulations
12 promulgated under Title IV of the Clean Air Act.

13 j. To the extent that the federal regulations
14 promulgated under Title IV, including, but not limited to,
15 40 CFR ~~C.F.R.~~ Part 72, as now or hereafter amended, are
16 inconsistent with the federal regulations promulgated
17 under Title V, the federal regulations promulgated under
18 Title IV shall take precedence.

19 k. The USEPA may intervene as a matter of right in any
20 permit appeal involving a Phase II acid rain permit
21 provision or denial of a Phase II acid rain permit.

22 l. It is unlawful for any owner or operator to violate
23 any terms or conditions of a Phase II acid rain permit
24 issued under this subsection, to operate any affected
25 source for acid deposition except in compliance with a
26 Phase II acid rain permit issued by the Agency under this

1 subsection, or to violate any other applicable
2 requirements.

3 m. The designated representative of an affected source
4 for acid deposition shall submit to the Agency the data
5 and information submitted quarterly to USEPA, pursuant to
6 40 CFR 75.64, concurrently with the submission to USEPA.
7 The submission shall be in the same electronic format as
8 specified by USEPA.

9 n. The Agency shall act on any petition for exemption
10 of a new unit or retired unit, as those terms are defined
11 in Section 402 of the Clean Air Act, from the requirements
12 of the acid rain program in accordance with Title IV of the
13 Clean Air Act and its regulations.

14 o. The Agency shall have the authority to adopt
15 procedural rules, in accordance with the Illinois
16 Administrative Procedure Act, as the Agency deems
17 necessary to implement this subsection.

18 18. Fee Provisions.

19 a. A source subject to this Section or excluded under
20 subsection 1.1 or paragraph (c) of subsection 3 of this
21 Section, shall pay a fee as provided in this paragraph (a)
22 of subsection 18. However, a source that has been excluded
23 from the provisions of this Section under subsection 1.1
24 or under paragraph (c) of subsection 3 of this Section
25 because the source emits less than 25 tons per year of any

1 combination of regulated air pollutants, except greenhouse
2 gases, shall pay fees in accordance with paragraph (1) of
3 subsection (b) of Section 9.6.

4 i. The fee for a source allowed to emit less than
5 100 tons per year of any combination of regulated air
6 pollutants, except greenhouse gases, shall be \$1,800
7 per year, and that fee shall increase, beginning
8 January 1, 2012, to \$2,150 per year.

9 ii. The fee for a source allowed to emit 100 tons
10 or more per year of any combination of regulated air
11 pollutants, except greenhouse gases and those
12 regulated air pollutants excluded in paragraph (f) of
13 this subsection 18, shall be as follows:

14 A. The Agency shall assess a fee of \$18 per
15 ton, per year for the allowable emissions of
16 regulated air pollutants subject to this
17 subparagraph (ii) of paragraph (a) of subsection
18 18, and that fee shall increase, beginning January
19 1, 2012, to \$21.50 per ton, per year. These fees
20 shall be used by the Agency and the Board to fund
21 the activities required by Title V of the Clean
22 Air Act including such activities as may be
23 carried out by other State or local agencies
24 pursuant to paragraph (d) of this subsection. The
25 amount of such fee shall be based on the
26 information supplied by the applicant in its

1 complete CAAPP permit application or in the CAAPP
2 permit if the permit has been granted and shall be
3 determined by the amount of emissions that the
4 source is allowed to emit annually, provided
5 however, that the maximum fee for a CAAPP permit
6 under this subparagraph (ii) of paragraph (a) of
7 subsection 18 is \$250,000, and increases,
8 beginning January 1, 2012, to \$294,000. Beginning
9 January 1, 2012, the maximum fee under this
10 subparagraph (ii) of paragraph (a) of subsection
11 18 for a source that has been excluded under
12 subsection 1.1 of this Section or under paragraph
13 (c) of subsection 3 of this Section is \$4,112. The
14 Agency shall provide as part of the permit
15 application form required under subsection 5 of
16 this Section a separate fee calculation form which
17 will allow the applicant to identify the allowable
18 emissions and calculate the fee. In no event shall
19 the Agency raise the amount of allowable emissions
20 requested by the applicant unless such increases
21 are required to demonstrate compliance with terms
22 of a CAAPP permit.

23 Notwithstanding the above, any applicant may
24 seek a change in its permit which would result in
25 increases in allowable emissions due to an
26 increase in the hours of operation or production

1 rates of an emission unit or units and such a
2 change shall be consistent with the construction
3 permit requirements of the existing State permit
4 program, under subsection (a) of Section 39 of
5 this Act and applicable provisions of this
6 Section. Where a construction permit is required,
7 the Agency shall expeditiously grant such
8 construction permit and shall, if necessary,
9 modify the CAAPP permit based on the same
10 application.

11 B. The applicant or permittee may pay the fee
12 annually or semiannually for those fees greater
13 than \$5,000. However, any applicant paying a fee
14 equal to or greater than \$100,000 shall pay the
15 full amount on July 1, for the subsequent fiscal
16 year, or pay 50% of the fee on July 1 and the
17 remaining 50% by the next January 1. The Agency
18 may change any annual billing date upon reasonable
19 notice, but shall prorate the new bill so that the
20 permittee or applicant does not pay more than its
21 required fees for the fee period for which payment
22 is made.

23 b. (Blank).

24 c. (Blank).

25 d. There is hereby created in the State Treasury a
26 special fund to be known as the Clean Air Act Permit Fund

1 (formerly known as the CAA Permit Fund). All Funds
2 collected by the Agency pursuant to this subsection shall
3 be deposited into the Fund. The General Assembly shall
4 appropriate monies from this Fund to the Agency and to the
5 Board to carry out their obligations under this Section.
6 The General Assembly may also authorize monies to be
7 granted by the Agency from this Fund to other State and
8 local agencies which perform duties related to the CAAPP.
9 Interest generated on the monies deposited in this Fund
10 shall be returned to the Fund.

11 e. The Agency shall have the authority to adopt
12 procedural rules, in accordance with the Illinois
13 Administrative Procedure Act, as the Agency deems
14 necessary to implement this subsection.

15 f. For purposes of this subsection, the term
16 "regulated air pollutant" shall have the meaning given to
17 it under subsection 1 of this Section but shall exclude
18 the following:

19 i. carbon monoxide;

20 ii. any Class I or II substance which is a
21 regulated air pollutant solely because it is listed
22 pursuant to Section 602 of the Clean Air Act; and

23 iii. any pollutant that is a regulated air
24 pollutant solely because it is subject to a standard
25 or regulation under Section 112(r) of the Clean Air
26 Act based on the emissions allowed in the permit

1 effective in that calendar year, at the time the
2 applicable bill is generated.

3 19. Air Toxics Provisions.

4 a. In the event that the USEPA fails to promulgate in a
5 timely manner a standard pursuant to Section 112(d) of the
6 Clean Air Act, the Agency shall have the authority to
7 issue permits, pursuant to Section 112(j) of the Clean Air
8 Act and regulations promulgated thereunder, which contain
9 emission limitations which are equivalent to the emission
10 limitations that would apply to a source if an emission
11 standard had been promulgated in a timely manner by USEPA
12 pursuant to Section 112(d). Provided, however, that the
13 owner or operator of a source shall have the opportunity
14 to submit to the Agency a proposed emission limitation
15 which it determines to be equivalent to the emission
16 limitations that would apply to such source if an emission
17 standard had been promulgated in a timely manner by USEPA.
18 If the Agency refuses to include the emission limitation
19 proposed by the owner or operator in a CAAPP permit, the
20 owner or operator may petition the Board to establish
21 whether the emission limitation proposal submitted by the
22 owner or operator provides for emission limitations which
23 are equivalent to the emission limitations that would
24 apply to the source if the emission standard had been
25 promulgated by USEPA in a timely manner. The Board shall

1 determine whether the emission limitation proposed by the
2 owner or operator or an alternative emission limitation
3 proposed by the Agency provides for the level of control
4 required under Section 112 of the Clean Air Act, or shall
5 otherwise establish an appropriate emission limitation,
6 pursuant to Section 112 of the Clean Air Act.

7 b. Any Board proceeding brought under paragraph (a) or
8 (e) of this subsection shall be conducted according to the
9 Board's procedures for adjudicatory hearings and the Board
10 shall render its decision within 120 days of the filing of
11 the petition. Any such decision shall be subject to review
12 pursuant to Section 41 of this Act. Where USEPA
13 promulgates an applicable emission standard prior to the
14 issuance of the CAAPP permit, the Agency shall include in
15 the permit the promulgated standard, provided that the
16 source shall have the compliance period provided under
17 Section 112(i) of the Clean Air Act. Where USEPA
18 promulgates an applicable standard subsequent to the
19 issuance of the CAAPP permit, the Agency shall revise such
20 permit upon the next renewal to reflect the promulgated
21 standard, providing a reasonable time for the applicable
22 source to comply with the standard, but no longer than 8
23 years after the date on which the source is first required
24 to comply with the emissions limitation established under
25 this subsection.

26 c. The Agency shall have the authority to implement

1 and enforce complete or partial emission standards
2 promulgated by USEPA pursuant to Section 112(d), and
3 standards promulgated by USEPA pursuant to Sections
4 112(f), 112(h), 112(m), and 112(n), and may accept
5 delegation of authority from USEPA to implement and
6 enforce Section 112(l) and requirements for the prevention
7 and detection of accidental releases pursuant to Section
8 112(r) of the Clean Air Act.

9 d. The Agency shall have the authority to issue
10 permits pursuant to Section 112(i)(5) of the Clean Air
11 Act.

12 e. The Agency has the authority to implement Section
13 112(g) of the Clean Air Act consistent with the Clean Air
14 Act and federal regulations promulgated thereunder. If the
15 Agency refuses to include the emission limitations
16 proposed in an application submitted by an owner or
17 operator for a case-by-case maximum achievable control
18 technology (MACT) determination, the owner or operator may
19 petition the Board to determine whether the emission
20 limitation proposed by the owner or operator or an
21 alternative emission limitation proposed by the Agency
22 provides for a level of control required by Section 112 of
23 the Clean Air Act, or to otherwise establish an
24 appropriate emission limitation under Section 112 of the
25 Clean Air Act.

1 20. Small Business.

2 a. For purposes of this subsection:

3 "Program" is the Small Business Stationary Source
4 Technical and Environmental Compliance Assistance Program
5 created within this State pursuant to Section 507 of the
6 Clean Air Act and guidance promulgated thereunder, to
7 provide technical assistance and compliance information to
8 small business stationary sources;

9 "Small Business Assistance Program" is a component of
10 the Program responsible for providing sufficient
11 communications with small businesses through the
12 collection and dissemination of information to small
13 business stationary sources; and

14 "Small Business Stationary Source" means a stationary
15 source that:

16 1. is owned or operated by a person that employs
17 100 or fewer individuals;

18 2. is a small business concern as defined in the
19 "Small Business Act";

20 3. is not a major source as that term is defined in
21 subsection 2 of this Section;

22 4. does not emit 50 tons or more per year of any
23 regulated air pollutant, except greenhouse gases; and

24 5. emits less than 75 tons per year of all
25 regulated pollutants, except greenhouse gases.

26 b. The Agency shall adopt and submit to USEPA, after

1 reasonable notice and opportunity for public comment, as a
2 revision to the Illinois state implementation plan, plans
3 for establishing the Program.

4 c. The Agency shall have the authority to enter into
5 such contracts and agreements as the Agency deems
6 necessary to carry out the purposes of this subsection.

7 d. The Agency may establish such procedures as it may
8 deem necessary for the purposes of implementing and
9 executing its responsibilities under this subsection.

10 e. There shall be appointed a Small Business Ombudsman
11 (hereinafter in this subsection referred to as
12 "Ombudsman") to monitor the Small Business Assistance
13 Program. The Ombudsman shall be a nonpartisan designated
14 official, with the ability to independently assess whether
15 the goals of the Program are being met.

16 f. The State Ombudsman Office shall be located in an
17 existing Ombudsman office within the State or in any State
18 Department.

19 g. There is hereby created a State Compliance Advisory
20 Panel (hereinafter in this subsection referred to as
21 "Panel") for determining the overall effectiveness of the
22 Small Business Assistance Program within this State.

23 h. The selection of Panel members shall be by the
24 following method:

- 25 1. The Governor shall select two members who are
26 not owners or representatives of owners of small

1 business stationary sources to represent the general
2 public;

3 2. The Director of the Agency shall select one
4 member to represent the Agency; and

5 3. The State Legislature shall select four members
6 who are owners or representatives of owners of small
7 business stationary sources. Both the majority and
8 minority leadership in both Houses of the Legislature
9 shall appoint one member of the panel.

10 i. Panel members should serve without compensation but
11 will receive full reimbursement for expenses including
12 travel and per diem as authorized within this State.

13 j. The Panel shall select its own Chair by a majority
14 vote. The Chair may meet and consult with the Ombudsman
15 and the head of the Small Business Assistance Program in
16 planning the activities for the Panel.

17 21. Temporary Sources.

18 a. The Agency may issue a single permit authorizing
19 emissions from similar operations by the same source owner
20 or operator at multiple temporary locations, except for
21 sources which are affected sources for acid deposition
22 under Title IV of the Clean Air Act.

23 b. The applicant must demonstrate that the operation
24 is temporary and will involve at least one change of
25 location during the term of the permit.

1 c. Any such permit shall meet all applicable
2 requirements of this Section and applicable regulations,
3 and include conditions assuring compliance with all
4 applicable requirements at all authorized locations and
5 requirements that the owner or operator notify the Agency
6 at least 10 days in advance of each change in location.

7 22. Solid Waste Incineration Units.

8 a. A CAAPP permit for a solid waste incineration unit
9 combusting municipal waste subject to standards
10 promulgated under Section 129(e) of the Clean Air Act
11 shall be issued for a period of 12 years and shall be
12 reviewed every 5 years, unless the Agency requires more
13 frequent review through Agency procedures.

14 b. During the review in paragraph (a) of this
15 subsection, the Agency shall fully review the previously
16 submitted CAAPP permit application and corresponding
17 reports subsequently submitted to determine whether the
18 source is in compliance with all applicable requirements.

19 c. If the Agency determines that the source is not in
20 compliance with all applicable requirements it shall
21 revise the CAAPP permit as appropriate.

22 d. The Agency shall have the authority to adopt
23 procedural rules, in accordance with the Illinois
24 Administrative Procedure Act, as the Agency deems
25 necessary, to implement this subsection.

1 (Source: P.A. 99-380, eff. 8-17-15; 99-933, eff. 1-27-17;
2 100-103, eff. 8-11-17; revised 10-23-24.)

3 (415 ILCS 5/57.4)

4 Sec. 57.4. State agencies ~~Agencies~~. The Office of the
5 State Fire Marshal and the Illinois Environmental Protection
6 Agency shall administer the Leaking Underground Storage Tank
7 Program in accordance with the terms of this Title.

8 (Source: P.A. 88-496; revised 7-29-24.)

9 (415 ILCS 5/57.5)

10 Sec. 57.5. Underground Storage Tanks; removal; repair;
11 abandonment.

12 (a) Notwithstanding the eligibility or the level of
13 deductibility of an owner or operator under the Underground
14 Storage Tank Fund, any owner or operator of an Underground
15 Storage Tank may seek to remove or abandon such tank under the
16 provisions of this Title. In order to be reimbursed under
17 Section 57.8, the owner or operator must comply with the
18 provisions of this Title. In no event will an owner or operator
19 be reimbursed for any costs which exceed the minimum
20 requirements necessary to comply with this Title.

21 (b) Removal or abandonment of an Underground Storage Tank
22 must be carried out in accordance with regulations adopted by
23 the Office of the State Fire Marshal.

24 (c) The Office of the State Fire Marshal or a designated

1 agent shall have an inspector on site at the time of removal,
2 abandonment, or such other times the Office of State Fire
3 Marshal deems appropriate. At such time, the inspector shall,
4 upon preliminary excavation of the tank site, render an
5 opinion as to whether a release of petroleum has occurred and,
6 if so, the owner or operator shall report the known or
7 suspected release to the Illinois Emergency Management Agency.
8 The owner or operator shall determine whether or not a release
9 has occurred in conformance with the regulations adopted by
10 the Board and the Office of the State Fire Marshal. Except that
11 if the opinion of the Office of the State Fire Marshal
12 inspector is that a release of petroleum has occurred and the
13 owner or operator has reported the release to the Illinois
14 Emergency Management Agency within 24 hours of removal of the
15 tank, no such determination is required under this subsection.
16 In the event the owner or operator confirms the presence of a
17 release of petroleum, the owner or operator shall comply with
18 Section 57.6. The inspector shall provide the owner or
19 operator, or a designated agent, with an "Eligibility and
20 Deductibility Determination" form. The Office of the State
21 Fire Marshal shall provide on-site assistance to the owner or
22 operator or a designated agent with regard to the eligibility
23 and deductibility procedures as provided in Section 57.9. If
24 the Office of the State Fire Marshal is not on site, the Office
25 of the State Fire Marshal shall provide the owner or operator
26 with an "Eligibility and Deductibility Determination" form

1 within 15 days after receiving notice that the confirmed
2 release was reported by the owner or operator.

3 (d) In the event that a release of petroleum is confirmed
4 under subsection (c) of this Section, the owner or operator
5 may elect to backfill the preliminary excavation and proceed
6 under Section 57.6.

7 (e) In the event that an Underground Storage Tank is found
8 to be ineligible for payment from the Underground Storage Tank
9 Fund, the owner or operator shall proceed under Sections 57.6
10 and 57.7.

11 (f) In the event that no release of petroleum is
12 confirmed, the owner or operator shall proceed to complete the
13 removal of the underground storage tank, and when appropriate,
14 dispose of the tank and backfill the excavation or, in the
15 alternate, abandon the underground storage tank in place.
16 Either option shall be in accordance with regulations adopted
17 by the Office of the State Fire Marshal. The owner or operator
18 shall certify to the Office of the State Fire Marshal that the
19 tank removal or abandonment was conducted in accordance with
20 all applicable rules and regulations, and the Office of the
21 State Fire Marshal shall then issue a certificate of removal
22 or abandonment to the owner or operator. If the Office of the
23 State Fire Marshal fails to issue a certificate of removal or
24 abandonment within 30 days of receipt of the certification,
25 the certification shall be considered rejected by operation of
26 law and a final action appealable to the Board. Nothing in this

1 Title shall prohibit the Office of the State Fire Marshal from
2 making an independent inspection of the site and challenging
3 the veracity of the owner or operator certification.

4 (g) The owner or operator of an underground storage tank
5 taken out of operation before January 2, 1974, or an
6 underground storage tank used exclusively to store heating oil
7 for consumptive use on the premises where stored and which
8 serves other than a farm or residential unit shall not be
9 required to remove or abandon in place such underground
10 storage tank except in the case in which the Office of the
11 State Fire Marshal has determined that a release from the
12 underground storage tank poses a current or potential threat
13 to human health and the environment. In that case, and upon
14 receipt of an order from the Office of the State Fire Marshal,
15 the owner or operator of such underground storage tank shall
16 conduct removal and, if necessary, site investigation and
17 corrective action in accordance with this Title and
18 regulations promulgated by the Office of the State Fire
19 Marshal and the Board.

20 (h) In the event that a release of petroleum occurred
21 between September 13, 1993, and August 1, 1994, for which the
22 Office of the State Fire Marshal issued a certificate of
23 removal or abandonment based on its determination of "no
24 release" or "minor release," and the Office of the State Fire
25 Marshal subsequently has rescinded that determination and
26 required a report of a confirmed release to the Illinois

1 Emergency Management Agency, the owner or operator may be
2 eligible for reimbursement for the costs of site investigation
3 and corrective action incurred on or after the date of the
4 release but prior to the notification of the Illinois
5 Emergency Management Agency. The date of the release shall be
6 the date of the initial inspection by the Office of the State
7 Fire Marshal as recorded in its inspection log. Eligibility
8 and deductibility shall be determined in accordance with this
9 Title, the owner or operator must comply with the provisions
10 of this Act and its rules, and in no case shall the owner or
11 operator be reimbursed for costs exceeding the minimum
12 requirements of this Act and its rules.

13 (Source: P.A. 92-554, eff. 6-24-02; revised 7-30-24.)

14 (415 ILCS 5/57.8)

15 Sec. 57.8. Underground Storage Tank Fund; payment; options
16 for State payment; deferred correction election to commence
17 corrective action upon availability of funds. If an owner or
18 operator is eligible to access the Underground Storage Tank
19 Fund pursuant to an Office of the State Fire Marshal
20 eligibility/deductible final determination letter issued in
21 accordance with Section 57.9, the owner or operator may submit
22 a complete application for final or partial payment to the
23 Agency for activities taken in response to a confirmed
24 release. An owner or operator may submit a request for partial
25 or final payment regarding a site no more frequently than once

1 every 90 days.

2 (a) Payment after completion of corrective action
3 measures. The owner or operator may submit an application for
4 payment for activities performed at a site after completion of
5 the requirements of Sections 57.6 and 57.7, or after
6 completion of any other required activities at the underground
7 storage tank site.

8 (1) In the case of any approved plan and budget for
9 which payment is being sought, the Agency shall make a
10 payment determination within 120 days of receipt of the
11 application. Such determination shall be considered a
12 final decision. The Agency's review shall be limited to
13 generally accepted auditing and accounting practices. In
14 no case shall the Agency conduct additional review of any
15 plan which was completed within the budget, beyond
16 auditing for adherence to the corrective action measures
17 in the proposal. If the Agency fails to approve the
18 payment application within 120 days, such application
19 shall be deemed approved by operation of law and the
20 Agency shall proceed to reimburse the owner or operator
21 the amount requested in the payment application. However,
22 in no event shall the Agency reimburse the owner or
23 operator an amount greater than the amount approved in the
24 plan.

25 (2) If sufficient funds are available in the
26 Underground Storage Tank Fund, the Agency shall, within 60

1 days, forward to the Office of the State Comptroller a
2 voucher in the amount approved under the payment
3 application.

4 (3) In the case of insufficient funds, the Agency
5 shall form a priority list for payment and shall notify
6 persons in such priority list monthly of the availability
7 of funds and when payment shall be made. Payment shall be
8 made to the owner or operator at such time as sufficient
9 funds become available for the costs associated with site
10 investigation and corrective action and costs expended for
11 activities performed where no proposal is required, if
12 applicable. Such priority list shall be available to any
13 owner or operator upon request. Priority for payment shall
14 be determined by the date the Agency receives a complete
15 request for partial or final payment. Upon receipt of
16 notification from the Agency that the requirements of this
17 Title have been met, the Comptroller shall make payment to
18 the owner or operator of the amount approved by the
19 Agency, if sufficient money exists in the Fund. If there
20 is insufficient money in the Fund, then payment shall not
21 be made. If the owner or operator appeals a final Agency
22 payment determination and it is determined that the owner
23 or operator is eligible for payment or additional payment,
24 the priority date for the payment or additional payment
25 shall be the same as the priority date assigned to the
26 original request for partial or final payment.

1 (4) Any deductible, as determined pursuant to the
2 Office of the State Fire Marshal's eligibility and
3 deductibility final determination in accordance with
4 Section 57.9, shall be subtracted from any payment invoice
5 paid to an eligible owner or operator. Only one deductible
6 shall apply per underground storage tank site.

7 (5) In the event that costs are or will be incurred in
8 addition to those approved by the Agency, or after
9 payment, the owner or operator may submit successive plans
10 containing amended budgets. The requirements of Section
11 57.7 shall apply to any amended plans.

12 (6) For purposes of this Section, a complete
13 application shall consist of:

14 (A) A certification from a Licensed Professional
15 Engineer or Licensed Professional Geologist as
16 required under this Title and acknowledged by the
17 owner or operator.

18 (B) A statement of the amounts approved in the
19 budget and the amounts actually sought for payment
20 along with a certified statement by the owner or
21 operator that the amounts so sought were expended in
22 conformance with the approved budget.

23 (C) A copy of the Office of the State Fire
24 Marshal's eligibility and deductibility determination.

25 (D) Proof that approval of the payment requested
26 will not result in the limitations set forth in

1 subsection (g) of this Section being exceeded.

2 (E) A federal taxpayer identification number and
3 legal status disclosure certification on a form
4 prescribed and provided by the Agency.

5 (F) If the Agency determined under subsection
6 (c) (3) of Section 57.7 of this Act that corrective
7 action must include a project labor agreement, a
8 certification from the owner or operator that the
9 corrective action was (i) performed under a project
10 labor agreement that meets the requirements of Section
11 25 of the Project Labor Agreements Act and (ii)
12 implemented in a manner consistent with the terms and
13 conditions of the Project Labor Agreements Act and in
14 full compliance with all statutes, regulations, and
15 Executive Orders as required under that Act and the
16 Prevailing Wage Act.

17 (b) Commencement of site investigation or corrective
18 action upon availability of funds. The Board shall adopt
19 regulations setting forth procedures based on risk to human
20 health or the environment under which the owner or operator
21 who has received approval for any budget plan submitted
22 pursuant to Section 57.7, and who is eligible for payment from
23 the Underground Storage Tank Fund pursuant to an Office of the
24 State Fire Marshal eligibility and deductibility
25 determination, may elect to defer site investigation or
26 corrective action activities until funds are available in an

1 amount equal to the amount approved in the budget. The
2 regulations shall establish criteria based on risk to human
3 health or the environment to be used for determining on a
4 site-by-site basis whether deferral is appropriate. The
5 regulations also shall establish the minimum investigatory
6 requirements for determining whether the risk based criteria
7 are present at a site considering deferral and procedures for
8 the notification of owners or operators of insufficient funds,
9 Agency review of request for deferral, notification of Agency
10 final decisions, returning deferred sites to active status,
11 and earmarking of funds for payment.

12 (c) When the owner or operator requests indemnification
13 for payment of costs incurred as a result of a release of
14 petroleum from an underground storage tank, if the owner or
15 operator has satisfied the requirements of subsection (a) of
16 this Section, the Agency shall forward a copy of the request to
17 the Attorney General. The Attorney General shall review and
18 approve the request for indemnification if:

19 (1) there is a legally enforceable judgment entered
20 against the owner or operator and such judgment was
21 entered due to harm caused by a release of petroleum from
22 an underground storage tank and such judgment was not
23 entered as a result of fraud; or

24 (2) a settlement with a third party due to a release of
25 petroleum from an underground storage tank is reasonable.

26 (d) (1) Notwithstanding any other provision of this Title,

1 the Agency shall not approve payment to an owner or operator
2 from the Fund for costs of corrective action or
3 indemnification incurred during a calendar year in excess of
4 the following aggregate amounts based on the number of
5 petroleum underground storage tanks owned or operated by such
6 owner or operator in Illinois.

7	Amount	Number of Tanks
8	\$2,000,000	fewer than 101
9	\$3,000,000	101 or more

10 (2) ~~(1)~~ Costs incurred in excess of the aggregate amounts
11 set forth in paragraph (1) of this subsection shall not be
12 eligible for payment in subsequent years.

13 (3) ~~(2)~~ For purposes of this subsection, requests
14 submitted by any of the agencies, departments, boards,
15 committees, or commissions of the State of Illinois shall be
16 acted upon as claims from a single owner or operator.

17 (4) ~~(3)~~ For purposes of this subsection, owner or operator
18 includes (i) any subsidiary, parent, or joint stock company of
19 the owner or operator and (ii) any company owned by any parent,
20 subsidiary, or joint stock company of the owner or operator.

21 (e) Costs of corrective action or indemnification incurred
22 by an owner or operator which have been paid to an owner or
23 operator under a policy of insurance, another written
24 agreement, or a court order are not eligible for payment under
25 this Section. An owner or operator who receives payment under
26 a policy of insurance, another written agreement, or a court

1 order shall reimburse the State to the extent such payment
2 covers costs for which payment was received from the Fund. Any
3 monies received by the State under this subsection (e) shall
4 be deposited into the Fund.

5 (f) (Blank~~ed~~).

6 (g) The Agency shall not approve any payment from the Fund
7 to pay an owner or operator:

8 (1) for costs of corrective action incurred by such
9 owner or operator in an amount in excess of \$1,500,000 per
10 occurrence; and

11 (2) for costs of indemnification of such owner or
12 operator in an amount in excess of \$1,500,000 per
13 occurrence.

14 (h) Payment of any amount from the Fund for corrective
15 action or indemnification shall be subject to the State
16 acquiring by subrogation the rights of any owner, operator, or
17 other person to recover the costs of corrective action or
18 indemnification for which the Fund has compensated such owner,
19 operator, or person from the person responsible or liable for
20 the release.

21 (i) If the Agency refuses to pay or authorizes only a
22 partial payment, the affected owner or operator may petition
23 the Board for a hearing in the manner provided for the review
24 of permit decisions in Section 40 of this Act.

25 (j) Costs of corrective action or indemnification incurred
26 by an owner or operator prior to July 28, 1989, shall not be

1 eligible for payment or reimbursement under this Section.

2 (k) The Agency shall not pay costs of corrective action or
3 indemnification incurred before providing notification of the
4 release of petroleum in accordance with the provisions of this
5 Title.

6 (l) Corrective action does not include legal defense
7 costs. Legal defense costs include legal costs for seeking
8 payment under this Title unless the owner or operator prevails
9 before the Board in which case the Board may authorize payment
10 of legal fees.

11 (m) The Agency may apportion payment of costs for plans
12 submitted under Section 57.7 if:

13 (1) the owner or operator was deemed eligible to
14 access the Fund for payment of corrective action costs for
15 some, but not all, of the underground storage tanks at the
16 site; and

17 (2) the owner or operator failed to justify all costs
18 attributable to each underground storage tank at the site.

19 (n) The Agency shall not pay costs associated with a
20 corrective action plan incurred after the Agency provides
21 notification to the owner or operator pursuant to item (7) of
22 subsection (b) of Section 57.7 that a revised corrective
23 action plan is required. Costs associated with any
24 subsequently approved corrective action plan shall be eligible
25 for reimbursement if they meet the requirements of this Title.

26 (Source: P.A. 98-109, eff. 7-25-13; revised 7-30-24.)

1 (415 ILCS 5/57.9)

2 Sec. 57.9. Underground Storage Tank Fund; eligibility and
3 deductibility.

4 (a) The Underground Storage Tank Fund shall be accessible
5 by owners and operators who have a confirmed release from an
6 underground storage tank or related tank system of a substance
7 listed in this Section. The owner or operator is eligible to
8 access the Underground Storage Tank Fund if the eligibility
9 requirements of this Title are satisfied and:

10 (1) Neither the owner nor the operator is the United
11 States Government.

12 (2) The tank does not contain fuel which is exempt
13 from the Motor Fuel Tax Law.

14 (3) The costs were incurred as a result of a confirmed
15 release of any of the following substances:

16 (A) "Fuel", as defined in Section 1.19 of the
17 Motor Fuel Tax Law.

18 (B) Aviation fuel.

19 (C) Heating oil.

20 (D) Kerosene.

21 (E) Used oil which has been refined from crude oil
22 used in a motor vehicle, as defined in Section 1.3 of
23 the Motor Fuel Tax Law.

24 (4) The owner or operator registered the tank and paid
25 all fees in accordance with the statutory and regulatory

1 requirements of the Gasoline Storage Act.

2 (5) The owner or operator notified the Illinois
3 Emergency Management Agency of a confirmed release, the
4 costs were incurred after the notification and the costs
5 were a result of a release of a substance listed in this
6 Section. Costs of corrective action or indemnification
7 incurred before providing that notification shall not be
8 eligible for payment.

9 (6) The costs have not already been paid to the owner
10 or operator under a private insurance policy, other
11 written agreement, or court order.

12 (7) The costs were associated with "corrective action"
13 of this Act.

14 If the underground storage tank which experienced a
15 release of a substance listed in this Section was
16 installed after July 28, 1989, the owner or operator is
17 eligible to access the Underground Storage Tank Fund if it
18 is demonstrated to the Office of the State Fire Marshal
19 the tank was installed and operated in accordance with
20 Office of the State Fire Marshal regulatory requirements.
21 Office of the State Fire Marshal certification is prima
22 facie evidence the tank was installed pursuant to the
23 Office of the State Fire Marshal regulatory requirements.

24 (b) For releases reported prior to June 8, 2010 (the
25 effective date of Public Act 96-908) ~~this amendatory Act of~~
26 ~~the 96th General Assembly~~, an owner or operator may access the

1 Underground Storage Tank Fund for costs associated with an
2 Agency approved plan and the Agency shall approve the payment
3 of costs associated with corrective action after the
4 application of a \$10,000 deductible, except in the following
5 situations:

6 (1) A deductible of \$100,000 shall apply when none of
7 the underground storage tanks were registered prior to
8 July 28, 1989, except in the case of underground storage
9 tanks used exclusively to store heating oil for
10 consumptive use on the premises where stored and which
11 serve other than farms or residential units, a deductible
12 of \$100,000 shall apply when none of these tanks were
13 registered prior to July 1, 1992.

14 (2) A deductible of \$50,000 shall apply if any of the
15 underground storage tanks were registered prior to July
16 28, 1989, and the State received notice of the confirmed
17 release prior to July 28, 1989.

18 (3) A deductible of \$15,000 shall apply when one or
19 more, but not all, of the underground storage tanks were
20 registered prior to July 28, 1989, and the State received
21 notice of the confirmed release on or after July 28, 1989.

22 For releases reported on or after June 8, 2010 (the
23 effective date of Public Act 96-908) ~~this amendatory Act of~~
24 ~~the 96th General Assembly~~, an owner or operator may access the
25 Underground Storage Tank Fund for costs associated with an
26 Agency approved plan, and the Agency shall approve the payment

1 of costs associated with corrective action after the
2 application of a \$5,000 deductible.

3 A deductible shall apply annually for each site at which
4 costs were incurred under a claim submitted pursuant to this
5 Title, except that if corrective action in response to an
6 occurrence takes place over a period of more than one year, in
7 subsequent years, no deductible shall apply for costs incurred
8 in response to such occurrence.

9 (c) Eligibility and deductibility determinations shall be
10 made by the Office of the State Fire Marshal.

11 (1) When an owner or operator reports a confirmed
12 release of a regulated substance, the Office of the State
13 Fire Marshal shall provide the owner or operator with an
14 "Eligibility and Deductibility Determination" form. The
15 form shall either be provided on-site or within 15 days of
16 the Office of the State Fire Marshal receipt of notice
17 indicating a confirmed release. The form shall request
18 sufficient information to enable the Office of the State
19 Fire Marshal to make a final determination as to owner or
20 operator eligibility to access the Underground Storage
21 Tank Fund pursuant to this Title and the appropriate
22 deductible. The form shall be promulgated as a rule or
23 regulation pursuant to the Illinois Administrative
24 Procedure Act by the Office of the State Fire Marshal.
25 Until such form is promulgated, the Office of the State
26 Fire Marshal shall use a form which generally conforms

1 with this Act.

2 (2) Within 60 days of receipt of the "Eligibility and
3 Deductibility Determination" form, the Office of the State
4 Fire Marshal shall issue one letter enunciating the final
5 eligibility and deductibility determination, and such
6 determination or failure to act within the time prescribed
7 shall be a final decision appealable to the Illinois
8 Pollution Control Board.

9 (Source: P.A. 96-908, eff. 6-8-10; revised 7-30-24.)

10 (415 ILCS 5/59.1)

11 Sec. 59.1. Carbon capture permit requirements. For air
12 construction permit applications for carbon dioxide capture
13 projects at existing sources submitted on or after July 18,
14 2024 (the effective date of Public Act 103-651) ~~this~~
15 ~~amendatory Act of the 103rd General Assembly~~, no permit may be
16 issued unless all of the following requirements are met:

17 (1) The permit applicant demonstrates that there will
18 be no net increase in the individual allowable potential
19 annual criteria pollutant emissions at the source. If the
20 Agency determines that it is technically infeasible for an
21 applicant to demonstrate that there will be no net
22 increase in the individual allowable potential annual
23 criteria pollutant emissions at the source, the Agency
24 shall allow an alternative demonstration.

25 (2) The Agency has complied with the public

1 participation requirements under 35 Ill. Adm. Code 252.

2 (3) The permit applicant submits to the Agency in its
3 permit application, a Greenhouse Gas Inventory Analysis,
4 as set forth in guidance from the United States
5 Environmental Protection Agency, that includes all
6 emissions at the stack or emissions source from which
7 carbon dioxide is captured and a demonstration that the
8 total greenhouse gas emissions associated with capture,
9 including, but not limited to, (i) the emissions at the
10 stack or emissions source from which the carbon dioxide is
11 captured, (ii) the additional emissions associated with
12 additional electricity generated, whether on-site or
13 off-site, used to power any capture equipment, and (iii)
14 any increased emissions necessary for the operation of the
15 capture facility as compared to before the installation
16 and operation of the capture equipment at the facility, do
17 not exceed the total amount of greenhouse gas emissions
18 captured. This comparison shall be made on an annual
19 basis, projected across the proposed life span of the
20 capture project.

21 (4) The permit applicant provides a water impact
22 assessment report. The report must have been submitted to
23 the Department of Natural Resources and to the Soil and
24 Water Conservation District in the county in which the
25 project will be constructed. The report shall identify the
26 following:

1 (A) each water source to be used by the project;

2 (B) the pumping method to be used by the project;

3 (C) the maximum and expected average daily pumping
4 rates for the pumps used by the project;

5 (D) the impacts to each water source used by the
6 project, such as aquifer drawdown or river reductions;
7 and

8 (E) a detailed assessment of the impact on water
9 users near the area of impact.

10 The water impact assessment shall consider the water
11 impacts (i) immediately following the project's initial
12 operations, (ii) at the end of the project's expected
13 operational life, and (iii) during a drought or other
14 similar event.

15 The permit applicant shall submit a certification to the
16 Agency that the applicant has submitted its initial water use
17 impact study and the applicant's ongoing water usage to the
18 Department of Natural Resources. This requirement may be
19 satisfied by submitting to the Agency copies of documents
20 provided to the United States Environmental Protection Agency
21 in accordance with 40 CFR 146.82 if the applicant satisfies
22 the requirements of this Section.

23 (Source: P.A. 103-651, eff. 7-18-24; revised 10-24-24.)

24 (415 ILCS 5/59.9)

25 Sec. 59.9. Closure. The owner or operator of a carbon

1 sequestration activity permitted in accordance with this Act
2 shall monitor the site during the post-injection site care
3 period, which shall be no less than 30 years after the last
4 date of injection, as well as following certification of
5 closure by United States Environmental Protection Agency ~~Act~~
6 to show the position of the carbon dioxide and pressure front
7 to ensure it does not pose an endangerment to groundwater, as
8 specified in 35 Ill. Adm. Code 620, or to human health or the
9 environment, unless and until the Agency certifies that a
10 carbon sequestration facility is closed. Air and soil gas
11 monitoring required by a carbon sequestration activity permit
12 issued by the Agency must continue until the Agency certifies
13 the carbon sequestration facility as closed. The Agency shall
14 certify a carbon sequestration facility as closed if:

15 (1) the owner or operator submits to the Agency a copy
16 of a closure certification issued for the carbon
17 sequestration facility in accordance with 40 CFR 146.93;
18 and

19 (2) the owner or operator demonstrates to the Agency
20 that no additional air or soil gas monitoring is needed to
21 ensure the carbon sequestration facility does not pose an
22 endangerment to groundwater, as specified in 35 Ill. Adm.
23 Code 620, or to human health or the environment.

24 This demonstration must include location-specific
25 monitoring data. The certification of closure does not relieve
26 an operator of any liabilities from the carbon sequestration

activity or carbon sequestration facility.

(Source: P.A. 103-651, eff. 7-18-24; revised 10-23-24.)

(415 ILCS 5/59.10)

Sec. 59.10. Financial assurance.

(a) The owner or operator of a sequestration activity permitted in accordance with this Act shall maintain financial assurance in an amount equal to or greater than the cost estimate calculated in accordance with paragraph (11) of Section 59.6.

(b) The owner or operator of the sequestration activity must use one or a combination of the following mechanisms as financial assurance:

- (1) a fully funded trust fund;
- (2) a surety bond guaranteeing payment;
- (3) a surety bond guaranteeing performance; or
- (4) an irrevocable letter of credit.

(c) The financial assurance mechanism must identify the Agency as the sole beneficiary.

(d) The financial assurance mechanism shall be on forms adopted by the Agency. The Agency must adopt these forms within 90 days ~~of the date~~ of July 18, 2024 (the effective date of Public Act 103-651) ~~this amendatory Act of the 103rd General Assembly.~~

(e) The Agency shall release a trustee, surety, or other financial institution holding a financial assurance mechanism

1 when:

2 (1) the owner or operator of a carbon sequestration
3 activity substitutes alternative financial assurance such
4 that the total financial assurance for the site is equal
5 to or greater than the current cost estimate, without
6 counting the amounts to be released; or

7 (2) the Agency determines that the owner or operator
8 is no longer required to maintain a permit.

9 (f) The Agency may enter into contracts and agreements it
10 deems necessary to carry out the purposes of this Section,
11 including, but not limited to, interagency agreements with the
12 Illinois State Geological Survey, the Department of Natural
13 Resources, or other agencies of the State. Neither the State
14 nor any State employee shall be liable for any damages or
15 injuries arising out of or resulting from any action taken
16 under paragraph (11) of Section 59.6.

17 (g) The Agency may order that a permit holder modify the
18 financial assurance or order that proceeds from financial
19 assurance be applied to the remedial action at or closure of an
20 injection site. The Agency may pursue legal action in any
21 court of competent jurisdiction to enforce its rights under
22 financial instruments used to provide the financial assurance
23 required under Section 59.10.

24 (h) An owner or operator of a carbon sequestration
25 activity permitted in accordance with this Act that has a
26 closure plan approved by the United States Environmental

1 Protection Agency in accordance with 40 CFR 146.93 may satisfy
2 the financial assurance requirements for any portion of the
3 cost estimates for closure costs required by the Agency by
4 submitting to the Agency true copies of the financial
5 assurance mechanism required by 40 CFR 146.85, if those
6 mechanisms are compliant with Section 59.10.

7 (Source: P.A. 103-651, eff. 7-18-24; revised 10-24-24.)

8 Section 960. The Pesticide Application on Rights-of-Way
9 Notification Act is amended by changing Section 1 as follows:

10 (415 ILCS 61/1)

11 Sec. 1. Short title. This Act may be cited as the ~~the~~
12 Pesticide Application on Rights-of-Way Notification Act.

13 (Source: P.A. 103-976, eff. 1-1-25; revised 12-4-24.)

14 Section 965. The Lawn Care Products Application and Notice
15 Act is amended by changing Section 5a as follows:

16 (415 ILCS 65/5a)

17 Sec. 5a. Fertilizer; application restrictions.

18 (a) No applicator for hire shall:

19 (1) Apply phosphorus-containing fertilizer to a lawn,
20 except as demonstrated to be necessary by a soil test that
21 establishes that the soil is lacking in phosphorus
22 ~~phosphorous~~ when compared against the standard established

1 by the University of Illinois. The soil test required
2 under this paragraph (1) shall be conducted no more than
3 36 months before the intended application of the
4 fertilizer and by a soil testing laboratory that has been
5 identified by the University of Illinois as an acceptable
6 laboratory for soil testing. However, a soil test shall
7 not be required under this paragraph (1) if the fertilizer
8 to be applied is a 0% phosphate fertilizer or the
9 fertilizer is being applied to establish a lawn in the
10 first 2 growing seasons.

11 (2) Apply fertilizer to an impervious surface, except
12 where the application is inadvertent and fertilizer is
13 swept or blown back into the target area or returned to
14 either its original or another appropriate container for
15 reuse.

16 (3) Apply fertilizer using a spray, drop, or rotary
17 spreader with a deflector within a 3 foot buffer of any
18 water body, except that when this equipment is not used,
19 fertilizer may not be applied within a 15 foot buffer of
20 any water body.

21 (4) Apply fertilizer at any time when the lawn is
22 frozen or saturated. For the purposes of this paragraph
23 (4), a lawn is frozen when its root system is frozen
24 (typically 3 or 4 inches down), and a lawn is saturated
25 when it bears ample evidence of being or having been
26 inundated by standing water.

1 (b) This Section does not apply to the application of
2 fertilizer on property used in the operation of a commercial
3 farm, lands classified as agricultural lands, or golf courses.

4 (c) This Section does not apply to the application of lawn
5 repair products.

6 (d) Paragraph (1) of subsection (a) of this Section does
7 not apply to the application of animal or vegetable manure
8 that is ground, pelletized, mechanically dried, packaged, or
9 supplemented with plant nutrients or other substances other
10 than phosphorus.

11 (Source: P.A. 96-1005, eff. 7-6-10; revised 7-30-24.)

12 Section 970. The Illinois Low-Level Radioactive Waste
13 Management Act is amended by changing Section 3 as follows:

14 (420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

15 Sec. 3. Definitions. As used in this Act:

16 "Agency" or "IEMA-OHS" means the Illinois Emergency
17 Management Agency and Office of Homeland Security, or its
18 successor agency.

19 "Broker" means any person who takes possession of
20 low-level waste for purposes of consolidation and shipment.

21 "Compact" means the Central Midwest Interstate Low-Level
22 Radioactive Waste Compact.

23 "Decommissioning" means the measures taken at the end of a
24 facility's operating life to assure the continued protection

1 of the public from any residual radioactivity or other
2 potential hazards present at a facility.

3 "Director" means the Director of the Agency.

4 "Disposal" means the isolation of waste from the biosphere
5 in a permanent facility designed for that purpose.

6 "Facility" means a parcel of land or site, together with
7 structures, equipment and improvements on or appurtenant to
8 the land or site, which is used or is being developed for the
9 treatment, storage or disposal of low-level radioactive waste.

10 "Facility" does not include lands, sites, structures, or
11 equipment used by a generator in the generation of low-level
12 radioactive wastes.

13 "Generator" means any person who produces or possesses
14 low-level radioactive waste in the course of or incident to
15 manufacturing, power generation, processing, medical diagnosis
16 and treatment, research, education, or other activity.

17 "Hazardous waste" means a waste, or combination of wastes,
18 which because of its quantity, concentration, or physical,
19 chemical, or infectious characteristics may cause or
20 significantly contribute to an increase in mortality or an
21 increase in serious, irreversible, or incapacitating
22 reversible, illness; or pose a substantial present or
23 potential hazard to human health or the environment when
24 improperly treated, stored, transported, or disposed of, or
25 otherwise managed, and which has been identified, by
26 characteristics or listing, as hazardous under Section 3001 of

1 the Resource Conservation and Recovery Act of 1976, P.L.
2 94-580 or under regulations of the Pollution Control Board.

3 "High-level radioactive waste" means:

4 (1) the highly radioactive material resulting from the
5 reprocessing of spent nuclear fuel including liquid waste
6 produced directly in reprocessing and any solid material
7 derived from the liquid waste that contains fission
8 products in sufficient concentrations; and

9 (2) the highly radioactive material that the Nuclear
10 Regulatory Commission has determined, on July 21, 1988
11 (the effective date of Public Act 85-1133) ~~this Amendatory~~
12 ~~Act of 1988~~, to be high-level radioactive waste requiring
13 permanent isolation.

14 "Low-level radioactive waste" or "waste" means radioactive
15 waste not classified as (1) high-level radioactive waste, (2)
16 transuranic waste, (3) spent nuclear fuel, or (4) byproduct
17 material as defined in Sections 11e(2), 11e(3), and 11e(4) of
18 the Atomic Energy Act of 1954 (42 U.S.C. 2014). This
19 definition shall apply notwithstanding any declaration by the
20 federal government, a state, or any regulatory agency that any
21 radioactive material is exempt from any regulatory control.

22 "Mixed waste" means waste that is both "hazardous waste"
23 and "low-level radioactive waste" as defined in this Act.

24 "Nuclear facilities" means nuclear power plants,
25 facilities housing nuclear test and research reactors,
26 facilities for the chemical conversion of uranium, and

1 facilities for the storage of spent nuclear fuel or high-level
2 radioactive waste.

3 "Nuclear power plant" or "nuclear steam-generating
4 facility" means a thermal power plant in which the energy
5 (heat) released by the fissioning of nuclear fuel is used to
6 boil water to produce steam.

7 "Nuclear power reactor" means an apparatus, other than an
8 atomic weapon, designed or used to sustain nuclear fission in
9 a self-supporting chain reaction.

10 "Person" means an individual, corporation, business
11 enterprise, or other legal entity either public or private and
12 any legal successor, representative, agent, or agency of that
13 individual, corporation, business enterprise, or legal entity.

14 "Post-closure care" means the continued monitoring of the
15 regional disposal facility after closure for the purposes of
16 detecting a need for maintenance, ensuring environmental
17 safety, and determining compliance with applicable licensure
18 and regulatory requirements, and includes undertaking any
19 remedial actions necessary to protect public health and the
20 environment from radioactive releases from the facility.

21 "Regional disposal facility" or "disposal facility" means
22 the facility established by the State of Illinois under this
23 Act for disposal away from the point of generation of waste
24 generated in the region of the Compact.

25 "Release" means any spilling, leaking, pumping, pouring,
26 emitting, emptying, discharging, injecting, escaping,

1 leaching, dumping_L or disposing into the environment of
2 low-level radioactive waste.

3 "Remedial action" means those actions taken in the event
4 of a release or threatened release of low-level radioactive
5 waste into the environment_T to prevent or minimize the release
6 of the waste so that it does not migrate to cause substantial
7 danger to present or future public health or welfare or the
8 environment. The term includes, but is not limited to, actions
9 at the location of the release such as storage, confinement,
10 perimeter protection using dikes, trenches or ditches, clay
11 cover, neutralization, cleanup of released low-level
12 radioactive wastes, recycling or reuse, dredging or
13 excavations, repair or replacement of leaking containers,
14 collection of leachate and runoff, onsite treatment or
15 incineration, provision of alternative water supplies_L and any
16 monitoring reasonably required to assure that these actions
17 protect human health and the environment.

18 "Scientific Surveys" means, collectively, the Illinois
19 State Geological Survey and the Illinois State Water Survey of
20 the University of Illinois.

21 "Shallow land burial" means a land disposal facility in
22 which radioactive waste is disposed of in or within the upper
23 30 meters of the earth's surface. However, this definition
24 shall not include an enclosed, engineered, structurally
25 re-enforced and solidified bunker that extends below the
26 earth's surface.

1 "Small modular reactor" or "SMR" means an advanced nuclear
2 reactor: (1) with a rated nameplate capacity of 300 electrical
3 megawatts or less; and (2) that may be constructed and
4 operated in combination with similar reactors at a single
5 site.

6 "Storage" means the temporary holding of waste for
7 treatment or disposal for a period determined by Agency
8 regulations.

9 "Treatment" means any method, technique, or process,
10 including storage for radioactive decay, designed to change
11 the physical, chemical, or biological characteristics or
12 composition of any waste in order to render the waste safer for
13 transport, storage, or disposal, amenable to recovery,
14 convertible to another usable material, or reduced in volume.

15 "Waste management" means the storage, transportation,
16 treatment, or disposal of waste.

17 (Source: P.A. 103-306, eff. 7-28-23; 103-569, eff. 6-1-24;
18 revised 7-30-24.)

19 Section 975. The Radioactive Waste Tracking and Permitting
20 Act is amended by changing Section 10 as follows:

21 (420 ILCS 37/10)

22 Sec. 10. Definitions. As used in this Act:

23 (a) "Agency" or "IEMA-OHS" means the Illinois Emergency
24 Management Agency and Office of Homeland Security, or its

1 successor agency.

2 (b) "Director" means the Director of the Agency.

3 (c) "Disposal" means the isolation of waste from the
4 biosphere in a permanent facility designed for that purpose.

5 (d) "Facility" means a parcel of land or a site, together
6 with structures, equipment, and improvements on or appurtenant
7 to the land or site, that is used or is being developed for the
8 treatment, storage, or disposal of low-level radioactive
9 waste.

10 (e) "Low-level radioactive waste" or "waste" means
11 radioactive waste not classified as (1) high-level radioactive
12 waste, (2) transuranic waste, (3) spent nuclear fuel, or (4)
13 byproduct material as defined in Sections 11e(2), 11e(3), and
14 11e(4) of the Atomic Energy Act (42 U.S.C. 2014). This
15 definition shall apply notwithstanding any declaration by the
16 federal government, a state, or any regulatory agency that any
17 radioactive material is exempt from any regulatory control.

18 (e-5) "Nuclear facilities" means nuclear power plants,
19 facilities housing nuclear test and research reactors,
20 facilities for the chemical conversion of uranium, and
21 facilities for the storage of spent nuclear fuel or high-level
22 radioactive waste.

23 (e-10) "Nuclear power plant" or "nuclear steam-generating
24 facility" means a thermal power plant in which the energy
25 (heat) released by the fissioning of nuclear fuel is used to
26 boil water to produce steam.

1 (e-15) "Nuclear power reactor" means an apparatus, other
2 than an atomic weapon, designed or used to sustain nuclear
3 fission in a self-supporting chain reaction.

4 (e-20) "Small modular reactor" or "SMR" means an advanced
5 nuclear reactor: (1) with a rated nameplate capacity of 300
6 electrical megawatts or less; and (2) that may be constructed
7 and operated in combination with similar reactors at a single
8 site.

9 (f) "Person" means an individual, corporation, business
10 enterprise, or other legal entity, public or private, or any
11 legal successor, representative, agent, or agency of that
12 individual, corporation, business enterprise, or legal entity.

13 (g) "Regional facility" or "disposal facility" means a
14 facility that is located in Illinois and established by
15 Illinois, under designation of Illinois as a host state by the
16 Commission for disposal of waste.

17 (h) "Storage" means the temporary holding of waste for
18 treatment or disposal for a period determined by Agency
19 regulations.

20 (i) "Treatment" means any method, technique, or process,
21 including storage for radioactive decay, that is designed to
22 change the physical, chemical, or biological characteristics
23 or composition of any waste in order to render the waste safer
24 for transport, storage, or disposal, amenable to recovery,
25 convertible to another usable material, or reduced in volume.

26 (Source: P.A. 103-306, eff. 7-28-23; 103-569, eff. 6-1-24;

1 revised 7-31-24.)

2 Section 980. The Radiation Protection Act of 1990 is
3 amended by changing Section 14 as follows:

4 (420 ILCS 40/14) (from Ch. 111 1/2, par. 210-14)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 14. Radiation Protection Advisory Council. There
7 shall be created a Radiation Protection Advisory Council
8 consisting of 7 members to be appointed by the Governor on the
9 basis of demonstrated interest in and capacity to further the
10 purposes of this Act and who shall broadly reflect the varied
11 interests in and aspects of atomic energy and ionizing
12 radiation within the State. The Director of the Department of
13 Labor and the Chairman of the Commerce Commission or their
14 representatives shall be ex-officio members of the Council.

15 Each member of the Council shall be appointed for a 4 year
16 term and shall continue to serve until a successor is
17 appointed. Any member appointed to fill a vacancy occurring
18 prior to the expiration of the term for which his or her
19 predecessor was appointed shall continue to serve until a
20 successor is appointed. The Chairman of the Council shall be
21 selected by and from the Council membership. The Council
22 members shall serve without compensation but shall be
23 reimbursed for their actual expenses incurred in line of duty.
24 The Council shall meet as often as the Chairman deems

1 necessary, but upon request of 4 or more members it shall be
2 the duty of the Chairman to call a meeting of the Council.

3 It shall be the duty of the Council to assist in the
4 formulation of and to review the policies and program of the
5 Agency as developed under authority of this Act and to make
6 recommendations thereon and to provide the Agency with such
7 technical advice and assistance as may be requested. The
8 Council may employ such professional, technical, clerical, and
9 other assistants, without regard to the civil service laws or
10 the "Personnel Code" of this State, as it deems necessary to
11 carry out its duties.

12 Individuals who serve on advisory boards of the Department
13 of Nuclear Safety or its successor agency, the Agency, shall
14 be defended by the Attorney General and indemnified for all
15 actions alleging a violation of any duty arising within the
16 scope of their service on such board. Nothing contained herein
17 shall be deemed to afford defense or indemnification for any
18 willful or wanton violation of law. Such defense and
19 indemnification shall be afforded in accordance with the terms
20 and provisions of the State Employee Indemnification Act.

21 (Source: P.A. 103-569, eff. 6-1-24; revised 10-23-24.)

22 Section 985. The Space Heating Safety Act is amended by
23 changing Section 3 as follows:

24 (425 ILCS 65/3) (from Ch. 127 1/2, par. 703)

1 Sec. 3. Definitions. As used in this Act, the following
2 terms shall have the following meanings:

3 (a) "Integral Reservoir" means the container for the
4 supply of fuel held within the heating unit.

5 (b) "Self-supporting heater" means any heater with an
6 integral reservoir for fuel.

7 (c) "Portable Kerosene Fueled Heater" means any
8 nonflue-connected, self-contained, self-supporting, kerosene
9 fueled, heating appliance equipped with an integral reservoir,
10 designed to be carried from one location to another, but
11 excluding any heater designed to be used solely in buildings
12 under construction, or for agricultural purposes.

13 (d) "Nationally Recognized Testing Laboratory" means any
14 of the following testing or inspection agencies: Underwriters
15 Laboratories, Inc., Canadian Standards Association, Factory
16 Mutual System, and Applied Research Laboratories of Florida,
17 Inc.

18 (e) "Listed heater" means any portable oil fueled heater
19 which has been evaluated with respect to reasonably
20 foreseeable hazards to life and property by a nationally
21 recognized testing laboratory, and which is certified to
22 comply with minimum standards of design and performance
23 required by Underwriter's Laboratory Subject 647 (1984), and
24 which has been authorized by the Office of the State Fire
25 Marshal as being reasonably safe for its specific purpose and
26 shown in a list published by such agency and bears the mark of

1 such agency as an indication that it has been so authorized.
2 Any evaluation shall include, but not be limited to,
3 evaluation of the design and labeling requirements hereinafter
4 set forth in Section 4 of this Act and shall further include
5 certain quality control procedures that must be implemented in
6 the manufacturing process.

7 (f) "Approved heater" means any listed heater is an
8 approved heater.

9 (g) "Structure" means any building.

10 (h) "Multifamily Dwelling" means a dwelling which is
11 either rented, leased, let or hired out to be occupied, or is
12 occupied as the residence or home of 3 or more families or
13 persons living independently of each other.

14 (i) "Residential Use" means any use in a single family
15 dwelling, apartment house, or multiple family dwelling.

16 (j) "Owner" means the owner of the freehold of any real
17 property or of a lesser estate therein, a mortgagee or vendee
18 in possession, assignee of rents, receiver, executor, trustee,
19 lessee, agent, or any other person, firm, or corporation
20 directly or indirectly in control of real property.

21 (Source: P.A. 84-834; revised 8-7-24.)

22 Section 990. The Gasoline Storage Act is amended by
23 changing Sections 4 and 6 as follows:

24 (430 ILCS 15/4) (from Ch. 127 1/2, par. 156)

1 Sec. 4. Underground Storage Tank Program; administration.

2 (a) In cooperation with the Illinois Environmental
3 Protection Agency, the Office of the State Fire Marshal shall
4 administer the Illinois Underground Storage Tank Program in
5 accordance with this Section and Section 22.12 of the
6 Environmental Protection Act.

7 (b) (1) (A) The owner of an underground storage tank that
8 was not taken out of operation before January 2, 1974, and that
9 at any time between January 1, 1974, and September 24, 1987,
10 contained petroleum or petroleum products or hazardous
11 substances, with the exception of hazardous wastes, shall
12 register the tank with the Office of the State Fire Marshal. No
13 underground storage tank taken out of operation before January
14 2, 1974, may be registered under this Act. No underground
15 storage tank otherwise required to be registered under this
16 subparagraph (A) may be registered under this Act if that tank
17 was removed before September 24, 1987.

18 (B) The owner of a heating oil underground storage tank
19 having a capacity of greater than 1,100 ~~1100~~ gallons that was
20 not taken out of operation before January 2, 1974, and that at
21 any time between January 1, 1974, and July 11, 1990, contained
22 heating oil shall register the tank with the Office of the
23 State Fire Marshal. No heating oil underground storage tank
24 taken out of operation before January 2, 1974, may be
25 registered under this Act. No heating oil underground storage
26 tank otherwise required to be registered under this

1 subparagraph (B) may be registered under this Act if that tank
2 was removed before July 11, 1990.

3 (C) The owner of a heating oil underground storage tank
4 having a capacity of 1,100 gallons or less that was not taken
5 out of operation before January 2, 1974, and that any time
6 between January 1, 1974, and September 6, 1991, contained
7 heating oil shall register the tank with the Office of the
8 State Fire Marshal. No heating oil underground storage tank
9 taken out of operation before January 2, 1974, may be
10 registered under this Act. No heating oil underground storage
11 tank otherwise required to be registered under this
12 subparagraph (C) may be registered under this Act if that tank
13 was removed before September 6, 1991.

14 (D) "Operation", as used in this subsection (b), means
15 that the tank must have had input or output of petroleum,
16 petroleum products, or hazardous substances, with the
17 exception of hazardous wastes, during the regular course of
18 its usage. "Operation" does not include (i) compliance with
19 leak detection requirements as prescribed by rules and
20 regulations of the Office of the State Fire Marshal or (ii) the
21 mere containment or storage of petroleum, petroleum products,
22 or hazardous substances, with the exception of hazardous
23 wastes.

24 (2) The owner of an underground storage tank who
25 registered the tank with the Office of the State Fire Marshal
26 under Section 4 of the State Fire Marshal Act prior to

1 September 24, 1987 shall be deemed to have registered the tank
2 under paragraph (1).

3 (3)(A) Each person required to register an underground
4 storage tank, other than a heating oil underground storage
5 tank, under paragraph (1) shall pay the Office of the State
6 Fire Marshal a registration fee of \$500 for each tank
7 registered, to be deposited in the Underground Storage Tank
8 Fund.

9 (B) Each person required to register a heating oil
10 underground storage tank shall pay to the Office of the State
11 Fire Marshal a registration fee of \$100 for each tank
12 registered before July 2, 1992, and \$500 for each tank
13 registered after July 1, 1992, to be deposited into the
14 Underground Storage Tank Fund.

15 (C) No registration fee shall be due under this paragraph
16 (3) for underground storage tanks deemed registered pursuant
17 to paragraph (2).

18 (4) The Office of the State Fire Marshal shall establish
19 procedures relating to the collection of the fees authorized
20 by this subsection. Such procedures shall include, but need
21 not be limited to, the time and manner of payment to the Office
22 of the State Fire Marshal.

23 (5) The State Fire Marshal is authorized to enter into
24 such contracts and agreements as may be necessary, and as
25 expeditiously as necessary, to carry out the Office of the
26 State Fire Marshal's duties under this subsection.

1 (6) (A) The owner of an underground storage tank, other
2 than a heating oil underground storage tank, which is
3 installed or replaced after September 24, 1987, and which
4 contained, contains, or may contain petroleum or petroleum
5 products or hazardous substances, with the exception of
6 hazardous wastes, shall register the tank with the Office of
7 the State Fire Marshal prior to the installation or
8 replacement.

9 (B) The owner of a heating oil underground storage tank
10 installed or replaced after July 11, 1990, and which contained
11 or may contain heating oil shall register the tank with the
12 Office of the State Fire Marshal before the installation or
13 replacement.

14 (7) Any person required to register an underground storage
15 tank under paragraph (1) or paragraph (6) of this subsection
16 shall register the tank on forms provided by the Office of the
17 State Fire Marshal.

18 (c) Except as otherwise provided in subsection (d), a
19 person who is the owner of an underground storage tank
20 containing petroleum, or ~~or~~ petroleum products, or hazardous
21 substances, except hazardous waste, registered under
22 subsection (b) shall notify the Office of the State Fire
23 Marshal of any change in the information required under this
24 Section or of the removal of an underground storage tank from
25 service.

26 (d) A person who is the owner of an underground storage

1 tank containing petroleum, ~~or~~ petroleum products, or hazardous
2 substances, except hazardous waste, the contents of which are
3 changed routinely, shall indicate all the materials which are
4 stored in the tank on the registration form. A person
5 providing the information described in this subsection is not
6 required to notify the Office of the State Fire Marshal of
7 changes in the contents of the tank unless the material to be
8 stored in the tank differs from the information provided on
9 the registration form.

10 (e) For purposes of this Act:

11 The terms "petroleum" and "underground storage tank" shall
12 have the meanings ascribed to them in Subtitle I of the
13 Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of
14 the Resource Conservation and Recovery Act of 1976 (P.L.
15 94-580), except that "underground storage tank" shall include
16 heating oil underground storage tanks; however, no release
17 detection shall be required of heating oil tanks, in existence
18 as of July 11, 1990, prior to December 22, 1998. The Office of
19 the State Fire Marshal shall have the authority to determine
20 the criteria for classification of an underground storage tank
21 as being either a petroleum underground storage tank or a
22 hazardous substance underground storage tank.

23 When used in connection with, or when otherwise relating
24 to underground storage tanks, the terms "operator", "owner",
25 and "facility" shall have the meanings ascribed to them in
26 Subtitle I of the Hazardous and Solid Waste Amendments of 1984

1 (P.L. 98-616) of the Resource Conservation and Recovery Act of
2 1976 (P.L. 94-580).

3 "Bodily injury" means bodily injury, sickness, or disease
4 sustained by a person, including death at any time, resulting
5 from a release of petroleum from an underground storage tank.

6 "Property damage" means physical injury to, destruction
7 of, or contamination of tangible property, including all
8 resulting loss of use of that property; or loss of use of
9 tangible property that is not physically injured, destroyed,
10 or contaminated, but has been evacuated, withdrawn from use,
11 or rendered inaccessible because of an occurrence.

12 "Occurrence" means an accident, including continuous or
13 repeated exposure to conditions, which results in a release of
14 petroleum into the environment from an underground storage
15 tank.

16 "Heating oil" means petroleum that is No. 1, No. 2, No. 4
17 light, No. 4 heavy, No. 5 light, No. 5 heavy, or No. 6
18 technical grades of fuel oil; or other residual fuel oils
19 including Navy Special Fuel Oil and Bunker C.

20 "Heating oil underground storage tank" means an
21 underground storage tank serving other than farms or
22 residential units that is used exclusively to store heating
23 oil for consumptive use on the premises where stored.

24 (Source: P.A. 87-323; 87-1088; 88-496; revised 7-31-24.)

25 (430 ILCS 15/6) (from Ch. 127 1/2, par. 158)

1 Sec. 6. (a) If necessary or appropriate to assure that the
2 public health or safety is not threatened, the Office of the
3 State Fire Marshal shall have authority to:

4 (1) (A) provide notice to the owner or operator, or
5 both, of an underground storage tank whenever there is a
6 release or substantial threat of a release of petroleum or
7 regulated substances from such tank. Such notice shall
8 include the identified emergency action and an opportunity
9 for the owner or operator, or both, to perform the
10 emergency action; or

11 (B) undertake emergency action whenever there is a
12 release or substantial threat of a release of petroleum or
13 regulated substances from an underground storage tank.

14 (2) If notice has been provided under clause (A) of
15 paragraph (1) of this subsection, the Office shall have
16 the authority to require the owner or operator, or both,
17 of an underground storage tank to undertake emergency
18 action whenever there is a release or substantial threat
19 of a release of petroleum or regulated substances from
20 such tank.

21 (3) The emergency action undertaken or required under
22 this Section shall be such as may be necessary or
23 appropriate to assure that the public health or safety is
24 not threatened.

25 (b) In accordance with constitutional limitations, the
26 Office shall have authority to enter at all reasonable times

1 upon any private or public property for the purpose of taking
2 emergency action whenever there is a release or substantial
3 threat of a release of petroleum or regulated substances from
4 an underground storage tank.

5 (c) The Office shall require emergency action under
6 paragraph (2) of subsection (a) through issuance of an
7 administrative order ~~Administrative Order~~. Such an order shall
8 be served by registered or certified mail or in person and may
9 order emergency action. Any person served with such an order
10 may appeal such order by submitting in writing any such appeal
11 to the Office within 10 days of the date of receipt of such
12 order. The Office shall conduct an administrative hearing
13 governed by the ~~The~~ Illinois Administrative Procedure Act and
14 enter an order to sustain, modify, or revoke such order. Any
15 appeal from such order shall be to the circuit court of the
16 county in which the violation took place and shall be governed
17 by the Administrative Review Law.

18 (d) Neither the State, the State Fire Marshal, nor any
19 State employee shall be liable for any damages or injury
20 arising out of or resulting from any action taken under this
21 Section 6.

22 (Source: P.A. 85-1325; revised 8-8-24.)

23 Section 995. The Herptiles-Herps Act is amended by
24 changing Sections 90-10 and 105-65 as follows:

1 (510 ILCS 68/90-10)

2 Sec. 90-10. Commercial purposes; offenses.

3 (a) Unless otherwise provided in this Act, any person who
4 for profit or commercial purposes knowingly captures, kills,
5 possesses, offers for sale, sells, offers to barter, barterers,
6 offers to purchase, purchases, delivers for shipment, ships,
7 exports, imports, causes to be shipped, exported, or imported,
8 delivers for transportation, transports, or causes to be
9 transported, carries or causes to be carried, or receives for
10 shipment, transportation, carriage, or export any herptile
11 taxa, in whole or in part, protected under this Act and the
12 financial value of that herptile, in whole or in part, is
13 valued:

14 (1) at or in excess of a total of \$300 as calculated
15 according to the applicable provisions under paragraphs
16 (1), (2), (3), and (4) of subsection (a) of ~~in~~ Section
17 105-95 of this Act is guilty of a Class 3 felony; or

18 (2) less than the total of \$300 as calculated
19 according to the applicable provisions under paragraphs
20 (1), (2), (3), and (4) of subsection (a) of ~~in~~ Section
21 105-95 of this Act is guilty of a Class A misdemeanor. A
22 second or subsequent violation is a Class 4 felony.

23 (b) The possession of any herptile, in whole or in part,
24 captured or killed in violation of this Act that is valued at
25 or in excess of \$600 under the provisions of ~~in~~ subsection (b)
26 of Section 105-95 of this Act shall be considered prima facie

1 evidence of possession for profit or commercial purposes.

2 (Source: P.A. 102-315, eff. 1-1-22; revised 8-9-24.)

3 (510 ILCS 68/105-65)

4 Sec. 105-65. Accessory to violation; accountability.

5 (a) Any person who aids in or contributes in any way to a
6 violation of this Act, including administrative rules, is
7 individually liable, as a separate offense under this Act, for
8 the penalties imposed against the person who committed the
9 violation.

10 (b) Accountability for any person who aids or contributes
11 in any way to a misdemeanor or felony violation of this Act
12 shall be determined according to the provisions of ~~under~~
13 Section 5-2 of the Criminal Code of 2012.

14 (Source: P.A. 102-315, eff. 1-1-22; revised 8-9-24.)

15 Section 1000. The Wildlife Code is amended by changing
16 Section 2.26 as follows:

17 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

18 Sec. 2.26. Deer hunting permits. Any person attempting to
19 take deer shall first obtain a "Deer Hunting Permit" issued by
20 the Department in accordance with its administrative rules.
21 Those rules must provide for the issuance of the following
22 types of resident deer archery permits: (i) a combination
23 permit, consisting of one either-sex permit and one

1 antlerless-only permit, (ii) a single antlerless-only permit,
2 and (iii) a single either-sex permit. The fee for a Deer
3 Hunting Permit to take deer with either bow and arrow or gun
4 shall not exceed \$25 for residents of the State. The
5 Department may by administrative rule provide for non-resident
6 deer hunting permits for which the fee will not exceed \$300 in
7 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
8 provided below for non-resident landowners and non-resident
9 archery hunters. The Department may by administrative rule
10 provide for a non-resident archery deer permit consisting of
11 not more than 2 harvest tags at a total cost not to exceed \$325
12 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The
13 fees for a youth resident and non-resident archery deer permit
14 shall be the same.

15 The Department shall create a pilot program during the
16 special 3-day, youth-only deer hunting season to allow for
17 youth deer hunting permits that are valid statewide, excluding
18 those counties or portions of counties closed to firearm deer
19 hunting. The Department shall adopt rules to implement the
20 pilot program. Nothing in this paragraph shall be construed to
21 prohibit the Department from issuing Special Hunt Area Permits
22 for the youth-only deer hunting season or establishing,
23 through administrative rule, additional requirements
24 pertaining to the youth-only deer hunting season on
25 Department-owned or Department-managed sites, including
26 site-specific quotas or drawings. The provisions of this

1 paragraph are inoperative on and after January 1, 2023.

2 The standards and specifications for use of guns and bow
3 and arrow for deer hunting shall be established by
4 administrative rule.

5 No person may have in his or her possession any firearm not
6 authorized by administrative rule for a specific hunting
7 season when taking deer unless in accordance with the Firearm
8 Concealed Carry Act.

9 Persons having a firearm deer hunting permit shall be
10 permitted to take deer only during the period from 1/2 hour
11 before sunrise to 1/2 hour after sunset, and only during those
12 days for which an open season is established for the taking of
13 deer by use of shotgun, handgun, rifle, or muzzle loading
14 rifle.

15 Persons having an archery deer hunting permit shall be
16 permitted to take deer only during the period from 1/2 hour
17 before sunrise to 1/2 hour after sunset, and only during those
18 days for which an open season is established for the taking of
19 deer by use of bow and arrow.

20 It shall be unlawful for any person to take deer by use of
21 dogs, horses, automobiles, aircraft, or other vehicles, or by
22 the use or aid of bait or baiting of any kind. For the purposes
23 of this Section, "bait" means any material, whether liquid or
24 solid, including food, salt, minerals, and other products,
25 except pure water, that can be ingested, placed, or scattered
26 in such a manner as to attract or lure white-tailed deer.

1 "Baiting" means the placement or scattering of bait to attract
2 deer. An area is considered as baited during the presence of
3 and for 10 consecutive days following the removal of bait.
4 Nothing in this Section shall prohibit the use of a dog to
5 track wounded deer. Any person using a dog for tracking
6 wounded deer must maintain physical control of the dog at all
7 times by means of a maximum 50-foot ~~50-foot~~ lead attached to
8 the dog's collar or harness. Tracking wounded deer is
9 permissible at night, but at no time outside of legal deer
10 hunting hours or seasons shall any person handling or
11 accompanying a dog being used for tracking wounded deer be in
12 possession of any firearm or archery device. Persons tracking
13 wounded deer with a dog during the firearm deer seasons shall
14 wear blaze orange or solid blaze pink color as required. Dog
15 handlers tracking wounded deer with a dog are exempt from
16 hunting license and deer permit requirements so long as they
17 are accompanied by the licensed deer hunter who wounded the
18 deer.

19 It shall be unlawful to possess or transport any wild deer
20 which has been injured or killed in any manner upon a public
21 highway or public right-of-way of this State unless exempted
22 by administrative rule.

23 Persons hunting deer must have the gun unloaded and no bow
24 and arrow device shall be carried with the arrow in the nocked
25 position during hours when deer hunting is unlawful.

26 It shall be unlawful for any person, having taken the

1 legal limit of deer by gun, to further participate with a gun
2 in any deer hunting party.

3 It shall be unlawful for any person, having taken the
4 legal limit of deer by bow and arrow, to further participate
5 with bow and arrow in any deer hunting party.

6 The Department may prohibit upland game hunting during the
7 gun deer season by administrative rule.

8 The Department shall not limit the number of non-resident,
9 either-sex archery deer hunting permits to less than 20,000.

10 Any person who violates any of the provisions of this
11 Section, including administrative rules, shall be guilty of a
12 Class B misdemeanor.

13 For the purposes of calculating acreage under this
14 Section, the Department shall, after determining the total
15 acreage of the applicable tract or tracts of land, round
16 remaining fractional portions of an acre greater than or equal
17 to half of an acre up to the next whole acre.

18 For the purposes of taking white-tailed deer, nothing in
19 this Section shall be construed to prevent the manipulation,
20 including mowing or cutting, of standing crops as a normal
21 agricultural or soil stabilization practice, food plots, or
22 normal agricultural practices, including planting, harvesting,
23 and maintenance such as cultivating or the use of products
24 designed for scent only and not capable of ingestion, solid or
25 liquid, placed or scattered, in such a manner as to attract or
26 lure deer. Such manipulation for the purpose of taking

1 white-tailed deer may be further modified by administrative
2 rule.

3 (Source: P.A. 101-81, eff. 7-12-19; 101-444, eff. 6-1-20;
4 102-237, eff. 1-1-22; 102-932, eff. 1-1-23; revised 10-23-24.)

5 Section 1005. The Illinois Endangered Species Protection
6 Act is amended by changing Section 11 as follows:

7 (520 ILCS 10/11) (from Ch. 8, par. 341)

8 Sec. 11. Conservation program; public policy; rules.

9 (a) The Department, with the advice of the Board, shall
10 actively plan and implement a program for the conservation of
11 endangered and threatened species, by means which should
12 include published data search, research, management,
13 cooperative agreements with other agencies, identification,
14 protection and acquisition of essential habitat, support of
15 beneficial legislation, issuance of grants from appropriated
16 funds, and education of the public.

17 (b) It is the public policy of all agencies of State and
18 local governments to utilize their authorities in furtherance
19 of the purposes of this Act by evaluating through a
20 consultation process with the Department whether actions
21 authorized, funded, or carried out by them are likely to
22 jeopardize the continued existence of Illinois listed
23 endangered and threatened species or are likely to result in
24 the destruction or adverse modification of the designated

1 essential habitat of such species, which policy shall be
2 enforceable only by writ of mandamus; and where a State or
3 local agency does so consult in furtherance of this public
4 policy, such State or local agency shall be deemed to have
5 complied with its obligations under the "Illinois Endangered
6 Species Protection Act", provided the agency action shall not
7 result in the killing or injuring of any Illinois listed
8 animal species, or provided that authorization for taking a
9 listed species has been issued under Section 4, 5, or 5.5 of
10 this Act. This paragraph (b) shall not apply to any project of
11 a State agency on which a biological opinion has been issued
12 (in accordance with Section 7 of the federal ~~Federal~~
13 Endangered Species Act of 1973) prior to the effective date of
14 this amendatory Act of 1985 stating that the action proposed
15 by said project will not jeopardize the continued existence of
16 any federal listed endangered or threatened species.

17 (c) The Department shall have the authority to adopt such
18 rules as are reasonable and necessary to implement the
19 provisions of this Act.

20 (Source: P.A. 91-556, eff. 1-1-00; revised 10-23-24.)

21 Section 1010. The Youth and Young Adult Conservation
22 Education Act is amended by changing Section 25 as follows:

23 (525 ILCS 60/25)

24 (Section scheduled to be repealed on June 30, 2029)

1 Sec. 25. Youth and Young Adult Conservation and Education
2 Pilot Program.

3 (a) Subject to appropriation, the Department shall
4 administer the Program. The Program may consist of any of the
5 following:

6 (1) allocation of grants to units of local government
7 or non-profit entities to provide conservation education
8 and employment opportunities for youth and young adults of
9 this State;

10 (2) development and implementation of conservation
11 education or job training programs; and

12 (3) internship opportunities with the Department for
13 youth and young adults of this State.

14 (b) The Program's education and employment opportunities
15 shall be limited to citizens of this State who at the time of
16 enrollment in the Program are 15 through 25 years of age.
17 Grants under this Act are limited to units of local government
18 and non-profit entities that are located in the State of
19 Illinois and that provide conservation education and
20 employment opportunities for youth and young adults of this
21 State.

22 (c) The Department shall designate suitable grant
23 opportunities, projects, internships, and educational
24 curriculum for the purposes of this Act.

25 Grants, projects, internships, and curriculum so
26 designated by the Department shall be for the purpose of: (1)

1 development, enhancement, and maintenance of the natural
2 resources of the State of Illinois, and offering related
3 educational opportunities; (2) environmental stewardship and
4 civic responsibility; (3) enhancement of public lands owned or
5 leased by the Department or developing and enhancing projects
6 or initiatives undertaken in whole or part by the Department;
7 or (4) any combination of the purposes described in items (1)
8 through (3). Such projects, internships, and curriculum shall
9 include improving the habitat of fauna and flora; improving
10 utilization of conservation or recreation facilities and lands
11 by the public; improving water quality; and any other project
12 deemed by the Department to improve the environmental,
13 economic, and recreational quality of the State's natural
14 resources.

15 All projects and internships designated by the Department
16 shall be within a reasonable commuting time for each
17 participant. In no circumstance shall interns be required to
18 spend more than 1 1/2 hours of commuting time to a project or a
19 designated area, but an intern may agree to spend more than 1
20 1/2 hours of commuting time to a project or a designated area.

21 (c-5) ~~(e)~~ Interns shall receive at least the standard
22 minimum wage as set by the State of Illinois, when applicable,
23 and shall work normal working hours as determined by the
24 Department. The interns shall not be classified as employees
25 of the State for purposes of contributions to the State
26 Employees' Retirement System of Illinois or any other public

1 employment retirement system of the State.

2 (d) The Department may enter into contracts,
3 intergovernmental agreements, grants, cooperative agreements,
4 memoranda of understanding, or other instruments as necessary
5 to implement the Program.

6 (e) The Department shall adopt administrative rules
7 pertaining to implementation, standards, criteria, and
8 administration of the Program.

9 (Source: P.A. 103-788, eff. 1-1-25; revised 10-21-24.)

10 Section 1015. The Illinois Highway Code is amended by
11 changing Sections 5-101.11, 6-513, 6-901, 6-907, and 10-303 as
12 follows:

13 (605 ILCS 5/5-101.11) (from Ch. 121, par. 5-101.11)

14 Sec. 5-101.11. Whenever it considers such purchase or
15 lease advisable, to purchase or lease highway construction and
16 maintenance equipment under contracts providing for payment in
17 installments over a period of time of not more than 10 years
18 with interest on the unpaid balance owing not to exceed the
19 amount permitted pursuant to the Bond Authorization Act "~~An~~
20 ~~Act to authorize public corporations to issue bonds, other~~
21 ~~evidences of indebtedness and tax anticipation warrants~~
22 ~~subject to interest rate limitations set forth therein",~~
23 ~~approved May 26, 1970, as amended.~~

24 (Source: P.A. 85-293; revised 8-13-24.)

1 (605 ILCS 5/6-513) (from Ch. 121, par. 6-513)

2 Sec. 6-513. The county board, in any county having the
3 commission form of government in which a county unit road
4 district is established, may issue bonds of the county in an
5 amount not exceeding 2.875% of the value, as equalized and
6 assessed by the Department of Revenue, of the property in such
7 county or, until January 1, 1983, if greater, the sum that is
8 produced by multiplying the county's 1978 equalized assessed
9 valuation by the debt limitation percentage in effect on
10 January 1, 1979, for the purpose of constructing county unit
11 district roads. However, the question of issuing such county
12 bonds shall first be submitted to the legal voters of such
13 county at an election. The county board shall adopt a
14 resolution to submit the question of issuing such bonds to a
15 vote, specifying therein the particular roads or bridges to be
16 constructed, the type of construction to be made on each
17 section of such roads or on such bridges, and the proposed
18 widths of the roadway, together with an estimate of the cost of
19 such construction. The county board shall certify the
20 resolution to the proper election officials, who shall submit
21 at an election such proposition in accordance with the general
22 election law. Notice of the referendum shall be given and the
23 referendum shall be held in accordance with the general
24 election law of the State. The proposition shall be in
25 substantially the following form:

1
2 Shall county bonds for county YES
3 unit district roads be issued to the -----
4 amount of \$....? NO
5 -----

6 If a majority of the voters voting on such question vote in
7 favor of the proposition, the county board may at once issue
8 the bonds and take the necessary steps to construct the roads
9 provided for. Such bonds shall be issued to mature within 20
10 years from the date of issue, shall be upon such terms and
11 conditions and shall bear such rate of interest not in excess
12 of the amount permitted pursuant to the Bond Authorization Act
13 ~~"An Act to authorize public corporations to issue bonds, other~~
14 ~~evidences of indebtedness and tax anticipation warrants~~
15 ~~subject to interest rate limitations set forth therein",~~
16 ~~approved May 26, 1970, as amended,~~ as shall be fixed by the
17 county board. Such bonds shall be sold upon competitive bids;
18 and the county board may, if it is of the opinion that the bids
19 are unsatisfactory, reject the same and re-advertise and
20 solicit other bids. At the time or before issuing any such
21 bonds, the county board shall adopt a resolution fixing the
22 details of such bonds and providing for the levy of a direct
23 annual tax to pay the principal and interest on such bonds as
24 the same become due. A register of all bonds so issued shall be
25 kept in the office of the county clerk, and it shall be the
26 duty of the county clerk to annually extend a tax upon all the

1 taxable property of the county sufficient to pay the interest
2 and principal on such bonds, as the same shall become due. Such
3 tax shall not be subject to any limitation as to rate or
4 amount. However, if it has been certified to the county clerk
5 that funds from other sources have been allocated and set
6 aside for the purpose of paying the principal or interest, or
7 both, of such bonds, the county clerk shall, in extending the
8 tax and fixing the rate of tax under this Section make proper
9 allowance and reduction in such extension of tax and tax rate
10 to the extent of the funds so certified to be available for the
11 payment of such principal or interest, or both.

12 (Source: P.A. 91-357, eff. 7-29-99; revised 8-13-24.)

13 (605 ILCS 5/6-901) (from Ch. 121, par. 6-901)

14 Sec. 6-901. Annually, the General Assembly shall
15 appropriate to the Department of Transportation from the Road
16 Fund, the General Revenue Fund, or any other State funds, or a
17 combination of those funds, \$60,000,000 for apportionment to
18 counties for the use of road districts for the construction of
19 bridges 20 feet or more in length, as provided in Sections
20 6-902 through 6-907.

21 The Department of Transportation shall apportion among the
22 several counties of this State for the use of road districts
23 the amounts appropriated under this Section. The amount
24 apportioned to a county shall be in the proportion which the
25 total mileage of township or district roads in the county

1 bears to the total mileage of all township and district roads
2 in the State. Each county shall allocate to the several road
3 districts in the county the funds so apportioned to the
4 county. The allocation to road districts shall be made in the
5 same manner and be subject to the same conditions and
6 qualifications as are provided by Section 8 of the Motor Fuel
7 Tax Law with respect to the allocation to road districts of the
8 amount allotted from the Motor Fuel Tax Fund for apportionment
9 to counties for the use of road districts, but no allocation
10 shall be made to any road district that has not levied taxes
11 for road and bridge purposes in such a manner that is eligible
12 for allotment of Motor Fuel Tax funding pursuant to Section 8
13 of the Motor Fuel Tax Law. 7 "Road district" and "township or
14 district road" have the meanings ascribed to those terms in
15 this Act.

16 Road districts in counties in which a property tax
17 extension limitation is imposed under the Property Tax
18 Extension Limitation Law that are made ineligible for receipt
19 of this appropriation due to the imposition of a property tax
20 extension limitation may become eligible if, at the time the
21 property tax extension limitation was imposed, the road
22 district was levying at the required rate and continues to
23 levy the maximum allowable amount after the imposition of the
24 property tax extension limitation. The road district also
25 becomes eligible if it levies at or above the rate required for
26 eligibility by Section 8 of the Motor Fuel Tax Law.

1 The amounts apportioned under this Section for allocation
2 to road districts may be used only for bridge construction as
3 provided in this Division. So much of those amounts as are not
4 obligated under Sections 6-902 through 6-904 and for which
5 local funds have not been committed under Section 6-905 within
6 48 months of the date when such apportionment is made lapses
7 and shall not be paid to the county treasurer for distribution
8 to road districts.

9 (Source: P.A. 103-8, eff. 6-7-23; 103-605, eff. 7-1-24;
10 103-853, eff. 8-9-24; revised 10-7-24.)

11 (605 ILCS 5/6-907)

12 Sec. 6-907. Lapsed funds; use. Lapsed funds under Section
13 6-906 shall be used to provide additional monetary assistance
14 to townships and road districts that have insufficient funding
15 for construction of bridges that are 20 feet or more in length
16 under 6-901 of this Code. The Department shall adopt rules
17 ~~rule~~ to implement this Section.

18 (Source: P.A. 103-853, eff. 8-9-24; revised 10-21-24.)

19 (605 ILCS 5/10-303) (from Ch. 121, par. 10-303)

20 Sec. 10-303. For the purpose of acquiring by purchase or
21 otherwise or the constructing of any such bridge, the county
22 board of each such county is authorized to borrow money and in
23 evidence thereof to issue the bonds of such county, and to
24 refund the same from time to time, payable solely from the

1 revenues derived from the operation of such bridge. Such bonds
2 may be issued as serial or term bonds, shall mature in not to
3 exceed 40 years from the date thereof, and may be made
4 redeemable, prior to maturity, with or without premium. Such
5 bonds may be issued in such amounts as may be necessary to
6 provide sufficient funds to pay the cost of acquiring or
7 constructing such bridge and the approaches thereto, including
8 all property real or personal, necessary or incidental in the
9 acquisition or construction of such bridge and its approaches,
10 including reasonable legal and engineering, traffic survey,
11 and architectural fees, costs of financing, and interest
12 during construction and for not less than 12 months
13 thereafter. Such bonds shall bear interest at a rate not to
14 exceed that permitted in the Bond Authorization Act ~~"An Act to~~
15 ~~authorize public corporations to issue bonds, other evidences~~
16 ~~of indebtedness and tax anticipation warrants subject to~~
17 ~~interest rate limitations set forth therein", approved May 26,~~
18 ~~1970, as amended,~~ payable semi-annually. Bonds issued under
19 the provisions of this Division of this Article have the
20 qualities and incidents of negotiable instruments under the
21 laws of the State of Illinois, shall be executed in the name of
22 the county by the chairman of the county board and the county
23 clerk of such county, and shall be sealed with the corporate
24 seal of the county, and the interest coupons attached to such
25 bonds shall be executed by the facsimile signatures of such
26 chairman and county clerk, and such officials by the execution

1 of such bonds shall adopt as and for their own proper
2 signatures their respective facsimile signatures appearing on
3 such coupons. In case any officer whose signature appears on
4 any such bonds or coupons ceases to be such officer before
5 delivery of such bonds, such signatures shall nevertheless be
6 valid and sufficient for all purposes, the same as if such
7 officer had remained in office until such delivery.

8 Such bonds may be registered as to principal at any time
9 prior to maturity in the name of the holder on the books of the
10 county in the office of the county treasurer, such
11 registration to be noted on the reverse side of the bonds by
12 the county treasurer, and thereafter the principal of such
13 registered bonds shall be payable only to the registered
14 holder, his legal representatives or assigns. Such registered
15 bonds shall be transferable to another registered holder, or
16 back to bearer, only upon presentation to the county treasurer
17 with the legal assignment duly acknowledged or approved.
18 Registration of any such bonds shall not affect negotiability
19 of the coupons thereto attached, but such coupons shall be
20 transferable by delivery merely.

21 All such bonds issued by any such county shall be sold in
22 such manner and at such time as the governing body shall
23 determine. Whenever the governing body of any such county
24 determines to issue bonds as provided for in this Division of
25 this Article, it shall adopt an ordinance describing in a
26 general way the bridge to be acquired or constructed and its

1 general location. Such ordinance shall set out the aggregate
2 amount of the estimated cost of the acquisition or
3 construction of such bridge, as prepared by the engineers
4 employed for that purpose, determine the period of usefulness
5 thereof and fix the amount of revenue bonds to be issued, the
6 maturity or maturities, redemption privileges, the interest
7 rate, sinking fund, and all other details in connection with
8 such bonds, including such reserve accounts as the county
9 board of such county may deem necessary. Such ordinance may
10 contain such covenants and restrictions upon the issuance of
11 additional revenue bonds thereafter as may be deemed necessary
12 or advisable for the assurance of the payment of the bonds
13 thereby authorized. Revenue bonds issued under the provisions
14 of this Division of this Article shall be payable solely from
15 the revenue derived from such bridge, and such bonds shall
16 not, in any event constitute or be deemed an indebtedness of
17 such county within the meaning of any constitutional
18 provisions or statutory limitation as to debt, and it shall be
19 plainly stated on the face of each bond that it does not
20 constitute an indebtedness within any constitutional or
21 statutory limitation. Such ordinance shall be published within
22 30 days after its passage in a newspaper, published and having
23 a general circulation in such county, and shall not become
24 effective until 10 days after its publication.

25 (Source: P.A. 83-225; revised 8-13-24.)

1 Section 1020. The Bikeway Act is amended by changing
2 Section 4.1 as follows:

3 (605 ILCS 30/4.1)

4 Sec. 4.1. Local bicycle transportation plan.

5 (a) In this Section, "bikeway" means all facilities that
6 provide primarily for, and promote, bicycle travel. For
7 purposes of this Section, bikeways shall be categorized as
8 follows:

9 (1) Bike paths or shared use paths, also referred to
10 as Class I bikeways, which provide a completely separated
11 right-of-way designated for the exclusive use of bicycles
12 and pedestrians with crossflows by motorists minimized.

13 (2) Bike lanes, also referred to as Class II bikeways,
14 which provide a restricted right-of-way designated for the
15 exclusive or semi-exclusive use of bicycles with through
16 travel by motor vehicles or pedestrians prohibited, but
17 with vehicle parking and crossflows by pedestrians and
18 motorists permitted.

19 (3) Bike routes, also referred to as Class III
20 bikeways, which provide a right-of-way on-street or
21 off-street, designated by signs or permanent markings and
22 shared with pedestrians and motorists.

23 (4) Cycle tracks or separated bikeways, also referred
24 to as Class IV bikeways, which promote active
25 transportation and provide a right-of-way designated

1 exclusively for bicycle travel adjacent to a roadway and
2 which are separated from vehicular traffic. Types of
3 separation include, but are not limited to, grade
4 separation, flexible posts, inflexible physical barriers,
5 or on-street parking.

6 (b) A municipality or county may prepare a bicycle
7 transportation plan, which shall include, but not be limited
8 to, the following elements:

9 (1) The estimated number of existing bicycle commuters
10 in the plan area and the estimated increase in the number
11 of bicycle commuters resulting from implementation of the
12 plan.

13 (2) A map and description of existing and proposed
14 land use and settlement patterns that shall include, but
15 not be limited to, locations of residential neighborhoods,
16 schools, shopping centers, public buildings, and major
17 employment centers.

18 (3) A map and description of existing and proposed
19 bikeways.

20 (4) A map and description of existing and proposed
21 end-of-trip bicycle parking facilities. These shall
22 include, but not be limited to, parking at schools,
23 shopping centers, public buildings, and major employment
24 centers.

25 (5) A map and description of existing and proposed
26 bicycle transport and parking facilities for connections

1 with and use of other transportation modes. These shall
2 include, but not be limited to, parking facilities at
3 transit stops, rail and transit terminals, ferry docks and
4 landings, park and ride lots, and provisions for
5 transporting bicyclists and bicycles on transit or rail
6 vehicles or ferry vessels.

7 (6) A map and description of existing and proposed
8 facilities for changing and storing clothes and equipment.
9 These shall include, but not be limited to, locker,
10 restroom, and shower facilities near bicycle parking
11 facilities.

12 (7) A description of bicycle safety and education
13 programs conducted in the area included within the plan,
14 efforts by the law enforcement agency having primary
15 traffic law enforcement responsibility in the area to
16 enforce provisions of the Illinois Vehicle Code pertaining
17 to bicycle operation, and the resulting effect on
18 accidents involving bicyclists.

19 (8) A description of the extent of citizen and
20 community involvement in development of the plan,
21 including, but not limited to, letters of support.

22 (9) A description of how the bicycle transportation
23 plan has been coordinated and is consistent with other
24 local or regional transportation, air quality, or energy
25 conservation plans, including, but not limited to,
26 programs that provide incentives for bicycle commuting.

1 (10) A description of the projects proposed in the
2 plan and a listing of their priorities for implementation.

3 (11) A description of past expenditures for bicycle
4 facilities and future financial needs for projects that
5 improve safety and convenience for bicycle commuters in
6 the plan area.

7 (Source: P.A. 103-950, eff. 1-1-25; revised 10-21-24.)

8 Section 1025. The Rivers, Lakes, and Streams Act is
9 amended by changing Section 18k as follows:

10 (615 ILCS 5/18k)

11 Sec. 18k. National Flood Insurance Program State agency
12 requirements.

13 (a) As used in this Section:

14 "Department" means the Department of Natural Resources.

15 "Development" and "developed" mean any man-made change to
16 real estate, including, but not limited to:

17 (1) demolition, construction, reconstruction, repair,
18 placement of a building, or any structural alteration to a
19 building;

20 (2) substantial improvement of an existing building;

21 (3) installation of a manufactured home on a site,
22 preparing a site for a manufactured home, or installing a
23 travel trailer on a site for more than 180 days per year;

24 (4) installation of utilities, construction of roads,

1 bridges, culverts, or similar projects;

2 (5) redevelopment of a site, ~~or~~ clearing of land as an
3 adjunct of construction, or construction or erection of
4 levees, dams, walls, or fences;

5 (6) drilling, mining, filling, dredging, grading,
6 excavation, paving, or other alterations of the ground
7 surface;

8 (7) storage of materials, including the placement of
9 gas or liquid storage tanks, and channel modifications or
10 any other activity that might change the direction,
11 height, or velocity of flood or surface waters.

12 "Development" and "developed" do not include resurfacing
13 of pavement when there is no increase in elevation;
14 construction of farm fencing; or gardening, plowing, and
15 similar practices that do not involve filling, grading, or
16 construction of levees.

17 "Special flood hazard area" means an area having special
18 flood, mudflow or flood-related erosion hazards and shown on a
19 Federal Emergency Management Agency Flood Hazard Boundary Map
20 or Flood Insurance Rate Map as Zone A, AO, A1-A-30, AE, A99,
21 AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE, or
22 V.

23 "State agencies" means any department, commission, board,
24 or agency under the jurisdiction of the Governor, any board,
25 commission, agency, or authority which has a majority of its
26 members appointed by the Governor, and the Governor's Office.

1 (b) The Department shall ensure that State agencies comply
2 with National Flood Insurance Program requirements set forth
3 in this Section.

4 (c) All State agencies shall obtain a special flood hazard
5 area development permit before undertaking development
6 activity on State-owned property that is located in a special
7 flood hazard area. The Department shall adopt an
8 administrative rule setting forth a State special flood hazard
9 area development program to ensure the following via the
10 issuance of permits prior to any State agency development
11 within a special flood hazard area:

12 (1) Review of all proposed new development in a
13 special flood hazard area to ensure compliance with the
14 standards set forth in the administrative rule.

15 (2) Monitoring and inspecting developments currently
16 under construction in a special flood hazard area to
17 ensure compliance with the standards set forth in the
18 administrative rule.

19 (3) Correction, to the extent reasonably practical in
20 the sole determination of the Department, of all previous
21 development in a special flood hazard area found not to be
22 in compliance with the standards set forth in the
23 administrative rule.

24 (4) The standards set forth in the administrative rule
25 shall, at a minimum, be as stringent as the federal
26 regulations adopted by the Federal Emergency Management

1 Agency to implement the National Flood Insurance Act (42
2 U.S.C. 4001 et seq.) that are published in 44 CFR 59
3 through 60.

4 (d) State agencies that administer grants or loans for
5 financing a development within a special flood hazard area
6 shall cooperate with the Department to ensure that
7 participants in their programs are informed of the existence
8 and location of special flood hazard areas and of any State or
9 local floodplain requirements that are in effect in such
10 areas.

11 (e) State agencies that are responsible for regulating or
12 permitting a development within a special flood hazard area
13 shall cooperate with the Department to ensure that
14 participants in their programs are informed of the existence
15 and location of special flood hazard areas and of any State or
16 local floodplain requirements that are in effect in such
17 areas.

18 (f) State agencies that are engaged in planning programs
19 or promoting a program for the development shall cooperate
20 with the Department to ensure that participants in their
21 programs are informed of the existence and location of special
22 flood hazard areas and of any State or local floodplain
23 requirements in effect in such areas.

24 (g) The Department shall provide available special flood
25 hazard area information to assist State agencies in complying
26 with the requirements established by this Section. The

1 Department may enter into a memorandum of understanding with a
2 State agency to outline procedures and processes to review
3 proposed development activity on State-owned property located
4 in a special flood hazard area. Such a memorandum of
5 understanding may allow for alternative approvals for the
6 issuance of permits. If the Department enters into a
7 memorandum of understanding with a State agency to allow an
8 alternative permit process any permits or work completed under
9 those alternatives is subject to audit and review by the
10 Department.

11 (Source: P.A. 103-905, eff. 1-1-25; revised 10-23-24.)

12 Section 1030. The County Airports Act is amended by
13 changing Sections 60 and 61 as follows:

14 (620 ILCS 50/60) (from Ch. 15 1/2, par. 164)

15 Sec. 60. If a majority of all votes cast upon the question
16 shall be for the issuing of bonds and the levying of an
17 additional tax to pay the interest and principal of such bond,
18 the county board shall issue and sell such amounts of said
19 bonds as the Commission shall determine and certify, from time
20 to time as being necessary to provide the means for
21 accomplishing the purposes for which said bonds were voted.
22 Such bonds shall be issued in conformity to the requirements
23 and provisions of the resolution adopted for the purpose of
24 calling said election, provided however the aggregate amounts

1 of outstanding bonds issued under the provisions of this Act,
2 shall at no time exceed 1% of the total value of all of the
3 taxable property of the county as determined by the last
4 assessment roll on which county general taxes was extended.
5 The principal of such bonds shall be discharged within twenty
6 years after the date of said election. Such bonds shall bear
7 interest, payable semi-annually, at a rate that does not
8 exceed that permitted in the Bond Authorization Act ~~"An Act to~~
9 ~~authorize public corporations to issue bonds, other evidences~~
10 ~~of indebtedness and tax anticipation warrants subject to~~
11 ~~interest rate limitations set forth therein", approved May 26,~~
12 ~~1970, as now or hereafter amended.~~ The proceeds from the sale
13 of each issue of bonds shall be deposited in the county
14 treasury and identified as "County Airports Bond Fund No.
15". Such proceeds shall be used only for the purposes
16 stated in the resolution calling the election authorizing the
17 issuing of said bonds, and as specified in the certificate of
18 the Commission as in this Section ~~section~~ provided.

19 (Source: P.A. 82-902; revised 8-19-24.)

20 (620 ILCS 50/61) (from Ch. 15 1/2, par. 165)

21 Sec. 61. If the resolution adopted by the county board or
22 by petition, provides for the issuance of revenue bonds or
23 other evidence of indebtedness, the retirement of the
24 principal thereof and the interest thereon, to be accomplished
25 from sources other than direct county taxes, the county board

1 shall issue and sell such amounts of such bonds or other
2 evidences of indebtedness as the Commission shall determine
3 and certify, from time to time as being necessary to provide
4 the means for accomplishing the purposes for which such bonds
5 or other evidences of indebtedness are to be issued as set
6 forth in said resolution. Such bonds or other evidence of
7 indebtedness shall be issued in conformity to the requirements
8 and provisions of the said resolution authorizing such
9 issuance. The principal of such bonds or other evidences of
10 indebtedness shall be discharged within thirty years after the
11 date of the adoption of said resolution. Such bonds or other
12 evidences of indebtedness shall bear interest, payable
13 semi-annually, at a rate not to exceed that permitted in the
14 Bond Authorization Act ~~"An Act to authorize public~~
15 ~~corporations to issue bonds, other evidences of indebtedness~~
16 ~~and tax anticipation warrants subject to interest rate~~
17 ~~limitations set forth therein", approved May 26, 1970, as now~~
18 ~~or hereafter amended~~. The proceeds from the sale of each issue
19 of bonds shall be deposited in the county treasury and
20 identified as "County Airports Revenue Bond Fund No."
21 Such proceeds shall be used only for the purposes stated in the
22 said resolution and as specified in the certificate of the
23 Commission as in this Section ~~section~~ provided. All such
24 revenue bonds and other evidences of indebtedness shall not,
25 in any event, constitute or be deemed an indebtedness of the
26 county within the meaning of any constitutional provisions or

1 statutory limitations as to debt, and it shall be so stated
2 plainly on the face of each such bond or other evidence of
3 indebtedness.

4 (Source: P.A. 90-655, eff. 7-30-98; revised 8-19-24.)

5 Section 1035. The Illinois Vehicle Code is amended by
6 changing Sections 1-115.01, 3-402, 3-506, 3-699.14, 3-802,
7 3-804, 4-203, 5-102, 6-110, 6-118, 6-209.1, 11-907, and 13-101
8 and by setting forth and renumbering multiple versions of
9 Section 3-699.22 as follows:

10 (625 ILCS 5/1-115.01)

11 Sec. 1-115.01. Detached catalytic converter. "Detached
12 catalytic converter" means a catalytic converter, as defined
13 in Section 1-110.05 of this ~~the~~ Code, that was previously
14 installed on a motor vehicle and subsequently removed.

15 (Source: P.A. 103-677, eff. 1-1-25; revised 10-23-24.)

16 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

17 Sec. 3-402. Vehicles subject to registration; exceptions.

18 A. Exemptions and Policy. Every motor vehicle, trailer,
19 semitrailer and pole trailer when driven or moved upon a
20 highway shall be subject to the registration and certificate
21 of title provisions of this Chapter except:

22 (1) Any such vehicle driven or moved upon a highway in
23 conformance with the provisions of this Chapter relating

1 to manufacturers, transporters, dealers, lienholders or
2 nonresidents or under a temporary registration permit
3 issued by the Secretary of State;

4 (2) Any implement of husbandry whether of a type
5 otherwise subject to registration hereunder or not which
6 is only incidentally operated or moved upon a highway,
7 which shall include a not-for-hire movement for the
8 purpose of delivering farm commodities to a place of first
9 processing or sale, or to a place of storage;

10 (3) Any special mobile equipment as herein defined;

11 (4) Any vehicle which is propelled exclusively by
12 electric power obtained from overhead trolley wires though
13 not operated upon rails;

14 (5) Any vehicle which is equipped and used exclusively
15 as a pumper, ladder truck, rescue vehicle, searchlight
16 truck, or other fire apparatus, but not a vehicle of a type
17 which would otherwise be subject to registration as a
18 vehicle of the first division;

19 (6) Any vehicle which is owned and operated by the
20 federal government and externally displays evidence of
21 federal ownership. It is the policy of the State of
22 Illinois to promote and encourage the fullest use of its
23 highways and to enhance the flow of commerce thus
24 contributing to the economic, agricultural, industrial and
25 social growth and development of this State, by
26 authorizing the Secretary of State to negotiate and enter

1 into reciprocal or proportional agreements or arrangements
2 with other States, or to issue declarations setting forth
3 reciprocal exemptions, benefits and privileges with
4 respect to vehicles operated interstate which are properly
5 registered in this and other States, assuring nevertheless
6 proper registration of vehicles in Illinois as may be
7 required by this Code;

8 (7) Any converter dolly or tow dolly which merely
9 serves as substitute wheels for another legally licensed
10 vehicle. A title may be issued on a voluntary basis to a
11 tow dolly upon receipt of the manufacturer's certificate
12 of origin or the bill of sale;

13 (8) Any house trailer found to be an abandoned mobile
14 home under the Abandoned Mobile Home Act;

15 (9) Any vehicle that is not properly registered or
16 does not have registration plates or digital registration
17 plates issued to the owner or operator affixed thereto, or
18 that does have registration plates or digital registration
19 plates issued to the owner or operator affixed thereto but
20 the plates are not appropriate for the weight of the
21 vehicle, provided that this exemption shall apply only
22 while the vehicle is being transported or operated by a
23 towing service and has a third tow plate affixed to it;

24 (10) Low-speed electric scooters.

25 B. Reciprocity. Any motor vehicle, trailer, semitrailer or
26 pole trailer need not be registered under this Code provided

1 the same is operated interstate and in accordance with the
2 following provisions and any rules and regulations promulgated
3 pursuant thereto:

4 (1) A nonresident owner, except as otherwise provided
5 in this Section, owning any foreign registered vehicle of
6 a type otherwise subject to registration hereunder, may
7 operate or permit the operation of such vehicle within
8 this State in interstate commerce without registering such
9 vehicle in, or paying any fees to, this State subject to
10 the condition that such vehicle at all times when operated
11 in this State is operated pursuant to a reciprocity
12 agreement, arrangement or declaration by this State, and
13 further subject to the condition that such vehicle at all
14 times when operated in this State is duly registered in,
15 and displays upon it, a valid registration card and
16 registration plate or plates or digital registration plate
17 or plates issued for such vehicle in the place of
18 residence of such owner and is issued and maintains in
19 such vehicle a valid Illinois reciprocity permit as
20 required by the Secretary of State, and provided like
21 privileges are afforded to residents of this State by the
22 State of residence of such owner.

23 Every nonresident including any foreign corporation
24 carrying on business within this State and owning and
25 regularly operating in such business any motor vehicle,
26 trailer or semitrailer within this State in intrastate

1 commerce, shall be required to register each such vehicle
2 and pay the same fees therefor as is required with
3 reference to like vehicles owned by residents of this
4 State.

5 (2) Any motor vehicle, trailer, semitrailer and pole
6 trailer operated interstate need not be registered in this
7 State, provided:

8 (a) that the vehicle is properly registered in
9 another State pursuant to law or to a reciprocity
10 agreement, arrangement or declaration; or

11 (b) that such vehicle is part of a fleet of
12 vehicles owned or operated by the same person who
13 registers such fleet of vehicles pro rata among the
14 various States in which such fleet operates; or

15 (c) that such vehicle is part of a fleet of
16 vehicles, a portion of which are registered with the
17 Secretary of State of Illinois in accordance with an
18 agreement or arrangement concurred in by the Secretary
19 of State of Illinois based on one or more of the
20 following factors: ratio of miles in Illinois as
21 against total miles in all jurisdictions; situs or
22 base of a vehicle, or where it is principally garaged,
23 or from whence it is principally dispatched or where
24 the movements of such vehicle usually originate; situs
25 of the residence of the owner or operator thereof, or
26 of his principal office or offices, or of his places of

1 business; the routes traversed and whether regular or
2 irregular routes are traversed, and the jurisdictions
3 traversed and served; and such other factors as may be
4 deemed material by the Secretary and the motor vehicle
5 administrators of the other jurisdictions involved in
6 such apportionment. Such vehicles shall maintain
7 therein any reciprocity permit which may be required
8 by the Secretary of State pursuant to rules and
9 regulations which the Secretary of State may
10 promulgate in the administration of this Code, in the
11 public interest.

12 (3) (a) In order to effectuate the purposes of this
13 Code, the Secretary of State of Illinois is empowered to
14 negotiate and execute written reciprocal agreements or
15 arrangements with the duly authorized representatives of
16 other jurisdictions, including States, districts,
17 territories and possessions of the United States, and
18 foreign states, provinces, or countries, granting to
19 owners or operators of vehicles duly registered or
20 licensed in such other jurisdictions and for which
21 evidence of compliance is supplied, benefits, privileges
22 and exemption from the payment, wholly or partially, of
23 any taxes, fees or other charges imposed with respect to
24 the ownership or operation of such vehicles by the laws of
25 this State except the tax imposed by the Motor Fuel Tax
26 Law, approved March 25, 1929, as amended, and the tax

1 imposed by the Use Tax Act, approved July 14, 1955, as
2 amended.

3 The Secretary of State may negotiate agreements or
4 arrangements as are in the best interests of this State
5 and the residents of this State pursuant to the policies
6 expressed in this Section taking into consideration the
7 reciprocal exemptions, benefits and privileges available
8 and accruing to residents of this State and vehicles
9 registered in this State.

10 (b) Such reciprocal agreements or arrangements shall
11 provide that vehicles duly registered or licensed in this
12 State when operated upon the highways of such other
13 jurisdictions, shall receive exemptions, benefits and
14 privileges of a similar kind or to a similar degree as
15 extended to vehicles from such jurisdictions in this
16 State.

17 (c) Such agreements or arrangements may also authorize
18 the apportionment of registration or licensing of fleets
19 of vehicles operated interstate, based on any or all of
20 the following factors: ratio of miles in Illinois as
21 against total miles in all jurisdictions; situs or base of
22 a vehicle, or where it is principally garaged or from
23 whence it is principally dispatched or where the movements
24 of such vehicle usually originate; situs of the residence
25 of the owner or operator thereof, or of his principal
26 office or offices, or of his places of business; the

1 routes traversed and whether regular or irregular routes
2 are traversed, and the jurisdictions traversed and served;
3 and such other factors as may be deemed material by the
4 Secretary and the motor vehicle administrators of the
5 other jurisdictions involved in such apportionment, and
6 such vehicles shall likewise be entitled to reciprocal
7 exemptions, benefits and privileges.

8 (d) Such agreements or arrangements shall also provide
9 that vehicles being operated in intrastate commerce in
10 Illinois shall comply with the registration and licensing
11 laws of this State, except that vehicles which are part of
12 an apportioned fleet may conduct an intrastate operation
13 incidental to their interstate operations. Any motor
14 vehicle properly registered and qualified under any
15 reciprocal agreement or arrangement under this Code and
16 not having a situs or base within Illinois may complete
17 the inbound movement of a trailer or semitrailer to an
18 Illinois destination that was brought into Illinois by a
19 motor vehicle also properly registered and qualified under
20 this Code and not having a situs or base within Illinois,
21 or may complete an outbound movement of a trailer or
22 semitrailer to an out-of-state destination that was
23 originated in Illinois by a motor vehicle also properly
24 registered and qualified under this Code and not having a
25 situs or base in Illinois, only if the operator thereof
26 did not break bulk of the cargo laden in such inbound or

1 outbound trailer or semitrailer. Adding or unloading
2 intrastate cargo on such inbound or outbound trailer or
3 semitrailer shall be deemed as breaking bulk.

4 (e) Such agreements or arrangements may also provide
5 for the determination of the proper State in which leased
6 vehicles shall be registered based on the factors set out
7 in subsection (c) above and for apportionment of
8 registration of fleets of leased vehicles by the lessee or
9 by the lessor who leases such vehicles to persons who are
10 not fleet operators.

11 (f) Such agreements or arrangements may also include
12 reciprocal exemptions, benefits or privileges accruing
13 under The Illinois Driver Licensing Law or The Driver
14 License Compact.

15 (4) The Secretary of State is further authorized to
16 examine the laws and requirements of other jurisdictions,
17 and, in the absence of a written agreement or arrangement,
18 to issue a written declaration of the extent and nature of
19 the exemptions, benefits and privileges accorded to
20 vehicles of this State by such other jurisdictions, and
21 the extent and nature of reciprocal exemptions, benefits
22 and privileges thereby accorded by this State to the
23 vehicles of such other jurisdictions. A declaration by the
24 Secretary of State may include any, part or all reciprocal
25 exemptions, benefits and privileges or provisions as may
26 be included within an agreement or arrangement.

1 (5) All agreements, arrangements, declarations and
2 amendments thereto, shall be in writing and become
3 effective when signed by the Secretary of State, and
4 copies of all such documents shall be available to the
5 public upon request.

6 (6) The Secretary of State is further authorized to
7 require the display by foreign registered trucks,
8 truck-tractors and buses, entitled to reciprocal benefits,
9 exemptions or privileges hereunder, a reciprocity permit
10 for external display before any such reciprocal benefits,
11 exemptions or privileges are granted. The Secretary of
12 State shall provide suitable application forms for such
13 permit and shall promulgate and publish reasonable rules
14 and regulations for the administration and enforcement of
15 the provisions of this Code including a provision for
16 revocation of such permit as to any vehicle operated
17 wilfully in violation of the terms of any reciprocal
18 agreement, arrangement or declaration or in violation of
19 the Illinois Motor Carrier of Property Law, as amended.

20 (7) (a) Upon the suspension, revocation or denial of
21 one or more of all reciprocal benefits, privileges and
22 exemptions existing pursuant to the terms and provisions
23 of this Code or by virtue of a reciprocal agreement or
24 arrangement or declaration thereunder; or, upon the
25 suspension, revocation or denial of a reciprocity permit;
26 or, upon any action or inaction of the Secretary in the

1 administration and enforcement of the provisions of this
2 Code, any person, resident or nonresident, so aggrieved,
3 may serve upon the Secretary, a petition in writing and
4 under oath, setting forth the grievance of the petitioner,
5 the grounds and basis for the relief sought, and all
6 necessary facts and particulars, and request an
7 administrative hearing thereon. Within 20 days, the
8 Secretary shall set a hearing date as early as practical.
9 The Secretary may, in his discretion, supply forms for
10 such a petition. The Secretary may require the payment of
11 a fee of not more than \$50 for the filing of any petition,
12 motion, or request for hearing conducted pursuant to this
13 Section. These fees must be deposited into the Secretary
14 of State DUI Administration Fund, a special fund that is
15 hereby created in the State treasury, and, subject to
16 appropriation and as directed by the Secretary of State,
17 shall be used to fund the operation of the hearings
18 department of the Office of the Secretary of State and for
19 no other purpose. The Secretary shall establish by rule
20 the amount and the procedures, terms, and conditions
21 relating to these fees.

22 (b) The Secretary may likewise, in his discretion and
23 upon his own petition, order a hearing, when in his best
24 judgment, any person is not entitled to the reciprocal
25 benefits, privileges and exemptions existing pursuant to
26 the terms and provisions of this Code or under a

1 reciprocal agreement or arrangement or declaration
2 thereunder or that a vehicle owned or operated by such
3 person is improperly registered or licensed, or that an
4 Illinois resident has improperly registered or licensed a
5 vehicle in another jurisdiction for the purposes of
6 violating or avoiding the registration laws of this State.

7 (c) The Secretary shall notify a petitioner or any
8 other person involved of such a hearing, by giving at
9 least 10 days notice, in writing, by U.S. Mail, Registered
10 or Certified, or by personal service, at the last known
11 address of such petitioner or person, specifying the time
12 and place of such hearing. Such hearing shall be held
13 before the Secretary, or any person as he may designate,
14 and unless the parties mutually agree to some other county
15 in Illinois, the hearing shall be held in the County of
16 Sangamon or the County of Cook. Appropriate records of the
17 hearing shall be kept, and the Secretary shall issue or
18 cause to be issued, his decision on the case, within 30
19 days after the close of such hearing or within 30 days
20 after receipt of the transcript thereof, and a copy shall
21 likewise be served or mailed to the petitioner or person
22 involved.

23 (d) The actions or inactions or determinations, or
24 findings and decisions upon an administrative hearing, of
25 the Secretary, shall be subject to judicial review in the
26 Circuit Court of the County of Sangamon or the County of

1 Cook, and the provisions of the Administrative Review Law,
2 and all amendments and modifications thereof and rules
3 adopted pursuant thereto, apply to and govern all such
4 reviewable matters.

5 Any reciprocal agreements or arrangements entered into
6 by the Secretary of State or any declarations issued by
7 the Secretary of State pursuant to any law in effect prior
8 to the effective date of this Code are not hereby
9 abrogated, and such shall continue in force and effect
10 until amended pursuant to the provisions of this Code or
11 expire pursuant to the terms or provisions thereof.

12 C. Vehicles purchased out-of-state. A resident of this
13 State who purchases a vehicle in another state and transports
14 the vehicle to Illinois shall apply for registration and
15 certificate of title as soon as practicable, but in no event
16 more than 45 days after the purchase of the vehicle. If an
17 Illinois motorist who purchased a vehicle from an out-of-state
18 licensed dealer is unable to meet the 45-day deadline due to a
19 delay in paperwork from the seller, that motorist may obtain
20 an Illinois temporary registration plate with: (i) proof of
21 purchase; (ii) proof of meeting the Illinois driver's license
22 or identification card requirement; and (iii) proof that
23 Illinois title and registration fees have been paid. If fees
24 have not been paid, the motorist may pay the fees in order to
25 obtain the temporary registration plate. The owner of such a
26 vehicle shall display any temporary permit or registration

1 issued in accordance with Section 3-407.

2 (Source: P.A. 103-209, eff. 1-1-24; 103-899, eff. 8-9-24;
3 revised 10-7-24.)

4 (625 ILCS 5/3-506)

5 Sec. 3-506. Transfer of plates to spouses of military
6 service members. Upon the death of a military service member
7 who has been issued a special plate under Section 3-609.1,
8 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638,
9 3-642, 3-645, 3-647, 3-650, 3-651, 3-666, 3-667, 3-668, 3-669,
10 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698,
11 3-699.12, 3-699.15, 3-699.16, 3-699.17, 3-699.19, 3-699.20, or
12 3-699.25 ~~3-699.22~~ of this Code, the surviving spouse of that
13 service member may retain the plate so long as that spouse is a
14 resident of Illinois and transfers the registration to his or
15 her name within 180 days of the death of the service member.

16 For the purposes of this Section, "service member" means
17 any individual who is serving or has served in any branch of
18 the United States Armed Forces, including the National Guard
19 or other reserve components of the Armed Forces, and has been
20 issued a special plate listed in this Section.

21 (Source: P.A. 102-154, eff. 1-1-22; 103-660, eff. 1-1-25;
22 revised 9-25-24.)

23 (625 ILCS 5/3-699.14)

24 Sec. 3-699.14. Universal special license plates.

1 (a) In addition to any other special license plate, the
2 Secretary, upon receipt of all applicable fees and
3 applications made in the form prescribed by the Secretary, may
4 issue Universal special license plates to residents of
5 Illinois on behalf of organizations that have been authorized
6 by the General Assembly to issue decals for Universal special
7 license plates. Appropriate documentation, as determined by
8 the Secretary, shall accompany each application. Authorized
9 organizations shall be designated by amendment to this
10 Section. When applying for a Universal special license plate
11 the applicant shall inform the Secretary of the name of the
12 authorized organization from which the applicant will obtain a
13 decal to place on the plate. The Secretary shall make a record
14 of that organization and that organization shall remain
15 affiliated with that plate until the plate is surrendered,
16 revoked, or otherwise cancelled. The authorized organization
17 may charge a fee to offset the cost of producing and
18 distributing the decal, but that fee shall be retained by the
19 authorized organization and shall be separate and distinct
20 from any registration fees charged by the Secretary. No decal,
21 sticker, or other material may be affixed to a Universal
22 special license plate other than a decal authorized by the
23 General Assembly in this Section or a registration renewal
24 sticker. The special plates issued under this Section shall be
25 affixed only to passenger vehicles of the first division,
26 including motorcycles and autocycles, or motor vehicles of the

1 second division weighing not more than 8,000 pounds. Plates
2 issued under this Section shall expire according to the
3 multi-year procedure under Section 3-414.1 of this Code.

4 (b) The design, color, and format of the Universal special
5 license plate shall be wholly within the discretion of the
6 Secretary. Universal special license plates are not required
7 to designate "Land of Lincoln", as prescribed in subsection
8 (b) of Section 3-412 of this Code. The design shall allow for
9 the application of a decal to the plate. Organizations
10 authorized by the General Assembly to issue decals for
11 Universal special license plates shall comply with rules
12 adopted by the Secretary governing the requirements for and
13 approval of Universal special license plate decals. The
14 Secretary may, in his or her discretion, allow Universal
15 special license plates to be issued as vanity or personalized
16 plates in accordance with Section 3-405.1 of this Code. The
17 Secretary of State must make a version of the special
18 registration plates authorized under this Section in a form
19 appropriate for motorcycles and autocycles.

20 (c) When authorizing a Universal special license plate,
21 the General Assembly shall set forth whether an additional fee
22 is to be charged for the plate and, if a fee is to be charged,
23 the amount of the fee and how the fee is to be distributed.
24 When necessary, the authorizing language shall create a
25 special fund in the State treasury into which fees may be
26 deposited for an authorized Universal special license plate.

1 Additional fees may only be charged if the fee is to be paid
2 over to a State agency or to a charitable entity that is in
3 compliance with the registration and reporting requirements of
4 the Charitable Trust Act and the Solicitation for Charity Act.
5 Any charitable entity receiving fees for the sale of Universal
6 special license plates shall annually provide the Secretary of
7 State a letter of compliance issued by the Attorney General
8 verifying that the entity is in compliance with the Charitable
9 Trust Act and the Solicitation for Charity Act.

10 (d) Upon original issuance and for each registration
11 renewal period, in addition to the appropriate registration
12 fee, if applicable, the Secretary shall collect any additional
13 fees, if required, for issuance of Universal special license
14 plates. The fees shall be collected on behalf of the
15 organization designated by the applicant when applying for the
16 plate. All fees collected shall be transferred to the State
17 agency on whose behalf the fees were collected, or paid into
18 the special fund designated in the law authorizing the
19 organization to issue decals for Universal special license
20 plates. All money in the designated fund shall be distributed
21 by the Secretary subject to appropriation by the General
22 Assembly.

23 (e) The following organizations may issue decals for
24 Universal special license plates with the original and renewal
25 fees and fee distribution as follows:

26 (1) The Illinois Department of Natural Resources.

1 (A) Original issuance: \$25; with \$10 to the
2 Roadside Monarch Habitat Fund and \$15 to the Secretary
3 of State Special License Plate Fund.

4 (B) Renewal: \$25; with \$23 to the Roadside Monarch
5 Habitat Fund and \$2 to the Secretary of State Special
6 License Plate Fund.

7 (2) Illinois Veterans' Homes.

8 (A) Original issuance: \$26, which shall be
9 deposited into the Illinois Veterans' Homes Fund.

10 (B) Renewal: \$26, which shall be deposited into
11 the Illinois Veterans' Homes Fund.

12 (3) The Illinois Department of Human Services for
13 volunteerism decals.

14 (A) Original issuance: \$25, which shall be
15 deposited into the Secretary of State Special License
16 Plate Fund.

17 (B) Renewal: \$25, which shall be deposited into
18 the Secretary of State Special License Plate Fund.

19 (4) The Illinois Department of Public Health.

20 (A) Original issuance: \$25; with \$10 to the
21 Prostate Cancer Awareness Fund and \$15 to the
22 Secretary of State Special License Plate Fund.

23 (B) Renewal: \$25; with \$23 to the Prostate Cancer
24 Awareness Fund and \$2 to the Secretary of State
25 Special License Plate Fund.

26 (5) Horsemen's Council of Illinois.

1 (A) Original issuance: \$25; with \$10 to the
2 Horsemen's Council of Illinois Fund and \$15 to the
3 Secretary of State Special License Plate Fund.

4 (B) Renewal: \$25; with \$23 to the Horsemen's
5 Council of Illinois Fund and \$2 to the Secretary of
6 State Special License Plate Fund.

7 (6) K9s for Veterans, NFP.

8 (A) Original issuance: \$25; with \$10 to the
9 Post-Traumatic Stress Disorder Awareness Fund and \$15
10 to the Secretary of State Special License Plate Fund.

11 (B) Renewal: \$25; with \$23 to the Post-Traumatic
12 Stress Disorder Awareness Fund and \$2 to the Secretary
13 of State Special License Plate Fund.

14 (7) The International Association of Machinists and
15 Aerospace Workers.

16 (A) Original issuance: \$35; with \$20 to the Guide
17 Dogs of America Fund and \$15 to the Secretary of State
18 Special License Plate Fund.

19 (B) Renewal: \$25; with \$23 going to the Guide Dogs
20 of America Fund and \$2 to the Secretary of State
21 Special License Plate Fund.

22 (8) Local Lodge 701 of the International Association
23 of Machinists and Aerospace Workers.

24 (A) Original issuance: \$35; with \$10 to the Guide
25 Dogs of America Fund, \$10 to the Mechanics Training
26 Fund, and \$15 to the Secretary of State Special

1 License Plate Fund.

2 (B) Renewal: \$30; with \$13 to the Guide Dogs of
3 America Fund, \$15 to the Mechanics Training Fund, and
4 \$2 to the Secretary of State Special License Plate
5 Fund.

6 (9) Illinois Department of Human Services.

7 (A) Original issuance: \$25; with \$10 to the
8 Theresa Tracy Trot - Illinois CancerCare Foundation
9 Fund and \$15 to the Secretary of State Special License
10 Plate Fund.

11 (B) Renewal: \$25; with \$23 to the Theresa Tracy
12 Trot - Illinois CancerCare Foundation Fund and \$2 to
13 the Secretary of State Special License Plate Fund.

14 (10) The Illinois Department of Human Services for
15 developmental disabilities awareness decals.

16 (A) Original issuance: \$25; with \$10 to the
17 Developmental Disabilities Awareness Fund and \$15 to
18 the Secretary of State Special License Plate Fund.

19 (B) Renewal: \$25; with \$23 to the Developmental
20 Disabilities Awareness Fund and \$2 to the Secretary of
21 State Special License Plate Fund.

22 (11) The Illinois Department of Human Services for
23 pediatric cancer awareness decals.

24 (A) Original issuance: \$25; with \$10 to the
25 Pediatric Cancer Awareness Fund and \$15 to the
26 Secretary of State Special License Plate Fund.

1 (B) Renewal: \$25; with \$23 to the Pediatric Cancer
2 Awareness Fund and \$2 to the Secretary of State
3 Special License Plate Fund.

4 (12) The Department of Veterans' Affairs for Fold of
5 Honor decals.

6 (A) Original issuance: \$25; with \$10 to the Folds
7 of Honor Foundation Fund and \$15 to the Secretary of
8 State Special License Plate Fund.

9 (B) Renewal: \$25; with \$23 to the Folds of Honor
10 Foundation Fund and \$2 to the Secretary of State
11 Special License Plate Fund.

12 (13) The Illinois chapters of the Experimental
13 Aircraft Association for aviation enthusiast decals.

14 (A) Original issuance: \$25; with \$10 to the
15 Experimental Aircraft Association Fund and \$15 to the
16 Secretary of State Special License Plate Fund.

17 (B) Renewal: \$25; with \$23 to the Experimental
18 Aircraft Association Fund and \$2 to the Secretary of
19 State Special License Plate Fund.

20 (14) The Illinois Department of Human Services for
21 Child Abuse Council of the Quad Cities decals.

22 (A) Original issuance: \$25; with \$10 to the Child
23 Abuse Council of the Quad Cities Fund and \$15 to the
24 Secretary of State Special License Plate Fund.

25 (B) Renewal: \$25; with \$23 to the Child Abuse
26 Council of the Quad Cities Fund and \$2 to the Secretary

1 of State Special License Plate Fund.

2 (15) The Illinois Department of Public Health for
3 health care worker decals.

4 (A) Original issuance: \$25; with \$10 to the
5 Illinois Health Care Workers Benefit Fund, and \$15 to
6 the Secretary of State Special License Plate Fund.

7 (B) Renewal: \$25; with \$23 to the Illinois Health
8 Care Workers Benefit Fund and \$2 to the Secretary of
9 State Special License Plate Fund.

10 (16) The Department of Agriculture for Future Farmers
11 of America decals.

12 (A) Original issuance: \$25; with \$10 to the Future
13 Farmers of America Fund and \$15 to the Secretary of
14 State Special License Plate Fund.

15 (B) Renewal: \$25; with \$23 to the Future Farmers
16 of America Fund and \$2 to the Secretary of State
17 Special License Plate Fund.

18 (17) The Illinois Department of Public Health for
19 autism awareness decals that are designed with input from
20 autism advocacy organizations.

21 (A) Original issuance: \$25; with \$10 to the Autism
22 Awareness Fund and \$15 to the Secretary of State
23 Special License Plate Fund.

24 (B) Renewal: \$25; with \$23 to the Autism Awareness
25 Fund and \$2 to the Secretary of State Special License
26 Plate Fund.

1 (18) The Department of Natural Resources for Lyme
2 disease research decals.

3 (A) Original issuance: \$25; with \$10 to the Tick
4 Research, Education, and Evaluation Fund and \$15 to
5 the Secretary of State Special License Plate Fund.

6 (B) Renewal: \$25; with \$23 to the Tick Research,
7 Education, and Evaluation Fund and \$2 to the Secretary
8 of State Special License Plate Fund.

9 (19) The IBEW Thank a Line Worker decal.

10 (A) Original issuance: \$15, which shall be
11 deposited into the Secretary of State Special License
12 Plate Fund.

13 (B) Renewal: \$2, which shall be deposited into the
14 Secretary of State Special License Plate Fund.

15 (20) An Illinois chapter of the Navy Club for Navy
16 Club decals.

17 (A) Original issuance: \$5; which shall be
18 deposited into the Navy Club Fund.

19 (B) Renewal: \$18; which shall be deposited into
20 the Navy Club Fund.

21 (21) ~~(20)~~ An Illinois chapter of the International
22 Brotherhood of Electrical Workers for International
23 Brotherhood of Electrical Workers decal.

24 (A) Original issuance: \$25; with \$10 to the
25 International Brotherhood of Electrical Workers Fund
26 and \$15 to the Secretary of State Special License

1 Plate Fund.

2 (B) Renewal: \$25; with \$23 to the International
3 Brotherhood of Electrical Workers Fund and \$2 to the
4 Secretary of State Special License Plate Fund.

5 (22) ~~(20)~~ The 100 Club of Illinois decal.

6 (A) Original issuance: \$45; with \$30 to the 100
7 Club of Illinois Fund and \$15 to the Secretary of State
8 Special License Plate Fund.

9 (B) Renewal: \$27; with \$25 to the 100 Club of
10 Illinois Fund and \$2 to the Secretary of State Special
11 License Plate Fund.

12 (23) ~~(20)~~ The Illinois USTA/Midwest Youth Tennis
13 Foundation decal.

14 (A) Original issuance: \$40; with \$25 to the
15 Illinois USTA/Midwest Youth Tennis Foundation Fund and
16 \$15 to the Secretary of State Special License Plate
17 Fund.

18 (B) Renewal: \$40; with \$38 to the Illinois
19 USTA/Midwest Youth Tennis Foundation Fund and \$2 to
20 the Secretary of State Special License Plate Fund.

21 (24) ~~(20)~~ The Sons of the American Legion decal.

22 (A) Original issuance: \$25; with \$10 to the Sons
23 of the American Legion Fund and \$15 to the Secretary of
24 State Special License Plate Fund.

25 (B) Renewal: \$25; with \$23 to the Sons of the
26 American Legion Fund and \$2 to the Secretary of State

1 Special License Plate Fund.

2 (f) The following funds are created as special funds in
3 the State treasury:

4 (1) The Roadside Monarch Habitat Fund. All money in
5 the Roadside Monarch Habitat Fund shall be paid as grants
6 to the Illinois Department of Natural Resources to fund
7 roadside monarch and other pollinator habitat development,
8 enhancement, and restoration projects in this State.

9 (2) The Prostate Cancer Awareness Fund. All money in
10 the Prostate Cancer Awareness Fund shall be paid as grants
11 to the Prostate Cancer Foundation of Chicago.

12 (3) The Horsemen's Council of Illinois Fund. All money
13 in the Horsemen's Council of Illinois Fund shall be paid
14 as grants to the Horsemen's Council of Illinois.

15 (4) The Post-Traumatic Stress Disorder Awareness Fund.
16 All money in the Post-Traumatic Stress Disorder Awareness
17 Fund shall be paid as grants to K9s for Veterans, NFP for
18 support, education, and awareness of veterans with
19 post-traumatic stress disorder.

20 (5) The Guide Dogs of America Fund. All money in the
21 Guide Dogs of America Fund shall be paid as grants to the
22 International Guiding Eyes, Inc., doing business as Guide
23 Dogs of America.

24 (6) The Mechanics Training Fund. All money in the
25 Mechanics Training Fund shall be paid as grants to the
26 Mechanics Local 701 Training Fund.

1 (7) The Theresa Tracy Trot - Illinois CancerCare
2 Foundation Fund. All money in the Theresa Tracy Trot -
3 Illinois CancerCare Foundation Fund shall be paid to the
4 Illinois CancerCare Foundation for the purpose of
5 furthering pancreatic cancer research.

6 (8) The Developmental Disabilities Awareness Fund. All
7 money in the Developmental Disabilities Awareness Fund
8 shall be paid as grants to the Illinois Department of
9 Human Services to fund legal aid groups to assist with
10 guardianship fees for private citizens willing to become
11 guardians for individuals with developmental disabilities
12 but who are unable to pay the legal fees associated with
13 becoming a guardian.

14 (9) The Pediatric Cancer Awareness Fund. All money in
15 the Pediatric Cancer Awareness Fund shall be paid as
16 grants to the Cancer Center at Illinois for pediatric
17 cancer treatment and research.

18 (10) The Folds of Honor Foundation Fund. All money in
19 the Folds of Honor Foundation Fund shall be paid as grants
20 to the Folds of Honor Foundation to aid in providing
21 educational scholarships to military families.

22 (11) The Experimental Aircraft Association Fund. All
23 money in the Experimental Aircraft Association Fund shall
24 be paid, subject to appropriation by the General Assembly
25 and distribution by the Secretary, as grants to promote
26 recreational aviation.

1 (12) The Child Abuse Council of the Quad Cities Fund.
2 All money in the Child Abuse Council of the Quad Cities
3 Fund shall be paid as grants to benefit the Child Abuse
4 Council of the Quad Cities.

5 (13) The Illinois Health Care Workers Benefit Fund.
6 All money in the Illinois Health Care Workers Benefit Fund
7 shall be paid as grants to the Trinity Health Foundation
8 for the benefit of health care workers, doctors, nurses,
9 and others who work in the health care industry in this
10 State.

11 (14) The Future Farmers of America Fund. All money in
12 the Future Farmers of America Fund shall be paid as grants
13 to the Illinois Association of Future Farmers of America.

14 (15) The Tick Research, Education, and Evaluation
15 Fund. All money in the Tick Research, Education, and
16 Evaluation Fund shall be paid as grants to the Illinois
17 Lyme Association.

18 (16) The Navy Club Fund. All money in the Navy Club
19 Fund shall be paid as grants to any local chapter of the
20 Navy Club that is located in this State.

21 (17) ~~(16)~~ The International Brotherhood of Electrical
22 Workers Fund. All money in the International Brotherhood
23 of Electrical Workers Fund shall be paid as grants to any
24 local chapter of the International Brotherhood of
25 Electrical Workers that is located in this State.

26 (18) ~~(16)~~ The 100 Club of Illinois Fund. All money in

1 the 100 Club of Illinois Fund shall be paid as grants to
2 the 100 Club of Illinois for the purpose of giving
3 financial support to children and spouses of first
4 responders killed in the line of duty and mental health
5 resources for active duty first responders.

6 (19) ~~(16)~~ The Illinois USTA/Midwest Youth Tennis
7 Foundation Fund. All money in the Illinois USTA/Midwest
8 Youth Tennis Foundation Fund shall be paid as grants to
9 Illinois USTA/Midwest Youth Tennis Foundation to aid
10 USTA/Midwest districts in the State with exposing youth to
11 the game of tennis.

12 (20) ~~(16)~~ The Sons of the American Legion Fund. All
13 money in the Sons of the American Legion Fund shall be paid
14 as grants to the Illinois Detachment of the Sons of the
15 American Legion.

16 (Source: P.A. 102-383, eff. 1-1-22; 102-422, eff. 8-20-21;
17 102-423, eff. 8-20-21; 102-515, eff. 1-1-22; 102-558, eff.
18 8-20-21; 102-809, eff. 1-1-23; 102-813, eff. 5-13-22; 103-112,
19 eff. 1-1-24; 103-163, eff. 1-1-24; 103-349, eff. 1-1-24;
20 103-605, eff. 7-1-24; 103-664, eff. 1-1-25; 103-665, eff.
21 1-1-25; 103-855, eff. 1-1-25; 103-911, eff. 1-1-25; 103-933,
22 eff. 1-1-25; revised 11-26-24.)

23 (625 ILCS 5/3-699.22)

24 Sec. 3-699.22. United States Submarine Veterans plates.

25 (a) The Secretary of State, upon receipt of all applicable

1 fees and applications made in the form prescribed by the
2 Secretary, may issue special registration plates designated as
3 United States Submarine Veterans plates to each resident of
4 this State who served in the United States Navy as a
5 submariner. The special plates issued under this Section shall
6 be affixed only to passenger vehicles of the first division,
7 motorcycles, and motor vehicles of the second division
8 weighing not more than 8,000 pounds. Plates under this Section
9 shall expire according to the multi-year procedure established
10 by Section 3-414.1.

11 (b) The plates shall display the United States Submarine
12 Veterans logo and the phrase "Silent Service". In all other
13 respects, the design and color of the special plates shall be
14 wholly within the discretion of the Secretary. Appropriate
15 documentation, as determined by the Secretary, shall accompany
16 each application. The Secretary, in the Secretary's
17 discretion, may allow the plates to be issued as vanity plates
18 or personalized in accordance with Section 3-405.1. The plates
19 are not required to designate "Land of Lincoln", as prescribed
20 in subsection (b) of Section 3-412. The Secretary shall
21 prescribe the eligibility requirements and, in his or her
22 discretion, shall approve and prescribe stickers or decals as
23 provided under Section 3-412.

24 (Source: P.A. 103-130, eff. 1-1-24.)

1 Sec. 3-699.25 ~~3-699.22~~. Air Force Combat Action Medal
2 license plates.

3 (a) In addition to any other special license plate, the
4 Secretary, upon receipt of all applicable fees and
5 applications made in the form prescribed by the Secretary of
6 State, may issue Air Force Combat Action Medal license plates
7 to residents of this State who have been awarded the Air Force
8 Combat Action Medal. The special Air Force Combat Action Medal
9 plate issued under this Section shall be affixed only to
10 passenger vehicles of the first division, motorcycles, and
11 motor vehicles of the second division weighing not more than
12 8,000 pounds. Plates issued under this Section shall expire
13 according to the staggered multi-year procedure established by
14 Section 3-414.1.

15 (b) The plates shall display the Air Force Combat Action
16 Medal. In all other respects, the design, color, and format of
17 the special plates shall be wholly within the discretion of
18 the Secretary. The Secretary may, in the Secretary's own
19 discretion, allow the plates to be issued as vanity plates or
20 personalized in accordance with Section 3-405.1 of this Code.
21 The plates are not required to designate "Land of Lincoln", as
22 prescribed in subsection (b) of Section 3-412. The Secretary
23 shall prescribe the eligibility requirements and, in the
24 Secretary's own discretion, shall approve and prescribe
25 stickers or decals as provided under Section 3-412.

26 (Source: P.A. 103-660, eff. 1-1-25; revised 12-3-24.)

(625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

Sec. 3-802. Reclassifications and upgrades.

(a) Definitions. For the purposes of this Section, the following words shall have the meanings ascribed to them as follows:

"Reclassification" means changing the registration of a vehicle from one plate category to another.

"Upgrade" means increasing the registered weight of a vehicle within the same plate category.

(b) When reclassing the registration of a vehicle from one plate category to another, the owner shall receive credit for the unused portion of the present plate and be charged the current portion fees for the new plate. In addition, the appropriate replacement plate and replacement sticker fees shall be assessed.

(b-5) Any individual who has a registration issued under either Section 3-405 or 3-405.1 that qualifies for a special license plate under Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, 3-699.15, 3-699.16, 3-699.17, 3-699.19, 3-699.20, or 3-699.25 ~~3-699.22~~ may reclass his or her registration upon acquiring a special license plate listed in this subsection (b-5) without a replacement plate or digital plate fee or

1 registration sticker or digital registration sticker cost.

2 (b-10) Any individual who has a special license plate
3 issued under Section 3-609, 3-609.1, 3-620, 3-621, 3-622,
4 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647,
5 3-650, 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677,
6 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12,
7 3-699.17, or 3-699.25 ~~3-699.22~~ may reclass his or her special
8 license plate upon acquiring a new registration under Section
9 3-405 or 3-405.1 without a replacement plate or digital plate
10 fee or registration sticker or digital registration sticker
11 cost.

12 (c) When upgrading the weight of a registration within the
13 same plate category, the owner shall pay the difference in
14 current period fees between the 2 plates. In addition, the
15 appropriate replacement plate and replacement sticker fees
16 shall be assessed. In the event new plates are not required,
17 the corrected registration card fee shall be assessed.

18 (d) In the event the owner of the vehicle desires to change
19 the registered weight and change the plate category, the owner
20 shall receive credit for the unused portion of the
21 registration fee of the current plate and pay the current
22 portion of the registration fee for the new plate, and in
23 addition, pay the appropriate replacement plate and
24 replacement sticker fees.

25 (e) Reclassing from one plate category to another plate
26 category can be done only once within any registration period.

1 (f) No refunds shall be made in any of the circumstances
2 found in subsection (b), subsection (c), or subsection (d);
3 however, when reclassing from a flat weight plate to an
4 apportioned plate, a refund may be issued if the credit
5 amounts to an overpayment.

6 (g) In the event the registration of a vehicle registered
7 under the mileage tax option is revoked, the owner shall be
8 required to pay the annual registration fee in the new plate
9 category and shall not receive any credit for the mileage
10 plate fees.

11 (h) Certain special interest plates may be displayed on
12 first division vehicles, second division vehicles weighing
13 8,000 pounds or less, and recreational vehicles. Those plates
14 can be transferred within those vehicle groups.

15 (i) Plates displayed on second division vehicles weighing
16 8,000 pounds or less and passenger vehicle plates may be
17 reclassified from one division to the other.

18 (j) Other than in subsection (i), reclassing from one
19 division to the other division is prohibited. In addition, a
20 reclass from a motor vehicle to a trailer or a trailer to a
21 motor vehicle is prohibited.

22 (Source: P.A. 102-154, eff. 1-1-22; 102-558, eff. 8-20-21;
23 103-660, eff. 1-1-25; revised 11-25-24.)

24 (625 ILCS 5/3-804) (from Ch. 95 1/2, par. 3-804)

25 Sec. 3-804. Antique vehicles.

1 (a) The owner of an antique vehicle may register such
2 vehicle for a fee not to exceed \$13 for a 2-year antique plate.
3 The application for registration must be accompanied by an
4 affirmation of the owner that such vehicle will be driven on
5 the highway only for the purpose of going to and returning from
6 an antique auto show or an exhibition, or for servicing or
7 demonstration and also affirming that the mechanical
8 condition, physical condition, brakes, lights, glass, and
9 appearance of such vehicle is the same or as safe as originally
10 equipped. The Secretary may, in his discretion, prescribe that
11 antique vehicle plates be issued for a definite or an
12 indefinite term, such term to correspond to the term of
13 registration plates issued generally, as provided in Section
14 3-414.1. In no event may the registration fee for antique
15 vehicles exceed \$6 per registration year. Any person
16 requesting antique plates under this Section may also apply to
17 have vanity or personalized plates as provided under Section
18 3-405.1.

19 (b) Any person who is the registered owner of an antique
20 vehicle may display a historical Illinois-issued license plate
21 that represents the model year of the vehicle, furnished by
22 such person, in lieu of the current and valid Illinois antique
23 vehicle plates issued thereto, provided that valid and current
24 Illinois antique vehicle plates and registration card issued
25 to such antique vehicle are simultaneously carried within such
26 vehicle and are available for inspection.

1 (Source: P.A. 103-706, eff. 1-1-25; revised 10-24-24.)

2 (625 ILCS 5/4-203)

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

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

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

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

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

25 (e) Whenever a peace officer reasonably believes that a

1 person under arrest for a violation of Section 11-501 of this
2 Code or a similar provision of a local ordinance is likely,
3 upon release, to commit a subsequent violation of Section
4 11-501, or a similar provision of a local ordinance, the
5 arresting officer shall have the vehicle which the person was
6 operating at the time of the arrest impounded for a period of
7 12 hours after the time of arrest. However, such vehicle may be
8 released by the arresting law enforcement agency prior to the
9 end of the impoundment period if:

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

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

1 (e-5) Whenever a registered owner of a vehicle is taken
2 into custody for operating the vehicle in violation of Section
3 11-501 of this Code or a similar provision of a local ordinance
4 or Section 6-303 of this Code, a law enforcement officer may
5 have the vehicle immediately impounded for a period not less
6 than:

7 (1) 24 hours for a second violation of Section 11-501
8 of this Code or a similar provision of a local ordinance or
9 Section 6-303 of this Code or a combination of these
10 offenses; or

11 (2) 48 hours for a third violation of Section 11-501
12 of this Code or a similar provision of a local ordinance or
13 Section 6-303 of this Code or a combination of these
14 offenses.

15 The vehicle may be released sooner if the vehicle is owned
16 by the person under arrest and the person under arrest gives
17 permission to another person to operate the vehicle and that
18 other person possesses a valid operator's license and would
19 not, as determined by the arresting law enforcement agency,
20 indicate a lack of ability to operate a motor vehicle in a safe
21 manner or would otherwise, by operating the motor vehicle, be
22 in violation of this Code.

23 (f) Except as provided in Chapter 18a of this Code, the
24 owner or lessor of privately owned real property within this
25 State, or any person authorized by such owner or lessor, or any
26 law enforcement agency in the case of publicly owned real

1 property may cause any motor vehicle abandoned or left
2 unattended upon such property without permission to be removed
3 by a towing service without liability for the costs of
4 removal, transportation, ~~or~~ storage, or damage caused by such
5 removal, transportation, or storage. The towing or removal of
6 any vehicle from private property without the consent of the
7 registered owner or other legally authorized person in control
8 of the vehicle is subject to compliance with the following
9 conditions and restrictions:

10 1. Any towed or removed vehicle must be stored at the
11 site of the towing service's place of business. The site
12 must be open during business hours, and for the purpose of
13 redemption of vehicles, during the time that the person or
14 firm towing such vehicle is open for towing purposes.

15 2. The towing service shall within 30 minutes of
16 completion of such towing or removal, notify the law
17 enforcement agency having jurisdiction of such towing or
18 removal, and the make, model, color, and license plate
19 number of the vehicle, and shall obtain and record the
20 name of the person at the law enforcement agency to whom
21 such information was reported.

22 3. If the registered owner or legally authorized
23 person entitled to possession of the vehicle shall arrive
24 at the scene prior to actual removal or towing of the
25 vehicle, the vehicle shall be disconnected from the tow
26 truck and that person shall be allowed to remove the

1 vehicle without interference, upon the payment of a
2 reasonable service fee of not more than one-half the
3 posted rate of the towing service as provided in paragraph
4 6 of this subsection, for which a receipt shall be given.

5 4. The rebate or payment of money or any other
6 valuable consideration from the towing service or its
7 owners, managers, or employees to the owners or operators
8 of the premises from which the vehicles are towed or
9 removed, for the privilege of removing or towing those
10 vehicles, is prohibited. Any individual who violates this
11 paragraph shall be guilty of a Class A misdemeanor.

12 5. Except for property appurtenant to and obviously a
13 part of a single family residence, and except for
14 instances where notice is personally given to the owner or
15 other legally authorized person in control of the vehicle
16 that the area in which that vehicle is parked is reserved
17 or otherwise unavailable to unauthorized vehicles and they
18 are subject to being removed at the owner or operator's
19 expense, any property owner or lessor, prior to towing or
20 removing any vehicle from private property without the
21 consent of the owner or other legally authorized person in
22 control of that vehicle, must post a notice meeting the
23 following requirements:

24 a. Except as otherwise provided in subparagraph
25 a.1 of this paragraph 5 of this subsection ~~subdivision~~
26 ~~(f)~~5, the notice must be prominently placed at each

1 driveway access or curb cut allowing vehicular access
2 to the property within 5 feet from the public
3 right-of-way line. If there are no curbs or access
4 barriers, the sign must be posted not less than one
5 sign each 100 feet of lot frontage.

6 a.1. In a municipality with a population of less
7 than 250,000, as an alternative to the requirement of
8 subparagraph a of this paragraph 5 of this subsection
9 ~~subdivision (f) 5~~, the notice for a parking lot
10 contained within property used solely for a 2-family,
11 3-family, or 4-family residence may be prominently
12 placed at the perimeter of the parking lot, in a
13 position where the notice is visible to the occupants
14 of vehicles entering the lot.

15 b. The notice must indicate clearly, in not less
16 than 2 inch high light-reflective letters on a
17 contrasting background, that unauthorized vehicles
18 will be towed away at the owner's expense.

19 c. The notice must also provide the name and
20 current telephone number of the towing service towing
21 or removing the vehicle.

22 d. The sign structure containing the required
23 notices must be permanently installed with the bottom
24 of the sign not less than 4 feet above ground level,
25 and must be continuously maintained on the property
26 for not less than 24 hours prior to the towing or

1 removing of any vehicle.

2 6. Any towing service that tows or removes vehicles
3 and proposes to require the owner, operator, or person in
4 control of the vehicle to pay the costs of towing and
5 storage prior to redemption of the vehicle must file and
6 keep on record with the local law enforcement agency a
7 complete copy of the current rates to be charged for such
8 services, and post at the storage site an identical rate
9 schedule and any written contracts with property owners,
10 lessors, or persons in control of property which authorize
11 them to remove vehicles as provided in this Section. The
12 towing and storage charges, however, shall not exceed the
13 maximum allowed by the Illinois Commerce Commission under
14 Section 18a-200.

15 7. No person shall engage in the removal of vehicles
16 from private property as described in this Section without
17 filing a notice of intent in each community where he
18 intends to do such removal, and such notice shall be filed
19 at least 7 days before commencing such towing.

20 8. No removal of a vehicle from private property shall
21 be done except upon express written instructions of the
22 owners or persons in charge of the private property upon
23 which the vehicle is said to be trespassing.

24 9. Vehicle entry for the purpose of removal shall be
25 allowed with reasonable care on the part of the person or
26 firm towing the vehicle. Such person or firm shall be

1 liable for any damages occasioned to the vehicle if such
2 entry is not in accordance with the standards of
3 reasonable care.

4 9.5. Except as authorized by a law enforcement
5 officer, no towing service shall engage in the removal of
6 a commercial motor vehicle that requires a commercial
7 driver's license to operate by operating the vehicle under
8 its own power on a highway.

9 10. When a vehicle has been towed or removed pursuant
10 to this Section, it must be released to its owner,
11 custodian, agent, or lienholder within one-half hour after
12 requested, if such request is made during business hours.
13 Any vehicle owner, custodian, agent, or lienholder shall
14 have the right to inspect the vehicle before accepting its
15 return, and no release or waiver of any kind which would
16 release the towing service from liability for damages
17 incurred during the towing and storage may be required
18 from any vehicle owner or other legally authorized person
19 as a condition of release of the vehicle. A detailed,
20 signed receipt showing the legal name of the towing
21 service must be given to the person paying towing or
22 storage charges at the time of payment, whether requested
23 or not.

24 This Section shall not apply to law enforcement,
25 firefighting, rescue, ambulance, or other emergency
26 vehicles which are marked as such or to property owned by

1 any governmental entity.

2 When an authorized person improperly causes a motor
3 vehicle to be removed, such person shall be liable to the
4 owner or lessee of the vehicle for the cost of removal,
5 transportation and storage, any damages resulting from the
6 removal, transportation and storage, attorney's fee, and
7 court costs.

8 Any towing or storage charges accrued shall be payable
9 in cash or by cashier's check, certified check, debit
10 card, credit card, or wire transfer, at the option of the
11 party taking possession of the vehicle.

12 11. Towing companies shall also provide insurance
13 coverage for areas where vehicles towed under the
14 provisions of this Chapter will be impounded or otherwise
15 stored, and shall adequately cover loss by fire, theft, or
16 other risks.

17 Any person who fails to comply with the conditions and
18 restrictions of this subsection shall be guilty of a Class C
19 misdemeanor and shall be fined not less than \$100 nor more than
20 \$500.

21 (g)(1) When a vehicle is determined to be a hazardous
22 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
23 Illinois Municipal Code or Section 5-12002.1 of the Counties
24 Code, its removal and impoundment by a towing service may be
25 authorized by a law enforcement agency with appropriate
26 jurisdiction.

1 (2) When a vehicle removal from either public or private
2 property is authorized by a law enforcement agency, the owner
3 of the vehicle shall be responsible for all towing and storage
4 charges.

5 (3) Vehicles removed from public or private property and
6 stored by a commercial vehicle relocater or any other towing
7 service authorized by a law enforcement agency in compliance
8 with this Section and Sections 4-201 and 4-202 of this Code, or
9 at the request of the vehicle owner or operator, shall be
10 subject to a possessor lien for services pursuant to the Labor
11 and Storage Lien (Small Amount) Act. The provisions of Section
12 1 of that Act relating to notice and implied consent shall be
13 deemed satisfied by compliance with Section 18a-302 and
14 subsection (6) of Section 18a-300. In no event shall such lien
15 be greater than the rate or rates established in accordance
16 with subsection (6) of Section 18a-200 of this Code. In no
17 event shall such lien be increased or altered to reflect any
18 charge for services or materials rendered in addition to those
19 authorized by this Code. Every such lien shall be payable in
20 cash or by cashier's check, certified check, debit card,
21 credit card, or wire transfer, at the option of the party
22 taking possession of the vehicle.

23 (4) Any personal property belonging to the vehicle owner
24 in a vehicle subject to a lien under this subsection (g) shall
25 likewise be subject to that lien, excepting only: child
26 restraint systems as defined in Section 4 of the Child

1 Passenger Protection Act and other child booster seats;
2 eyeglasses; food; medicine; personal medical and health care
3 devices, including hearing instruments; perishable property;
4 any operator's licenses; any cash, credit cards, or checks or
5 checkbooks; any wallet, purse, or other property containing
6 any operator's licenses, social security cards, or other
7 identifying documents or materials, cash, credit cards,
8 checks, checkbooks, or passbooks; higher education textbooks
9 and study materials; and any personal property belonging to a
10 person other than the vehicle owner if that person provides
11 adequate proof that the personal property belongs to that
12 person. The spouse, child, mother, father, brother, or sister
13 of the vehicle owner may claim personal property excepted
14 under this paragraph (4) if the person claiming the personal
15 property provides the commercial vehicle relocater or towing
16 service with the authorization of the vehicle owner.

17 (5) This paragraph (5) applies only in the case of a
18 vehicle that is towed as a result of being involved in a crash.
19 In addition to the personal property excepted under paragraph
20 (4), all other personal property in a vehicle subject to a lien
21 under this subsection (g) is exempt from that lien and may be
22 claimed by the vehicle owner if the vehicle owner provides the
23 commercial vehicle relocater or towing service with proof that
24 the vehicle owner has an insurance policy covering towing and
25 storage fees. The spouse, child, mother, father, brother, or
26 sister of the vehicle owner may claim personal property in a

1 vehicle subject to a lien under this subsection (g) if the
2 person claiming the personal property provides the commercial
3 vehicle relocater or towing service with the authorization of
4 the vehicle owner and proof that the vehicle owner has an
5 insurance policy covering towing and storage fees. The
6 regulation of liens on personal property and exceptions to
7 those liens in the case of vehicles towed as a result of being
8 involved in a crash are exclusive powers and functions of the
9 State. A home rule unit may not regulate liens on personal
10 property and exceptions to those liens in the case of vehicles
11 towed as a result of being involved in a crash. This paragraph
12 (5) is a denial and limitation of home rule powers and
13 functions under subsection (h) of Section 6 of Article VII of
14 the Illinois Constitution.

15 (6) No lien under this subsection (g) shall: exceed \$2,000
16 in its total amount; or be increased or altered to reflect any
17 charge for services or materials rendered in addition to those
18 authorized by this Code.

19 (h) Whenever a peace officer issues a citation to a driver
20 for a violation of subsection (a), (a-5), or (b-5) of Section
21 11-506 of this Code or for a violation of paragraph (1) of
22 subsection (a) of Section 11-503 of this Code, the arresting
23 officer may have the vehicle which the person was operating at
24 the time of the arrest impounded for a period of 5 days after
25 the time of arrest. An impounding agency shall release a motor
26 vehicle impounded under this subsection (h) to the registered

1 owner of the vehicle under any of the following circumstances:

2 (1) if the vehicle is a stolen vehicle; or

3 (2) if the person ticketed for a violation of
4 subsection (a), (a-5), or (b-5) of Section 11-506 or
5 paragraph (1) of subsection (a) of Section 11-503 of this
6 Code was not authorized by the registered owner of the
7 vehicle to operate the vehicle at the time of the
8 violation; or

9 (3) if the registered owner of the vehicle was neither
10 the driver nor a passenger in the vehicle at the time of
11 the violation or was unaware that the driver was using the
12 vehicle to engage in street racing, street sideshow, or
13 reckless driving; or

14 (4) if the legal owner or registered owner of the
15 vehicle is a rental car agency; or

16 (5) if, prior to the expiration of the impoundment
17 period specified above, the citation is dismissed or the
18 defendant is found not guilty of the offense.

19 (i) Except for vehicles exempted under subsection (b) of
20 Section 7-601 of this Code, whenever a law enforcement officer
21 issues a citation to a driver for a violation of Section 3-707
22 of this Code, and the driver has a prior conviction for a
23 violation of Section 3-707 of this Code in the past 12 months,
24 the arresting officer shall authorize the removal and
25 impoundment of the vehicle by a towing service.

26 (j) Notwithstanding any other provision of law, if a

1 person has indicated in a timely filed report to the
2 appropriate law enforcement agency that a vehicle towed
3 pursuant to this Section has been stolen or hijacked then:

4 (1) the person shall not be liable for any
5 governmentally imposed fees, fines, or penalties; and

6 (2) if a vehicle towed pursuant to this Section is
7 registered in Illinois and the name and address of the
8 registered owner of the vehicle is provided or made
9 available to the towing service at the time of the tow,
10 then the towing service must provide written notice of the
11 tow to the registered owner within 2 business days after
12 the vehicle is towed by certified mail, return receipt
13 requested. No storage charges shall accrue if the vehicle
14 is reclaimed by paying recovery and towing charges at the
15 posted rates of the towing service as provided by
16 paragraph 6 of subsection (f) within 7 days after such
17 notice is mailed. If the vehicle is registered in a state
18 other than Illinois, then no storage charges shall accrue
19 if the vehicle is reclaimed by paying recovery and towing
20 charges at the posted rates of the towing service as
21 provided by paragraph 6 of subsection (f) within 7 days
22 after a request for registered owner information is mailed
23 by the towing service, certified mail, return receipt
24 requested, to the applicable administrative agency or
25 office in that state.

26 The towing service shall enjoy a lien to secure payment of

1 charges accrued in compliance with this subsection.

2 (Source: P.A. 102-982, eff. 7-1-23; 103-154, eff. 6-30-23;
3 103-706, eff. 1-1-25; 103-756, eff. 1-1-25; revised 11-26-24.)

4 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

5 Sec. 5-102. Used vehicle dealers must be licensed.

6 (a) No person, other than a licensed new vehicle dealer,
7 shall engage in the business of selling or dealing in, on
8 consignment or otherwise, 5 or more used vehicles of any make
9 during the year (except house trailers as authorized by
10 paragraph (j) of this Section and rebuilt salvage vehicles
11 sold by their rebuilders to persons licensed under this
12 Chapter), or act as an intermediary, agent, or broker for any
13 licensed dealer or vehicle purchaser (other than as a
14 salesperson) or represent or advertise that he is so engaged
15 or intends to so engage in such business unless licensed to do
16 so by the Secretary of State under the provisions of this
17 Section.

18 (b) An application for a used vehicle dealer's license
19 shall be filed with the Secretary of State, duly verified by
20 oath, in such form as the Secretary of State may by rule or
21 regulation prescribe and shall contain:

22 1. The name and type of business organization
23 established and additional places of business, if any, in
24 this State.

25 2. If the applicant is a corporation, a list of its

1 officers, directors, and shareholders having a 10% ~~ten~~
2 ~~percent~~ or greater ownership interest in the corporation,
3 setting forth the residence address of each; if the
4 applicant is a sole proprietorship, a partnership, an
5 unincorporated association, a trust, or any similar form
6 of business organization, the names and residence address
7 of the proprietor or of each partner, member, officer,
8 director, trustee, or manager.

9 3. A statement that the applicant has been approved
10 for registration under the Retailers' Occupation Tax Act
11 by the Department of Revenue. However, this requirement
12 does not apply to a dealer who is already licensed
13 hereunder with the Secretary of State, and who is merely
14 applying for a renewal of his license. As evidence of this
15 fact, the application shall be accompanied by a
16 certification from the Department of Revenue showing that
17 the Department has approved the applicant for registration
18 under the Retailers' Occupation Tax Act.

19 4. A statement that the applicant has complied with
20 the appropriate liability insurance requirement. A
21 Certificate of Insurance in a solvent company authorized
22 to do business in the State of Illinois shall be included
23 with each application covering each location at which he
24 proposes to act as a used vehicle dealer. The policy must
25 provide liability coverage in the minimum amounts of
26 \$100,000 for bodily injury to, or death of, any person,

1 \$300,000 for bodily injury to, or death of, 2 ~~two~~ or more
2 persons in any one crash, and \$50,000 for damage to
3 property. Such policy shall expire not sooner than
4 December 31 of the year for which the license was issued or
5 renewed. The expiration of the insurance policy shall not
6 terminate the liability under the policy arising during
7 the period for which the policy was filed. Trailer and
8 mobile home dealers are exempt from this requirement.

9 If the permitted user has a liability insurance policy
10 that provides automobile liability insurance coverage of
11 at least \$100,000 for bodily injury to or the death of any
12 person, \$300,000 for bodily injury to or the death of any 2
13 or more persons in any one crash, and \$50,000 for damage to
14 property, then the permitted user's insurer shall be the
15 primary insurer and the dealer's insurer shall be the
16 secondary insurer. If the permitted user does not have a
17 liability insurance policy that provides automobile
18 liability insurance coverage of at least \$100,000 for
19 bodily injury to or the death of any person, \$300,000 for
20 bodily injury to or the death of any 2 or more persons in
21 any one crash, and \$50,000 for damage to property, or does
22 not have any insurance at all, then the dealer's insurer
23 shall be the primary insurer and the permitted user's
24 insurer shall be the secondary insurer.

25 When a permitted user is "test driving" a used vehicle
26 dealer's automobile, the used vehicle dealer's insurance

1 shall be primary and the permitted user's insurance shall
2 be secondary.

3 As used in this paragraph 4, a "permitted user" is a
4 person who, with the permission of the used vehicle dealer
5 or an employee of the used vehicle dealer, drives a
6 vehicle owned and held for sale or lease by the used
7 vehicle dealer which the person is considering to purchase
8 or lease, in order to evaluate the performance,
9 reliability, or condition of the vehicle. The term
10 "permitted user" also includes a person who, with the
11 permission of the used vehicle dealer, drives a vehicle
12 owned or held for sale or lease by the used vehicle dealer
13 for loaner purposes while the user's vehicle is being
14 repaired or evaluated.

15 As used in this paragraph 4, "test driving" occurs
16 when a permitted user who, with the permission of the used
17 vehicle dealer or an employee of the used vehicle dealer,
18 drives a vehicle owned and held for sale or lease by a used
19 vehicle dealer that the person is considering to purchase
20 or lease, in order to evaluate the performance,
21 reliability, or condition of the vehicle.

22 As used in this paragraph 4, "loaner purposes" means
23 when a person who, with the permission of the used vehicle
24 dealer, drives a vehicle owned or held for sale or lease by
25 the used vehicle dealer while the user's vehicle is being
26 repaired or evaluated.

1 5. An application for a used vehicle dealer's license
2 shall be accompanied by the following license fees:

3 (A) \$1,000 for applicant's established place of
4 business, and \$50 for each additional place of
5 business, if any, to which the application pertains;
6 however, if the application is made after June 15 of
7 any year, the license fee shall be \$500 for
8 applicant's established place of business plus \$25 for
9 each additional place of business, if any, to which
10 the application pertains. License fees shall be
11 returnable only in the event that the application is
12 denied by the Secretary of State. Of the money
13 received by the Secretary of State as license fees
14 under this subparagraph (A) for the 2004 licensing
15 year and thereafter, 95% shall be deposited into the
16 General Revenue Fund.

17 (B) Except for dealers selling 25 or fewer
18 automobiles or as provided in subsection (h) of
19 Section 5-102.7 of this Code, an Annual Dealer
20 Recovery Fund Fee in the amount of \$500 for the
21 applicant's established place of business, and \$50 for
22 each additional place of business, if any, to which
23 the application pertains; but if the application is
24 made after June 15 of any year, the fee shall be \$250
25 for the applicant's established place of business plus
26 \$25 for each additional place of business, if any, to

1 which the application pertains. For a license renewal
2 application, the fee shall be based on the amount of
3 automobiles sold in the past year according to the
4 following formula:

5 (1) \$0 for dealers selling 25 or fewer ~~less~~
6 automobiles;

7 (2) \$150 for dealers selling more than 25 but
8 fewer ~~less~~ than 200 automobiles;

9 (3) \$300 for dealers selling 200 or more
10 automobiles but fewer ~~less~~ than 300 automobiles;
11 and

12 (4) \$500 for dealers selling 300 or more
13 automobiles.

14 License fees shall be returnable only in the event
15 that the application is denied by the Secretary of
16 State. Moneys received under this subparagraph (B)
17 shall be deposited into the Dealer Recovery Trust
18 Fund.

19 6. A statement that the applicant's officers,
20 directors, shareholders having a 10% or greater ownership
21 interest therein, proprietor, partner, member, officer,
22 director, trustee, manager, or other principals in the
23 business have not committed in the past 3 years any one
24 violation as determined in any civil, criminal, or
25 administrative proceedings of any one of the following
26 Acts:

1 (A) Article I of Chapter 4 of this Code ~~The~~
2 ~~Anti-Theft Laws of the Illinois Vehicle Code;~~

3 (B) Article I of Chapter 3 of this Code ~~The~~
4 ~~Certificate of Title Laws of the Illinois Vehicle~~
5 ~~Code;~~

6 (C) Article VII of Chapter 3 of this Code ~~The~~
7 ~~Offenses against Registration and Certificates of~~
8 ~~Title Laws of the Illinois Vehicle Code;~~

9 (D) Chapter 5 of this Code ~~The Dealers,~~
10 ~~Transporters, Wreckers and Rebuilders Laws of the~~
11 ~~Illinois Vehicle Code;~~

12 (E) Section 21-2 of the Criminal Code of 1961 or
13 the Criminal Code of 2012, Criminal Trespass to
14 Vehicles; or

15 (F) The Retailers' Occupation Tax Act.

16 7. A statement that the applicant's officers,
17 directors, shareholders having a 10% or greater ownership
18 interest therein, proprietor, partner, member, officer,
19 director, trustee, manager, or other principals in the
20 business have not committed in any calendar year 3 or more
21 violations, as determined in any civil, criminal, or
22 administrative proceedings, of any one or more of the
23 following Acts:

24 (A) The Consumer Finance Act;

25 (B) The Consumer Installment Loan Act;

26 (C) The Retail Installment Sales Act;

1 (D) The Motor Vehicle Retail Installment Sales
2 Act;

3 (E) The Interest Act;

4 (F) The Illinois Wage Assignment Act;

5 (G) Part 8 of Article XII of the Code of Civil
6 Procedure; or

7 (H) The Consumer Fraud and Deceptive Business
8 Practices Act.

9 7.5. A statement that, within 10 years of application,
10 each officer, director, shareholder having a 10% or
11 greater ownership interest therein, proprietor, partner,
12 member, officer, director, trustee, manager, or other
13 principal in the business of the applicant has not
14 committed, as determined in any civil, criminal, or
15 administrative proceeding, in any calendar year one or
16 more forcible felonies under the Criminal Code of 1961 or
17 the Criminal Code of 2012, or a violation of either or both
18 Article 16 or 17 of the Criminal Code of 1961 or a
19 violation of either or both Article 16 or 17 of the
20 Criminal Code of 2012, Article 29B of the Criminal Code of
21 1961 or the Criminal Code of 2012, or a similar
22 out-of-state offense. For the purposes of this paragraph,
23 "forcible felony" has the meaning provided in Section 2-8
24 of the Criminal Code of 2012.

25 8. A bond or Certificate of Deposit in the amount of
26 \$50,000 for each location at which the applicant intends

1 to act as a used vehicle dealer. The bond shall be for the
2 term of the license, or its renewal, for which application
3 is made, and shall expire not sooner than December 31 of
4 the year for which the license was issued or renewed. The
5 bond shall run to the People of the State of Illinois, with
6 surety by a bonding or insurance company authorized to do
7 business in this State. It shall be conditioned upon the
8 proper transmittal of all title and registration fees and
9 taxes (excluding taxes under the Retailers' Occupation Tax
10 Act) accepted by the applicant as a used vehicle dealer.

11 9. Such other information concerning the business of
12 the applicant as the Secretary of State may by rule or
13 regulation prescribe.

14 10. A statement that the applicant understands Chapter
15 1 through Chapter 5 of this Code.

16 11. A copy of the certification from the prelicensing
17 education program.

18 12. The full name, address, and contact information of
19 each of the dealer's agents or legal representatives who
20 is an Illinois resident and liable for the performance of
21 the dealership.

22 (c) Any change which renders no longer accurate any
23 information contained in any application for a used vehicle
24 dealer's license shall be amended within 30 days after the
25 occurrence of each change on such form as the Secretary of
26 State may prescribe by rule or regulation, accompanied by an

1 amendatory fee of \$2.

2 (d) Anything in this Chapter to the contrary
3 notwithstanding, no person shall be licensed as a used vehicle
4 dealer unless such person maintains an established place of
5 business as defined in this Chapter.

6 (e) The Secretary of State shall, within a reasonable time
7 after receipt, examine an application submitted to him under
8 this Section. Unless the Secretary makes a determination that
9 the application submitted to him does not conform to this
10 Section or that grounds exist for a denial of the application
11 under Section 5-501 of this Chapter, he must grant the
12 applicant an original used vehicle dealer's license in writing
13 for his established place of business and a supplemental
14 license in writing for each additional place of business in
15 such form as he may prescribe by rule or regulation which shall
16 include the following:

17 1. The name of the person licensed;

18 2. If a corporation, the name and address of its
19 officers or if a sole proprietorship, a partnership, an
20 unincorporated association or any similar form of business
21 organization, the name and address of the proprietor or of
22 each partner, member, officer, director, trustee, or
23 manager;

24 3. In case of an original license, the established
25 place of business of the licensee;

26 4. In the case of a supplemental license, the

1 established place of business of the licensee and the
2 additional place of business to which such supplemental
3 license pertains;

4 5. The full name, address, and contact information of
5 each of the dealer's agents or legal representatives who
6 is an Illinois resident and liable for the performance of
7 the dealership.

8 (f) The appropriate instrument evidencing the license or a
9 certified copy thereof, provided by the Secretary of State
10 shall be kept posted, conspicuously, in the established place
11 of business of the licensee and in each additional place of
12 business, if any, maintained by such licensee.

13 (g) Except as provided in subsection (h) of this Section,
14 all used vehicle dealer's licenses granted under this Section
15 expire by operation of law on December 31 of the calendar year
16 for which they are granted unless sooner revoked or cancelled
17 under Section 5-501 of this Chapter.

18 (h) A used vehicle dealer's license may be renewed upon
19 application and payment of the fee required herein, and
20 submission of proof of coverage by an approved bond under the
21 Retailers' Occupation Tax Act or proof that applicant is not
22 subject to such bonding requirements, as in the case of an
23 original license, but in case an application for the renewal
24 of an effective license is made during the month of December,
25 the effective license shall remain in force until the
26 application for renewal is granted or denied by the Secretary

1 of State.

2 (i) All persons licensed as a used vehicle dealer are
3 required to furnish each purchaser of a motor vehicle:

4 1. A certificate of title properly assigned to the
5 purchaser;

6 2. A statement verified under oath that all
7 identifying numbers on the vehicle agree with those on the
8 certificate of title;

9 3. A bill of sale properly executed on behalf of such
10 person;

11 4. A copy of the Uniform Invoice-transaction reporting
12 return referred to in Section 5-402 of this Chapter;

13 5. In the case of a rebuilt vehicle, a copy of the
14 Disclosure of Rebuilt Vehicle Status; and

15 6. In the case of a vehicle for which the warranty has
16 been reinstated, a copy of the warranty.

17 (j) A real estate broker holding a valid certificate of
18 registration issued pursuant to "The Real Estate Brokers and
19 Salesmen License Act" may engage in the business of selling or
20 dealing in house trailers not his own without being licensed
21 as a used vehicle dealer under this Section; however such
22 broker shall maintain a record of the transaction including
23 the following:

24 (1) the name and address of the buyer and seller,

25 (2) the date of sale,

26 (3) a description of the mobile home, including the

1 vehicle identification number, make, model, and year, and

2 (4) the Illinois certificate of title number.

3 The foregoing records shall be available for inspection by
4 any officer of the Secretary of State's Office at any
5 reasonable hour.

6 (k) Except at the time of sale or repossession of the
7 vehicle, no person licensed as a used vehicle dealer may issue
8 any other person a newly created key to a vehicle unless the
9 used vehicle dealer makes a color photocopy or electronic scan
10 of the driver's license or State identification card of the
11 person requesting or obtaining the newly created key. The used
12 vehicle dealer must retain the photocopy or scan for 30 days.

13 A used vehicle dealer who violates this subsection (k) is
14 guilty of a petty offense. Violation of this subsection (k) is
15 not cause to suspend, revoke, cancel, or deny renewal of the
16 used vehicle dealer's license.

17 (l) Used vehicle dealers licensed under this Section shall
18 provide the Secretary of State a register for the sale at
19 auction of each salvage or junk certificate vehicle. Each
20 register shall include the following information:

21 1. The year, make, model, style, and color of the
22 vehicle;

23 2. The vehicle's manufacturer's identification number
24 or, if applicable, the Secretary of State or Illinois
25 State Police identification number;

26 3. The date of acquisition of the vehicle;

1 4. The name and address of the person from whom the
2 vehicle was acquired;

3 5. The name and address of the person to whom any
4 vehicle was disposed, the person's Illinois license
5 number, or if the person is an out-of-state salvage
6 vehicle buyer, the license number from the state or
7 jurisdiction where the buyer is licensed; and

8 6. The purchase price of the vehicle.

9 The register shall be submitted to the Secretary of State
10 via written or electronic means within 10 calendar days from
11 the date of the auction.

12 (m) If a licensee under this Section voluntarily
13 surrenders a license to the Illinois Secretary of State Police
14 or a representative of the Secretary of State Vehicle Services
15 Department due to the licensee's inability to adhere to
16 recordkeeping provisions, or the inability to properly issue
17 certificates of title or registrations under this Code, or the
18 Secretary revokes a license under this Section, then the
19 licensee and the licensee's agent, designee, or legal
20 representative, if applicable, may not be named on a new
21 application for a licensee under this Section or under this
22 Chapter, nor is the licensee or the licensee's agent,
23 designee, or legal representative permitted to work for
24 another licensee under this Chapter in a recordkeeping,
25 management, or financial position or as an employee who
26 handles certificate of title and registration documents and

1 applications.

2 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22;
3 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-982, eff.
4 7-1-23; revised 10-23-24.)

5 (625 ILCS 5/6-110)

6 Sec. 6-110. Licenses issued to drivers.

7 (a) The Secretary of State shall issue to every qualifying
8 applicant a driver's license as applied for, which license
9 shall bear a distinguishing number assigned to the licensee,
10 the legal name, signature, zip code, date of birth, residence
11 address, and a brief description of the licensee.

12 Licenses issued shall also indicate the classification and
13 the restrictions under Section 6-104 of this Code. The
14 Secretary may adopt rules to establish informational
15 restrictions that can be placed on the driver's license
16 regarding specific conditions of the licensee.

17 A driver's license issued may, in the discretion of the
18 Secretary, include a suitable photograph of a type prescribed
19 by the Secretary.

20 (a-1) If the licensee is less than 18 years of age, unless
21 one of the exceptions in subsection (a-2) apply, the license
22 shall, as a matter of law, be invalid for the operation of any
23 motor vehicle during the following times:

24 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

25 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on

1 Sunday; and

2 (C) Between 10:00 p.m. on Sunday to Thursday,
3 inclusive, and 6:00 a.m. on the following day.

4 (a-2) The driver's license of a person under the age of 18
5 shall not be invalid as described in subsection (a-1) of this
6 Section if the licensee under the age of 18 was:

7 (1) accompanied by the licensee's parent or guardian
8 or other person in custody or control of the minor;

9 (2) on an errand at the direction of the minor's
10 parent or guardian, without any detour or stop;

11 (3) in a motor vehicle involved in interstate travel;

12 (4) going to or returning home from an employment
13 activity, without any detour or stop;

14 (5) involved in an emergency;

15 (6) going to or returning home from, without any
16 detour or stop, an official school, religious, or other
17 recreational activity supervised by adults and sponsored
18 by a government or governmental agency, a civic
19 organization, or another similar entity that takes
20 responsibility for the licensee, without any detour or
21 stop;

22 (7) exercising First Amendment rights protected by the
23 United States Constitution, such as the free exercise of
24 religion, freedom of speech, and the right of assembly; or

25 (8) married or had been married or is an emancipated
26 minor under the Emancipation of Minors Act.

1 (a-2.5) The driver's license of a person who is 17 years of
2 age and has been licensed for at least 12 months is not invalid
3 as described in subsection (a-1) of this Section while the
4 licensee is participating as an assigned driver in a Safe
5 Rides program that meets the following criteria:

6 (1) the program is sponsored by the Boy Scouts of
7 America or another national public service organization;
8 and

9 (2) the sponsoring organization carries liability
10 insurance covering the program.

11 (a-3) If a graduated driver's license holder over the age
12 of 18 committed an offense against traffic regulations
13 governing the movement of vehicles or any violation of Section
14 6-107 or Section 12-603.1 of this Code in the 6 months prior to
15 the graduated driver's license holder's 18th birthday, and was
16 subsequently convicted of the offense, the provisions of
17 subsection (a-1) shall continue to apply until such time as a
18 period of 6 consecutive months has elapsed without an
19 additional violation and subsequent conviction of an offense
20 against traffic regulations governing the movement of vehicles
21 or Section 6-107 or Section 12-603.1 of this Code.

22 (a-4) If an applicant for a driver's license or
23 instruction permit has a current identification card issued by
24 the Secretary of State, the Secretary may require the
25 applicant to utilize the same residence address and name on
26 the identification card, driver's license, and instruction

1 permit records maintained by the Secretary. The Secretary may
2 promulgate rules to implement this provision.

3 (a-5) If an applicant for a driver's license is an
4 employee of the Department of Children and Family Services
5 with a job title of "Child Protection Specialist Trainee",
6 "Child Protection Specialist", "Child Protection Advanced
7 Specialist", "Child Welfare Specialist Trainee", "Child
8 Welfare Specialist", or "Child Welfare Advanced Specialist" or
9 a judicial officer or a peace officer, the applicant may elect
10 to have his or her office or work address listed on the license
11 instead of the applicant's residence or mailing address. The
12 Secretary of State shall adopt rules to implement this
13 subsection (a-5). For the purposes of this subsection (a-5),
14 "peace officer" means any person who by virtue of his or her
15 office or public employment is vested by law with a duty to
16 maintain public order or to make arrests for a violation of any
17 penal statute of this State, whether that duty extends to all
18 violations or is limited to specific violations.

19 (b) Until the Secretary of State establishes a First
20 Person Consent organ and tissue donor registry under Section
21 6-117 of this Code, the Secretary of State shall provide a
22 format on the reverse of each driver's license issued which
23 the licensee may use to execute a document of gift conforming
24 to the provisions of the Illinois Anatomical Gift Act. The
25 format shall allow the licensee to indicate the gift intended,
26 whether specific organs, any organ, or the entire body, and

1 shall accommodate the signatures of the donor and 2 witnesses.
2 The Secretary shall also inform each applicant or licensee of
3 this format, describe the procedure for its execution, and may
4 offer the necessary witnesses; provided that in so doing, the
5 Secretary shall advise the applicant or licensee that he or
6 she is under no compulsion to execute a document of gift. A
7 brochure explaining this method of executing an anatomical
8 gift document shall be given to each applicant or licensee.
9 The brochure shall advise the applicant or licensee that he or
10 she is under no compulsion to execute a document of gift, and
11 that he or she may wish to consult with family, friends, or
12 clergy before doing so. The Secretary of State may undertake
13 additional efforts, including education and awareness
14 activities, to promote organ and tissue donation.

15 (c) The Secretary of State shall designate on each
16 driver's license issued a space where the licensee may place a
17 sticker or decal of the uniform size as the Secretary may
18 specify, which sticker or decal may indicate in appropriate
19 language that the owner of the license carries an Emergency
20 Medical Information Card.

21 The sticker may be provided by any person, hospital,
22 school, medical group, or association interested in assisting
23 in implementing the Emergency Medical Information Card, but
24 shall meet the specifications as the Secretary may by rule or
25 regulation require.

26 (d) The Secretary of State shall designate on each

1 driver's license issued a space where the licensee may
2 indicate his blood type and RH factor.

3 (e) The Secretary of State shall provide that each
4 original or renewal driver's license issued to a licensee
5 under 21 years of age shall be of a distinct nature from those
6 driver's licenses issued to individuals 21 years of age and
7 older. The color designated for driver's licenses for
8 licensees under 21 years of age shall be at the discretion of
9 the Secretary of State.

10 (e-1) The Secretary shall provide that each driver's
11 license issued to a person under the age of 21 displays the
12 date upon which the person becomes 18 years of age and the date
13 upon which the person becomes 21 years of age.

14 (e-3) The General Assembly recognizes the need to identify
15 military veterans living in this State for the purpose of
16 ensuring that they receive all of the services and benefits to
17 which they are legally entitled, including health care
18 ~~healthcare~~, education assistance, and job placement. To assist
19 the State in identifying these veterans and delivering these
20 vital services and benefits, the Secretary of State is
21 authorized to issue drivers' licenses with the word "veteran"
22 appearing on the face of the licenses. This authorization is
23 predicated on the unique status of veterans. The Secretary may
24 not issue any other driver's license which identifies an
25 occupation, status, affiliation, hobby, or other unique
26 characteristics of the license holder which is unrelated to

1 the purpose of the driver's license.

2 (e-5) Beginning on or before July 1, 2015, the Secretary
3 of State shall designate a space on each original or renewal
4 driver's license where, at the request of the applicant, the
5 word "veteran" shall be placed. The veteran designation shall
6 be available to a person identified as a veteran under
7 subsection (e) of Section 6-106 of this Code who was
8 discharged or separated under honorable conditions.

9 (e-7) Upon providing the required documentation, at the
10 request of the applicant, the driver's license may reflect
11 Gold Star Family designation. The Secretary shall designate a
12 space on each original or renewal driver's license for such
13 designation. This designation shall be available to a person
14 eligible for Gold Star license plates under subsection (f) of
15 Section 6-106 of this Code.

16 (f) The Secretary of State shall inform all Illinois
17 licensed commercial motor vehicle operators of the
18 requirements of the Uniform Commercial Driver License Act,
19 Article V of this Chapter, and shall make provisions to insure
20 that all drivers, seeking to obtain a commercial driver's
21 license, be afforded an opportunity prior to April 1, 1992, to
22 obtain the license. The Secretary is authorized to extend
23 driver's license expiration dates, and assign specific times,
24 dates and locations where these commercial driver's tests
25 shall be conducted. Any applicant, regardless of the current
26 expiration date of the applicant's driver's license, may be

1 subject to any assignment by the Secretary. Failure to comply
2 with the Secretary's assignment may result in the applicant's
3 forfeiture of an opportunity to receive a commercial driver's
4 license prior to April 1, 1992.

5 (g) The Secretary of State shall designate on a driver's
6 license issued, a space where the licensee may indicate that
7 he or she has drafted a living will in accordance with the
8 Illinois Living Will Act or a durable power of attorney for
9 health care in accordance with the Illinois Power of Attorney
10 Act.

11 (g-1) The Secretary of State, in his or her discretion,
12 may designate on each driver's license issued a space where
13 the licensee may place a sticker or decal, issued by the
14 Secretary of State, of uniform size as the Secretary may
15 specify, that shall indicate in appropriate language that the
16 owner of the license has renewed his or her driver's license.

17 (h) A person who acts in good faith in accordance with the
18 terms of this Section is not liable for damages in any civil
19 action or subject to prosecution in any criminal proceeding
20 for his or her act.

21 (i) The Secretary shall designate a space on each original
22 or renewal of a driver's license, at the request of the
23 applicant, for a designation as a Gold Star Family. This
24 designation shall be available to a person eligible for Gold
25 Star license plates under subsection (f) of Section 6-106 of
26 this Code.

(Source: P.A. 103-888, eff. 8-9-24; 103-933, eff. 1-1-25;
revised 11-26-24.)

(625 ILCS 5/6-118)

Sec. 6-118. Fees.

(a) The fees for licenses and permits under this Article
are as follows:

Original 4-year driver's license \$30

Original 8-year driver's license issued under
subsection (a-3) of Section 6-115 \$60

Original driver's license issued
to 18, 19, and 20 year olds \$5

All driver's licenses for persons
age 69 through age 80 \$5

All driver's licenses for persons
age 81 through age 86 \$2

All driver's licenses for persons
age 87 or older \$0

Renewal 4-year driver's license (except for
applicants~~7~~ age 69 and older) \$30

Renewal 8-year driver's license issued under
subsection (a-3) of Section 6-115 (except
for applicants age 69 and older) \$60

Original instruction permit issued to
persons (except those age 69 and older)
who do not hold or have not previously

1	held an Illinois instruction permit or	
2	driver's license	\$20
3	Instruction permit issued to any person	
4	holding an Illinois driver's license	
5	who wishes a change in classifications,	
6	other than at the time of renewal	\$5
7	Any instruction permit issued to a person	
8	age 69 and older	\$5
9	Instruction permit issued to any person,	
10	under age 69, not currently holding a	
11	valid Illinois driver's license or	
12	instruction permit but who has	
13	previously been issued either document	
14	in Illinois	\$10
15	Restricted driving permit	\$8
16	Monitoring device driving permit	\$8
17	Duplicate or corrected driver's license	
18	or permit	\$5
19	Duplicate or corrected restricted	
20	driving permit	\$5
21	Duplicate or corrected monitoring	
22	device driving permit	\$5
23	Duplicate driver's license or permit issued to	
24	an active-duty member of the	
25	United States Armed Forces,	
26	the member's spouse, or	

1 the dependent children living
2 with the member \$0
3 Original or renewal M or L endorsement \$5

4 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

5 The fees for commercial driver licenses and permits
6 under Article V shall be as follows:

7 Commercial driver's license:

8 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
9 (Commercial Driver's License Information
10 System/American Association of Motor Vehicle
11 Administrators network/National Motor Vehicle
12 Title Information Service Trust Fund);
13 \$20 for the Motor Carrier Safety Inspection Fund;
14 \$10 for the driver's license;
15 and \$24 for the CDL: \$60

16 Renewal commercial driver's license:

17 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
18 \$20 for the Motor Carrier Safety Inspection Fund;
19 \$10 for the driver's license; and
20 \$24 for the CDL: \$60

21 Commercial learner's permit

22 issued to any person holding a valid
23 Illinois driver's license for the
24 purpose of changing to a
25 CDL classification:

26 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;

1 \$20 for the Motor Carrier Safety Inspection Fund; and
2 \$24 for the CDL classification \$50
3 Commercial learner's permit
4 issued to any person holding a valid
5 Illinois CDL for the purpose of
6 making a change in a classification,
7 endorsement or restriction \$5
8 CDL duplicate or corrected license \$5

9 In order to ensure the proper implementation of the
10 Uniform Commercial Driver License Act, Article V of this
11 Chapter, the Secretary of State is empowered to prorate the
12 \$24 fee for the commercial driver's license proportionate to
13 the expiration date of the applicant's Illinois driver's
14 license.

15 The fee for any duplicate license or permit shall be
16 waived for any person who presents the Secretary of State's
17 office with a police report showing that his license or permit
18 was stolen.

19 The fee for any duplicate license or permit shall be
20 waived for any person age 60 or older whose driver's license or
21 permit has been lost or stolen.

22 No additional fee shall be charged for a driver's license,
23 or for a commercial driver's license, when issued to the
24 holder of an instruction permit for the same classification or
25 type of license who becomes eligible for such license.

26 The fee for a restricted driving permit under this

1 subsection (a) shall be imposed annually until the expiration
2 of the permit.

3 (a-5) The fee for a driver's record or data contained
4 therein is \$20 and shall be disbursed as set forth in
5 subsection (k) of Section 2-123 of this Code.

6 (b) Any person whose license or privilege to operate a
7 motor vehicle in this State has been suspended or revoked
8 under Section 3-707, any provision of Chapter 6, Chapter 11,
9 or Section 7-205, 7-303, or 7-702 of the Illinois Safety and
10 Family Financial Responsibility Law of this Code, shall in
11 addition to any other fees required by this Code, pay a
12 reinstatement fee as follows:

13	Suspension under Section 3-707	\$100
14	Suspension under Section 11-1431	\$100
15	Summary suspension under Section 11-501.1	\$250
16	Suspension under Section 11-501.9	\$250
17	Summary revocation under Section 11-501.1	\$500
18	Other suspension	\$70
19	Revocation	\$500

20 However, any person whose license or privilege to operate
21 a motor vehicle in this State has been suspended or revoked for
22 a second or subsequent time for a violation of Section 11-501,
23 11-501.1, or 11-501.9 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense or Section
25 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012
26 and each suspension or revocation was for a violation of

1 Section 11-501, 11-501.1, or 11-501.9 of this Code or a
2 similar provision of a local ordinance or a similar
3 out-of-state offense or Section 9-3 of the Criminal Code of
4 1961 or the Criminal Code of 2012 shall pay, in addition to any
5 other fees required by this Code, a reinstatement fee as
6 follows:

7 Summary suspension under Section 11-501.1 \$500

8 Suspension under Section 11-501.9 \$500

9 Summary revocation under Section 11-501.1 \$500

10 Revocation \$500

11 (c) All fees collected under the provisions of this
12 Chapter 6 shall be disbursed under subsection (g) of Section
13 2-119 of this Code, except as follows:

14 1. The following amounts shall be paid into the
15 Drivers Education Fund:

16 (A) \$16 of the \$20 fee for an original driver's
17 instruction permit;

18 (B) one-sixth of the fee for an original driver's
19 license;

20 (C) one-sixth of the fee for a renewal driver's
21 license;

22 (D) \$4 of the \$8 fee for a restricted driving
23 permit; and

24 (E) \$4 of the \$8 fee for a monitoring device
25 driving permit.

26 2. \$30 of the \$250 fee for reinstatement of a license

1 summarily suspended under Section 11-501.1 or suspended
2 under Section 11-501.9 shall be deposited into the Drunk
3 and Drugged Driving Prevention Fund. However, for a person
4 whose license or privilege to operate a motor vehicle in
5 this State has been suspended or revoked for a second or
6 subsequent time for a violation of Section 11-501,
7 11-501.1, or 11-501.9 of this Code or Section 9-3 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of
9 the \$500 fee for reinstatement of a license summarily
10 suspended under Section 11-501.1 or suspended under
11 Section 11-501.9, and \$190 of the \$500 fee for
12 reinstatement of a revoked license shall be deposited into
13 the Drunk and Drugged Driving Prevention Fund. \$190 of the
14 \$500 fee for reinstatement of a license summarily revoked
15 pursuant to Section 11-501.1 shall be deposited into the
16 Drunk and Drugged Driving Prevention Fund.

17 3. \$6 of the original or renewal fee for a commercial
18 driver's license and \$6 of the commercial learner's permit
19 fee when the permit is issued to any person holding a valid
20 Illinois driver's license, shall be paid into the
21 CDLIS/AAMVAnet/NMVTIS Trust Fund.

22 4. \$30 of the \$70 fee for reinstatement of a license
23 suspended under the Illinois Safety and Family Financial
24 Responsibility Law shall be paid into the Family
25 Responsibility Fund.

26 5. The \$5 fee for each original or renewal M or L

1 endorsement shall be deposited into the Cycle Rider Safety
2 Training Fund.

3 6. \$20 of any original or renewal fee for a commercial
4 driver's license or commercial learner's permit shall be
5 paid into the Motor Carrier Safety Inspection Fund.

6 7. The following amounts shall be paid into the
7 General Revenue Fund:

8 (A) \$190 of the \$250 reinstatement fee for a
9 summary suspension under Section 11-501.1 or a
10 suspension under Section 11-501.9;

11 (B) \$40 of the \$70 reinstatement fee for any other
12 suspension provided in subsection (b) of this Section;
13 and

14 (C) \$440 of the \$500 reinstatement fee for a first
15 offense revocation and \$310 of the \$500 reinstatement
16 fee for a second or subsequent revocation.

17 8. Fees collected under paragraph (4) of subsection
18 (d) and subsection (h) of Section 6-205 of this Code;
19 subparagraph (C) of paragraph 3 of subsection (c) of
20 Section 6-206 of this Code; and paragraph (4) of
21 subsection (a) of Section 6-206.1 of this Code, shall be
22 paid into the funds set forth in those Sections.

23 (d) All of the proceeds of the additional fees imposed by
24 Public Act 96-34 ~~this amendatory Act of the 96th General~~
25 ~~Assembly~~ shall be deposited into the Capital Projects Fund.

26 (e) The additional fees imposed by Public Act 96-38 ~~this~~

1 ~~amendatory Act of the 96th General Assembly~~ shall become
2 effective 90 days after becoming law. The additional fees
3 imposed by Public Act 103-8 ~~this amendatory Act of the 103rd~~
4 ~~General Assembly~~ shall become effective July 1, 2023 and shall
5 be paid into the Secretary of State Special Services Fund.

6 (f) As used in this Section, "active-duty member of the
7 United States Armed Forces" means a member of the Armed
8 Services or Reserve Forces of the United States or a member of
9 the Illinois National Guard who is called to active duty
10 pursuant to an executive order of the President of the United
11 States, an act of the Congress of the United States, or an
12 order of the Governor.

13 (Source: P.A. 103-8, eff. 7-1-23; 103-605, eff. 7-1-24;
14 103-872, eff. 1-1-25; revised 11-26-24.)

15 (625 ILCS 5/6-209.1)

16 Sec. 6-209.1. Restoration of driving privileges;
17 revocation; suspension; cancellation.

18 (a) The Secretary shall rescind the suspension or
19 cancellation of a person's driver's license that has been
20 suspended or canceled before July 1, 2020 (the effective date
21 of Public Act 101-623) due to:

22 (1) the person being convicted of theft of motor fuel
23 under Section 16-25 or 16K-15 of the Criminal Code of 1961
24 or the Criminal Code of 2012;

25 (2) the person, since the issuance of the driver's

1 license, being adjudged to be afflicted with or suffering
2 from any mental disability or disease;

3 (3) a violation of Section 6-16 of the Liquor Control
4 Act of 1934 or a similar provision of a local ordinance;

5 (4) the person being convicted of a violation of
6 Section 6-20 of the Liquor Control Act of 1934 or a similar
7 provision of a local ordinance, if the person presents a
8 certified copy of a court order that includes a finding
9 that the person was not an occupant of a motor vehicle at
10 the time of the violation;

11 (5) the person receiving a disposition of court
12 supervision for a violation of subsection (a), (d), or (e)
13 of Section 6-20 of the Liquor Control Act of 1934 or a
14 similar provision of a local ordinance, if the person
15 presents a certified copy of a court order that includes a
16 finding that the person was not an occupant of a motor
17 vehicle at the time of the violation;

18 (6) the person failing to pay any fine or penalty due
19 or owing as a result of 10 or more violations of a
20 municipality's or county's vehicular standing, parking, or
21 compliance regulations established by ordinance under
22 Section 11-208.3 of this Code;

23 (7) the person failing to satisfy any fine or penalty
24 resulting from a final order issued by the Illinois State
25 Toll Highway Authority relating directly or indirectly to
26 5 or more toll violations, toll evasions, or both;

1 (8) the person being convicted of a violation of
2 Section 4-102 of this Code, if the person presents a
3 certified copy of a court order that includes a finding
4 that the person did not exercise actual physical control
5 of the vehicle at the time of the violation; or

6 (9) the person being convicted of criminal trespass to
7 vehicles under Section 21-2 of the Criminal Code of 2012,
8 if the person presents a certified copy of a court order
9 that includes a finding that the person did not exercise
10 actual physical control of the vehicle at the time of the
11 violation.

12 (b) As soon as practicable and no later than July 1, 2021,
13 the Secretary shall rescind the suspension, cancellation, or
14 prohibition of renewal of a person's driver's license that has
15 been suspended, canceled, or whose renewal has been prohibited
16 before July 1, 2021 (the effective date of Public Act 101-652)
17 ~~this amendatory Act of the 101st General Assembly~~ due to the
18 person having failed to pay any fine or penalty for traffic
19 violations, automated traffic law enforcement system
20 violations as defined in Sections 11-208.6, ~~and~~ 11-208.8,
21 11-208.9, and 11-1201.1, or abandoned vehicle fees.

22 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 7-1-21;
23 102-558, eff. 8-20-21; revised 8-19-24.)

24 (625 ILCS 5/11-907)

25 Sec. 11-907. Operation of vehicles and streetcars on

1 approach of authorized emergency vehicles.

2 (a) Upon the immediate approach of an authorized emergency
3 vehicle making use of audible and visual signals meeting the
4 requirements of this Code or a police vehicle properly and
5 lawfully making use of an audible or visual signal:

6 (1) the driver of every other vehicle shall yield the
7 right-of-way and shall immediately drive to a position
8 parallel to, and as close as possible to, the right-hand
9 edge or curb of the highway clear of any intersection and
10 shall, if necessary to permit the safe passage of the
11 emergency vehicle, stop and remain in such position until
12 the authorized emergency vehicle has passed, unless
13 otherwise directed by a police officer; and

14 (2) the operator of every streetcar shall immediately
15 stop such car clear of any intersection and keep it in such
16 position until the authorized emergency vehicle has
17 passed, unless otherwise directed by a police officer.

18 (b) This Section shall not operate to relieve the driver
19 of an authorized emergency vehicle from the duty to drive with
20 due regard for the safety of all persons using the highway.

21 (c) Upon approaching a stationary authorized emergency
22 vehicle or emergency scene, when the stationary authorized
23 emergency vehicle is giving a visual signal by displaying
24 oscillating, rotating, or flashing lights as authorized under
25 Section 12-215 of this Code, a person who drives an
26 approaching vehicle shall:

1 (1) proceeding with due caution, yield the
2 right-of-way by making a lane change into a lane not
3 adjacent to that of the authorized emergency vehicle, if
4 possible with due regard to safety and traffic conditions,
5 if on a highway having at least 4 lanes with not less than
6 2 lanes proceeding in the same direction as the
7 approaching vehicle and reduce the speed of the vehicle to
8 a speed that is reasonable and proper with regard to
9 traffic conditions and the use of the highway to avoid a
10 collision and leaving a safe distance until safely past
11 the stationary emergency vehicle; or

12 (2) if changing lanes would be impossible or unsafe,
13 proceeding with due caution, reduce the speed of the
14 vehicle to a speed that is reasonable and proper with
15 regard to traffic conditions and the use of the highway to
16 avoid a collision, maintaining a safe speed for road
17 conditions and leaving a safe distance until safely past
18 the stationary emergency vehicles.

19 The visual signal specified under this subsection (c)
20 given by a stationary authorized emergency vehicle is an
21 indication to drivers of approaching vehicles that a hazardous
22 condition is present when circumstances are not immediately
23 clear. Drivers of vehicles approaching a stationary authorized
24 emergency vehicle in any lane shall heed the warning of the
25 signal, reduce the speed of the vehicle, proceed with due
26 caution, maintain a safe speed for road conditions, be

1 prepared to stop, and leave a safe distance until safely
2 passed the stationary emergency vehicle.

3 As used in this subsection (c), "authorized emergency
4 vehicle" includes any vehicle authorized by law to be equipped
5 with oscillating, rotating, or flashing lights under Section
6 12-215 of this Code, while the owner or operator of the vehicle
7 is engaged in his or her official duties. As used in this
8 subsection (c), "emergency scene" means a location where a
9 stationary authorized emergency vehicle as defined by herein
10 is present and has activated its oscillating, rotating, or
11 flashing lights.

12 (d) A person who violates subsection (c) of this Section
13 commits a business offense punishable by a fine of not less
14 than \$250 or more than \$10,000 for a first violation, and a
15 fine of not less than \$750 or more than \$10,000 for a second or
16 subsequent violation. It is a factor in aggravation if the
17 person committed the offense while in violation of Section
18 11-501, 12-610.1, or 12-610.2 of this Code. Imposition of the
19 penalties authorized by this subsection (d) for a violation of
20 subsection (c) of this Section that results in the death of
21 another person does not preclude imposition of appropriate
22 additional civil or criminal penalties. A person who violates
23 subsection (c) and the violation results in damage to another
24 vehicle commits a Class A misdemeanor. A person who violates
25 subsection (c) and the violation results in the injury or
26 death of another person commits a Class 4 felony.

1 (e) If a violation of subsection (c) of this Section
2 results in damage to the property of another person, in
3 addition to any other penalty imposed, the person's driving
4 privileges shall be suspended for a fixed period of not less
5 than 90 days and not more than one year.

6 (f) If a violation of subsection (c) of this Section
7 results in injury to another person, in addition to any other
8 penalty imposed, the person's driving privileges shall be
9 suspended for a fixed period of not less than 180 days and not
10 more than 2 years.

11 (g) If a violation of subsection (c) of this Section
12 results in the death of another person, in addition to any
13 other penalty imposed, the person's driving privileges shall
14 be suspended for 2 years.

15 (h) The Secretary of State shall, upon receiving a record
16 of a judgment entered against a person under subsection (c) of
17 this Section:

18 (1) suspend the person's driving privileges for the
19 mandatory period; or

20 (2) extend the period of an existing suspension by the
21 appropriate mandatory period.

22 (i) The Scott's Law Fund shall be a special fund in the
23 State treasury. Subject to appropriation by the General
24 Assembly and approval by the Director, the Director of the
25 State Police shall use all moneys in the Scott's Law Fund in
26 the Department's discretion to fund the production of

1 materials to educate drivers on approaching stationary
2 authorized emergency vehicles, to hire off-duty Illinois State
3 Police for enforcement of this Section, and for other law
4 enforcement purposes the Director deems necessary in these
5 efforts.

6 (j) For violations of this Section issued by a county or
7 municipal police officer, the assessment shall be deposited
8 into the county's or municipality's Transportation Safety
9 Highway Hire-back Fund. The county shall use the moneys in its
10 Transportation Safety Highway Hire-back Fund to hire off-duty
11 county police officers to monitor construction or maintenance
12 zones in that county on highways other than interstate
13 highways. The county, in its discretion, may also use a
14 portion of the moneys in its Transportation Safety Highway
15 Hire-back Fund to purchase equipment for county law
16 enforcement and fund the production of materials to educate
17 drivers on construction zone safe driving habits and
18 approaching stationary authorized emergency vehicles.

19 (k) In addition to other penalties imposed by this
20 Section, the court may order a person convicted of a violation
21 of subsection (c) to perform community service as determined
22 by the court.

23 (Source: P.A. 102-336, eff. 1-1-22; 102-338, eff. 1-1-22;
24 102-813, eff. 5-13-22; 103-667, eff. 1-1-25; 103-711, eff.
25 1-1-25; revised 11-26-24.)

1 (625 ILCS 5/13-101) (from Ch. 95 1/2, par. 13-101)

2 Sec. 13-101. Submission to safety test; certificate of
3 safety. To promote the safety of the general public, every
4 owner of a second division vehicle, medical transport vehicle,
5 tow truck, first division vehicle including a taxi which is
6 used for a purpose that requires a school bus driver permit,
7 motor vehicle used for driver education training, or contract
8 carrier transporting employees in the course of their
9 employment on a highway of this State in a vehicle designed to
10 carry 15 or fewer passengers shall, before operating the
11 vehicle upon the highways of Illinois, submit it to a "safety
12 test" and secure a certificate of safety furnished by the
13 Department as set forth in Section 13-109. Each second
14 division motor vehicle that pulls or draws a trailer,
15 semitrailer or pole trailer, with a gross weight of 10,001 lbs
16 or more or is registered for a gross weight of 10,001 lbs or
17 more, motor bus, religious organization bus, school bus,
18 senior citizen transportation vehicle, and limousine shall be
19 subject to inspection by the Department and the Department is
20 authorized to establish rules and regulations for the
21 implementation of such inspections.

22 The owners of each salvage vehicle shall submit it to a
23 "safety test" and secure a certificate of safety furnished by
24 the Department prior to its salvage vehicle inspection
25 pursuant to Section 3-308 of this Code. In implementing and
26 enforcing the provisions of this Section, the Department and

1 other authorized State agencies shall do so in a manner that is
2 not inconsistent with any applicable federal law or regulation
3 so that no federal funding or support is jeopardized by the
4 enactment or application of these provisions.

5 However, none of the provisions of Chapter 13 requiring
6 safety tests or a certificate of safety shall apply to:

7 (a) farm tractors, machinery and implements, wagons,
8 wagon-trailers or like farm vehicles used primarily in
9 agricultural pursuits;

10 (b) vehicles other than school buses, tow trucks, and
11 medical transport vehicles owned or operated by a
12 municipal corporation or political subdivision having a
13 population of 1,000,000 or more inhabitants and which are
14 subject to safety tests imposed by local ordinance or
15 resolution;

16 (c) a semitrailer or trailer having a gross weight of
17 5,000 pounds or less including vehicle weight and maximum
18 load;

19 (d) recreational vehicles;

20 (e) vehicles registered as and displaying Illinois
21 antique vehicle plates and vehicles registered as
22 expanded-use antique vehicles and displaying expanded-use
23 antique vehicle plates;

24 (f) house trailers equipped and used for living
25 quarters;

26 (g) vehicles registered as and displaying Illinois

1 permanently mounted equipment plates or similar vehicles
2 eligible therefor but registered as governmental vehicles
3 provided that if said vehicle is reclassified from a
4 permanently mounted equipment plate so as to lose the
5 exemption of not requiring a certificate of safety, such
6 vehicle must be safety tested within 30 days of the
7 reclassification;

8 (h) vehicles owned or operated by a manufacturer,
9 dealer, or transporter displaying a special plate or
10 plates as described in Chapter 3 of this Code while such
11 vehicle is being delivered from the manufacturing or
12 assembly plant directly to the purchasing dealership or
13 distributor, or being temporarily road driven for quality
14 control testing, or from one dealer or distributor to
15 another, or are being moved by the most direct route from
16 one location to another for the purpose of installing
17 special bodies or equipment, or driven for purposes of
18 demonstration by a prospective buyer with the dealer or
19 his agent present in the cab of the vehicle during the
20 demonstration;

21 (i) pole trailers and auxiliary axles;

22 (j) special mobile equipment;

23 (k) vehicles properly registered in another State
24 pursuant to law and displaying a valid registration plate
25 or digital registration plate, except vehicles of contract
26 carriers transporting employees in the course of their

1 employment on a highway of this State in a vehicle
2 designed to carry 15 or fewer passengers are only exempted
3 to the extent that the safety testing requirements
4 applicable to such vehicles in the state of registration
5 are no less stringent than the safety testing requirements
6 applicable to contract carriers that are lawfully
7 registered in Illinois;

8 (l) water-well boring apparatuses or rigs;

9 (m) any vehicle which is owned and operated by the
10 federal government and externally displays evidence of
11 such ownership; and

12 (n) second division vehicles registered for a gross
13 weight of 10,000 pounds or less, except when such second
14 division motor vehicles pull or draw a trailer,
15 semi-trailer, or pole trailer having a gross weight of or
16 registered for a gross weight of more than 10,000 pounds;
17 motor buses; religious organization buses; school buses;
18 senior citizen transportation vehicles; medical transport
19 vehicles; tow trucks; and any property carrying vehicles
20 being operated in commerce that are registered for a gross
21 weight of more than 8,000 lbs but less than 10,001 lbs.

22 The safety test shall include the testing and inspection
23 of brakes, lights, horns, reflectors, rear vision mirrors,
24 mufflers, safety chains, windshields and windshield wipers,
25 warning flags and flares, frame, axle, cab and body, or cab or
26 body, wheels, steering apparatus, and other safety devices and

1 appliances required by this Code and such other safety tests
2 as the Department may by rule or regulation require, for
3 second division vehicles, school buses, medical transport
4 vehicles, tow trucks, first division vehicles including taxis
5 which are used for a purpose that requires a school bus driver
6 permit, motor vehicles used for driver education training,
7 vehicles designed to carry 15 or fewer passengers operated by
8 a contract carrier transporting employees in the course of
9 their employment on a highway of this State, trailers, and
10 semitrailers subject to inspection.

11 For tow trucks, the safety test and inspection shall also
12 include the inspection of winch mountings, body panels, body
13 mounts, wheel lift swivel points, and sling straps, and other
14 tests and inspections the Department by rule requires for tow
15 trucks.

16 For driver education vehicles used by public high schools,
17 the vehicle must also be equipped with dual control brakes, a
18 mirror on each side of the vehicle so located as to reflect to
19 the driver a view of the highway for a distance of at least 200
20 feet to the rear, and a sign visible from the front and the
21 rear identifying the vehicle as a driver education car.

22 For trucks, truck tractors, trailers, semi-trailers, buses
23 engaged in interstate commerce as defined in Section 1-133 of
24 this Code, and first division vehicles including taxis which
25 are used for a purpose that requires a school bus driver
26 permit, the safety test shall be conducted in accordance with

1 the Minimum Periodic Inspection Standards promulgated by the
2 Federal Highway Administration of the U.S. Department of
3 Transportation and contained in Appendix G to Subchapter B of
4 Chapter III of Title 49 of the Code of Federal Regulations.
5 Those standards, as now in effect, are made a part of this
6 Code, in the same manner as though they were set out in full in
7 this Code.

8 The passing of the safety test shall not be a bar at any
9 time to prosecution for operating a second division vehicle,
10 medical transport vehicle, motor vehicle used for driver
11 education training, or vehicle designed to carry 15 or fewer
12 passengers operated by a contract carrier as provided in this
13 Section that is unsafe, as determined by the standards
14 prescribed in this Code.

15 (Source: P.A. 103-476, eff. 1-1-24; revised 8-19-24.)

16 Section 1040. The O'Hare Driver Safety Act is amended by
17 changing Section 10 as follows:

18 (625 ILCS 80/10)

19 Sec. 10. No stopping or standing within one-half mile of
20 O'Hare International Airport. Except where permitted, a person
21 operating a motor vehicle shall not stop or stand the ~~person's~~
22 vehicle on a shoulder of a highway along traffic routes within
23 a one-half mile radius of: (1) the eastern entrance to O'Hare
24 International Airport; and (2) the intersection of Interstate

1 90 and Interstate 294.

2 No person who is the lessor of a motor vehicle under a
3 written lease agreement shall be liable for an automated
4 traffic safety system violation involving such motor vehicle
5 during the period of the lease, unless, upon the request of the
6 appropriate authority received within 120 days after the
7 violation occurred, the lessor provides within 60 days after
8 such receipt the name and address of the lessee.

9 Upon the provision of information by the lessor under this
10 Section, the Authority may issue the violation to the lessee
11 of the vehicle in the same manner as it would issue a violation
12 to a registered owner of a vehicle, and the lessee may be held
13 liable for the violation.

14 This Section shall not apply to vehicles that are stopped
15 or standing in a restricted area if:

- 16 (1) a person is yielding to an emergency vehicle;
17 (2) the vehicle malfunctions;
18 (3) a person was directed to stop the person's vehicle
19 by a law enforcement officer;
20 (4) the vehicle was stolen prior to violation and not
21 controlled by the registered owner of the vehicle; or
22 (5) the driver of the vehicle received a Uniform
23 Traffic Citation from a police officer at the time of the
24 violation for the same offense.

25 (Source: P.A. 103-861, eff. 1-1-25; revised 10-21-24.)

1 Section 1045. The Public-Private Partnerships for
2 Transportation Act is amended by changing Section 10 as
3 follows:

4 (630 ILCS 5/10)

5 Sec. 10. Definitions. As used in this Act:

6 "Approved proposal" means the proposal that is approved by
7 the responsible public entity pursuant to subsection (j) of
8 Section 20 of this Act.

9 "Approved proposer" means the private entity whose
10 proposal is the approved proposal.

11 "Authority" means the Illinois State Toll Highway
12 Authority.

13 "Contractor" means a private entity that has entered into
14 a public-private agreement with the responsible public entity
15 to provide services to or on behalf of the responsible public
16 entity.

17 "Department" means the Illinois Department of
18 Transportation.

19 "Design-build agreement" means the agreement between the
20 selected private entity and the responsible public entity
21 under which the selected private entity agrees to furnish
22 design, construction, and related services for a
23 transportation facility under this Act.

24 "Develop" or "development" means to do one or more of the
25 following: plan, design, develop, lease, acquire, install,

1 construct, reconstruct, rehabilitate, extend, or expand.

2 "Maintain" or "maintenance" includes ordinary maintenance,
3 repair, rehabilitation, capital maintenance, maintenance
4 replacement, and any other categories of maintenance that may
5 be designated by the responsible public entity.

6 "Operate" or "operation" means to do one or more of the
7 following: maintain, improve, equip, modify, or otherwise
8 operate.

9 "Private entity" means any combination of one or more
10 individuals, corporations, general partnerships, limited
11 liability companies, limited partnerships, joint ventures,
12 business trusts, nonprofit entities, or other business
13 entities that are parties to a proposal for a transportation
14 project or an agreement related to a transportation project. A
15 public agency may provide services to a contractor as a
16 subcontractor or subconsultant without affecting the private
17 status of the private entity and the ability to enter into a
18 public-private agreement. A transportation agency is not a
19 private entity.

20 "Proposal" means all materials and documents prepared by
21 or on behalf of a private entity relating to the proposed
22 development, financing, or operation of a transportation
23 facility as a transportation project.

24 "Proposer" means a private entity that has submitted an
25 unsolicited proposal for a public-private agreement to a
26 responsible public entity under this Act or a proposal or

1 statement of qualifications for a public-private agreement in
2 response to a request for proposals or a request for
3 qualifications issued by a responsible public entity under
4 this Act.

5 "Public-private agreement" means the public-private
6 agreement between the contractor and the responsible public
7 entity relating to one or more of the development, financing,
8 or operation of a transportation project that is entered into
9 under this Act.

10 "Request for information" means all materials and
11 documents prepared by or on behalf of the responsible public
12 entity to solicit information from private entities with
13 respect to transportation projects.

14 "Request for proposals" means all materials and documents
15 prepared by or on behalf of the responsible public entity to
16 solicit proposals from private entities to enter into a
17 public-private agreement.

18 "Request for qualifications" means all materials and
19 documents prepared by or on behalf of the responsible public
20 entity to solicit statements of qualification from private
21 entities to enter into a public-private agreement.

22 "Responsible public entity" means the Department of
23 Transportation, the Illinois State Toll Highway Authority, and
24 the 5 most populous counties of Illinois, as of the most recent
25 publicly available decennial census.

26 "Revenues" means all revenues, including any combination

1 of: income; earnings and interest; user fees; lease payments;
2 allocations; federal, State, and local appropriations, grants,
3 loans, lines of credit, and credit guarantees; bond proceeds;
4 equity investments; service payments; or other receipts;
5 arising out of or in connection with a transportation project,
6 including the development, financing, and operation of a
7 transportation project. The term includes money received as
8 grants, loans, lines of credit, credit guarantees, or
9 otherwise in aid of a transportation project from the federal
10 government, the State, a unit of local government, or any
11 agency or instrumentality of the federal government, the
12 State, or a unit of local government.

13 "Shortlist" means the process by which a responsible
14 public entity will review, evaluate, and rank statements of
15 qualifications submitted in response to a request for
16 qualifications and then identify the proposers who are
17 eligible to submit a detailed proposal in response to a
18 request for proposals. The identified proposers constitute the
19 shortlist for the transportation project to which the request
20 for proposals relates.

21 "Transportation agency" means (i) the Department or (ii)
22 the Authority.

23 "Transportation facility" means any new or existing road,
24 highway, toll highway, bridge, tunnel, intermodal facility,
25 intercity or high-speed passenger rail, or other
26 transportation facility or infrastructure, including the South

1 Suburban Airport but excluding all other airports, under the
2 jurisdiction of a responsible public entity, except those
3 facilities for the Illiana Expressway. The term
4 "transportation facility" may refer to one or more
5 transportation facilities that are proposed to be developed or
6 operated as part of a single transportation project.

7 "Transportation project" or "project" means any or the
8 combination of the design, development, construction,
9 financing, or operation with respect to all or a portion of any
10 transportation facility under the jurisdiction of the
11 responsible public entity, except those facilities for the
12 Illiana Expressway, undertaken pursuant to this Act.

13 "Unit of local government" has the meaning ascribed to
14 that term in Article VII, Section 1 of the Constitution of the
15 State of Illinois and also means any unit designated as a
16 municipal corporation.

17 "Unsolicited proposal" means a written proposal that is
18 submitted to a transportation agency on the initiative of the
19 private sector entity or entities for the purpose of
20 developing a partnership, and that is not in response to a
21 formal or informal request issued by a transportation agency.

22 "User fees" or "tolls" means the rates, tolls, fees, or
23 other charges imposed by the contractor for use of all or a
24 portion of a transportation project under a public-private
25 agreement.

26 (Source: P.A. 103-570, eff. 1-1-24; 103-864, eff. 8-9-24;

103-865, eff. 1-1-25; revised 10-9-24.)

Section 1050. The Criminal and Traffic Assessment Act is amended by changing Sections 15-52 and 15-70 as follows:

(705 ILCS 135/15-52)

Sec. 15-52. SCHEDULE 10.5; truck weight and load offenses.

SCHEDULE 10.5: For an offense ~~offenses~~ under subsection (d) of Section 3-401 ~~or~~ Section 15-111 of the Illinois Vehicle Code ~~or an offense~~ punishable by fine under Section 15-113.1, 15-113.2, or 15-113.3 of the Illinois Vehicle Code, the Clerk of the Circuit Court shall collect \$260 and remit as follows:

(1) As the county's portion, \$168 to the county treasurer, who shall deposit the money as follows:

(A) \$20 into the Court Automation Fund;

(B) \$20 into the Court Document Storage Fund;

(C) \$5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) \$8 into the Circuit Court Clerk Electronic Citation Fund; and

(E) \$115 into the county's General Fund.

(2) As the State's portion, \$92 to the State Treasurer, who shall deposit the money as follows:

(A) \$31 into the State Police Merit Board Public Safety Fund, regardless of the type of overweight citation

1 or arresting law enforcement agency;

2 (B) \$31 into the Traffic and Criminal Conviction
3 Surcharge Fund; and

4 (C) \$30 to the State Police Operations Assistance
5 Fund.

6 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
7 revised 7-24-24.)

8 (705 ILCS 135/15-70)

9 Sec. 15-70. Conditional assessments. In addition to
10 payments under one of the Schedule of Assessments 1 through 13
11 of this Act, the court shall also order payment of any of the
12 following conditional assessment amounts for each sentenced
13 violation in the case to which a conditional assessment is
14 applicable, which shall be collected and remitted by the Clerk
15 of the Circuit Court as provided in this Section:

16 (1) arson, residential arson, or aggravated arson,
17 \$500 per conviction to the State Treasurer for deposit
18 into the Fire Prevention Fund;

19 (2) child pornography under Section 11-20.1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, \$500
21 per conviction, unless more than one agency is responsible
22 for the arrest in which case the amount shall be remitted
23 to each unit of government equally:

24 (A) if the arresting agency is an agency of a unit
25 of local government, \$500 to the treasurer of the unit

1 of local government for deposit into the unit of local
2 government's General Fund, except that if the Illinois
3 State Police provides digital or electronic forensic
4 examination assistance, or both, to the arresting
5 agency then \$100 to the State Treasurer for deposit
6 into the State Crime Laboratory Fund; or

7 (B) if the arresting agency is the Illinois State
8 Police, \$500 to the State Treasurer for deposit into
9 the State Crime Laboratory Fund;

10 (3) crime laboratory drug analysis for a drug-related
11 offense involving possession or delivery of cannabis or
12 possession or delivery of a controlled substance as
13 defined in the Cannabis Control Act, the Illinois
14 Controlled Substances Act, or the Methamphetamine Control
15 and Community Protection Act, \$100 reimbursement for
16 laboratory analysis, as set forth in subsection (f) of
17 Section 5-9-1.4 of the Unified Code of Corrections;

18 (4) DNA analysis, \$250 on each conviction in which it
19 was used to the State Treasurer for deposit into the State
20 Crime Laboratory Fund as set forth in Section 5-9-1.4 of
21 the Unified Code of Corrections;

22 (5) DUI analysis, \$150 on each sentenced violation in
23 which it was used as set forth in subsection (f) of Section
24 5-9-1.9 of the Unified Code of Corrections;

25 (6) drug-related offense involving possession or
26 delivery of cannabis or possession or delivery of a

1 controlled substance, other than methamphetamine, as
2 defined in the Cannabis Control Act or the Illinois
3 Controlled Substances Act, an amount not less than the
4 full street value of the cannabis or controlled substance
5 seized for each conviction to be disbursed as follows:

6 (A) 12.5% of the street value assessment shall be
7 paid into the Youth Drug Abuse Prevention Fund, to be
8 used by the Department of Human Services for the
9 funding of programs and services for drug-abuse
10 treatment, and prevention and education services;

11 (B) 37.5% to the county in which the charge was
12 prosecuted, to be deposited into the county General
13 Fund;

14 (C) 50% to the treasurer of the arresting law
15 enforcement agency of the municipality or county, or
16 to the State Treasurer if the arresting agency was a
17 state agency, to be deposited as provided in
18 subsection (c) of Section 10-5;

19 (D) if the arrest was made in combination with
20 multiple law enforcement agencies, the clerk shall
21 equitably allocate the portion in subparagraph (C) of
22 this paragraph (6) among the law enforcement agencies
23 involved in the arrest;

24 (6.5) Kane County or Will County, in felony,
25 misdemeanor, local or county ordinance, traffic, or
26 conservation cases, up to \$30 as set by the county board

1 under Section 5-1101.3 of the Counties Code upon the entry
2 of a judgment of conviction, an order of supervision, or a
3 sentence of probation without entry of judgment under
4 Section 10 of the Cannabis Control Act, Section 410 of the
5 Illinois Controlled Substances Act, Section 70 of the
6 Methamphetamine Control and Community Protection Act,
7 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
8 the Criminal Code of 1961 or the Criminal Code of 2012,
9 Section 10-102 of the Illinois Alcoholism and Other Drug
10 Dependency Act, or Section 10 of the Steroid Control Act;
11 except in local or county ordinance, traffic, and
12 conservation cases, if fines are paid in full without a
13 court appearance, then the assessment shall not be imposed
14 or collected. Distribution of assessments collected under
15 this paragraph (6.5) shall be as provided in Section
16 5-1101.3 of the Counties Code;

17 (7) methamphetamine-related offense involving
18 possession or delivery of methamphetamine or any salt of
19 an optical isomer of methamphetamine or possession of a
20 methamphetamine manufacturing material as set forth in
21 Section 10 of the Methamphetamine Control and Community
22 Protection Act with the intent to manufacture a substance
23 containing methamphetamine or salt of an optical isomer of
24 methamphetamine, an amount not less than the full street
25 value of the methamphetamine or salt of an optical isomer
26 of methamphetamine or methamphetamine manufacturing

1 materials seized for each conviction to be disbursed as
2 follows:

3 (A) 12.5% of the street value assessment shall be
4 paid into the Youth Drug Abuse Prevention Fund, to be
5 used by the Department of Human Services for the
6 funding of programs and services for drug-abuse
7 treatment, and prevention and education services;

8 (B) 37.5% to the county in which the charge was
9 prosecuted, to be deposited into the county General
10 Fund;

11 (C) 50% to the treasurer of the arresting law
12 enforcement agency of the municipality or county, or
13 to the State Treasurer if the arresting agency was a
14 state agency, to be deposited as provided in
15 subsection (c) of Section 10-5;

16 (D) if the arrest was made in combination with
17 multiple law enforcement agencies, the clerk shall
18 equitably allocate the portion in subparagraph (C) of
19 this paragraph (6) among the law enforcement agencies
20 involved in the arrest;

21 (8) order of protection violation under Section 12-3.4
22 of the Criminal Code of 2012, \$200 for each conviction to
23 the county treasurer for deposit into the Probation and
24 Court Services Fund for implementation of a domestic
25 violence surveillance program and any other assessments or
26 fees imposed under Section 5-9-1.16 of the Unified Code of

1 Corrections;

2 (9) order of protection violation, \$25 for each
3 violation to the State Treasurer, for deposit into the
4 Domestic Violence Abuser Services Fund;

5 (10) prosecution by the State's Attorney of a:

6 (A) petty or business offense, \$4 to the county
7 treasurer of which \$2 deposited into the State's
8 Attorney Records Automation Fund and \$2 into the
9 Public Defender Records Automation Fund;

10 (B) conservation or traffic offense, \$2 to the
11 county treasurer for deposit into the State's Attorney
12 Records Automation Fund;

13 (11) speeding in a construction zone violation, \$250
14 to the State Treasurer for deposit into the Transportation
15 Safety Highway Hire-back Fund, unless (i) the violation
16 occurred on a highway other than an interstate highway and
17 (ii) a county police officer wrote the ticket for the
18 violation, in which case to the county treasurer for
19 deposit into that county's Transportation Safety Highway
20 Hire-back Fund;

21 (12) supervision disposition on an offense under the
22 Illinois Vehicle Code or similar provision of a local
23 ordinance, 50 cents, unless waived by the court, into the
24 Prisoner Review Board Vehicle and Equipment Fund;

25 (13) victim and offender are family or household
26 members as defined in Section 103 of the Illinois Domestic

1 Violence Act of 1986 and offender pleads guilty or no
2 contest to or is convicted of murder, voluntary
3 manslaughter, involuntary manslaughter, burglary,
4 residential burglary, criminal trespass to residence,
5 criminal trespass to vehicle, criminal trespass to land,
6 criminal damage to property, telephone harassment,
7 kidnapping, aggravated kidnaping, unlawful restraint,
8 forcible detention, child abduction, indecent solicitation
9 of a child, sexual relations between siblings,
10 exploitation of a child, child pornography, assault,
11 aggravated assault, battery, aggravated battery, heinous
12 battery, aggravated battery of a child, domestic battery,
13 reckless conduct, intimidation, criminal sexual assault,
14 predatory criminal sexual assault of a child, aggravated
15 criminal sexual assault, criminal sexual abuse, aggravated
16 criminal sexual abuse, violation of an order of
17 protection, disorderly conduct, endangering the life or
18 health of a child, child abandonment, contributing to
19 dependency or neglect of child, or cruelty to children and
20 others, \$200 for each sentenced violation to the State
21 Treasurer for deposit as follows: (i) for sexual assault,
22 as defined in Section 5-9-1.7 of the Unified Code of
23 Corrections, when the offender and victim are family
24 members, one-half to the Domestic Violence Shelter and
25 Service Fund, and one-half to the Sexual Assault Services
26 Fund; (ii) for the remaining offenses to the Domestic

1 Violence Shelter and Service Fund;

2 (14) violation of Section 11-501 of the Illinois
3 Vehicle Code, Section 5-7 of the Snowmobile Registration
4 and Safety Act, Section 5-16 of the Boat Registration and
5 Safety Act, or a similar provision, whose operation of a
6 motor vehicle, snowmobile, or watercraft while in
7 violation of Section 11-501, Section 5-7 of the Snowmobile
8 Registration and Safety Act, Section 5-16 of the Boat
9 Registration and Safety Act, or a similar provision
10 proximately caused an incident resulting in an appropriate
11 emergency response, \$1,000 maximum to the public agency
12 that provided an emergency response related to the
13 person's violation, or as provided in subsection (c) of
14 Section 10-5 if the arresting agency was a State agency,
15 unless more than one agency was responsible for the
16 arrest, in which case the amount shall be remitted to each
17 unit of government equally;

18 (15) violation of Section 401, 407, or 407.2 of the
19 Illinois Controlled Substances Act that proximately caused
20 any incident resulting in an appropriate drug-related
21 emergency response, \$1,000 as reimbursement for the
22 emergency response to the law enforcement agency that made
23 the arrest, or as provided in subsection (c) of Section
24 10-5 if the arresting agency was a State agency, unless
25 more than one agency was responsible for the arrest, in
26 which case the amount shall be remitted to each unit of

1 government equally;

2 (16) violation of reckless driving, aggravated
3 reckless driving, or driving 26 miles per hour or more in
4 excess of the speed limit that triggered an emergency
5 response, \$1,000 maximum reimbursement for the emergency
6 response to be distributed in its entirety to a public
7 agency that provided an emergency response related to the
8 person's violation, or as provided in subsection (c) of
9 Section 10-5 if the arresting agency was a State agency,
10 unless more than one agency was responsible for the
11 arrest, in which case the amount shall be remitted to each
12 unit of government equally;

13 (17) violation based upon each plea of guilty,
14 stipulation of facts, or finding of guilt resulting in a
15 judgment of conviction or order of supervision for an
16 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
17 the Criminal Code of 2012 that results in the imposition
18 of a fine, to be distributed as follows:

19 (A) \$50 to the county treasurer for deposit into
20 the Circuit Court Clerk Operation and Administrative
21 Fund to cover the costs in administering this
22 paragraph (17);

23 (B) \$300 to the State Treasurer who shall deposit
24 the portion as follows:

25 (i) if the arresting or investigating agency
26 is the Illinois State Police, into the State

1 Police Law Enforcement Administration Fund;

2 (ii) if the arresting or investigating agency
3 is the Department of Natural Resources, into the
4 Conservation Police Operations Assistance Fund;

5 (iii) if the arresting or investigating agency
6 is the Secretary of State, into the Secretary of
7 State Police Services Fund;

8 (iv) if the arresting or investigating agency
9 is the Illinois Commerce Commission, into the
10 Transportation Regulatory Fund; or

11 (v) if more than one of the State agencies in
12 this subparagraph (B) is the arresting or
13 investigating agency, then equal shares with the
14 shares deposited as provided in the applicable
15 items (i) through (iv) of this subparagraph (B);
16 and

17 (C) the remainder for deposit into the Specialized
18 Services for Survivors of Human Trafficking Fund;

19 (18) weapons violation under Section 24-1.1, 24-1.2,
20 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
21 of 2012, \$100 for each conviction to the State Treasurer
22 for deposit into the Trauma Center Fund; ~~and~~

23 (19) violation of subsection (c) of Section 11-907 of
24 the Illinois Vehicle Code, \$250 to the State Treasurer for
25 deposit into the Scott's Law Fund, unless a county or
26 municipal police officer wrote the ticket for the

1 violation, in which case to the county treasurer for
2 deposit into that county's or municipality's
3 Transportation Safety Highway Hire-back Fund to be used as
4 provided in subsection (j) of Section 11-907 of the
5 Illinois Vehicle Code; and-

6 (20) violation of Section 15-109.1 of the Illinois
7 Vehicle Code, \$150 to be distributed as follows:

8 (A) 50% to the county treasurer for deposit into
9 the county general fund; and

10 (B) 50% to the treasurer of the arresting law
11 enforcement agency of the municipality or county or to
12 the State Treasurer, if the arresting agency was a
13 State agency, to be deposited as provided in
14 subsection (c) of Section 10-5.

15 Except for traffic violations, fines, and assessments,
16 such as fees or administrative costs authorized in this
17 Section, shall not be ordered or imposed on a minor subject to
18 Article III, IV, or V of the Juvenile Court Act of 1987, or a
19 minor under the age of 18 transferred to adult court or
20 excluded from juvenile court jurisdiction under Article V of
21 the Juvenile Court Act of 1987, or the minor's parent,
22 guardian, or legal custodian.

23 (Source: P.A. 102-145, eff. 7-23-21; 102-505, eff. 8-20-21;
24 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-379, eff.
25 7-28-23; 103-730, eff. 1-1-25; revised 11-23-24.)

1 Section 1055. The Juvenile Court Act of 1987 is amended by
2 changing Sections 4-6 and 5-915 as follows:

3 (705 ILCS 405/4-6) (from Ch. 37, par. 804-6)

4 Sec. 4-6. Temporary custody. "Temporary custody" means the
5 temporary placement of the minor out of the custody of the
6 minor's guardian or parent.

7 (a) "Temporary protective custody" means custody within a
8 hospital or other medical facility or a place previously
9 designated for such custody by the Department, subject to
10 review by the court ~~Court~~, including a licensed foster home,
11 group home, or other institution; but such place shall not be a
12 jail or other place for the detention of criminal or juvenile
13 offenders.

14 (b) "Shelter care" means a physically unrestrictive
15 facility designated by the Department of Children and Family
16 Services or a licensed child welfare agency or other suitable
17 place designated by the court for a minor who requires care
18 away from the minor's home.

19 (Source: P.A. 103-22, eff. 8-8-23; revised 7-22-24.)

20 (705 ILCS 405/5-915)

21 Sec. 5-915. Expungement of juvenile law enforcement and
22 juvenile court records.

23 (0.05) (Blank).

24 (0.1) (a) The Illinois State Police and all law enforcement

1 agencies within the State shall automatically expunge, on or
2 before January 1 of each year, except as described in
3 paragraph (c) of this subsection (0.1), all juvenile law
4 enforcement records relating to events occurring before an
5 individual's 18th birthday if:

6 (1) one year or more has elapsed since the date of the
7 arrest or law enforcement interaction documented in the
8 records;

9 (2) no petition for delinquency or criminal charges
10 were filed with the clerk of the circuit court relating to
11 the arrest or law enforcement interaction documented in
12 the records; and

13 (3) 6 months have elapsed since the date of the arrest
14 without an additional subsequent arrest or filing of a
15 petition for delinquency or criminal charges whether
16 related or not to the arrest or law enforcement
17 interaction documented in the records.

18 (b) If the law enforcement agency is unable to verify
19 satisfaction of conditions (2) and (3) of this subsection
20 (0.1), records that satisfy condition (1) of this subsection
21 (0.1) shall be automatically expunged if the records relate to
22 an offense that if committed by an adult would not be an
23 offense classified as a Class 2 felony or higher, an offense
24 under Article 11 of the Criminal Code of 1961 or Criminal Code
25 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
26 12-15, or 12-16 of the Criminal Code of 1961.

1 (c) If the juvenile law enforcement record was received
2 through a public submission to a statewide student
3 confidential reporting system administered by the Illinois
4 State Police, the record will be maintained for a period of 5
5 years according to all other provisions in this subsection
6 (0.1).

7 (0.15) If a juvenile law enforcement record meets
8 paragraph (a) of subsection (0.1) of this Section, a juvenile
9 law enforcement record created:

10 (1) prior to January 1, 2018, but on or after January
11 1, 2013 shall be automatically expunged prior to January
12 1, 2020;

13 (2) prior to January 1, 2013, but on or after January
14 1, 2000, shall be automatically expunged prior to January
15 1, 2023; and

16 (3) prior to January 1, 2000 shall not be subject to
17 the automatic expungement provisions of this Act.

18 Nothing in this subsection (0.15) shall be construed to
19 restrict or modify an individual's right to have the person's
20 juvenile law enforcement records expunged except as otherwise
21 may be provided in this Act.

22 (0.2) (a) Upon dismissal of a petition alleging delinquency
23 or upon a finding of not delinquent, the successful
24 termination of an order of supervision, or the successful
25 termination of an adjudication for an offense which would be a
26 Class B misdemeanor, Class C misdemeanor, or a petty or

1 business offense if committed by an adult, the court shall
2 automatically order the expungement of the juvenile court
3 records and juvenile law enforcement records. The clerk shall
4 deliver a certified copy of the expungement order to the
5 Illinois State Police and the arresting agency. Upon request,
6 the State's Attorney shall furnish the name of the arresting
7 agency. The expungement shall be completed within 60 business
8 days after the receipt of the expungement order.

9 (b) If the chief law enforcement officer of the agency, or
10 the chief law enforcement officer's designee, certifies in
11 writing that certain information is needed for a pending
12 investigation involving the commission of a felony, that
13 information, and information identifying the juvenile, may be
14 retained until the statute of limitations for the felony has
15 run. If the chief law enforcement officer of the agency, or the
16 chief law enforcement officer's designee, certifies in writing
17 that certain information is needed with respect to an internal
18 investigation of any law enforcement office, that information
19 and information identifying the juvenile may be retained
20 within an intelligence file until the investigation is
21 terminated or the disciplinary action, including appeals, has
22 been completed, whichever is later. Retention of a portion of
23 a juvenile's law enforcement record does not disqualify the
24 remainder of a juvenile's record from immediate automatic
25 expungement.

26 (0.3) (a) Upon an adjudication of delinquency based on any

1 offense except a disqualified offense, the juvenile court
2 shall automatically order the expungement of the juvenile
3 court and law enforcement records 2 years after the juvenile's
4 case was closed if no delinquency or criminal proceeding is
5 pending and the person has had no subsequent delinquency
6 adjudication or criminal conviction. On the date that the
7 minor's sentence ends or the date that the court enters an
8 order committing the minor to the Department of Juvenile
9 Justice, the juvenile court judge shall schedule a date to
10 enter the automatic expungement order. The minor must be
11 notified but shall not be required to be present for the
12 scheduled court date when automatic expungement is to be
13 ordered. If the minor is not yet eligible on the originally
14 scheduled date, the court shall schedule a subsequent date to
15 enter the automatic expungement order. The clerk shall deliver
16 a certified copy of the expungement order to the Illinois
17 State Police and the arresting agency. Upon request, the
18 State's Attorney shall furnish the name of the arresting
19 agency. The expungement shall be completed within 60 business
20 days after the receipt of the expungement order. In this
21 subsection (0.3), "disqualified offense" means any of the
22 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,
23 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
25 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5,
26 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1,

1 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
2 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
3 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
4 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
5 of subsection (a) of Section 11-14.4, subsection (a-5) of
6 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a)
7 of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
8 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
9 subparagraph (i) of paragraph (1) of subsection (a) of Section
10 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
11 Section 24-1.6, paragraph (1) of subsection (a) of Section
12 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
13 of 2012.

14 (b) If the chief law enforcement officer of the agency, or
15 the chief law enforcement officer's designee, certifies in
16 writing that certain information is needed for a pending
17 investigation involving the commission of a felony, that
18 information, and information identifying the juvenile, may be
19 retained in an intelligence file until the investigation is
20 terminated or for one additional year, whichever is sooner.
21 Retention of a portion of a juvenile's juvenile law
22 enforcement record does not disqualify the remainder of a
23 juvenile's record from immediate automatic expungement.

24 (0.4) Automatic expungement for the purposes of this
25 Section shall not require law enforcement agencies to
26 obliterate or otherwise destroy juvenile law enforcement

1 records that would otherwise need to be automatically expunged
2 under this Act, except after 2 years following the subject
3 arrest for purposes of use in civil litigation against a
4 governmental entity or its law enforcement agency or personnel
5 which created, maintained, or used the records. However, these
6 juvenile law enforcement records shall be considered expunged
7 for all other purposes during this period and the offense,
8 which the records or files concern, shall be treated as if it
9 never occurred as required under Section 5-923.

10 (0.5) Subsection (0.1) or (0.2) of this Section does not
11 apply to violations of traffic, boating, fish and game laws,
12 or county or municipal ordinances.

13 (0.6) Juvenile law enforcement records of a plaintiff who
14 has filed civil litigation against the governmental entity or
15 its law enforcement agency or personnel that created,
16 maintained, or used the records, or juvenile law enforcement
17 records that contain information related to the allegations
18 set forth in the civil litigation may not be expunged until
19 after 2 years have elapsed after the conclusion of the
20 lawsuit, including any appeal.

21 (0.7) Officer-worn body camera recordings shall not be
22 automatically expunged except as otherwise authorized by the
23 Law Enforcement Officer-Worn Body Camera Act.

24 (1) Whenever a person has been arrested, charged, or
25 adjudicated delinquent for an incident occurring before a
26 person's 18th birthday that if committed by an adult would be

1 an offense, and that person's juvenile law enforcement and
2 juvenile court records are not eligible for automatic
3 expungement under subsection (0.1), (0.2), or (0.3), the
4 person may petition the court at any time at no cost to the
5 person for expungement of juvenile law enforcement records and
6 juvenile court records relating to the incident and, upon
7 termination of all juvenile court proceedings relating to that
8 incident, the court shall order the expungement of all records
9 in the possession of the Illinois State Police, the clerk of
10 the circuit court, and law enforcement agencies relating to
11 the incident, but only in any of the following circumstances:

12 (a) the minor was arrested and no petition for
13 delinquency was filed with the clerk of the circuit court;

14 (a-5) the minor was charged with an offense and the
15 petition or petitions were dismissed without a finding of
16 delinquency;

17 (b) the minor was charged with an offense and was
18 found not delinquent of that offense;

19 (c) the minor was placed under supervision under
20 Section 5-615, and the order of supervision has since been
21 successfully terminated; or

22 (d) the minor was adjudicated for an offense which
23 would be a Class B misdemeanor, Class C misdemeanor, or a
24 petty or business offense if committed by an adult.

25 (1.5) At no cost to the person, the Illinois State Police
26 shall allow a person to use the Access and Review process,

1 established in the Illinois State Police, for verifying that
2 the person's juvenile law enforcement records relating to
3 incidents occurring before the person's 18th birthday eligible
4 under this Act have been expunged.

5 (1.6) (Blank).

6 (1.7) (Blank).

7 (1.8) (Blank).

8 (2) Any person whose delinquency adjudications are not
9 eligible for automatic expungement under subsection (0.3) of
10 this Section may petition the court at no cost to the person to
11 expunge all juvenile law enforcement records relating to any
12 incidents occurring before the person's 18th birthday which
13 did not result in proceedings in criminal court and all
14 juvenile court records with respect to any adjudications
15 except those based upon first degree murder or an offense
16 under Article 11 of the Criminal Code of 2012 if the person is
17 required to register under the Sex Offender Registration Act
18 at the time the person petitions the court for expungement;
19 provided that 2 years have elapsed since all juvenile court
20 proceedings relating to the person have been terminated and
21 the person's commitment to the Department of Juvenile Justice
22 under this Act has been terminated.

23 (2.5) If a minor is arrested and no petition for
24 delinquency is filed with the clerk of the circuit court at the
25 time the minor is released from custody, the youth officer, if
26 applicable, or other designated person from the arresting

1 agency, shall notify verbally and in writing to the minor or
2 the minor's parents or guardians that the minor shall have an
3 arrest record and shall provide the minor and the minor's
4 parents or guardians with an expungement information packet,
5 information regarding this State's expungement laws including
6 a petition to expunge juvenile law enforcement and juvenile
7 court records obtained from the clerk of the circuit court.

8 (2.6) If a minor is referred to court, then, at the time of
9 sentencing, dismissal of the case, or successful completion of
10 supervision, the judge shall inform the delinquent minor of
11 the minor's rights regarding expungement and the clerk of the
12 circuit court shall provide an expungement information packet
13 to the minor, written in plain language, including information
14 regarding this State's expungement laws and a petition for
15 expungement, a sample of a completed petition, expungement
16 instructions that shall include information informing the
17 minor that (i) once the case is expunged, it shall be treated
18 as if it never occurred, (ii) the minor shall not be charged a
19 fee to petition for expungement, (iii) once the minor obtains
20 an expungement, the minor may not be required to disclose that
21 the minor had a juvenile law enforcement or juvenile court
22 record, and (iv) if petitioning the minor may file the
23 petition on the minor's own or with the assistance of an
24 attorney. The failure of the judge to inform the delinquent
25 minor of the minor's right to petition for expungement as
26 provided by law does not create a substantive right, nor is

1 that failure grounds for: (i) a reversal of an adjudication of
2 delinquency; (ii) a new trial; or (iii) an appeal.

3 (2.6-1) A trafficking victim, as defined by paragraph (10)
4 of subsection (a) of Section 10-9 of the Criminal Code of 2012,
5 may petition for vacation and expungement or immediate sealing
6 of his or her juvenile court records and juvenile law
7 enforcement records relating to events that resulted in the
8 victim's adjudication of delinquency for an offense if
9 committed by an adult would be a violation of the criminal laws
10 occurring before the victim's 18th birthday upon the
11 completion of his or her juvenile court sentence if his or her
12 participation in the underlying offense was a result of human
13 trafficking under Section 10-9 of the Criminal Code of 2012 or
14 a severe form of trafficking under the federal Trafficking
15 Victims Protection Act.

16 (2.7) (Blank).

17 (2.8) (Blank).

18 (3) (Blank).

19 (3.1) (Blank).

20 (3.2) (Blank).

21 (3.3) (Blank).

22 (4) (Blank).

23 (5) (Blank).

24 (5.5) Whether or not expunged, records eligible for
25 automatic expungement under subdivision (0.1)(a), (0.2)(a), or
26 (0.3)(a) may be treated as expunged by the individual subject

1 to the records.

2 (6) (Blank).

3 (6.5) The Illinois State Police or any employee of the
4 Illinois State Police shall be immune from civil or criminal
5 liability for failure to expunge any records of arrest that
6 are subject to expungement under this Section because of
7 inability to verify a record. Nothing in this Section shall
8 create Illinois State Police liability or responsibility for
9 the expungement of juvenile law enforcement records it does
10 not possess.

11 (7) (Blank).

12 (7.5) (Blank).

13 (8) The expungement of juvenile law enforcement or
14 juvenile court records under subsection (0.1), (0.2), or (0.3)
15 of this Section shall be funded by appropriation by the
16 General Assembly for that purpose.

17 (9) (Blank).

18 (10) (Blank).

19 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
20 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.
21 6-30-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24; 103-717,
22 eff. 1-1-25; 103-787, eff. 1-1-25; revised 11-26-24.)

23 Section 1060. The Criminal Code of 2012 is amended by
24 changing Sections 11-23.7, 17-11.2, and 24-2 as follows:

1 (720 ILCS 5/11-23.7)

2 Sec. 11-23.7. Non-consensual dissemination of sexually
3 explicit digitized depictions.

4 (a) Definitions. For the purposes of this Section:

5 "Intimate parts" means the fully unclothed, partially
6 unclothed or transparently clothed genitals, pubic area, anus,
7 or if the person is female, a partially or fully exposed
8 nipple, including exposure through transparent clothing.

9 "Personal identifying information" has the meaning
10 ascribed to it in Section 16-0.1.

11 "Sexual activity" means:

12 (1) any knowing touching or fondling of the victim or
13 another person or animal, either directly or through
14 clothing, of the sex organs, anus, or breast of the victim
15 or another person or animal for the purpose of sexual
16 gratification or arousal;

17 (2) any transfer or transmission of semen upon any
18 part of the clothed or unclothed body of the victim, for
19 the purpose of sexual gratification or arousal of the
20 victim or another;

21 (3) an act of urination within a sexual context;

22 (4) any bondage, fetter, or sadism masochism; or

23 (5) sadomasochism abuse in any sexual context.

24 "Sexually explicit digitized depiction" means any image,
25 photograph, film, video, digital recording, or other depiction
26 or portrayal that has been created, altered, or otherwise

1 modified to realistically depict either:

2 (1) the intimate parts of another human being as the
3 intimate parts of the depicted individual or
4 computer-generated intimate parts as the intimate parts of
5 the depicted individual; or

6 (2) the depicted individual engaging in sexual
7 activity in which the depicted individual did not engage.

8 (b) A person commits non-consensual dissemination of
9 sexually explicit digitized depictions when the person:

10 (1) intentionally disseminates a sexually explicit
11 digitized depiction of another person who is identifiable
12 from the image itself, or whose personal identifying
13 information is displayed or disseminated in connection
14 with the image, or whose identity ~~identify~~ is known to the
15 person who disseminates the image; and

16 (2) knows or should have known that the person in the
17 image has not consented to the dissemination.

18 (c) The following activities are exempt from the
19 provisions of this Section:

20 (1) The intentional dissemination of an image of
21 another identifiable person who is engaged in a sexual act
22 or whose intimate parts are exposed when the dissemination
23 is made for the purpose of a criminal investigation that
24 is otherwise lawful.

25 (2) The intentional dissemination of an image of
26 another identifiable person who is engaged in a sexual act

1 or whose intimate parts are exposed when the dissemination
2 is for the purpose of, or in connection with, the
3 reporting of unlawful conduct.

4 (3) The intentional dissemination of an image of
5 another identifiable person who is engaged in a sexual act
6 or whose intimate parts are exposed when the images
7 involve voluntary exposure in public or commercial
8 settings.

9 (4) The intentional dissemination of an image of
10 another identifiable person who is engaged in a sexual act
11 or whose intimate parts are exposed when the dissemination
12 serves a lawful public purpose.

13 (d) Nothing in this Section shall be construed to impose
14 liability upon the following entities solely as a result of
15 content or information provided by another person:

16 (1) an interactive computer service, as defined in 47
17 U.S.C. 230(f)(2);

18 (2) a provider of public mobile services or private
19 radio services, as defined in Section 13-214 of the Public
20 Utilities Act; or

21 (3) a telecommunications network or broadband
22 provider.

23 (e) A person convicted under this Section is subject to
24 the forfeiture provisions in Article 124B of the Code of
25 Criminal Procedure of 1963.

26 (f) Sentence. Non-consensual dissemination of sexually

1 explicit digitized depictions is a Class 4 felony.

2 (Source: P.A. 103-825, eff. 1-1-25; revised 10-24-24.)

3 (720 ILCS 5/17-11.2)

4 Sec. 17-11.2. Airbag fraud.

5 (a) Definitions. In this Section:

6 "Airbag" means a motor vehicle inflatable occupant
7 restraint system device that is part of a vehicle's
8 supplemental restraint system.

9 "Counterfeit supplemental restraint system component"
10 means a replacement supplemental restraint system component,
11 including, but not limited to, an airbag, that displays a mark
12 identical to, or substantially similar to, the genuine mark of
13 a motor vehicle manufacturer or a supplier of parts to the
14 manufacturer of a motor vehicle without authorization from
15 that manufacturer or supplier, respectively.

16 "Non-functional airbag" means a replacement airbag that
17 meets any of the following criteria:

18 (1) the airbag was previously deployed or damaged;

19 (2) the airbag has an electric fault that is detected
20 by the vehicle's diagnostic system when the installation
21 procedure is completed and the vehicle is returned to the
22 customer who requested the work to be performed or when
23 ownership is intended to be transferred;

24 (3) the airbag includes a part or object, including a
25 supplemental restraint system component, that is installed

1 in a motor vehicle to mislead the owner or operator of the
2 motor vehicle into believing that a functional airbag has
3 been installed; or

4 (4) the airbag is subject to the provisions of 49
5 U.S.C. 30120(j).

6 "Supplemental restraint system" means a passive inflatable
7 motor vehicle occupant crash protection system designed for
8 use in conjunction with a seat belt assembly as defined in 49
9 CFR 571.209. "Supplemental restraint system" includes one or
10 more airbags and all components required to ensure that an
11 airbag ~~air bag~~ works as designed by the vehicle manufacturer,
12 including both of the following:

13 (1) the airbag operates as designed in the event of a
14 crash; and

15 (2) the airbag is designed to meet federal motor
16 vehicle safety standards for the specific make, model, and
17 year of the vehicle in which it is or will be installed.

18 (b) A person commits airbag fraud when he or she, for
19 consideration, knowingly:

20 (1) imports, manufactures, sells, offers for sale,
21 installs, or reinstalls in a vehicle a counterfeit
22 supplemental restraint system component, a non-functional
23 airbag, or an object that does not comply with federal
24 safety regulations for the make, model, and year of the
25 vehicle in which it is or will be installed;

26 (2) sells, offers for sale, installs, or reinstalls in

1 any motor vehicle a device that causes a motor vehicle's
2 diagnostic system to inaccurately indicate that the motor
3 vehicle is equipped with a properly functioning airbag; or

4 (3) sells, leases, trades, or transfers a motor
5 vehicle if the person knows that a counterfeit
6 supplemental restraint system component, a non-functional
7 airbag, or an object that does not comply with federal
8 safety regulations for the make, model, and year of the
9 vehicle as part of a vehicle inflatable restraint system.

10 (c) This Section does not apply to an owner or employee of
11 a motor vehicle dealership or the owner of a vehicle, who,
12 before the sale of the vehicle, does not have knowledge that
13 the vehicle's airbag, or another component of the vehicle's
14 supplemental restraint system, is counterfeit or
15 non-functioning.

16 (d) Sentence. A violation of this Section is a Class A
17 misdemeanor.

18 (Source: P.A. 103-900, eff. 8-9-24; revised 10-21-24.)

19 (720 ILCS 5/24-2)

20 Sec. 24-2. Exemptions.

21 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
22 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
23 the following:

24 (1) Peace officers, and any person summoned by a peace
25 officer to assist in making arrests or preserving the

1 peace, while actually engaged in assisting such officer.

2 (2) Wardens, superintendents, and keepers of prisons,
3 penitentiaries, jails, and other institutions for the
4 detention of persons accused or convicted of an offense,
5 while in the performance of their official duty, or while
6 commuting between their homes and places of employment.

7 (3) Members of the Armed Services or Reserve Forces of
8 the United States or the Illinois National Guard or the
9 Reserve Officers Training Corps, while in the performance
10 of their official duty.

11 (4) Special agents employed by a railroad or a public
12 utility to perform police functions, and guards of armored
13 car companies, while actually engaged in the performance
14 of the duties of their employment or commuting between
15 their homes and places of employment; and watchmen while
16 actually engaged in the performance of the duties of their
17 employment.

18 (5) Persons licensed as private security contractors,
19 private detectives, or private alarm contractors, or
20 employed by a private security contractor, private
21 detective, or private alarm contractor agency licensed by
22 the Department of Financial and Professional Regulation,
23 if their duties include the carrying of a weapon under the
24 provisions of the Private Detective, Private Alarm,
25 Private Security, Fingerprint Vendor, and Locksmith Act of
26 2004, while actually engaged in the performance of the

1 duties of their employment or commuting between their
2 homes and places of employment. A person shall be
3 considered eligible for this exemption if he or she has
4 completed the required 20 hours of training for a private
5 security contractor, private detective, or private alarm
6 contractor, or employee of a licensed private security
7 contractor, private detective, or private alarm contractor
8 agency and 28 hours of required firearm training, and has
9 been issued a firearm control card by the Department of
10 Financial and Professional Regulation. Conditions for the
11 renewal of firearm control cards issued under the
12 provisions of this Section shall be the same as for those
13 cards issued under the provisions of the Private
14 Detective, Private Alarm, Private Security, Fingerprint
15 Vendor, and Locksmith Act of 2004. The firearm control
16 card shall be carried by the private security contractor,
17 private detective, or private alarm contractor, or
18 employee of the licensed private security contractor,
19 private detective, or private alarm contractor agency at
20 all times when he or she is in possession of a concealable
21 weapon permitted by his or her firearm control card.

22 (6) Any person regularly employed in a commercial or
23 industrial operation as a security guard for the
24 protection of persons employed and private property
25 related to such commercial or industrial operation, while
26 actually engaged in the performance of his or her duty or

1 traveling between sites or properties belonging to the
2 employer, and who, as a security guard, is a member of a
3 security force registered with the Department of Financial
4 and Professional Regulation; provided that such security
5 guard has successfully completed a course of study,
6 approved by and supervised by the Department of Financial
7 and Professional Regulation, consisting of not less than
8 48 hours of training that includes the theory of law
9 enforcement, liability for acts, and the handling of
10 weapons. A person shall be considered eligible for this
11 exemption if he or she has completed the required 20 hours
12 of training for a security officer and 28 hours of
13 required firearm training, and has been issued a firearm
14 control card by the Department of Financial and
15 Professional Regulation. Conditions for the renewal of
16 firearm control cards issued under the provisions of this
17 Section shall be the same as for those cards issued under
18 the provisions of the Private Detective, Private Alarm,
19 Private Security, Fingerprint Vendor, and Locksmith Act of
20 2004. The firearm control card shall be carried by the
21 security guard at all times when he or she is in possession
22 of a concealable weapon permitted by his or her firearm
23 control card.

24 (7) Agents and investigators of the Illinois
25 Legislative Investigating Commission authorized by the
26 Commission to carry the weapons specified in subsections

1 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
2 any investigation for the Commission.

3 (8) Persons employed by a financial institution as a
4 security guard for the protection of other employees and
5 property related to such financial institution, while
6 actually engaged in the performance of their duties,
7 commuting between their homes and places of employment, or
8 traveling between sites or properties owned or operated by
9 such financial institution, and who, as a security guard,
10 is a member of a security force registered with the
11 Department; provided that any person so employed has
12 successfully completed a course of study, approved by and
13 supervised by the Department of Financial and Professional
14 Regulation, consisting of not less than 48 hours of
15 training which includes theory of law enforcement,
16 liability for acts, and the handling of weapons. A person
17 shall be considered to be eligible for this exemption if
18 he or she has completed the required 20 hours of training
19 for a security officer and 28 hours of required firearm
20 training, and has been issued a firearm control card by
21 the Department of Financial and Professional Regulation.
22 Conditions for renewal of firearm control cards issued
23 under the provisions of this Section shall be the same as
24 for those issued under the provisions of the Private
25 Detective, Private Alarm, Private Security, Fingerprint
26 Vendor, and Locksmith Act of 2004. The firearm control

1 card shall be carried by the security guard at all times
2 when he or she is in possession of a concealable weapon
3 permitted by his or her firearm control card. For purposes
4 of this subsection, "financial institution" means a bank,
5 savings and loan association, credit union, or company
6 providing armored car services.

7 (9) Any person employed by an armored car company to
8 drive an armored car, while actually engaged in the
9 performance of his duties.

10 (10) Persons who have been classified as peace
11 officers pursuant to the Peace Officer Fire Investigation
12 Act.

13 (11) Investigators of the Office of the State's
14 Attorneys Appellate Prosecutor authorized by the board of
15 governors of the Office of the State's Attorneys Appellate
16 Prosecutor to carry weapons pursuant to Section 7.06 of
17 the State's Attorneys Appellate Prosecutor's Act.

18 (12) Special investigators appointed by a State's
19 Attorney under Section 3-9005 of the Counties Code.

20 (12.5) Probation officers while in the performance of
21 their duties, or while commuting between their homes,
22 places of employment or specific locations that are part
23 of their assigned duties, with the consent of the chief
24 judge of the circuit for which they are employed, if they
25 have received weapons training according to requirements
26 of the Peace Officer and Probation Officer Firearm

1 Training Act.

2 (13) Court security officers ~~Security Officers~~ while
3 in the performance of their official duties, or while
4 commuting between their homes and places of employment,
5 with the consent of the sheriff ~~Sheriff~~.

6 (13.5) A person employed as an armed security guard at
7 a nuclear energy, storage, weapons, or development site or
8 facility regulated by the Nuclear Regulatory Commission
9 who has completed the background screening and training
10 mandated by the rules and regulations of the Nuclear
11 Regulatory Commission.

12 (14) Manufacture, transportation, or sale of weapons
13 to persons authorized under subdivisions (1) through
14 (13.5) of this subsection to possess those weapons.

15 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
16 to or affect any person carrying a concealed pistol, revolver,
17 or handgun and the person has been issued a currently valid
18 license under the Firearm Concealed Carry Act at the time of
19 the commission of the offense.

20 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
21 to or affect a qualified current or retired law enforcement
22 officer or a current or retired deputy, county correctional
23 officer, or correctional officer of the Department of
24 Corrections qualified under the laws of this State or under
25 the federal Law Enforcement Officers Safety Act.

26 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

1 24-1.6 do not apply to or affect any of the following:

2 (1) Members of any club or organization organized for
3 the purpose of practicing shooting at targets upon
4 established target ranges, whether public or private, and
5 patrons of such ranges, while such members or patrons are
6 using their firearms on those target ranges.

7 (2) Duly authorized military or civil organizations
8 while parading, with the special permission of the
9 Governor.

10 (3) Hunters, trappers, or fishermen while engaged in
11 lawful hunting, trapping, or fishing under the provisions
12 of the Wildlife Code or the Fish and Aquatic Life Code.

13 (4) Transportation of weapons that are broken down in
14 a non-functioning state or are not immediately accessible.

15 (5) Carrying or possessing any pistol, revolver, stun
16 gun or taser or other firearm on the land or in the legal
17 dwelling of another person as an invitee with that
18 person's permission.

19 (c) Subsection 24-1(a) (7) does not apply to or affect any
20 of the following:

21 (1) Peace officers while in performance of their
22 official duties.

23 (2) Wardens, superintendents, and keepers of prisons,
24 penitentiaries, jails, and other institutions for the
25 detention of persons accused or convicted of an offense.

26 (3) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in
2 the performance of their official duty.

3 (4) Manufacture, transportation, or sale of machine
4 guns to persons authorized under subdivisions (1) through
5 (3) of this subsection to possess machine guns, if the
6 machine guns are broken down in a non-functioning state or
7 are not immediately accessible.

8 (5) Persons licensed under federal law to manufacture
9 any weapon from which 8 or more shots or bullets can be
10 discharged by a single function of the firing device, or
11 ammunition for such weapons, and actually engaged in the
12 business of manufacturing such weapons or ammunition, but
13 only with respect to activities which are within the
14 lawful scope of such business, such as the manufacture,
15 transportation, or testing of such weapons or ammunition.
16 This exemption does not authorize the general private
17 possession of any weapon from which 8 or more shots or
18 bullets can be discharged by a single function of the
19 firing device, but only such possession and activities as
20 are within the lawful scope of a licensed manufacturing
21 business described in this paragraph.

22 During transportation, such weapons shall be broken
23 down in a non-functioning state or not immediately
24 accessible.

25 (6) The manufacture, transport, testing, delivery,
26 transfer, or sale, and all lawful commercial or

1 experimental activities necessary thereto, of rifles,
2 shotguns, and weapons made from rifles or shotguns, or
3 ammunition for such rifles, shotguns, or weapons, where
4 engaged in by a person operating as a contractor or
5 subcontractor pursuant to a contract or subcontract for
6 the development and supply of such rifles, shotguns,
7 weapons, or ammunition to the United States government or
8 any branch of the Armed Forces of the United States, when
9 such activities are necessary and incident to fulfilling
10 the terms of such contract.

11 The exemption granted under this subdivision (c)(6)
12 shall also apply to any authorized agent of any such
13 contractor or subcontractor who is operating within the
14 scope of his employment, where such activities involving
15 such weapon, weapons, or ammunition are necessary and
16 incident to fulfilling the terms of such contract.

17 (7) A person possessing a rifle with a barrel or
18 barrels less than 16 inches in length if: (A) the person
19 has been issued a Curios and Relics license from the U.S.
20 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
21 (B) the person is an active member of a bona fide,
22 nationally recognized military re-enacting group and the
23 modification is required and necessary to accurately
24 portray the weapon for historical re-enactment purposes;
25 the re-enactor is in possession of a valid and current
26 re-enacting group membership credential; and the overall

1 length of the weapon as modified is not less than 26
2 inches.

3 (d) Subsection 24-1(a)(1) does not apply to the purchase,
4 possession or carrying of a black-jack or slung-shot by a
5 peace officer.

6 (e) Subsection 24-1(a)(8) does not apply to any owner,
7 manager, or authorized employee of any place specified in that
8 subsection nor to any law enforcement officer.

9 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
10 Section 24-1.6 do not apply to members of any club or
11 organization organized for the purpose of practicing shooting
12 at targets upon established target ranges, whether public or
13 private, while using their firearms on those target ranges.

14 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
15 to:

16 (1) Members of the Armed Services or Reserve Forces of
17 the United States or the Illinois National Guard, while in
18 the performance of their official duty.

19 (2) Bonafide collectors of antique or surplus military
20 ordnance.

21 (3) Laboratories having a department of forensic
22 ballistics, or specializing in the development of
23 ammunition or explosive ordnance.

24 (4) Commerce, preparation, assembly, or possession of
25 explosive bullets by manufacturers of ammunition licensed
26 by the federal government, in connection with the supply

1 of those organizations and persons exempted by subdivision
2 (g)(1) of this Section, or like organizations and persons
3 outside this State, or the transportation of explosive
4 bullets to any organization or person exempted in this
5 Section by a common carrier or by a vehicle owned or leased
6 by an exempted manufacturer.

7 (g-5) Subsection 24-1(a)(6) does not apply to or affect
8 persons licensed under federal law to manufacture any device
9 or attachment of any kind designed, used, or intended for use
10 in silencing the report of any firearm, firearms, or
11 ammunition for those firearms equipped with those devices, and
12 actually engaged in the business of manufacturing those
13 devices, firearms, or ammunition, but only with respect to
14 activities that are within the lawful scope of that business,
15 such as the manufacture, transportation, or testing of those
16 devices, firearms, or ammunition. This exemption does not
17 authorize the general private possession of any device or
18 attachment of any kind designed, used, or intended for use in
19 silencing the report of any firearm, but only such possession
20 and activities as are within the lawful scope of a licensed
21 manufacturing business described in this subsection (g-5).
22 During transportation, these devices shall be detached from
23 any weapon or not immediately accessible.

24 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
25 24-1.6 do not apply to or affect any parole agent or parole
26 supervisor who meets the qualifications and conditions

1 prescribed in Section 3-14-1.5 of the Unified Code of
2 Corrections.

3 (g-7) Subsection 24-1(a)(6) does not apply to a peace
4 officer while serving as a member of a tactical response team
5 or special operations team. A peace officer may not personally
6 own or apply for ownership of a device or attachment of any
7 kind designed, used, or intended for use in silencing the
8 report of any firearm. These devices shall be owned and
9 maintained by lawfully recognized units of government whose
10 duties include the investigation of criminal acts.

11 (g-10) (Blank).

12 (h) An information or indictment based upon a violation of
13 any subsection of this Article need not negate ~~negative~~ any
14 exemptions contained in this Article. The defendant shall have
15 the burden of proving such an exemption.

16 (i) Nothing in this Article shall prohibit, apply to, or
17 affect the transportation, carrying, or possession⁷ of any
18 pistol or revolver, stun gun, taser, or other firearm
19 consigned to a common carrier operating under license of the
20 State of Illinois or the federal government, where such
21 transportation, carrying, or possession is incident to the
22 lawful transportation in which such common carrier is engaged;
23 and nothing in this Article shall prohibit, apply to, or
24 affect the transportation, carrying, or possession of any
25 pistol, revolver, stun gun, taser, or other firearm, not the
26 subject of and regulated by subsection 24-1(a)(7) or

1 subsection 24-2(c) of this Article, which is unloaded and
2 enclosed in a case, firearm carrying box, shipping box, or
3 other container, by the possessor of a valid Firearm Owners
4 Identification Card.

5 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;
6 102-837, eff. 5-13-22; 103-154, eff. 6-30-23; revised
7 7-22-24.)

8 Section 1065. The Illinois Controlled Substances Act is
9 amended by changing Section 410 as follows:

10 (720 ILCS 570/410)

11 Sec. 410. (a) Whenever any person who has not previously
12 been convicted of any felony offense under this Act or any law
13 of the United States or of any State relating to cannabis or
14 controlled substances, pleads guilty to or is found guilty of
15 possession of a controlled or counterfeit substance under
16 subsection (c) of Section 402 or of unauthorized possession of
17 prescription form under Section 406.2, the court, without
18 entering a judgment and with the consent of such person, may
19 sentence him or her to probation. A sentence under this
20 Section shall not be considered a conviction under Illinois
21 law unless and until judgment is entered under subsection (e)
22 of this Section.

23 (b) When a person is placed on probation, the court shall
24 enter an order specifying a period of probation of 24 months

1 and shall defer further proceedings in the case until the
2 conclusion of the period or until the filing of a petition
3 alleging violation of a term or condition of probation.

4 (c) The conditions of probation shall be that the person:
5 (1) not violate any criminal statute of any jurisdiction; (2)
6 refrain from possessing a firearm or other dangerous weapon;
7 (3) submit to periodic drug testing at a time and in a manner
8 as ordered by the court, but no less than 3 times during the
9 period of the probation, with the cost of the testing to be
10 paid by the probationer; and (4) perform no less than 30 hours
11 of community service, provided community service is available
12 in the jurisdiction and is funded and approved by the county
13 board. The court may give credit toward the fulfillment of
14 community service hours for participation in activities and
15 treatment as determined by court services.

16 (d) The court may, in addition to other conditions,
17 require that the person:

18 (1) make a report to and appear in person before or
19 participate with the court or such courts, person, or
20 social service agency as directed by the court in the
21 order of probation;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational
24 training;

25 (4) undergo medical or psychiatric treatment; or
26 treatment or rehabilitation approved by the Illinois

1 Department of Human Services;

2 (5) attend or reside in a facility established for the
3 instruction or residence of defendants on probation;

4 (6) support his or her dependents;

5 (6-5) refrain from having in his or her body the
6 presence of any illicit drug prohibited by the Cannabis
7 Control Act, the Illinois Controlled Substances Act, or
8 the Methamphetamine Control and Community Protection Act,
9 unless prescribed by a physician, and submit samples of
10 his or her blood or urine or both for tests to determine
11 the presence of any illicit drug;

12 (7) and in addition, if a minor:

13 (i) reside with his or her parents or in a foster
14 home;

15 (ii) attend school;

16 (iii) attend a non-residential program for youth;

17 (iv) contribute to his or her own support at home
18 or in a foster home.

19 (e) Upon violation of a term or condition of probation,
20 the court may enter a judgment on its original finding of guilt
21 and proceed as otherwise provided.

22 (f) Upon fulfillment of the terms and conditions of
23 probation, the court shall discharge the person and dismiss
24 the proceedings against him or her.

25 (g) A disposition of probation is considered to be a
26 conviction for the purposes of imposing the conditions of

1 probation and for appeal, however, a sentence under this
2 Section is not a conviction for purposes of this Act or for
3 purposes of disqualifications or disabilities imposed by law
4 upon conviction of a crime unless and until judgment is
5 entered.

6 (h) A person may not have more than one discharge and
7 dismissal under this Section within a 4-year period.

8 (i) If a person is convicted of an offense under this Act,
9 the Cannabis Control Act, or the Methamphetamine Control and
10 Community Protection Act within 5 years subsequent to a
11 discharge and dismissal under this Section, the discharge and
12 dismissal under this Section shall be admissible in the
13 sentencing proceeding for that conviction as evidence in
14 aggravation.

15 (j) Notwithstanding subsection (a), before a person is
16 sentenced to probation under this Section, the court may refer
17 the person to the drug court established in that judicial
18 circuit pursuant to Section 15 of the Drug Court Treatment
19 Act. The drug court team shall evaluate the person's
20 likelihood of successfully completing a sentence of probation
21 under this Section and shall report the results of its
22 evaluation to the court. If the drug court team finds that the
23 person suffers from a substance use disorder that makes him or
24 her substantially unlikely to successfully complete a sentence
25 of probation under this Section, then the drug court shall set
26 forth its findings in the form of a written order, and the

1 person shall not be sentenced to probation under this Section,
2 but shall be considered for the drug court program.

3 (Source: P.A. 103-702, eff. 1-1-25; 103-881, eff. 1-1-25;
4 revised 11-26-24.)

5 Section 1070. The Drug Paraphernalia Control Act is
6 amended by changing Section 2 as follows:

7 (720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)

8 Sec. 2. As used in this Act, unless the context otherwise
9 requires:

10 (a) The term "cannabis" shall have the meaning ascribed to
11 it in Section 3 of the Cannabis Control Act, as if that
12 definition were incorporated herein.

13 (b) The term "controlled substance" shall have the meaning
14 ascribed to it in Section 102 of the Illinois Controlled
15 Substances Act, as if that definition were incorporated
16 herein.

17 (c) "Deliver" or "delivery" means the actual,
18 constructive, or attempted transfer of possession, with or
19 without consideration, whether or not there is an agency
20 relationship.

21 (d) "Drug paraphernalia" means all equipment, products,
22 and materials of any kind, other than methamphetamine
23 manufacturing materials as defined in Section 10 of the
24 Methamphetamine Control and Community Protection Act and

1 cannabis paraphernalia as defined in Section 1-10 of the
2 Cannabis Regulation and Tax Act, which are intended to be used
3 unlawfully in planting, propagating, cultivating, growing,
4 harvesting, manufacturing, compounding, converting,
5 producing, processing, preparing, testing, analyzing,
6 packaging, repackaging, storing, containing, concealing,
7 injecting, ingesting, inhaling, or otherwise introducing into
8 the human body a controlled substance in violation of the
9 Illinois Controlled Substances Act or the Methamphetamine
10 Control and Community Protection Act or a synthetic drug
11 product or misbranded drug in violation of the Illinois Food,
12 Drug and Cosmetic Act. It includes, but is not limited to:

13 (1) kits intended to be used unlawfully in
14 manufacturing, compounding, converting, producing,
15 processing, or preparing a controlled substance;

16 (2) isomerization devices intended to be used
17 unlawfully in increasing the potency of any species of
18 plant which is a controlled substance;

19 (3) testing equipment intended to be used unlawfully
20 in a private home for identifying or in analyzing the
21 strength, effectiveness, or purity of controlled
22 substances;

23 (4) diluents and adulterants intended to be used
24 unlawfully for cutting a controlled substance by private
25 persons;

26 (5) objects intended to be used unlawfully in

1 ingesting, inhaling, or otherwise introducing cocaine or a
2 synthetic drug product or misbranded drug in violation of
3 the Illinois Food, Drug and Cosmetic Act into the human
4 body including, where applicable, the following items:

5 (A) water pipes;

6 (B) carburetion tubes and devices;

7 (C) smoking and carburetion masks;

8 (D) miniature cocaine spoons and cocaine vials;

9 (E) carburetor pipes;

10 (F) electric pipes;

11 (G) air-driven pipes;

12 (H) chillums;

13 (I) bongs;

14 (J) ice pipes or chillers;

15 (6) any item whose purpose, as announced or described
16 by the seller, is for use in violation of this Act.

17 "Drug paraphernalia" does not include equipment, products,
18 or materials to analyze or test for the presence of fentanyl, a
19 fentanyl analog ~~analogue~~, or a drug adulterant within a
20 controlled substance.

21 (Source: P.A. 103-336, eff. 1-1-24; revised 7-22-24.)

22 Section 1075. The Code of Criminal Procedure of 1963 is
23 amended by changing Section 110-6.1 as follows:

24 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

1 Sec. 110-6.1. Denial of pretrial release.

2 (a) Upon verified petition by the State, the court shall
3 hold a hearing and may deny a defendant pretrial release only
4 if:

5 (1) the defendant is charged with a felony offense
6 other than a forcible felony for which, based on the
7 charge or the defendant's criminal history, a sentence of
8 imprisonment, without probation, periodic imprisonment, or
9 conditional discharge, is required by law upon conviction,
10 and it is alleged that the defendant's pretrial release
11 poses a real and present threat to the safety of any person
12 or persons or the community, based on the specific
13 articulable facts of the case;

14 (1.5) the defendant's pretrial release poses a real
15 and present threat to the safety of any person or persons
16 or the community, based on the specific articulable facts
17 of the case, and the defendant is charged with a forcible
18 felony, which as used in this Section, means treason,
19 first degree murder, second degree murder, predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, criminal sexual assault, armed robbery,
22 aggravated robbery, robbery, burglary where there is use
23 of force against another person, residential burglary,
24 home invasion, vehicular invasion, aggravated arson,
25 arson, aggravated kidnaping, kidnaping, aggravated battery
26 resulting in great bodily harm or permanent disability or

1 disfigurement, or any other felony which involves the
2 threat of or infliction of great bodily harm or permanent
3 disability or disfigurement;

4 (2) the defendant is charged with stalking or
5 aggravated stalking, and it is alleged that the
6 defendant's pre-trial release poses a real and present
7 threat to the safety of a victim of the alleged offense,
8 and denial of release is necessary to prevent fulfillment
9 of the threat upon which the charge is based;

10 (3) the defendant is charged with a violation of an
11 order of protection issued under Section 112A-14 of this
12 Code or Section 214 of the Illinois Domestic Violence Act
13 of 1986, a stalking no contact order under Section 80 of
14 the Stalking No Contact Order Act, or ~~of~~ a civil no contact
15 order under Section 213 of the Civil No Contact Order Act,
16 and it is alleged that the defendant's pretrial release
17 poses a real and present threat to the safety of any person
18 or persons or the community, based on the specific
19 articulable facts of the case;

20 (4) the defendant is charged with domestic battery or
21 aggravated domestic battery under Section 12-3.2 or 12-3.3
22 of the Criminal Code of 2012 and it is alleged that the
23 defendant's pretrial release poses a real and present
24 threat to the safety of any person or persons or the
25 community, based on the specific articulable facts of the
26 case;

1 (5) the defendant is charged with any offense under
2 Article 11 of the Criminal Code of 2012, except for
3 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
4 11-40, and 11-45 of the Criminal Code of 2012, or similar
5 provisions of the Criminal Code of 1961 and it is alleged
6 that the defendant's pretrial release poses a real and
7 present threat to the safety of any person or persons or
8 the community, based on the specific articulable facts of
9 the case;

10 (6) the defendant is charged with any of the following
11 offenses under the Criminal Code of 2012, and it is
12 alleged that the defendant's pretrial release poses a real
13 and present threat to the safety of any person or persons
14 or the community, based on the specific articulable facts
15 of the case:

16 (A) Section 24-1.2 (aggravated discharge of a
17 firearm);

18 (B) Section 24-1.2-5 ~~24-2.5~~ (aggravated discharge
19 of a machine gun or a firearm equipped with a device
20 designed or used ~~use~~ for silencing the report of a
21 firearm);

22 (C) Section 24-1.5 (reckless discharge of a
23 firearm);

24 (D) Section 24-1.7 (unlawful possession of a
25 firearm by a repeat felony offender);

26 (E) Section 24-2.2 (manufacture, sale, l or transfer

1 of bullets or shells represented to be armor piercing
2 bullets, dragon's breath shotgun shells, bolo shells,
3 or flechette shells);

4 (F) Section 24-3 (unlawful sale or delivery of
5 firearms);

6 (G) Section 24-3.3 (unlawful sale or delivery of
7 firearms on the premises of any school);

8 (H) Section 24-34 (unlawful sale of firearms by
9 liquor license);

10 (I) Section 24-3.5 (unlawful purchase of a
11 firearm);

12 (J) Section 24-3A (gunrunning);

13 (K) Section 24-3B (firearms trafficking);

14 (L) Section 10-9 (b) (involuntary servitude);

15 (M) Section 10-9 (c) (involuntary sexual servitude
16 of a minor);

17 (N) Section 10-9(d) (trafficking in persons);

18 (O) Non-probationable violations: (i) unlawful
19 possession of weapons by felons or persons in the
20 Custody of the Department of Corrections facilities
21 (Section 24-1.1), (ii) aggravated unlawful possession
22 of a weapon (Section 24-1.6), or (iii) aggravated
23 possession of a stolen firearm (Section 24-3.9);

24 (P) Section 9-3 (reckless homicide and involuntary
25 manslaughter);

26 (Q) Section 19-3 (residential burglary);

1 (R) Section 10-5 (child abduction);

2 (S) Felony violations of Section 12C-5 (child
3 endangerment);

4 (T) Section 12-7.1 (hate crime);

5 (U) Section 10-3.1 (aggravated unlawful
6 restraint);

7 (V) Section 12-9 (threatening a public official);

8 (W) Subdivision (f)(1) of Section 12-3.05
9 (aggravated battery with a deadly weapon other than by
10 discharge of a firearm);

11 (6.5) the defendant is charged with any of the
12 following offenses, and it is alleged that the defendant's
13 pretrial release poses a real and present threat to the
14 safety of any person or persons or the community, based on
15 the specific articulable facts of the case:

16 (A) Felony violations of Sections 3.01, 3.02, or
17 3.03 of the Humane Care for Animals Act (cruel
18 treatment, aggravated cruelty, and animal torture);

19 (B) Subdivision (d)(1)(B) of Section 11-501 of the
20 Illinois Vehicle Code (aggravated driving under the
21 influence while operating a school bus with
22 passengers);

23 (C) Subdivision (d)(1)(C) of Section 11-501 of the
24 Illinois Vehicle Code (aggravated driving under the
25 influence causing great bodily harm);

26 (D) Subdivision (d)(1)(D) of Section 11-501 of the

1 Illinois Vehicle Code (aggravated driving under the
2 influence after a previous reckless homicide
3 conviction);

4 (E) Subdivision (d) (1) (F) of Section 11-501 of the
5 Illinois Vehicle Code (aggravated driving under the
6 influence leading to death); or

7 (F) Subdivision (d) (1) (J) of Section 11-501 of the
8 Illinois Vehicle Code (aggravated driving under the
9 influence that resulted in bodily harm to a child
10 under the age of 16);

11 (7) the defendant is charged with an attempt to commit
12 any charge listed in paragraphs (1) through (6.5), and it
13 is alleged that the defendant's pretrial release poses a
14 real and present threat to the safety of any person or
15 persons or the community, based on the specific
16 articulable facts of the case; or

17 (8) the person has a high likelihood of willful flight
18 to avoid prosecution and is charged with:

19 (A) Any felony described in subdivisions (a) (1)
20 through (a) (7) of this Section; or

21 (B) A felony offense other than a Class 4 offense.

22 (b) If the charged offense is a felony, as part of the
23 detention hearing, the court shall determine whether there is
24 probable cause the defendant has committed an offense, unless
25 a hearing pursuant to Section 109-3 of this Code has already
26 been held or a grand jury has returned a true bill of

1 indictment against the defendant. If there is a finding of no
2 probable cause, the defendant shall be released. No such
3 finding is necessary if the defendant is charged with a
4 misdemeanor.

5 (c) Timing of petition.

6 (1) A petition may be filed without prior notice to
7 the defendant at the first appearance before a judge, or
8 within the 21 calendar days, except as provided in Section
9 110-6, after arrest and release of the defendant upon
10 reasonable notice to defendant; provided that while such
11 petition is pending before the court, the defendant if
12 previously released shall not be detained.

13 (2) Upon filing, the court shall immediately hold a
14 hearing on the petition unless a continuance is requested.
15 If a continuance is requested and granted, the hearing
16 shall be held within 48 hours of the defendant's first
17 appearance if the defendant is charged with first degree
18 murder or a Class X, Class 1, Class 2, or Class 3 felony,
19 and within 24 hours if the defendant is charged with a
20 Class 4 or misdemeanor offense. The Court may deny or
21 grant the request for continuance. If the court decides to
22 grant the continuance, the Court retains the discretion to
23 detain or release the defendant in the time between the
24 filing of the petition and the hearing.

25 (d) Contents of petition.

26 (1) The petition shall be verified by the State and

1 shall state the grounds upon which it contends the
2 defendant should be denied pretrial release, including the
3 real and present threat to the safety of any person or
4 persons or the community, based on the specific
5 articulable facts or flight risk, as appropriate.

6 (2) If the State seeks to file a second or subsequent
7 petition under this Section, the State shall be required
8 to present a verified application setting forth in detail
9 any new facts not known or obtainable at the time of the
10 filing of the previous petition.

11 (e) Eligibility: All defendants shall be presumed eligible
12 for pretrial release, and the State shall bear the burden of
13 proving by clear and convincing evidence that:

14 (1) the proof is evident or the presumption great that
15 the defendant has committed an offense listed in
16 subsection (a), and

17 (2) for offenses listed in paragraphs (1) through (7)
18 of subsection (a), the defendant poses a real and present
19 threat to the safety of any person or persons or the
20 community, based on the specific articulable facts of the
21 case, by conduct which may include, but is not limited to,
22 a forcible felony, the obstruction of justice,
23 intimidation, injury, or abuse as defined by paragraph (1)
24 of Section 103 of the Illinois Domestic Violence Act of
25 1986, and

26 (3) no condition or combination of conditions set

1 forth in subsection (b) of Section 110-10 of this Article
2 can mitigate (i) the real and present threat to the safety
3 of any person or persons or the community, based on the
4 specific articulable facts of the case, for offenses
5 listed in paragraphs (1) through (7) of subsection (a), or
6 (ii) the defendant's willful flight for offenses listed in
7 paragraph (8) of subsection (a), and

8 (4) for offenses under subsection (b) of Section 407
9 of the Illinois Controlled Substances Act that are subject
10 to paragraph (1) of subsection (a), no condition or
11 combination of conditions set forth in subsection (b) of
12 Section 110-10 of this Article can mitigate the real and
13 present threat to the safety of any person or persons or
14 the community, based on the specific articulable facts of
15 the case, and the defendant poses a serious risk to not
16 appear in court as required.

17 (f) Conduct of the hearings.

18 (1) Prior to the hearing, the State shall tender to
19 the defendant copies of the defendant's criminal history
20 available, any written or recorded statements, and the
21 substance of any oral statements made by any person, if
22 relied upon by the State in its petition, and any police
23 reports in the prosecutor's possession at the time of the
24 hearing.

25 (2) The State or defendant may present evidence at the
26 hearing by way of proffer based upon reliable information.

1 (3) The defendant has the right to be represented by
2 counsel, and if he or she is indigent, to have counsel
3 appointed for him or her. The defendant shall have the
4 opportunity to testify, to present witnesses on his or her
5 own behalf, and to cross-examine any witnesses that are
6 called by the State. Defense counsel shall be given
7 adequate opportunity to confer with the defendant before
8 any hearing at which conditions of release or the
9 detention of the defendant are to be considered, with an
10 accommodation for a physical condition made to facilitate
11 attorney/client consultation. If defense counsel needs to
12 confer or consult with the defendant during any hearing
13 conducted via a 2-way ~~two-way~~ audio-visual communication
14 system, such consultation shall not be recorded and shall
15 be undertaken consistent with constitutional protections.

16 (3.5) A hearing at which pretrial release may be
17 denied must be conducted in person (and not by way of 2-way
18 ~~two-way~~ audio visual communication) unless the accused
19 waives the right to be present physically in court, the
20 court determines that the physical health and safety of
21 any person necessary to the proceedings would be
22 endangered by appearing in court, or the chief judge of
23 the circuit orders use of that system due to operational
24 challenges in conducting the hearing in person. Such
25 operational challenges must be documented and approved by
26 the chief judge of the circuit, and a plan to address the

1 challenges through reasonable efforts must be presented
2 and approved by the Administrative Office of the Illinois
3 Courts every 6 months.

4 (4) If the defense seeks to compel the complaining
5 witness to testify as a witness in its favor, it shall
6 petition the court for permission. When the ends of
7 justice so require, the court may exercise its discretion
8 and compel the appearance of a complaining witness. The
9 court shall state on the record reasons for granting a
10 defense request to compel the presence of a complaining
11 witness only on the issue of the defendant's pretrial
12 detention. In making a determination under this Section,
13 the court shall state on the record the reason for
14 granting a defense request to compel the presence of a
15 complaining witness, and only grant the request if the
16 court finds by clear and convincing evidence that the
17 defendant will be materially prejudiced if the complaining
18 witness does not appear. Cross-examination of a
19 complaining witness at the pretrial detention hearing for
20 the purpose of impeaching the witness' credibility is
21 insufficient reason to compel the presence of the witness.
22 In deciding whether to compel the appearance of a
23 complaining witness, the court shall be considerate of the
24 emotional and physical well-being of the witness. The
25 pre-trial detention hearing is not to be used for purposes
26 of discovery, and the post arraignment rules of discovery

1 do not apply. The State shall tender to the defendant,
2 prior to the hearing, copies, if any, of the defendant's
3 criminal history, if available, and any written or
4 recorded statements and the substance of any oral
5 statements made by any person, if in the State's
6 Attorney's possession at the time of the hearing.

7 (5) The rules concerning the admissibility of evidence
8 in criminal trials do not apply to the presentation and
9 consideration of information at the hearing. At the trial
10 concerning the offense for which the hearing was conducted
11 neither the finding of the court nor any transcript or
12 other record of the hearing shall be admissible in the
13 State's case-in-chief, but shall be admissible for
14 impeachment, or as provided in Section 115-10.1 of this
15 Code, or in a perjury proceeding.

16 (6) The defendant may not move to suppress evidence or
17 a confession, however, evidence that proof of the charged
18 crime may have been the result of an unlawful search or
19 seizure, or both, or through improper interrogation, is
20 relevant in assessing the weight of the evidence against
21 the defendant.

22 (7) Decisions regarding release, conditions of
23 release, and detention prior to trial must be
24 individualized, and no single factor or standard may be
25 used exclusively to order detention. Risk assessment tools
26 may not be used as the sole basis to deny pretrial release.

1 (g) Factors to be considered in making a determination of
2 dangerousness. The court may, in determining whether the
3 defendant poses a real and present threat to the safety of any
4 person or persons or the community, based on the specific
5 articulable facts of the case, consider, but shall not be
6 limited to, evidence or testimony concerning:

7 (1) The nature and circumstances of any offense
8 charged, including whether the offense is a crime of
9 violence, involving a weapon, or a sex offense.

10 (2) The history and characteristics of the defendant
11 including:

12 (A) Any evidence of the defendant's prior criminal
13 history indicative of violent, abusive, or assaultive
14 behavior, or lack of such behavior. Such evidence may
15 include testimony or documents received in juvenile
16 proceedings, criminal, quasi-criminal, civil
17 commitment, domestic relations, or other proceedings.

18 (B) Any evidence of the defendant's psychological,
19 psychiatric or other similar social history which
20 tends to indicate a violent, abusive, or assaultive
21 nature, or lack of any such history.

22 (3) The identity of any person or persons to whose
23 safety the defendant is believed to pose a threat, and the
24 nature of the threat.

25 (4) Any statements made by, or attributed to the
26 defendant, together with the circumstances surrounding

1 them.

2 (5) The age and physical condition of the defendant.

3 (6) The age and physical condition of any victim or
4 complaining witness.

5 (7) Whether the defendant is known to possess or have
6 access to any weapon or weapons.

7 (8) Whether, at the time of the current offense or any
8 other offense or arrest, the defendant was on probation,
9 parole, aftercare release, mandatory supervised release,
10 or other release from custody pending trial, sentencing,
11 appeal, or completion of sentence for an offense under
12 federal or State ~~state~~ law.

13 (9) Any other factors, including those listed in
14 Section 110-5 of this Article deemed by the court to have a
15 reasonable bearing upon the defendant's propensity or
16 reputation for violent, abusive, or assaultive behavior,
17 or lack of such behavior.

18 (h) Detention order. The court shall, in any order for
19 detention:

20 (1) make a written finding summarizing the court's
21 reasons for concluding that the defendant should be denied
22 pretrial release, including why less restrictive
23 conditions would not avoid a real and present threat to
24 the safety of any person or persons or the community,
25 based on the specific articulable facts of the case, or
26 prevent the defendant's willful flight from prosecution;

1 (2) direct that the defendant be committed to the
2 custody of the sheriff for confinement in the county jail
3 pending trial;

4 (3) direct that the defendant be given a reasonable
5 opportunity for private consultation with counsel, and for
6 communication with others of his or her choice by
7 visitation, mail and telephone; and

8 (4) direct that the sheriff deliver the defendant as
9 required for appearances in connection with court
10 proceedings.

11 (i) Detention. If the court enters an order for the
12 detention of the defendant pursuant to subsection (e) of this
13 Section, the defendant shall be brought to trial on the
14 offense for which he is detained within 90 days after the date
15 on which the order for detention was entered. If the defendant
16 is not brought to trial within the 90-day period required by
17 the preceding sentence, he shall not be denied pretrial
18 release. In computing the 90-day period, the court shall omit
19 any period of delay resulting from a continuance granted at
20 the request of the defendant and any period of delay resulting
21 from a continuance granted at the request of the State with
22 good cause shown pursuant to Section 103-5.

23 (i-5) At each subsequent appearance of the defendant
24 before the court, the judge must find that continued detention
25 is necessary to avoid a real and present threat to the safety
26 of any person or persons or the community, based on the

1 specific articulable facts of the case, or to prevent the
2 defendant's willful flight from prosecution.

3 (j) Rights of the defendant. The defendant shall be
4 entitled to appeal any order entered under this Section
5 denying his or her pretrial release.

6 (k) Appeal. The State may appeal any order entered under
7 this Section denying any motion for denial of pretrial
8 release.

9 (l) Presumption of innocence. Nothing in this Section
10 shall be construed as modifying or limiting in any way the
11 defendant's presumption of innocence in further criminal
12 proceedings.

13 (m) Interest of victims.

14 (1) Crime victims shall be given notice by the State's
15 Attorney's office of this hearing as required in paragraph
16 (1) of subsection (b) of Section 4.5 of the Rights of Crime
17 Victims and Witnesses Act and shall be informed of their
18 opportunity at this hearing to obtain a protective order.

19 (2) If the defendant is denied pretrial release, the
20 court may impose a no contact provision with the victim or
21 other interested party that shall be enforced while the
22 defendant remains in custody.

23 (Source: P.A. 102-1104, eff. 1-1-23; 103-822, eff. 1-1-25;
24 revised 10-23-24.)

25 Section 1080. The Pretrial Success Act is amended by

1 changing Sections 2-1, 2-20, and 2-45 as follows:

2 (725 ILCS 187/2-1)

3 Sec. 2-1. Short title. This Article ~~Act~~ may be cited as the
4 Pretrial Success Act. References in this Article to "this Act"
5 mean this Article.

6 (Source: P.A. 103-588, eff. 6-5-24; revised 7-19-24.)

7 (725 ILCS 187/2-20)

8 Sec. 2-20. Grant-making ~~Grant making~~ authority.

9 (a) The Department of Human Services shall have
10 grant-making, operational, and procurement authority to
11 distribute funds to local government health and human services
12 agencies, community-based organizations, and other entities
13 necessary to execute the functions established in this Act.

14 (b) Subject to appropriation, the Department shall issue
15 grants to local governmental agencies and community-based
16 organizations to maximize pretrial success each year. Grants
17 shall be awarded no later than January 1, 2025. Grants in
18 subsequent years shall be issued on or before September 1 of
19 the relevant fiscal year and shall allow for pre-award
20 expenditures beginning July 1 of the relevant fiscal year.

21 (c) Beginning in fiscal year 2028 and subject to
22 appropriation, grants shall be awarded for a project period of
23 3 years, contingent on Department requirements for reporting
24 and successful performance.

1 (d) The Department shall ensure that grants awarded under
2 this Act do not duplicate or supplant grants awarded under the
3 Reimagine Public Safety Act.

4 (Source: P.A. 103-588, eff. 6-5-24; revised 7-22-24.)

5 (725 ILCS 187/2-45)

6 Sec. 2-45. Evaluation.

7 (a) The Department shall issue a report to the General
8 Assembly no later than January 1 of each year beginning at
9 least 12 months after grants are first issued under this Act.
10 The report shall cover the previous fiscal year and identify
11 gaps in community-based pretrial supports and services in each
12 service area, explain the investments that are being made to
13 maximize pretrial success, and make further recommendations on
14 how to build community-based capacity for community-based
15 pretrial supports and services including mental health and
16 substance use disorder treatment.

17 (b) Beginning with the first report issued at least 24
18 months after grants are first issued under this Act, the
19 annual report shall include an evaluation of the effectiveness
20 of grants under this Act in maximizing pretrial success. The
21 Department shall use community-based participatory research
22 methods and ensure that the evaluation incorporates input from
23 individuals and organizations affected by this ~~the~~ Act,
24 including, but not limited to, individuals with personal
25 experience with being charged with a felony offense in

1 Illinois, individuals with personal experience with a family
2 member being charged with a felony offense in Illinois, local
3 government health and human services agencies, community-based
4 organizations, and court stakeholders. The evaluation should
5 be conducted with input from outside expert evaluators when
6 possible.

7 (c) The Department shall consider findings from annual
8 reports and evaluations in developing subsequent years'
9 grant-making ~~grantmaking~~ processes, monitoring progress toward
10 local advisory councils' goals, and ensuring equity in the
11 grant-making ~~grantmaking~~ process.

12 (Source: P.A. 103-588, eff. 6-5-24; revised 7-22-24.)

13 Section 1085. The Unified Code of Corrections is amended
14 by changing Sections 3-7-2, 3-13-4, 5-5-3.2, 5-6-3.6, 5-6-3.8,
15 and 5-8-1 as follows:

16 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

17 Sec. 3-7-2. Facilities.

18 (a) All institutions and facilities of the Department
19 shall provide every committed person with access to toilet
20 facilities, barber facilities, bathing facilities at least
21 once each week, a library of legal materials and published
22 materials including newspapers and magazines approved by the
23 Director. A committed person may not receive any materials
24 that the Director deems pornographic.

1 (b) (Blank).

2 (c) All institutions and facilities of the Department
3 shall provide facilities for every committed person to leave
4 his cell for at least one hour each day unless the chief
5 administrative officer determines that it would be harmful or
6 dangerous to the security or safety of the institution or
7 facility.

8 (d) All institutions and facilities of the Department
9 shall provide every committed person with a wholesome and
10 nutritional diet at regularly scheduled hours, drinking water,
11 clothing adequate for the season, including underwear,
12 bedding, soap, ~~and~~ towels, and medical and dental care.
13 Underwear provided to each committed person in all
14 institutions and facilities of the Department shall be free of
15 charge and shall be provided at any time upon request,
16 including multiple requests, of the committed person or as
17 needed by the committed person.

18 (e) All institutions and facilities of the Department
19 shall permit every committed person to send and receive an
20 unlimited number of uncensored letters, provided, however,
21 that the Director may order that mail be inspected and read for
22 reasons of the security, safety, or morale of the institution
23 or facility.

24 (f) All of the institutions and facilities of the
25 Department shall permit every committed person to receive
26 in-person visitors and video contact, if available, except in

1 case of abuse of the visiting privilege or when the chief
2 administrative officer determines that such visiting would be
3 harmful or dangerous to the security, safety or morale of the
4 institution or facility. Each committed person is entitled to
5 7 visits per month. Every committed person may submit a list of
6 at least 30 persons to the Department that are authorized to
7 visit the committed person. The list shall be kept in an
8 electronic format by the Department beginning on August 1,
9 2019, as well as available in paper form for Department
10 employees. The chief administrative officer shall have the
11 right to restrict visitation to non-contact visits, video, or
12 other forms of non-contact visits for reasons of safety,
13 security, and order, including, but not limited to,
14 restricting contact visits for committed persons engaged in
15 gang activity. No committed person in a super maximum security
16 facility or on disciplinary segregation is allowed contact
17 visits. Any committed person found in possession of illegal
18 drugs or who fails a drug test shall not be permitted contact
19 visits for a period of at least 6 months. Any committed person
20 involved in gang activities or found guilty of assault
21 committed against a Department employee shall not be permitted
22 contact visits for a period of at least 6 months. The
23 Department shall offer every visitor appropriate written
24 information concerning HIV and AIDS, including information
25 concerning how to contact the Illinois Department of Public
26 Health for counseling information. The Department shall

1 develop the written materials in consultation with the
2 Department of Public Health. The Department shall ensure that
3 all such information and materials are culturally sensitive
4 and reflect cultural diversity as appropriate. Implementation
5 of the changes made to this Section by Public Act 94-629 is
6 subject to appropriation. The Department shall seek the lowest
7 possible cost to provide video calling and shall charge to the
8 extent of recovering any demonstrated costs of providing video
9 calling. The Department shall not make a commission or profit
10 from video calling services. Nothing in this Section shall be
11 construed to permit video calling instead of in-person
12 visitation.

13 (f-5) (Blank).

14 (f-10) The Department may not restrict or limit in-person
15 visits to committed persons due to the availability of
16 interactive video conferences.

17 (f-15) (1) The Department shall issue a standard written
18 policy for each institution and facility of the Department
19 that provides for:

20 (A) the number of in-person visits each committed
21 person is entitled to per week and per month including the
22 requirements of subsection (f) of this Section;

23 (B) the hours of in-person visits;

24 (C) the type of identification required for visitors
25 at least 18 years of age; and

26 (D) the type of identification, if any, required for

1 visitors under 18 years of age.

2 (2) This policy shall be posted on the Department website
3 and at each facility.

4 (3) The Department shall post on its website daily any
5 restrictions or denials of visitation for that day and the
6 succeeding 5 calendar days, including those based on a
7 lockdown of the facility, to inform family members and other
8 visitors.

9 (g) All institutions and facilities of the Department
10 shall permit religious ministrations and sacraments to be
11 available to every committed person, but attendance at
12 religious services shall not be required. This subsection (g)
13 is subject to the provisions of the Faith Behind Bars Act.

14 (h) Within 90 days after December 31, 1996, the Department
15 shall prohibit the use of curtains, cell-coverings, or any
16 other matter or object that obstructs or otherwise impairs the
17 line of vision into a committed person's cell.

18 (i) A point of contact person appointed under subsection
19 (u-6) of Section 3-2-2 of this Code shall promptly and
20 efficiently review suggestions, complaints, and other requests
21 made by visitors to institutions and facilities of the
22 Department and by other members of the public. Based on the
23 nature of the submission, the point of contact person shall
24 communicate with the appropriate division of the Department,
25 disseminate the concern or complaint, and act as liaison
26 between the parties to reach a resolution.

1 (1) The point of contact person shall maintain
2 information about the subject matter of each
3 correspondence, including, but not limited to, information
4 about the following subjects:

5 (A) the parties making the submission;

6 (B) any commissary-related concerns;

7 (C) any concerns about the institution or
8 facility's COVID-19 ~~COVID~~ protocols and mitigations;

9 (D) any concerns about mail, video, or electronic
10 messages or other communications with incarcerated
11 persons;

12 (E) any concerns about the institution or
13 facility;

14 (F) any discipline-related concerns;

15 (G) any concerns about earned sentencing credits;

16 (H) any concerns about educational opportunities
17 for incarcerated persons;

18 (I) any concerns about health-related matters;

19 (J) any mental health concerns;

20 (K) any concerns about personal property;

21 (L) any concerns about the records of the
22 incarcerated person;

23 (M) any concerns about recreational opportunities
24 for incarcerated persons;

25 (N) any staffing-related concerns;

26 (O) any concerns about the transfer of individuals

1 in custody;

2 (P) any concerns about visitation; and

3 (Q) any concerns about work opportunities for
4 incarcerated persons.

5 The information shall be maintained in accordance with
6 standards set by the Department of Corrections, and shall
7 be made available to the Department's Planning and
8 Research Division. The point of contact person shall
9 provide a summary of the results of the review, including
10 any resolution or recommendations made as a result of
11 correspondence with the Planning and Research Division of
12 the Department.

13 (2) The Department shall provide an annual written
14 report to the General Assembly and the Governor, with the
15 first report due no later than January 1, 2023, and
16 publish the report on its website within 48 hours after
17 the report is transmitted to the Governor and the General
18 Assembly. The report shall include a summary of activities
19 undertaken and completed as a result of submissions to the
20 point of contact person. The Department of Corrections
21 shall collect and report the following aggregated and
22 disaggregated data for each institution and facility and
23 describe:

24 (A) the work of the point of contact person;

25 (B) the general nature of suggestions, complaints,
26 and other requests submitted to the point of contact

1 person;

2 (C) the volume of emails, calls, letters, and
3 other correspondence received by the point of contact
4 person;

5 (D) the resolutions reached or recommendations
6 made as a result of the point of contact person's
7 review;

8 (E) whether, if an investigation is recommended, a
9 report of the complaint was forwarded to the Chief
10 Inspector of the Department or other Department
11 employee, and the resolution of the complaint, and if
12 the investigation has not concluded, a detailed status
13 report on the complaint; and

14 (F) any recommendations that the point of contact
15 person has relating to systemic issues in the
16 Department of Corrections, and any other matters for
17 consideration by the General Assembly and the
18 Governor.

19 The name, address, or other personally identifiable
20 information of a person who files a complaint, suggestion,
21 or other request with the point of contact person, and
22 confidential records shall be redacted from the annual
23 report and are not subject to disclosure under the Freedom
24 of Information Act. The Department shall disclose the
25 records only if required by a court order on a showing of
26 good cause.

1 (3) The Department must post in a conspicuous place in
2 the waiting area of every facility or institution a sign
3 that contains in bold, black type the following:

4 (A) a short statement notifying visitors of the
5 point of contact person and that person's duty to
6 receive suggestions, complaints, or other requests;
7 and

8 (B) information on how to submit suggestions,
9 complaints, or other requests to the point of contact
10 person.

11 (j) Menstrual hygiene products shall be available, as
12 needed, free of charge, at all institutions and facilities of
13 the Department for all committed persons who menstruate. In
14 this subsection (j), "menstrual hygiene products" means
15 tampons and sanitary napkins for use in connection with the
16 menstrual cycle.

17 (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;
18 103-154, eff. 6-30-23; 103-331, eff. 1-1-24; revised 7-22-24.)

19 (730 ILCS 5/3-13-4) (from Ch. 38, par. 1003-13-4)

20 Sec. 3-13-4. Rules and sanctions.✚

21 (a) The Department shall establish rules governing release
22 status and shall provide written copies of such rules to both
23 the committed person on work or day release and to the employer
24 or other person responsible for the individual. Such employer
25 or other responsible person shall agree to abide by such

1 rules, notify the Department of any violation thereof by the
2 individual on release status, and notify the Department of the
3 discharge of the person from work or other programs.

4 (b) If a committed person violates any rule, the
5 Department may impose sanctions appropriate to the violation.
6 The Department shall provide sanctions for unauthorized
7 absences which shall include prosecution for escape under
8 Section 3-6-4.

9 (c) An order certified by the Director, Assistant
10 Director, or the Supervisor of the Apprehension Unit, or a
11 person duly designated by him or her, with the seal of the
12 Department of Corrections attached and directed to all
13 sheriffs, coroners, police officers, or to any particular
14 persons named in the order shall be sufficient warrant for the
15 officer or person named therein to arrest and deliver the
16 violator to the proper correctional official. Such order shall
17 be executed the same as criminal processes.

18 In the event that a work-releasee is arrested for another
19 crime, the sheriff or police officer shall hold the releasee
20 in custody until he notifies the nearest Office of Field
21 Services or any of the above-named persons designated in this
22 Section to certify the particular process or warrant.

23 (d) Not less than 3 days prior to any person being placed
24 in a work release facility, the Department of Corrections
25 shall provide to the State's Attorney and Sheriff of the
26 county in which the work release center is located, relevant

1 identifying information concerning the person to be placed in
2 the work release facility. Such information shall include, but
3 not be limited to, such identifying information as name, age,
4 physical description, photograph, the offense, and the
5 sentence for which the person is serving time in the
6 Department of Corrections, and like information. The
7 Department of Corrections shall, in addition, give written
8 notice not less than 3 days prior to the placement to the
9 State's Attorney of the county from which the offender was
10 originally sentenced. The notification requirements of this
11 subsection (d) may be electronic notification for individuals
12 required to be housed outside the penitentiary system pursuant
13 to subsection (a) of Section 5-8-6.

14 (e) For those individuals required to be housed outside
15 the penitentiary system as outlined in subsection (a) of
16 Section 5-8-6, the Department as soon as reasonably
17 practicable shall provide the State's Attorney and Sheriff of
18 the county in which the work release center is located,
19 relevant identifying information concerning the person to be
20 placed in the work release facility. Such information shall
21 include, but is not limited to, such identifying information
22 as name, age, physical description, photograph, the offense,
23 and the sentence for which the person is serving time in the
24 custody of the Department of Corrections, and similar
25 information. The Department of Corrections shall, in addition,
26 give electronic notice as soon as reasonably practicable to

1 the State's Attorney of the county from which the individual
2 was originally sentenced.

3 (Source: P.A. 103-358, eff. 1-1-24; revised 7-22-24.)

4 (730 ILCS 5/5-5-3.2)

5 Sec. 5-5-3.2. Factors in aggravation and extended-term
6 sentencing.

7 (a) The following factors shall be accorded weight in
8 favor of imposing a term of imprisonment or may be considered
9 by the court as reasons to impose a more severe sentence under
10 Section 5-8-1 or Article 4.5 of Chapter V:

11 (1) the defendant's conduct caused or threatened
12 serious harm;

13 (2) the defendant received compensation for committing
14 the offense;

15 (3) the defendant has a history of prior delinquency
16 or criminal activity;

17 (4) the defendant, by the duties of his office or by
18 his position, was obliged to prevent the particular
19 offense committed or to bring the offenders committing it
20 to justice;

21 (5) the defendant held public office at the time of
22 the offense, and the offense related to the conduct of
23 that office;

24 (6) the defendant utilized his professional reputation
25 or position in the community to commit the offense, or to

1 afford him an easier means of committing it;

2 (7) the sentence is necessary to deter others from
3 committing the same crime;

4 (8) the defendant committed the offense against a
5 person 60 years of age or older or such person's property;

6 (9) the defendant committed the offense against a
7 person who has a physical disability or such person's
8 property;

9 (10) by reason of another individual's actual or
10 perceived race, color, creed, religion, ancestry, gender,
11 sexual orientation, physical or mental disability, or
12 national origin, the defendant committed the offense
13 against (i) the person or property of that individual;
14 (ii) the person or property of a person who has an
15 association with, is married to, or has a friendship with
16 the other individual; or (iii) the person or property of a
17 relative (by blood or marriage) of a person described in
18 clause (i) or (ii). For the purposes of this Section,
19 "sexual orientation" has the meaning ascribed to it in
20 paragraph (O-1) of Section 1-103 of the Illinois Human
21 Rights Act;

22 (11) the offense took place in a place of worship or on
23 the grounds of a place of worship, immediately prior to,
24 during or immediately following worship services. For
25 purposes of this subparagraph, "place of worship" shall
26 mean any church, synagogue or other building, structure or

1 place used primarily for religious worship;

2 (12) the defendant was convicted of a felony committed
3 while he was on pretrial release or his own recognizance
4 pending trial for a prior felony and was convicted of such
5 prior felony, or the defendant was convicted of a felony
6 committed while he was serving a period of probation,
7 conditional discharge, or mandatory supervised release
8 under subsection (d) of Section 5-8-1 for a prior felony;

9 (13) the defendant committed or attempted to commit a
10 felony while he was wearing a bulletproof vest. For the
11 purposes of this paragraph (13), a bulletproof vest is any
12 device which is designed for the purpose of protecting the
13 wearer from bullets, shot or other lethal projectiles;

14 (14) the defendant held a position of trust or
15 supervision such as, but not limited to, family member as
16 defined in Section 11-0.1 of the Criminal Code of 2012,
17 teacher, scout leader, baby sitter, or day care worker, in
18 relation to a victim under 18 years of age, and the
19 defendant committed an offense in violation of Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
21 11-14.4 except for an offense that involves keeping a
22 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
23 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
24 or 12-16 of the Criminal Code of 1961 or the Criminal Code
25 of 2012 against that victim;

26 (15) the defendant committed an offense related to the

1 activities of an organized gang. For the purposes of this
2 factor, "organized gang" has the meaning ascribed to it in
3 Section 10 of the Streetgang Terrorism Omnibus Prevention
4 Act;

5 (16) the defendant committed an offense in violation
6 of one of the following Sections while in a school,
7 regardless of the time of day or time of year; on any
8 conveyance owned, leased, or contracted by a school to
9 transport students to or from school or a school related
10 activity; on the real property of a school; or on a public
11 way within 1,000 feet of the real property comprising any
12 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
13 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
14 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
15 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
16 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
17 for subdivision (a)(4) or (g)(1), of the Criminal Code of
18 1961 or the Criminal Code of 2012;

19 (16.5) the defendant committed an offense in violation
20 of one of the following Sections while in a day care
21 center, regardless of the time of day or time of year; on
22 the real property of a day care center, regardless of the
23 time of day or time of year; or on a public way within
24 1,000 feet of the real property comprising any day care
25 center, regardless of the time of day or time of year:
26 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
3 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
4 18-2, or 33A-2, or Section 12-3.05 except for subdivision
5 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
6 Criminal Code of 2012;

7 (17) the defendant committed the offense by reason of
8 any person's activity as a community policing volunteer or
9 to prevent any person from engaging in activity as a
10 community policing volunteer. For the purpose of this
11 Section, "community policing volunteer" has the meaning
12 ascribed to it in Section 2-3.5 of the Criminal Code of
13 2012;

14 (18) the defendant committed the offense in a nursing
15 home or on the real property comprising a nursing home.
16 For the purposes of this paragraph (18), "nursing home"
17 means a skilled nursing or intermediate long term care
18 facility that is subject to license by the Illinois
19 Department of Public Health under the Nursing Home Care
20 Act, the Specialized Mental Health Rehabilitation Act of
21 2013, the ID/DD Community Care Act, or the MC/DD Act;

22 (19) the defendant was a federally licensed firearm
23 dealer and was previously convicted of a violation of
24 subsection (a) of Section 3 of the Firearm Owners
25 Identification Card Act and has now committed either a
26 felony violation of the Firearm Owners Identification Card

1 Act or an act of armed violence while armed with a firearm;

2 (20) the defendant (i) committed the offense of
3 reckless homicide under Section 9-3 of the Criminal Code
4 of 1961 or the Criminal Code of 2012 or the offense of
5 driving under the influence of alcohol, other drug or
6 drugs, intoxicating compound or compounds or any
7 combination thereof under Section 11-501 of the Illinois
8 Vehicle Code or a similar provision of a local ordinance
9 and (ii) was operating a motor vehicle in excess of 20
10 miles per hour over the posted speed limit as provided in
11 Article VI of Chapter 11 of the Illinois Vehicle Code;

12 (21) the defendant (i) committed the offense of
13 reckless driving or aggravated reckless driving under
14 Section 11-503 of the Illinois Vehicle Code and (ii) was
15 operating a motor vehicle in excess of 20 miles per hour
16 over the posted speed limit as provided in Article VI of
17 Chapter 11 of the Illinois Vehicle Code;

18 (22) the defendant committed the offense against a
19 person that the defendant knew, or reasonably should have
20 known, was a member of the Armed Forces of the United
21 States serving on active duty. For purposes of this clause
22 (22), the term "Armed Forces" means any of the Armed
23 Forces of the United States, including a member of any
24 reserve component thereof or National Guard unit called to
25 active duty;

26 (23) the defendant committed the offense against a

1 person who was elderly or infirm or who was a person with a
2 disability by taking advantage of a family or fiduciary
3 relationship with the elderly or infirm person or person
4 with a disability;

5 (24) the defendant committed any offense under Section
6 11-20.1 of the Criminal Code of 1961 or the Criminal Code
7 of 2012 and possessed 100 or more images;

8 (25) the defendant committed the offense while the
9 defendant or the victim was in a train, bus, or other
10 vehicle used for public transportation;

11 (26) the defendant committed the offense of child
12 pornography or aggravated child pornography, specifically
13 including paragraph (1), (2), (3), (4), (5), or (7) of
14 subsection (a) of Section 11-20.1 of the Criminal Code of
15 1961 or the Criminal Code of 2012 where a child engaged in,
16 solicited for, depicted in, or posed in any act of sexual
17 penetration or bound, fettered, or subject to sadistic,
18 masochistic, or sadomasochistic abuse in a sexual context
19 and specifically including paragraph (1), (2), (3), (4),
20 (5), or (7) of subsection (a) of Section 11-20.1B or
21 Section 11-20.3 of the Criminal Code of 1961 where a child
22 engaged in, solicited for, depicted in, or posed in any
23 act of sexual penetration or bound, fettered, or subject
24 to sadistic, masochistic, or sadomasochistic abuse in a
25 sexual context;

26 (26.5) the defendant committed the offense of obscene

1 depiction of a purported child, specifically including
2 paragraph (2) of subsection (b) of Section 11-20.4 of the
3 Criminal Code of 2012 if a child engaged in, solicited
4 for, depicted in, or posed in any act of sexual
5 penetration or bound, fettered, or subject to sadistic,
6 masochistic, or sadomasochistic abuse in a sexual context;

7 (27) the defendant committed the offense of first
8 degree murder, assault, aggravated assault, battery,
9 aggravated battery, robbery, armed robbery, or aggravated
10 robbery against a person who was a veteran and the
11 defendant knew, or reasonably should have known, that the
12 person was a veteran performing duties as a representative
13 of a veterans' organization. For the purposes of this
14 paragraph (27), "veteran" means an Illinois resident who
15 has served as a member of the United States Armed Forces, a
16 member of the Illinois National Guard, or a member of the
17 United States Reserve Forces; and "veterans' organization"
18 means an organization comprised of members of which
19 substantially all are individuals who are veterans or
20 spouses, widows, or widowers of veterans, the primary
21 purpose of which is to promote the welfare of its members
22 and to provide assistance to the general public in such a
23 way as to confer a public benefit;

24 (28) the defendant committed the offense of assault,
25 aggravated assault, battery, aggravated battery, robbery,
26 armed robbery, or aggravated robbery against a person that

1 the defendant knew or reasonably should have known was a
2 letter carrier or postal worker while that person was
3 performing his or her duties delivering mail for the
4 United States Postal Service;

5 (29) the defendant committed the offense of criminal
6 sexual assault, aggravated criminal sexual assault,
7 criminal sexual abuse, or aggravated criminal sexual abuse
8 against a victim with an intellectual disability, and the
9 defendant holds a position of trust, authority, or
10 supervision in relation to the victim;

11 (30) the defendant committed the offense of promoting
12 juvenile prostitution, patronizing a prostitute, or
13 patronizing a minor engaged in prostitution and at the
14 time of the commission of the offense knew that the
15 prostitute or minor engaged in prostitution was in the
16 custody or guardianship of the Department of Children and
17 Family Services;

18 (31) the defendant (i) committed the offense of
19 driving while under the influence of alcohol, other drug
20 or drugs, intoxicating compound or compounds or any
21 combination thereof in violation of Section 11-501 of the
22 Illinois Vehicle Code or a similar provision of a local
23 ordinance and (ii) the defendant during the commission of
24 the offense was driving his or her vehicle upon a roadway
25 designated for one-way traffic in the opposite direction
26 of the direction indicated by official traffic control

1 devices;

2 (32) the defendant committed the offense of reckless
3 homicide while committing a violation of Section 11-907 of
4 the Illinois Vehicle Code;

5 (33) the defendant was found guilty of an
6 administrative infraction related to an act or acts of
7 public indecency or sexual misconduct in the penal
8 institution. In this paragraph (33), "penal institution"
9 has the same meaning as in Section 2-14 of the Criminal
10 Code of 2012; or

11 (34) the defendant committed the offense of leaving
12 the scene of a crash in violation of subsection (b) of
13 Section 11-401 of the Illinois Vehicle Code and the crash
14 resulted in the death of a person and at the time of the
15 offense, the defendant was: (i) driving under the
16 influence of alcohol, other drug or drugs, intoxicating
17 compound or compounds or any combination thereof as
18 defined by Section 11-501 of the Illinois Vehicle Code; or
19 (ii) operating the motor vehicle while using an electronic
20 communication device as defined in Section 12-610.2 of the
21 Illinois Vehicle Code.

22 For the purposes of this Section:

23 "School" is defined as a public or private elementary or
24 secondary school, community college, college, or university.

25 "Day care center" means a public or private State
26 certified and licensed day care center as defined in Section

1 2.09 of the Child Care Act of 1969 that displays a sign in
2 plain view stating that the property is a day care center.

3 "Intellectual disability" means significantly subaverage
4 intellectual functioning which exists concurrently with
5 impairment in adaptive behavior.

6 "Public transportation" means the transportation or
7 conveyance of persons by means available to the general
8 public, and includes paratransit services.

9 "Traffic control devices" means all signs, signals,
10 markings, and devices that conform to the Illinois Manual on
11 Uniform Traffic Control Devices, placed or erected by
12 authority of a public body or official having jurisdiction,
13 for the purpose of regulating, warning, or guiding traffic.

14 (b) The following factors, related to all felonies, may be
15 considered by the court as reasons to impose an extended term
16 sentence under Section 5-8-2 upon any offender:

17 (1) When a defendant is convicted of any felony, after
18 having been previously convicted in Illinois or any other
19 jurisdiction of the same or similar class felony or
20 greater class felony, when such conviction has occurred
21 within 10 years after the previous conviction, excluding
22 time spent in custody, and such charges are separately
23 brought and tried and arise out of different series of
24 acts; or

25 (2) When a defendant is convicted of any felony and
26 the court finds that the offense was accompanied by

1 exceptionally brutal or heinous behavior indicative of
2 wanton cruelty; or

3 (3) When a defendant is convicted of any felony
4 committed against:

5 (i) a person under 12 years of age at the time of
6 the offense or such person's property;

7 (ii) a person 60 years of age or older at the time
8 of the offense or such person's property; or

9 (iii) a person who had a physical disability at
10 the time of the offense or such person's property; or

11 (4) When a defendant is convicted of any felony and
12 the offense involved any of the following types of
13 specific misconduct committed as part of a ceremony, rite,
14 initiation, observance, performance, practice or activity
15 of any actual or ostensible religious, fraternal, or
16 social group:

17 (i) the brutalizing or torturing of humans or
18 animals;

19 (ii) the theft of human corpses;

20 (iii) the kidnapping of humans;

21 (iv) the desecration of any cemetery, religious,
22 fraternal, business, governmental, educational, or
23 other building or property; or

24 (v) ritualized abuse of a child; or

25 (5) When a defendant is convicted of a felony other
26 than conspiracy and the court finds that the felony was

1 committed under an agreement with 2 or more other persons
2 to commit that offense and the defendant, with respect to
3 the other individuals, occupied a position of organizer,
4 supervisor, financier, or any other position of management
5 or leadership, and the court further finds that the felony
6 committed was related to or in furtherance of the criminal
7 activities of an organized gang or was motivated by the
8 defendant's leadership in an organized gang; or

9 (6) When a defendant is convicted of an offense
10 committed while using a firearm with a laser sight
11 attached to it. For purposes of this paragraph, "laser
12 sight" has the meaning ascribed to it in Section 26-7 of
13 the Criminal Code of 2012; or

14 (7) When a defendant who was at least 17 years of age
15 at the time of the commission of the offense is convicted
16 of a felony and has been previously adjudicated a
17 delinquent minor under the Juvenile Court Act of 1987 for
18 an act that if committed by an adult would be a Class X or
19 Class 1 felony when the conviction has occurred within 10
20 years after the previous adjudication, excluding time
21 spent in custody; or

22 (8) When a defendant commits any felony and the
23 defendant used, possessed, exercised control over, or
24 otherwise directed an animal to assault a law enforcement
25 officer engaged in the execution of his or her official
26 duties or in furtherance of the criminal activities of an

1 organized gang in which the defendant is engaged; or

2 (9) When a defendant commits any felony and the
3 defendant knowingly video or audio records the offense
4 with the intent to disseminate the recording.

5 (c) The following factors may be considered by the court
6 as reasons to impose an extended term sentence under Section
7 5-8-2 ~~(730 ILCS 5/5-8-2)~~ upon any offender for the listed
8 offenses:

9 (1) When a defendant is convicted of first degree
10 murder, after having been previously convicted in Illinois
11 of any offense listed under paragraph (c)(2) of Section
12 5-5-3 ~~(730 ILCS 5/5-5-3)~~, when that conviction has
13 occurred within 10 years after the previous conviction,
14 excluding time spent in custody, and the charges are
15 separately brought and tried and arise out of different
16 series of acts.

17 (1.5) When a defendant is convicted of first degree
18 murder, after having been previously convicted of domestic
19 battery ~~(720 ILCS 5/12-3.2)~~ or aggravated domestic battery
20 ~~(720 ILCS 5/12-3.3)~~ committed on the same victim or after
21 having been previously convicted of violation of an order
22 of protection ~~(720 ILCS 5/12-30)~~ in which the same victim
23 was the protected person.

24 (2) When a defendant is convicted of voluntary
25 manslaughter, second degree murder, involuntary
26 manslaughter, or reckless homicide in which the defendant

1 has been convicted of causing the death of more than one
2 individual.

3 (3) When a defendant is convicted of aggravated
4 criminal sexual assault or criminal sexual assault, when
5 there is a finding that aggravated criminal sexual assault
6 or criminal sexual assault was also committed on the same
7 victim by one or more other individuals, and the defendant
8 voluntarily participated in the crime with the knowledge
9 of the participation of the others in the crime, and the
10 commission of the crime was part of a single course of
11 conduct during which there was no substantial change in
12 the nature of the criminal objective.

13 (4) If the victim was under 18 years of age at the time
14 of the commission of the offense, when a defendant is
15 convicted of aggravated criminal sexual assault or
16 predatory criminal sexual assault of a child under
17 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
18 of Section 12-14.1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 ~~(720 ILCS 5/11-1.40 or 5/12-14.1)~~.

20 (5) When a defendant is convicted of a felony
21 violation of Section 24-1 of the Criminal Code of 1961 or
22 the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~ and there is a
23 finding that the defendant is a member of an organized
24 gang.

25 (6) When a defendant was convicted of unlawful
26 possession of weapons under Section 24-1 of the Criminal

1 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~
2 for possessing a weapon that is not readily
3 distinguishable as one of the weapons enumerated in
4 Section 24-1 of the Criminal Code of 1961 or the Criminal
5 Code of 2012 ~~(720 ILCS 5/24-1)~~.

6 (7) When a defendant is convicted of an offense
7 involving the illegal manufacture of a controlled
8 substance under Section 401 of the Illinois Controlled
9 Substances Act ~~(720 ILCS 570/401)~~, the illegal manufacture
10 of methamphetamine under Section 25 of the Methamphetamine
11 Control and Community Protection Act ~~(720 ILCS 646/25)~~, or
12 the illegal possession of explosives and an emergency
13 response officer in the performance of his or her duties
14 is killed or injured at the scene of the offense while
15 responding to the emergency caused by the commission of
16 the offense. In this paragraph, "emergency" means a
17 situation in which a person's life, health, or safety is
18 in jeopardy; and "emergency response officer" means a
19 peace officer, community policing volunteer, fireman,
20 emergency medical technician-ambulance, emergency medical
21 technician-intermediate, emergency medical
22 technician-paramedic, ambulance driver, other medical
23 assistance or first aid personnel, or hospital emergency
24 room personnel.

25 (8) When the defendant is convicted of attempted mob
26 action, solicitation to commit mob action, or conspiracy

1 to commit mob action under Section 8-1, 8-2, or 8-4 of the
2 Criminal Code of 2012, where the criminal object is a
3 violation of Section 25-1 of the Criminal Code of 2012,
4 and an electronic communication is used in the commission
5 of the offense. For the purposes of this paragraph (8),
6 "electronic communication" shall have the meaning provided
7 in Section 26.5-0.1 of the Criminal Code of 2012.

8 (d) For the purposes of this Section, "organized gang" has
9 the meaning ascribed to it in Section 10 of the Illinois
10 Streetgang Terrorism Omnibus Prevention Act.

11 (e) The court may impose an extended term sentence under
12 Article 4.5 of Chapter V upon an offender who has been
13 convicted of a felony violation of Section 11-1.20, 11-1.30,
14 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
15 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
16 when the victim of the offense is under 18 years of age at the
17 time of the commission of the offense and, during the
18 commission of the offense, the victim was under the influence
19 of alcohol, regardless of whether or not the alcohol was
20 supplied by the offender; and the offender, at the time of the
21 commission of the offense, knew or should have known that the
22 victim had consumed alcohol.

23 (Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23;
24 103-822, eff. 1-1-25; 103-825, eff. 1-1-25; revised 11-26-24.)

1 Sec. 5-6-3.6. First Time Weapon Offense Program.

2 (a) The General Assembly has sought to promote public
3 safety, reduce recidivism, and conserve valuable resources of
4 the criminal justice system through the creation of diversion
5 programs for non-violent offenders. Public Act 103-370 ~~This~~
6 ~~amendatory Act of the 103rd General Assembly~~ establishes a
7 program for first-time, non-violent offenders charged with
8 certain weapons possession offenses. The General Assembly
9 recognizes some persons, particularly in areas of high crime
10 or poverty, may have experienced trauma that contributes to
11 poor decision making skills, and the creation of a
12 diversionary program poses a greater benefit to the community
13 and the person than incarceration. Under this program, a
14 court, with the consent of the defendant and the State's
15 Attorney, may sentence a defendant charged with an unlawful
16 possession of weapons offense under Section 24-1 of the
17 Criminal Code of 2012 or aggravated unlawful possession of a
18 weapon offense under Section 24-1.6 of the Criminal Code of
19 2012, if punishable as a Class 4 felony or lower, to a First
20 Time Weapon Offense Program.

21 (b) A defendant is not eligible for this Program if:

22 (1) the offense was committed during the commission of
23 a violent offense as defined in subsection (h) of this
24 Section;

25 (2) he or she has previously been convicted or placed
26 on probation or conditional discharge for any violent

1 offense under the laws of this State, the laws of any other
2 state, or the laws of the United States;

3 (3) he or she had a prior successful completion of the
4 First Time Weapon Offense Program under this Section;

5 (4) he or she has previously been adjudicated a
6 delinquent minor for the commission of a violent offense;

7 (5) (blank); or

8 (6) he or she has an existing order of protection
9 issued against him or her.

10 (b-5) In considering whether a defendant shall be
11 sentenced to the First Time Weapon Offense Program, the court
12 shall consider the following:

13 (1) the age, immaturity, or limited mental capacity of
14 the defendant;

15 (2) the nature and circumstances of the offense;

16 (3) whether participation in the Program is in the
17 interest of the defendant's rehabilitation, including any
18 employment or involvement in community, educational,
19 training, or vocational programs;

20 (4) whether the defendant suffers from trauma, as
21 supported by documentation or evaluation by a licensed
22 professional; and

23 (5) the potential risk to public safety.

24 (c) For an offense committed on or after January 1, 2018
25 (the effective date of Public Act 100-3) whenever an eligible
26 person pleads guilty to an unlawful possession of weapons

1 offense under Section 24-1 of the Criminal Code of 2012 or
2 aggravated unlawful possession of a weapon offense under
3 Section 24-1.6 of the Criminal Code of 2012, which is
4 punishable as a Class 4 felony or lower, the court, with the
5 consent of the defendant and the State's Attorney, may,
6 without entering a judgment, sentence the defendant to
7 complete the First Time Weapon Offense Program. When a
8 defendant is placed in the Program, the court shall defer
9 further proceedings in the case until the conclusion of the
10 period or until the filing of a petition alleging violation of
11 a term or condition of the Program. A disposition of probation
12 is considered to be a conviction for the purposes of imposing
13 the conditions of probation and for appeal;it however, a
14 sentence under this Section is not a conviction for purposes
15 of this Act or for purposes of disqualifications or
16 disabilities imposed by law upon conviction of a crime unless
17 and until judgment is entered. Upon violation of a term or
18 condition of the Program, the court may enter a judgment on its
19 original finding of guilt and proceed as otherwise provided by
20 law. Upon fulfillment of the terms and conditions of the
21 Program, the court shall discharge the person and dismiss the
22 proceedings against the person.

23 (d) The Program shall be at least 6 months and not to
24 exceed 24 months, as determined by the court at the
25 recommendation of the Program administrator and the State's
26 Attorney. The Program administrator may be appointed by the

1 Chief Judge of each Judicial Circuit.

2 (e) The conditions of the Program shall be that the
3 defendant:

4 (1) not violate any criminal statute of this State or
5 any other jurisdiction;

6 (2) refrain from possessing a firearm or other
7 dangerous weapon;

8 (3) (blank);

9 (4) (blank);

10 (5) (blank);

11 (6) (blank);

12 (7) attend and participate in any Program activities
13 deemed required by the Program administrator, such as:
14 counseling sessions, in-person and over the phone
15 check-ins, and educational classes; and

16 (8) (blank).

17 (f) The Program may, in addition to other conditions,
18 require that the defendant:

19 (1) obtain or attempt to obtain employment;

20 (2) attend educational courses designed to prepare the
21 defendant for obtaining a high school diploma or to work
22 toward passing high school equivalency testing or to work
23 toward completing a vocational training program;

24 (3) refrain from having in his or her body the
25 presence of any illicit drug prohibited by the
26 Methamphetamine Control and Community Protection Act or

1 the Illinois Controlled Substances Act, unless prescribed
2 by a physician, and submit samples of his or her blood or
3 urine or both for tests to determine the presence of any
4 illicit drug;

5 (4) perform community service;

6 (5) pay all fines, assessments, fees, and costs; and

7 (6) comply with such other reasonable conditions as
8 the court may impose.

9 (g) There may be only one discharge and dismissal under
10 this Section. If a person is convicted of any offense which
11 occurred within 5 years subsequent to a discharge and
12 dismissal under this Section, the discharge and dismissal
13 under this Section shall be admissible in the sentencing
14 proceeding for that conviction as evidence in aggravation.

15 (h) For purposes of this Section, "violent offense" means
16 any offense in which bodily harm was inflicted or force was
17 used against any person or threatened against any person; any
18 offense involving the possession of a firearm or dangerous
19 weapon; any offense involving sexual conduct, sexual
20 penetration, or sexual exploitation; violation of an order of
21 protection, stalking, hate crime, domestic battery, or any
22 offense of domestic violence.

23 (i) (Blank).

24 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22;
25 103-370, eff. 7-28-23; 103-702, eff. 1-1-25; 103-822, eff.
26 1-1-25; revised 11-26-24.)

1 (730 ILCS 5/5-6-3.8)

2 Sec. 5-6-3.8. Eligibility for programs restricted by
3 felony background. Any conviction entered prior to July 1,
4 2021 (the effective date of Public Act 101-652) ~~this~~
5 ~~amendatory Act of the 101st General Assembly~~ for:

6 (1) felony possession of a controlled substance, or
7 possession with intent to manufacture or deliver a
8 controlled substance, in a total amount equal to or less
9 than the amounts listed in subsection (a-5) of Section 402
10 of the Illinois Controlled Substances Act; or

11 (2) felony possession of methamphetamine, or
12 possession with intent to deliver methamphetamine, in an
13 amount less than 3 grams; or any adjudication of
14 delinquency under the Juvenile Court Act of 1987 for acts
15 that would have constituted those felonies if committed by
16 an adult;7

17 shall be treated as a Class A misdemeanor for the purposes of
18 evaluating a defendant's eligibility for programs of qualified
19 probation, impact incarceration, or any other diversion,
20 deflection, probation, or other program for which felony
21 background or delinquency background is a factor in
22 determining eligibility."7

23 (Source: P.A. 101-652, eff. 7-1-21; revised 1-15-25.)

24 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

1 Sec. 5-8-1. Natural life imprisonment; enhancements for
2 use of a firearm; mandatory supervised release terms.

3 (a) Except as otherwise provided in the statute defining
4 the offense or in Article 4.5 of Chapter V, a sentence of
5 imprisonment for a felony shall be a determinate sentence set
6 by the court under this Section, subject to Section 5-4.5-115
7 of this Code, according to the following limitations:

8 (1) for first degree murder,

9 (a) (blank),

10 (b) if a trier of fact finds beyond a reasonable
11 doubt that the murder was accompanied by exceptionally
12 brutal or heinous behavior indicative of wanton
13 cruelty or, except as set forth in subsection
14 (a) (1) (c) of this Section, that any of the aggravating
15 factors listed in subparagraph (b-5) are present, the
16 court may sentence the defendant, subject to Section
17 5-4.5-105, to a term of natural life imprisonment, or

18 (b-5) a ~~A~~ defendant who at the time of the
19 commission of the offense has attained the age of 18 or
20 more and who has been found guilty of first degree
21 murder may be sentenced to a term of natural life
22 imprisonment if:

23 (1) the murdered individual was an inmate at
24 an institution or facility of the Department of
25 Corrections, or any similar local correctional
26 agency and was killed on the grounds thereof, or

1 the murdered individual was otherwise present in
2 such institution or facility with the knowledge
3 and approval of the chief administrative officer
4 thereof;

5 (2) the murdered individual was killed as a
6 result of the hijacking of an airplane, train,
7 ship, bus, or other public conveyance;

8 (3) the defendant committed the murder
9 pursuant to a contract, agreement, or
10 understanding by which he or she was to receive
11 money or anything of value in return for
12 committing the murder or procured another to
13 commit the murder for money or anything of value;

14 (4) the murdered individual was killed in the
15 course of another felony if:

16 (A) the murdered individual:

17 (i) was actually killed by the
18 defendant, or

19 (ii) received physical injuries
20 personally inflicted by the defendant
21 substantially contemporaneously with
22 physical injuries caused by one or more
23 persons for whose conduct the defendant is
24 legally accountable under Section 5-2 of
25 this Code, and the physical injuries
26 inflicted by either the defendant or the

1 other person or persons for whose conduct
2 he is legally accountable caused the death
3 of the murdered individual; and (B) in
4 performing the acts which caused the death
5 of the murdered individual or which
6 resulted in physical injuries personally
7 inflicted by the defendant on the murdered
8 individual under the circumstances of
9 subdivision (ii) of clause (A) of this
10 clause (4), the defendant acted with the
11 intent to kill the murdered individual or
12 with the knowledge that his or her acts
13 created a strong probability of death or
14 great bodily harm to the murdered
15 individual or another; and

16 (B) in performing the acts which caused
17 the death of the murdered individual or which
18 resulted in physical injuries personally
19 inflicted by the defendant on the murdered
20 individual under the circumstances of
21 subdivision (ii) of clause (A) of this clause
22 (4), the defendant acted with the intent to
23 kill the murdered individual or with the
24 knowledge that his or her acts created a
25 strong probability of death or great bodily
26 harm to the murdered individual or another;

1 and

2 (C) the other felony was an inherently
3 violent crime or the attempt to commit an
4 inherently violent crime. In this clause (C),
5 "inherently violent crime" includes, but is
6 not limited to, armed robbery, robbery,
7 predatory criminal sexual assault of a child,
8 aggravated criminal sexual assault, aggravated
9 kidnapping, aggravated vehicular hijacking,
10 aggravated arson, aggravated stalking,
11 residential burglary, and home invasion;

12 (5) the defendant committed the murder with
13 intent to prevent the murdered individual from
14 testifying or participating in any criminal
15 investigation or prosecution or giving material
16 assistance to the State in any investigation or
17 prosecution, either against the defendant or
18 another; or the defendant committed the murder
19 because the murdered individual was a witness in
20 any prosecution or gave material assistance to the
21 State in any investigation or prosecution, either
22 against the defendant or another; for purposes of
23 this clause (5), "participating in any criminal
24 investigation or prosecution" is intended to
25 include those appearing in the proceedings in any
26 capacity such as trial judges, prosecutors,

1 defense attorneys, investigators, witnesses, or
2 jurors;

3 (6) the defendant, while committing an offense
4 punishable under Section 401, 401.1, 401.2, 405,
5 405.2, 407, or 407.1 or subsection (b) of Section
6 404 of the Illinois Controlled Substances Act, or
7 while engaged in a conspiracy or solicitation to
8 commit such offense, intentionally killed an
9 individual or counseled, commanded, induced,
10 procured, or caused the intentional killing of the
11 murdered individual;

12 (7) the defendant was incarcerated in an
13 institution or facility of the Department of
14 Corrections at the time of the murder, and while
15 committing an offense punishable as a felony under
16 Illinois law, or while engaged in a conspiracy or
17 solicitation to commit such offense, intentionally
18 killed an individual or counseled, commanded,
19 induced, procured, or caused the intentional
20 killing of the murdered individual;

21 (8) the murder was committed in a cold,
22 calculated and premeditated manner pursuant to a
23 preconceived plan, scheme, or design to take a
24 human life by unlawful means, and the conduct of
25 the defendant created a reasonable expectation
26 that the death of a human being would result

1 therefrom;

2 (9) the defendant was a principal
3 administrator, organizer, or leader of a
4 calculated criminal drug conspiracy consisting of
5 a hierarchical position of authority superior to
6 that of all other members of the conspiracy, and
7 the defendant counseled, commanded, induced,
8 procured, or caused the intentional killing of the
9 murdered person;

10 (10) the murder was intentional and involved
11 the infliction of torture. For the purpose of this
12 clause (10), torture means the infliction of or
13 subjection to extreme physical pain, motivated by
14 an intent to increase or prolong the pain,
15 suffering, or agony of the victim;

16 (11) the murder was committed as a result of
17 the intentional discharge of a firearm by the
18 defendant from a motor vehicle and the victim was
19 not present within the motor vehicle;

20 (12) the murdered individual was a person with
21 a disability and the defendant knew or should have
22 known that the murdered individual was a person
23 with a disability. For purposes of this clause
24 (12), "person with a disability" means a person
25 who suffers from a permanent physical or mental
26 impairment resulting from disease, an injury, a

1 functional disorder, or a congenital condition
2 that renders the person incapable of adequately
3 providing for his or her own health or personal
4 care;

5 (13) the murdered individual was subject to an
6 order of protection and the murder was committed
7 by a person against whom the same order of
8 protection was issued under the Illinois Domestic
9 Violence Act of 1986;

10 (14) the murdered individual was known by the
11 defendant to be a teacher or other person employed
12 in any school and the teacher or other employee is
13 upon the grounds of a school or grounds adjacent
14 to a school, or is in any part of a building used
15 for school purposes;

16 (15) the murder was committed by the defendant
17 in connection with or as a result of the offense of
18 terrorism as defined in Section 29D-14.9 of this
19 Code;

20 (16) the murdered individual was a member of a
21 congregation engaged in prayer or other religious
22 activities at a church, synagogue, mosque, or
23 other building, structure, or place used for
24 religious worship; or

25 (17) (i) the murdered individual was a
26 physician, physician assistant, psychologist,

1 nurse, or advanced practice registered nurse;

2 (ii) the defendant knew or should have known
3 that the murdered individual was a physician,
4 physician assistant, psychologist, nurse, or
5 advanced practice registered nurse; and

6 (iii) the murdered individual was killed in
7 the course of acting in his or her capacity as a
8 physician, physician assistant, psychologist,
9 nurse, or advanced practice registered nurse, or
10 to prevent him or her from acting in that
11 capacity, or in retaliation for his or her acting
12 in that capacity.

13 (c) the court shall sentence the defendant to a
14 term of natural life imprisonment if the defendant, at
15 the time of the commission of the murder, had attained
16 the age of 18, and:

17 (i) has previously been convicted of first
18 degree murder under any state or federal law, or

19 (ii) is found guilty of murdering more than
20 one victim, or

21 (iii) is found guilty of murdering a peace
22 officer, fireman, or emergency management worker
23 when the peace officer, fireman, or emergency
24 management worker was killed in the course of
25 performing his official duties, or to prevent the
26 peace officer or fireman from performing his

1 official duties, or in retaliation for the peace
2 officer, fireman, or emergency management worker
3 from performing his official duties, and the
4 defendant knew or should have known that the
5 murdered individual was a peace officer, fireman,
6 or emergency management worker, or

7 (iv) is found guilty of murdering an employee
8 of an institution or facility of the Department of
9 Corrections, or any similar local correctional
10 agency, when the employee was killed in the course
11 of performing his official duties, or to prevent
12 the employee from performing his official duties,
13 or in retaliation for the employee performing his
14 official duties, or

15 (v) is found guilty of murdering an emergency
16 medical technician - ambulance, emergency medical
17 technician - intermediate, emergency medical
18 technician - paramedic, ambulance driver, or other
19 medical assistance or first aid person while
20 employed by a municipality or other governmental
21 unit when the person was killed in the course of
22 performing official duties or to prevent the
23 person from performing official duties or in
24 retaliation for performing official duties and the
25 defendant knew or should have known that the
26 murdered individual was an emergency medical

1 technician - ambulance, emergency medical
2 technician - intermediate, emergency medical
3 technician - paramedic, ambulance driver, or other
4 medical assistant or first aid personnel, or

5 (vi) (blank), or

6 (vii) is found guilty of first degree murder
7 and the murder was committed by reason of any
8 person's activity as a community policing
9 volunteer or to prevent any person from engaging
10 in activity as a community policing volunteer. For
11 the purpose of this Section, "community policing
12 volunteer" has the meaning ascribed to it in
13 Section 2-3.5 of the Criminal Code of 2012.

14 For purposes of clause (v), "emergency medical
15 technician - ambulance", "emergency medical technician
16 - intermediate", and "emergency medical technician -
17 paramedic"~~7~~ have the meanings ascribed to them in the
18 Emergency Medical Services (EMS) Systems Act.

19 (d) (i) if the person committed the offense while
20 armed with a firearm, 15 years shall be added to
21 the term of imprisonment imposed by the court;

22 (ii) if, during the commission of the offense, the
23 person personally discharged a firearm, 20 years shall
24 be added to the term of imprisonment imposed by the
25 court;

26 (iii) if, during the commission of the offense,

1 the person personally discharged a firearm that
2 proximately caused great bodily harm, permanent
3 disability, permanent disfigurement, or death to
4 another person, 25 years or up to a term of natural
5 life shall be added to the term of imprisonment
6 imposed by the court.

7 (2) (blank);

8 (2.5) for a person who has attained the age of 18 years
9 at the time of the commission of the offense and who is
10 convicted under the circumstances described in subdivision
11 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
12 subsection (b) of Section 12-13, subdivision (d)(2) of
13 Section 11-1.30 or paragraph (2) of subsection (d) of
14 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
15 paragraph (1.2) of subsection (b) of Section 12-14.1,
16 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
17 subsection (b) of Section 12-14.1 of the Criminal Code of
18 1961 or the Criminal Code of 2012, the sentence shall be a
19 term of natural life imprisonment.

20 (b) (Blank).

21 (c) (Blank).

22 (d) Subject to earlier termination under Section 3-3-8,
23 the parole or mandatory supervised release term shall be
24 written as part of the sentencing order and shall be as
25 follows:

26 (1) for first degree murder or for the offenses of

1 predatory criminal sexual assault of a child, aggravated
2 criminal sexual assault, and criminal sexual assault if
3 committed on or before December 12, 2005, 3 years;

4 (1.5) except as provided in paragraph (7) of this
5 subsection (d), for a Class X felony except for the
6 offenses of predatory criminal sexual assault of a child,
7 aggravated criminal sexual assault, and criminal sexual
8 assault if committed on or after December 13, 2005 (the
9 effective date of Public Act 94-715) and except for the
10 offense of aggravated child pornography under Section
11 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
12 subsection (c-5) of Section 11-20.1 of the Criminal Code
13 of 1961 or the Criminal Code of 2012, if committed on or
14 after January 1, 2009, and except for the offense of
15 obscene depiction of a purported child with sentencing
16 under subsection (d) of Section 11-20.4 of the Criminal
17 Code of 2012, 18 months;

18 (2) except as provided in paragraph (7) of this
19 subsection (d), for a Class 1 felony or a Class 2 felony
20 except for the offense of criminal sexual assault if
21 committed on or after December 13, 2005 (the effective
22 date of Public Act 94-715) and except for the offenses of
23 manufacture and dissemination of child pornography under
24 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, if
26 committed on or after January 1, 2009, and except for the

1 offense of obscene depiction of a purported child under
2 paragraph (2) of subsection (b) of Section 11-20.4 of the
3 Criminal Code of 2012, 12 months;

4 (3) except as provided in paragraph (4), (6), or (7)
5 of this subsection (d), for a Class 3 felony or a Class 4
6 felony, 6 months; no later than 45 days after the onset of
7 the term of mandatory supervised release, the Prisoner
8 Review Board shall conduct a discretionary discharge
9 review pursuant to the provisions of Section 3-3-8, which
10 shall include the results of a standardized risk and needs
11 assessment tool administered by the Department of
12 Corrections; the changes to this paragraph (3) made by
13 Public Act 102-1104 ~~this amendatory Act of the 102nd~~
14 ~~General Assembly~~ apply to all individuals released on
15 mandatory supervised release on or after December 6, 2022
16 (the effective date of Public Act 102-1104) ~~this~~
17 ~~amendatory Act of the 102nd General Assembly~~, including
18 those individuals whose sentences were imposed prior to
19 December 6, 2022 (the effective date of Public Act
20 102-1104) ~~this amendatory Act of the 102nd General~~
21 ~~Assembly;~~

22 (4) for defendants who commit the offense of predatory
23 criminal sexual assault of a child, aggravated criminal
24 sexual assault, or criminal sexual assault, on or after
25 December 13, 2005 (the effective date of Public Act
26 94-715), or who commit the offense of aggravated child

1 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
2 with sentencing under subsection (c-5) of Section 11-20.1
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 manufacture of child pornography, or dissemination of
5 child pornography after January 1, 2009, or who commit the
6 offense of obscene depiction of a purported child under
7 paragraph (2) of subsection (b) of Section 11-20.4 of the
8 Criminal Code of 2012 or who commit the offense of obscene
9 depiction of a purported child with sentencing under
10 subsection (d) of Section 11-20.4 of the Criminal Code of
11 2012, the term of mandatory supervised release shall range
12 from a minimum of 3 years to a maximum of the natural life
13 of the defendant;

14 (5) if the victim is under 18 years of age, for a
15 second or subsequent offense of aggravated criminal sexual
16 abuse or felony criminal sexual abuse, 4 years, at least
17 the first 2 years of which the defendant shall serve in an
18 electronic monitoring or home detention program under
19 Article 8A of Chapter V of this Code;

20 (6) for a felony domestic battery, aggravated domestic
21 battery, stalking, aggravated stalking, and a felony
22 violation of an order of protection, 4 years;

23 (7) for any felony described in paragraph (a)(2)(ii),
24 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
25 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
26 3-6-3 of the Unified Code of Corrections requiring an

1 inmate to serve a minimum of 85% of their court-imposed
2 sentence, except for the offenses of predatory criminal
3 sexual assault of a child, aggravated criminal sexual
4 assault, and criminal sexual assault if committed on or
5 after December 13, 2005 (the effective date of Public Act
6 94-715) and except for the offense of aggravated child
7 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
8 with sentencing under subsection (c-5) of Section 11-20.1
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 if committed on or after January 1, 2009, and except for
11 the offense of obscene depiction of a purported child with
12 sentencing under subsection (d) of Section 11-20.4 of the
13 Criminal Code of 2012, and except as provided in paragraph
14 (4) or paragraph (6) of this subsection (d), the term of
15 mandatory supervised release shall be as follows:

16 (A) Class X felony, 3 years;

17 (B) Class 1 or Class 2 felonies, 2 years;

18 (C) Class 3 or Class 4 felonies, 1 year.

19 (e) (Blank).

20 (f) (Blank).

21 (g) Notwithstanding any other provisions of this Act and
22 of Public Act 101-652: (i) the provisions of paragraph (3) of
23 subsection (d) are effective on July 1, 2022 and shall apply to
24 all individuals convicted on or after the effective date of
25 paragraph (3) of subsection (d); and (ii) the provisions of
26 paragraphs (1.5) and (2) of subsection (d) are effective on

1 July 1, 2021 and shall apply to all individuals convicted on or
2 after the effective date of paragraphs (1.5) and (2) of
3 subsection (d).

4 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
5 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
6 1-1-24; 103-825, eff. 1-1-25; revised 10-24-24.)

7 Section 1090. The Probation and Probation Officers Act is
8 amended by changing Section 16.1 as follows:

9 (730 ILCS 110/16.1)

10 Sec. 16.1. Redeploy Illinois Program.

11 (a) The purpose of this Section is to encourage the
12 deinstitutionalization of juvenile offenders by establishing
13 projects in counties or groups of counties that reallocate
14 State funds from juvenile correctional confinement to local
15 jurisdictions, which will establish a continuum of local,
16 community-based sanctions and treatment alternatives for
17 juvenile offenders who would be incarcerated if those local
18 services and sanctions did not exist. It is also intended to
19 offer alternatives, when appropriate, to avoid commitment to
20 the Department of Juvenile Justice, to direct child welfare
21 services for minors charged with a criminal offense or
22 adjudicated delinquent under Section 5 of the Children and
23 Family Services Act. The allotment of funds will be based on a
24 formula that rewards local jurisdictions for the establishment

1 or expansion of local alternatives to incarceration, and
2 requires them to pay for utilization of incarceration as a
3 sanction. In addition, there shall be an allocation of
4 resources (amount to be determined annually by the Redeploy
5 Illinois Oversight Board) set aside at the beginning of each
6 fiscal year to be made available for any county or groups of
7 counties which need resources only occasionally for services
8 to avoid commitment to the Department of Juvenile Justice for
9 a limited number of youth. This redeployment of funds shall be
10 made in a manner consistent with the Juvenile Court Act of 1987
11 and the following purposes and policies:

12 (1) The juvenile justice system should protect the
13 community, impose accountability to victims and
14 communities for violations of law, and equip juvenile
15 offenders with competencies to live responsibly and
16 productively.

17 (2) Juveniles should be treated in the least
18 restrictive manner possible while maintaining the safety
19 of the community.

20 (3) A continuum of services and sanctions from least
21 restrictive to most restrictive should be available in
22 every community.

23 (4) There should be local responsibility and authority
24 for planning, organizing, and coordinating service
25 resources in the community. People in the community can
26 best choose a range of services which reflect community

1 values and meet the needs of their own youth.

2 (5) Juveniles who pose a threat to the community or
3 themselves need special care, including secure settings.
4 Such services as detention, long-term incarceration, or
5 residential treatment are too costly to provide in each
6 community and should be coordinated and provided on a
7 regional or Statewide basis.

8 (6) The roles of State and local government in
9 creating and maintaining services to youth in the juvenile
10 justice system should be clearly defined. The role of the
11 State is to fund services, set standards of care, train
12 service providers, and monitor the integration and
13 coordination of services. The role of local government
14 should be to oversee the provision of services.

15 (b) Each county or circuit participating in the Redeploy
16 Illinois program must create a local plan demonstrating how it
17 will reduce the county or circuit's utilization of secure
18 confinement of juvenile offenders in the Illinois Department
19 of Juvenile Justice or county detention centers by the
20 creation or expansion of individualized services or programs
21 that may include but are not limited to the following:

22 (1) Assessment and evaluation services to provide the
23 juvenile justice system with accurate individualized case
24 information on each juvenile offender, including mental
25 health, substance abuse, educational, and family
26 information;

1 (2) Direct services to individual juvenile offenders,
2 including educational, vocational, mental health,
3 substance abuse, supervision, and service coordination;
4 and

5 (3) Programs that seek to restore the offender to the
6 community, such as victim offender panels, teen courts,
7 competency building, enhanced accountability measures,
8 restitution, and community service. The local plan must be
9 directed in such a manner as to emphasize an
10 individualized approach to providing services to juvenile
11 offenders in an integrated community based system
12 including probation as the broker of services. The plan
13 must also detail the reduction in utilization of secure
14 confinement. The local plan shall be limited to services
15 and shall not include costs for:

16 (i) capital expenditures;

17 (ii) renovations or remodeling;

18 (iii) personnel costs for probation.

19 The local plan shall be submitted to the Department of
20 Human Services.

21 (c) A county or group of counties may develop an agreement
22 with the Department of Human Services to reduce their number
23 of commitments of juvenile offenders, excluding minors
24 sentenced based upon a finding of guilt of first degree murder
25 or an offense which is a Class X forcible felony as defined in
26 the Criminal Code of 2012, to the Department of Juvenile

1 Justice, and then use the savings to develop local programming
2 for youth who would otherwise have been committed to the
3 Department of Juvenile Justice. A county or group of counties
4 shall agree to limit their commitments to 75% of the level of
5 commitments from the average number of juvenile commitments
6 for the past 3 years, and will receive the savings to redeploy
7 for local programming for juveniles who would otherwise be
8 held in confinement. For any county or group of counties with a
9 decrease of juvenile commitments of at least 25%, based on the
10 average reductions of the prior 3 years, which are chosen to
11 participate or continue as sites, the Redeploy Illinois
12 Oversight Board has the authority to reduce the required
13 percentage of future commitments to achieve the purpose of
14 this Section. The agreement shall set forth the following:

15 (1) a statement ~~Statement~~ of the number and type of
16 juvenile offenders from the county who were held in secure
17 confinement by the Illinois Department of Juvenile Justice
18 or in county detention the previous year, and an
19 explanation of which, and how many, of these offenders
20 might be served through the proposed Redeploy Illinois
21 Program for which the funds shall be used;

22 (2) a statement ~~Statement~~ of the service needs of
23 currently confined juveniles;

24 (3) a statement ~~Statement~~ of the type of services and
25 programs to provide for the individual needs of the
26 juvenile offenders, and the research or evidence base that

1 qualifies those services and programs as proven or
2 promising practices;

3 (4) a budget indicating the costs of each service or
4 program to be funded under the plan;

5 (5) a summary of contracts and service agreements
6 indicating the treatment goals and number of juvenile
7 offenders to be served by each service provider; and

8 (6) a statement ~~Statement~~ indicating that the Redeploy
9 Illinois Program will not duplicate existing services and
10 programs. Funds for this plan shall not supplant existing
11 county funded programs.

12 In a county with a population exceeding 2,000,000, the
13 Redeploy Illinois Oversight Board may authorize the Department
14 of Human Services to enter into an agreement with that county
15 to reduce the number of commitments by the same percentage as
16 is required by this Section of other counties, and with all of
17 the same requirements of this Act, including reporting and
18 evaluation, except that the agreement may encompass a clearly
19 identifiable geographical subdivision of that county. The
20 geographical subdivision may include, but is not limited to, a
21 police district or group of police districts, a geographical
22 area making up a court calendar or group of court calendars, a
23 municipal district or group of municipal districts, or a
24 municipality or group of municipalities.

25 (d) (Blank).

26 (d-5) A county or group of counties that does not have an

1 approved Redeploy Illinois program, as described in subsection
2 (b), and that has committed fewer than 10 Redeploy eligible
3 youth to the Department of Juvenile Justice on average over
4 the previous 3 years, may develop an individualized agreement
5 with the Department of Human Services through the Redeploy
6 Illinois program to provide services to youth to avoid
7 commitment to the Department of Juvenile Justice. The
8 agreement shall set forth the following:

9 (1) a statement of the number and type of juvenile
10 offenders from the county who were at risk under any of the
11 categories listed above during the 3 previous years, and
12 an explanation of which of these offenders would be served
13 through the proposed Redeploy Illinois program for which
14 the funds shall be used, or through individualized
15 contracts with existing Redeploy programs in neighboring
16 counties;

17 (2) a statement of the service needs;

18 (3) a statement of the type of services and programs
19 to provide for the individual needs of the juvenile
20 offenders, and the research or evidence that qualifies
21 those services and programs as proven or promising
22 practices;

23 (4) a budget indicating the costs of each service or
24 program to be funded under the plan;

25 (5) a summary of contracts and service agreements
26 indicating the treatment goals and number of juvenile

1 offenders to be served by each service provider; and

2 (6) a statement indicating that the Redeploy Illinois
3 program will not duplicate existing services and programs.
4 Funds for this plan shall not supplant existing county
5 funded programs.

6 (e) The Department of Human Services shall be responsible
7 for the following:

8 (1) Reviewing each Redeploy Illinois Program plan for
9 compliance with standards established for such plans. A
10 plan may be approved as submitted, approved with
11 modifications, or rejected. No plan shall be considered
12 for approval if the circuit or county is not in full
13 compliance with all regulations, standards, and guidelines
14 pertaining to the delivery of basic probation services as
15 established by the Supreme Court.

16 (2) Monitoring on a continual basis and evaluating
17 annually both the program and its fiscal activities in all
18 counties receiving an allocation under the Redeploy
19 Illinois Program. Any program or service that has not met
20 the goals and objectives of its contract or service
21 agreement shall be subject to denial for funding in
22 subsequent years. The Department of Human Services shall
23 evaluate the effectiveness of the Redeploy Illinois
24 Program in each circuit or county. In determining the
25 future funding for the Redeploy Illinois Program under
26 this Act, the evaluation shall include, as a primary

1 indicator of success, a decreased number of confinement
2 days for the county's juvenile offenders.

3 (f) Any Redeploy Illinois Program allocations not applied
4 for and approved by the Department of Human Services shall be
5 available for redistribution to approved plans for the
6 remainder of that fiscal year. Any county that invests local
7 moneys in the Redeploy Illinois Program shall be given first
8 consideration for any redistribution of allocations.
9 Jurisdictions participating in Redeploy Illinois that exceed
10 their agreed upon level of commitments to the Department of
11 Juvenile Justice shall reimburse the Department of Corrections
12 for each commitment above the agreed upon level.

13 (g) Implementation of Redeploy Illinois.

14 (1) Oversight of Redeploy Illinois.

15 (i) Redeploy Illinois Oversight Board. The
16 Department of Human Services shall convene an
17 oversight board to oversee the Redeploy Illinois
18 Program. The Board shall include, but not be limited
19 to, designees from the Department of Juvenile Justice,
20 the Administrative Office of the Illinois Courts, the
21 Illinois Juvenile Justice Commission, the Illinois
22 Criminal Justice Information Authority, the Department
23 of Children and Family Services, the State Board of
24 Education, the Cook County State's Attorney, and a
25 State's Attorney selected by the President of the
26 Illinois State's Attorney's Association, the Cook

1 County Public Defender, a representative of the
2 defense bar appointed by the Chief Justice of the
3 Illinois Supreme Court, a representative of probation
4 appointed by the Chief Justice of the Illinois Supreme
5 Court, and judicial representation appointed by the
6 Chief Justice of the Illinois Supreme Court. Up to an
7 additional 9 members may be appointed by the Secretary
8 of Human Services from recommendations by the
9 Oversight Board; these appointees shall possess a
10 knowledge of juvenile justice issues and reflect the
11 collaborative public/private relationship of Redeploy
12 programs.

13 (ii) Responsibilities of the Redeploy Illinois
14 Oversight Board. The Oversight Board shall:

15 (A) Identify jurisdictions to be included in
16 the program of Redeploy Illinois.

17 (B) Develop a formula for reimbursement of
18 local jurisdictions for local and community-based
19 services utilized in lieu of commitment to the
20 Department of Juvenile Justice, as well as for any
21 charges for local jurisdictions for commitments
22 above the agreed upon limit in the approved plan.

23 (C) Identify resources sufficient to support
24 the administration and evaluation of Redeploy
25 Illinois.

26 (D) Develop a process and identify resources

1 to support on-going monitoring and evaluation of
2 Redeploy Illinois.

3 (E) Develop a process and identify resources
4 to support training on Redeploy Illinois.

5 (E-5) Review proposed individualized
6 agreements and approve where appropriate the
7 distribution of resources.

8 (F) Report to the Governor and the General
9 Assembly on an annual basis on the progress of
10 Redeploy Illinois.

11 (iii) Length of Planning Phase. The planning phase
12 may last up to, but may in no event last longer than,
13 July 1, 2004.

14 (2) (Blank).

15 (3) There shall be created the Redeploy County Review
16 Committee composed of the designees of the Secretary of
17 Human Services and the Directors of Juvenile Justice, of
18 Children and Family Services, and of the Governor's Office
19 of Management and Budget who shall constitute a
20 subcommittee of the Redeploy Illinois Oversight Board.

21 (h) Responsibilities of the County Review Committee. The
22 County Review Committee shall:

23 (1) Review individualized agreements from counties
24 requesting resources on an occasional basis for services
25 for youth described in subsection (d-5).

26 (2) Report its decisions to the Redeploy Illinois

1 Oversight Board at regularly scheduled meetings.

2 (3) Monitor the effectiveness of the resources in
3 meeting the mandates of the Redeploy Illinois program set
4 forth in this Section so these results might be included
5 in the Report described in clause (g) (1) (ii) (F).

6 (4) During the third quarter, assess the amount of
7 remaining funds available and necessary to complete the
8 fiscal year so that any unused funds may be distributed as
9 defined in subsection (f).

10 (5) Ensure that the number of youth from any applicant
11 county receiving individualized resources will not exceed
12 the previous 3-year ~~three-year~~ average of Redeploy
13 eligible recipients and that counties are in conformity
14 with all other elements of this law.

15 (i) Implementation of this Section is subject to
16 appropriation.

17 (j) Rulemaking authority to implement this amendatory Act
18 of the 95th General Assembly, if any, is conditioned on the
19 rules being adopted in accordance with all provisions of and
20 procedures and rules implementing the Illinois Administrative
21 Procedure Act; any purported rule not so adopted, for whatever
22 reason, is unauthorized.

23 (Source: P.A. 97-1150, eff. 1-25-13; 98-60, eff. 1-1-14;
24 revised 7-22-24.)

25 Section 1095. The Veterans and Servicemembers Court

1 Treatment Act is amended by changing Section 40 as follows:

2 (730 ILCS 167/40)

3 Sec. 40. Education for judges. A judge assigned to preside
4 over a veteran and servicemembers court shall have experience,
5 training, and continuing education in topics including, but
6 not limited to:

7 (1) criminal law;

8 (2) behavioral health;

9 (3) confidentiality ~~confidentially~~;

10 (4) ethics;

11 (5) evidence-based practices;

12 (6) substance use disorders;

13 (7) mental illness;

14 (8) co-occurring disorders; and

15 (9) presiding over various types of problem-solving
16 courts.

17 (Source: P.A. 102-1041, eff. 6-2-22; revised 7-22-24.)

18 Section 1100. The Mental Health Court Treatment Act is
19 amended by changing Section 41 as follows:

20 (730 ILCS 168/41)

21 Sec. 41. Education seminars for judges. A judge assigned
22 to preside over a mental health court shall have experience,
23 training, and continuing education in topics including, but

1 not limited to:

2 (1) criminal law;

3 (2) behavioral health;

4 (3) confidentiality ~~confidentially~~;

5 (4) ethics;

6 (5) evidence-based practices;

7 (6) substance use disorders;

8 (7) mental illness;

9 (8) co-occurring disorders; and

10 (9) presiding over various types of problem-solving
11 courts.

12 (Source: P.A. 102-1041, eff. 6-2-22; revised 7-22-24.)

13 Section 1105. The Higher Education in Prison Act is
14 amended by changing Section 5 as follows:

15 (730 ILCS 225/5)

16 Sec. 5. Higher education in prison programs.

17 (a) In this Section, "higher education" means
18 post-secondary academic education at the undergraduate or
19 graduate level in a community college or university setting.

20 (b) On or before September 1 of the year following the
21 effective date of this Act and each subsequent September 1,
22 the Department of Corrections shall release a report, to be
23 published on the Department of Corrections's Internet website,
24 detailing the following information pertaining to higher

1 education within Department institutions and facilities:

2 (1) the number of unique individuals involved in adult
3 basic education, high school equivalency, and credit and
4 non-credit bearing higher education programs over the
5 course of the fiscal year;

6 (2) the racial, ethnic, age, and gender breakdown of
7 committed persons participating in higher education
8 programs;

9 (3) the length of sentence and length of remaining
10 sentence of persons enrolled in higher education programs;

11 (4) the number of committed persons who are on waiting
12 lists for participation in all educational programs,
13 including adult basic education, high school equivalency,
14 and higher education, and the average length of time spent
15 on each waiting list, including a breakdown by length of
16 remaining sentence;

17 (5) the total amount of earned program sentence credit
18 awarded to committed persons for participating in higher
19 education programs and the percentage of committed persons
20 participating in higher education programs that are
21 awarded earned program sentence credit;

22 (6) the number, category, and ultimate resolution of
23 grievances related to higher education programs;

24 (7) a financial statement that includes annual and
25 monthly expenditures of Department of Corrections
26 institutions and facilities on adult basic education, high

1 school equivalency, and higher education programs; and

2 (8) an explanation of how participation in adult basic
3 education, high school equivalency, and higher education
4 programs is factored into a committed persons' risk
5 assessment score.

6 Personal, identifiable information shall be redacted to
7 protect privacy.

8 The report must be filed with the Governor and General
9 Assembly.

10 (c) The data provided in the report under subsection (b)
11 shall include an aggregate chart at the Department level and
12 individual reports by each correctional institution or
13 facility of the Department of Corrections.

14 (d) To facilitate the collection of information on higher
15 education in prison (HEP) programs, each 4-year public or
16 private institution of higher education with HEP degree or
17 certificate programs shall provide the Board of Higher
18 Education with student-level information as part of its
19 regular agency data-collection processes. Each public
20 community college with HEP degree or certificate programs
21 shall provide the Illinois Community College Board with
22 student-level information as part of its regular agency
23 data-collection processes. Upon request, the student-level
24 information shall include the correctional facility in which
25 the HEP program is being offered. The information provided to
26 the Board of Higher Education and the Illinois Community

1 College Board shall include HEP enrollment and completion data
2 disaggregated by variables, including, but not limited to,
3 race, ethnicity, gender, age, and type of degree or
4 certificate. The Board of Higher Education and the Illinois
5 Community College Board shall annually make HEP program data
6 publicly available on their Internet websites.

7 (Source: P.A. 103-541, eff. 1-1-24; revised 7-22-24.)

8 Section 1110. The Code of Civil Procedure is amended by
9 renumbering and changing Section 804.5 and by changing Section
10 15-1603 as follows:

11 (735 ILCS 5/8-804.5)

12 Sec. 8-804.5 ~~804.5~~. Parties to a restorative justice
13 practice.

14 (a) This Section is intended to encourage the use of
15 restorative justice practices by providing a privilege for
16 participation in such practices and ensuring that anything
17 said or done during the practice, or in anticipation of or as a
18 follow-up to the practice, is privileged and may not be used in
19 any future proceeding unless the privilege is waived by the
20 informed consent of the party or parties covered by the
21 privilege. The General Assembly affords this privilege in
22 recognition of restorative justice as a powerful tool in
23 addressing the needs of victims, offenders, and the larger
24 community in the process of repairing the fabric of community

1 peace. The General Assembly encourages residents of this State
2 to employ restorative justice practices, not only in
3 justiciable matters, but in all aspects of life and law.

4 (b) As used in this Section:

5 "Circle" means a versatile restorative practice that can
6 be used proactively, to develop relationships and build
7 community, or reactively, to respond to wrongdoing, conflicts,
8 and problems.

9 "Conference" means a structured meeting between offenders,
10 victims, and both parties' family and friends, in which they
11 deal with the consequences of a crime or wrongdoing and decide
12 how best to repair the harm.

13 "Facilitator" means a person who is trained to facilitate
14 a restorative justice practice.

15 "Party" means a person, including a facilitator, an
16 individual who has caused harm, an individual who has been
17 harmed, a community member, and any other participant, who
18 voluntarily consents to participate with others who have
19 agreed to participate in a restorative justice practice.

20 "Proceeding" means any legal action subject to this Code,
21 including, but not limited to, civil, criminal, juvenile, or
22 administrative hearings.

23 "Restorative justice practice" or "practice" means a
24 gathering, such as a conference or circle, in which parties
25 who have caused harm or who have been harmed and community
26 stakeholders collectively gather to identify and repair harm

1 to the extent possible, address trauma, reduce the likelihood
2 of further harm, and strengthen community ties by focusing on
3 the needs and obligations of all parties involved through a
4 participatory process.

5 (c) Anything said or done during or in preparation for a
6 restorative justice practice or as a follow-up to that
7 practice, or the fact that the practice has been planned or
8 convened, is privileged and cannot be referred to, used, or
9 admitted in any civil, criminal, juvenile, or administrative
10 proceeding unless the privilege is waived, during the
11 proceeding or in writing, by the party or parties protected by
12 the privilege. Privileged information is not subject to
13 discovery or disclosure in any judicial or extrajudicial
14 proceedings.

15 Any waiver of privilege is limited to the participation
16 and communication of the waiving party only, and the
17 participation or communications of any other participant
18 remain privileged unless waived by the other participant.

19 (d) Evidence that is otherwise admissible or subject to
20 discovery does not become inadmissible or protected from
21 discovery solely because it was discussed or used in a
22 restorative justice practice.

23 (e) The legitimacy of a restorative justice practice, if
24 challenged in any civil, juvenile, criminal, or administrative
25 proceeding, shall be determined by a judge. In a hearing
26 conducted pursuant to this subsection, the judge may consider

1 information that would otherwise be privileged to the extent
2 that the information is probative of the issue.

3 (f) The privilege afforded by this Section does not apply
4 if:

5 (1) disclosure is necessary to prevent death, great
6 bodily harm, or the commission of a crime;

7 (2) necessary to comply with another law; or

8 (3) a court, tribunal, or administrative body requires
9 a report on a restorative justice practice, but such
10 report shall be limited to the fact that a practice has
11 taken place, an opinion regarding the success of the
12 practice, and whether further restorative justice
13 practices are expected.

14 (g) This Section applies to all restorative justice
15 practices that are convened on or after July 15, 2021 (the
16 effective date of 102-100) ~~this amendatory Act of the 102nd~~
17 ~~General Assembly.~~

18 (Source: P.A. 102-100, eff. 7-15-21; revised 7-23-24.)

19 (735 ILCS 5/15-1603) (from Ch. 110, par. 15-1603)

20 Sec. 15-1603. Redemption.

21 (a) Owner of Redemption. Except as provided in subsection
22 (b) of Section 15-1402, only an owner of redemption may redeem
23 from the foreclosure, and such owner of redemption may redeem
24 only during the redemption period specified in subsection (b)
25 of this Section 15-1603 and only if the right of redemption has

1 not been validly waived.

2 (b) Redemption Period.

3 (1) In the foreclosure of a mortgage of real estate
4 which is residential real estate at the time the
5 foreclosure is commenced, the redemption period shall end
6 on the later of (i) the date 7 months from the date the
7 mortgagor or, if more than one, all the mortgagors (A)
8 have been served with summons or by publication or (B)
9 have otherwise submitted to the jurisdiction of the court,
10 or (ii) the date 3 months from the date of entry of a
11 judgment of foreclosure.

12 (2) In all other foreclosures, the redemption period
13 shall end on the later of (i) the date 6 months from the
14 date the mortgagor or, if more than one, all the
15 mortgagors (A) have been served with summons or by
16 publication or (B) have otherwise submitted to the
17 jurisdiction of the court, or (ii) the date 3 months from
18 the date of entry of a judgment of foreclosure.

19 (3) Notwithstanding paragraphs (1) and (2), the
20 redemption period shall end at the later of the expiration
21 of any reinstatement period provided for in Section
22 15-1602 or the date 60 days after the date the judgment of
23 foreclosure is entered, if the court finds that (i) the
24 value of the mortgaged real estate as of the date of the
25 judgment is less than 90% of the amount specified pursuant
26 to subsection (d) of this Section 15-1603 and (ii) the

1 mortgagee waives any and all rights to a personal judgment
2 for a deficiency against the mortgagor and against all
3 other persons liable for the indebtedness or other
4 obligations secured by the mortgage.

5 (4) Notwithstanding paragraphs (1) and (2), the
6 redemption period shall end on the date 30 days after the
7 date the judgment of foreclosure is entered if the court
8 finds that the mortgaged real estate has been abandoned.
9 In cases where the redemption period is shortened on
10 account of abandonment, the reinstatement period shall not
11 extend beyond the redemption period as shortened.

12 (c) Extension of Redemption Period.

13 (1) Once expired, the right of redemption provided for
14 in this Section ~~Sections~~ 15-1603 or Section 15-1604 shall
15 not be revived. The period within which the right of
16 redemption provided for in this Section ~~Sections~~ 15-1603
17 or Section 15-1604 may be exercised runs independently of
18 any action by any person to enforce the judgment of
19 foreclosure or effect a sale pursuant thereto. Neither the
20 initiation of any legal proceeding nor the order of any
21 court staying the enforcement of a judgment of foreclosure
22 or the sale pursuant to a judgment or the confirmation of
23 the sale, shall have the effect of tolling the running of
24 the redemption period.

25 (2) If a court has the authority to stay, and does
26 stay, the running of the redemption period, or if the

1 redemption period is extended by any statute of the United
2 States, the redemption period shall be extended until the
3 expiration of the same number of days after the expiration
4 of the stay order as the number of days remaining in the
5 redemption period at the time the stay order became
6 effective, or, if later, until the expiration of 30 days
7 after the stay order terminates. If the stay order
8 terminates more than 30 days prior to the expiration of
9 the redemption period, the redemption period shall not be
10 extended.

11 (d) Amount Required to Redeem. The amount required to
12 redeem shall be the sum of:

13 (1) The amount specified in the judgment of
14 foreclosure, which shall consist of (i) all principal and
15 accrued interest secured by the mortgage and due as of the
16 date of the judgment, (ii) all costs allowed by law, (iii)
17 costs and expenses approved by the court, (iv) to the
18 extent provided for in the mortgage and approved by the
19 court, additional costs, expenses, and reasonable
20 attorney's attorneys' fees incurred by the mortgagee, (v)
21 all amounts paid pursuant to Section 15-1505, and (vi) per
22 diem interest from the date of judgment to the date of
23 redemption calculated at the mortgage rate of interest
24 applicable as if no default had occurred; and

25 (2) The amount of other expenses authorized by the
26 court which the mortgagee reasonably incurs between the

1 date of judgment and the date of redemption, which shall
2 be the amount certified by the mortgagee in accordance
3 with subsection (e) of this Section 15-1603.

4 (e) Notice of Intent to Redeem. An owner of redemption who
5 intends to redeem shall give written notice of such intent to
6 redeem to the mortgagee's attorney of record specifying the
7 date designated for redemption and the current address of the
8 owner of redemption for purposes of receiving notice. Such
9 owner of redemption shall file with the clerk of the court a
10 certification of the giving of such notice. The notice of
11 intent to redeem must be received by the mortgagee's attorney
12 at least 15 days (other than Saturday, Sunday, or court
13 holiday) prior to the date designated for redemption. The
14 mortgagee shall thereupon file with the clerk of the court and
15 shall give written notice to the owner of redemption at least
16 three days (other than Saturday, Sunday, or court holiday)
17 before the date designated for redemption a certification,
18 accompanied by copies of paid receipts or appropriate
19 affidavits, of any expenses authorized in paragraph (2) of
20 subsection (d) of this Section 15-1603. If the mortgagee fails
21 to serve such certification within the time specified herein,
22 then the owner of redemption intending to redeem may redeem on
23 the date designated for redemption in the notice of intent to
24 redeem, and the mortgagee shall not be entitled to payment of
25 any expenses authorized in paragraph (2) of subsection (d) of
26 this Section 15-1603.

1 (f) Procedure for Redemption.

2 (1) An owner of redemption may redeem the real estate
3 from the foreclosure by paying the amount specified in
4 subsection (d) of this Section 15-1603 to the mortgagee or
5 the mortgagee's attorney of record on or before the date
6 designated for redemption pursuant to subsection (e) of
7 this Section 15-1603.

8 (2) If the mortgagee refuses to accept payment or if
9 the owner of redemption redeeming from the foreclosure
10 objects to the reasonableness of the additional expenses
11 authorized in paragraph (2) of subsection (d) of this
12 Section 15-1603 and certified in accordance with
13 subsection (e) of this Section 15-1603, the owner of
14 redemption shall pay the certified amount to the clerk of
15 the court on or before the date designated for redemption,
16 together with a written statement specifying the expenses
17 to which objection is made. In such case the clerk shall
18 pay to the mortgagee the amount tendered minus the amount
19 to which the objection pertains.

20 (3) Upon payment to the clerk, whether or not the
21 owner of redemption files an objection at the time of
22 payment, the clerk shall give a receipt of payment to the
23 person redeeming from the foreclosure, and shall file a
24 copy of that receipt in the foreclosure record. Upon
25 receipt of the amounts specified to be paid to the
26 mortgagee pursuant to this Section, the mortgagee shall

1 promptly furnish the mortgagor with a release of the
2 mortgage or satisfaction of the judgment, as appropriate,
3 and the evidence of all indebtedness secured by the
4 mortgage shall be cancelled.

5 (g) Procedure Upon Objection. If an objection is filed by
6 an owner of redemption in accordance with paragraph (2) of
7 subsection (f) of this Section 15-1603, the clerk shall hold
8 the amount to which the objection pertains until the court
9 orders distribution of those funds. The court shall hold a
10 hearing promptly to determine the distribution of any funds
11 held by the clerk pursuant to such objection. Each party shall
12 pay its own costs and expenses in connection with any
13 objection, including attorney's ~~attorneys'~~ fees, ~~subject to~~
14 ~~Section 2-611 of the Code of Civil Procedure.~~

15 (h) Failure to Redeem. Unless the real estate being
16 foreclosed is redeemed from the foreclosure, it shall be sold
17 as provided in this Article.

18 (Source: P.A. 86-974; revised 10-16-24.)

19 Section 1115. The Eminent Domain Act is amended by setting
20 forth, renumbering, and changing multiple versions of Section
21 25-5-130 as follows:

22 (735 ILCS 30/25-5-130)

23 (Section scheduled to be repealed on July 19, 2027)

24 Sec. 25-5-130. Quick-take; City of Elmhurst; North York

1 Road.

2 (a) Quick-take proceedings under Article 20 may be used
3 for a period of 2 years after July 19, 2024 (the effective date
4 of Public Act 103-698) ~~this amendatory Act of the 103rd~~
5 ~~General Assembly~~ by the City of Elmhurst for the acquisition
6 of the following described property for the purpose of road
7 construction:

8 Route: North York Road

9 Section: 17-00188-00-SW

10 Job No.: C-91-186-20

11 County: DuPage

12 Parcel: 0002

13 Owner: NXE Properties, LLC

14 Pin No.: 03-35-406-048

15 That part of Lot 1 in County Clerk's Assessment Division of
16 Lots 1 and 2 of North Elmhurst Third Addition to the Village of
17 Elmhurst, being a subdivision in the East Half of the
18 Southeast Quarter of Section 35, Township 40 North, Range 11
19 East of the Third Principal Meridian, according to the plat
20 thereof recorded April 8, 1927 as document R233179, described
21 as follows:

22 Commencing at the northwest corner of said Lot 1; thence South
23 61 degrees 59 minutes 07 seconds East, (bearings based on
24 Illinois State Plane Coordinates System, NAD83, East Zone),
25 being the northerly line of said Lot 1, a distance of 194.85
26 feet to the Point of Beginning;

1 Thence continuing South 61 degrees 59 minutes 07 seconds East,
2 along said northerly line, 53.14 feet to a point 10.00 feet
3 west of the northeast corner of said Lot 1; thence South 04
4 degrees 00 minutes 07 seconds East, along a line that
5 commences at the southeast corner of said Lot 1 and ends at a
6 point 10.00 feet west of the northeast corner of said Lot 1,
7 said line herein after referred to as Line "A", a distance of
8 40.63 feet; thence South 85 degrees 59 minutes 53 seconds
9 West, perpendicular to the last course, 5.00 feet to a point on
10 a line 5.00 feet west of and parallel with Line "A"; thence
11 North 04 degrees 00 minutes 07 seconds West, along said
12 parallel line, 33.40 feet; thence northwesterly 9.30 feet,
13 along the arc of a non-tangent circle to the left, having a
14 radius of 39.00 feet and whose chord bears North 52 degrees 45
15 minutes 22 seconds West, 9.28 feet to a point of tangency;
16 thence North 59 degrees 35 minutes 15 seconds West, 7.04 feet
17 to a point on a line 7.00 feet southerly of the northerly line
18 of said Lot 1; thence North 61 degrees 59 minutes 07 seconds
19 West, along said parallel line, 36.54 feet; thence North 28
20 degrees 00 minutes 53 seconds East, perpendicular to the last
21 course, 7.00 feet to the Point of Beginning, situated in the
22 County of DuPage and the State of Illinois.

23 Said Parcel Containing 565 square feet or 0.013 acres, more or
24 less.

25 Dated: February 6, 2024

1 Route: North York Road

2 Section: 17-00188-00-SW

3 Job No: C-91-186-20

4 County: DuPage

5 Parcel: 0002TE

6 Owner: NXE Properties, LLC

7 Pin No.: 03-35-406-048

8 That part of Lot 1 in County Clerk's Assessment Division of
9 Lots 1 and 2 of North Elmhurst Third Addition to the Village of
10 Elmhurst, being a subdivision in the East Half of the
11 Southeast Quarter of Section 35, Township 40 North, Range 11
12 East of the Third Principal Meridian, according to the plat
13 thereof recorded April 8, 1927 as document R233179, described
14 as follows:

15 Commencing at the northwest corner of said Lot 1; thence South
16 61 degrees 59 minutes 07 seconds East, (bearings based on
17 Illinois State Plane Coordinates System, NAD83, East Zone),
18 being the northerly line of said Lot 1, a distance of 194.85
19 feet; thence South 28 degrees 00 minutes 53 seconds West,
20 perpendicular to the last course, 7.00 feet to a point on a
21 line 7.00 feet southerly of the northerly line of said Lot 1,
22 said point also being the Point of Beginning;

23 Thence South 61 degrees 59 minutes 07 seconds East, along said
24 parallel line, 36.54 feet; thence South 59 degrees 35 minutes
25 15 seconds East, 7.04 feet to a point of curvature; thence
26 southeasterly 9.30 feet, along the arc of a tangent circle to

1 the left, having a radius of 39.00 feet and whose chord bears
2 South 52 degrees 45 minutes 22 seconds East, 9.28 feet to a
3 point on a line 5.00 feet west of and parallel with Line "A";
4 Line "A" is defined as a line that commences at the southeast
5 corner of said Lot 1 and ends at a point 10.00 feet west of the
6 northeast corner of said Lot 1; thence South 04 degrees 00
7 minutes 07 seconds East, along said parallel line, 16.42 feet;
8 thence South 85 degrees 59 minutes 53 seconds West,
9 perpendicular to the last course, 5.00 feet to a point on a
10 line 10.00 feet west of and parallel with Line "A"; thence
11 North 04 degrees 00 minutes 07 seconds West, along said
12 parallel line, 14.43 feet; thence northwesterly 6.25 feet,
13 along the arc of a non-tangent circle to the left, having a
14 radius of 34.00 feet and whose chord bears North 54 degrees 19
15 minutes 23 seconds West, 6.24 feet to a point of tangency;
16 thence North 59 degrees 35 minutes 15 seconds West, 6.94 feet
17 to a point on a line 12.00 feet southerly of the northerly line
18 of said Lot 1; thence North 61 degrees 59 minutes 07 seconds
19 West, along said parallel line, 36.43 feet; thence North 28
20 degrees 00 minutes 53 seconds East, perpendicular to the last
21 course, 5.00 feet to the Point of Beginning, situated in the
22 County of DuPage and the State of Illinois.

23 Said Parcel Containing 333 square feet or 0.008 acres, more or
24 less.

25 Dated: February 6, 2024

26 (b) This Section is repealed July 19, 2027 (3 years after

1 the effective date of Public Act 103-698) ~~this amendatory Act~~
2 ~~of the 103rd General Assembly.~~

3 (Source: P.A. 103-698, eff. 7-19-24; revised 10-3-24.)

4 (735 ILCS 30/25-5-135)

5 (Section scheduled to be repealed on August 9, 2027)

6 Sec. 25-5-135 ~~25-5-130~~. Quick-take; City of Marengo;
7 Interstate 90-Illinois Route 23 Corridor.

8 (a) Quick-take proceedings under Article 20 may be used
9 for a period of 2 years after August 9, 2024 (the effective
10 date of Public Act 103-892) ~~this amendatory Act of the 103rd~~
11 ~~General Assembly~~ by the City of Marengo for the acquisition of
12 the following described property for the purpose of extending
13 water and sanitary sewer services for the Interstate
14 90-Illinois Route 23 Corridor:

15 11-34-200-020, 22116 W Grant Highway

16 PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 34,
17 TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN,
18 MCHENRY COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS
19 FOLLOWS:

20 COMMENCING AT THE SOUTHEAST CORNER OF A PARCEL OF LAND
21 DESCRIBED IN A DEED RECORDED MARCH 5, 1999 AS DOCUMENT NUMBER
22 1999R0017561 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
23 NORTH 0 DEGREES 20 MINUTES 55 SECONDS EAST (BEARINGS BASED ON
24 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
25 THE EAST LINE OF SAID DEED, A DISTANCE OF 33.05 FEET TO THE

1 POINT OF BEGINNING, SAID POINT BEING A POINT ON THE NORTHERLY
2 LINE OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS USED AND
3 MONUMENTED; THENCE NORTH 86 DEGREES 29 MINUTES 24 SECONDS WEST
4 ALONG SAID NORTHERLY LINE OF U.S. ROUTE 20 (WEST GRANT
5 HIGHWAY) AS USED AND MONUMENTED, A DISTANCE OF 134.97 FEET TO
6 THE POINT OF INTERSECTION WITH THE EASTERLY LINE OF RIVER
7 RANCH ROAD AS USED AND MONUMENTED; THENCE NORTH 0 DEGREES 20
8 MINUTES 20 SECONDS EAST ALONG SAID EASTERLY LINE, A DISTANCE
9 OF 30.05 FEET; THENCE SOUTH 86 DEGREES 29 MINUTES 24 SECONDS
10 EAST, A DISTANCE OF 134.98 FEET TO A POINT ON THE EAST LINE OF
11 SAID DEED; THENCE SOUTH 0 DEGREES 20 MINUTES 55 SECONDS WEST
12 ALONG SAID EAST LINE, A DISTANCE OF 30.05 FEET TO THE POINT OF
13 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 4,049
14 SQUARE FEET OR 0.093 ACRES, MORE OR LESS. BEING PART OF PARCEL
15 11-34-200-020.

16 11-34-426-003, 6105 Meyer Road

17 PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 44
18 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
19 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

20 COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER;
21 THENCE NORTH 89 DEGREES 36 MINUTES 03 SECONDS WEST (BEARINGS
22 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
23 DATUM) ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A
24 DISTANCE OF 317.23 FEET TO THE POINT OF BEGINNING; THENCE
25 CONTINUING NORTH 89 DEGREES 36 MINUTES 03 SECONDS WEST ALONG

1 SAID SOUTH LINE, A DISTANCE OF 30.00 FEET; THENCE NORTH 0
2 DEGREES 11 MINUTES 55 SECONDS EAST, A DISTANCE OF 2,353.46
3 FEET; THENCE SOUTH 86 DEGREES 30 MINUTES 00 SECONDS EAST, A
4 DISTANCE OF 30.05 FEET; THENCE SOUTH 0 DEGREES 11 MINUTES 55
5 SECONDS WEST, A DISTANCE OF 2,351.83 FEET TO THE POINT OF
6 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 70,579
7 SQUARE FEET OR 1.620 ACRES, MORE OR LESS. BEING PART OF PARCEL
8 11-34-426-003.

9 11-34-426-004, Meyer Road

10 PART OF THE SOUTHEAST QUARTER AND NORTHEAST QUARTER OF SECTION
11 34, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL
12 MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE PARTICULARLY
13 DESCRIBED AS FOLLOWS:

14 COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER;
15 THENCE NORTH 89 DEGREES 38 MINUTES 54 SECONDS WEST (BEARINGS
16 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
17 DATUM) ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A
18 DISTANCE OF 321.91 FEET TO THE POINT OF BEGINNING; THENCE
19 SOUTH 0 DEGREES 11 MINUTES 55 SECONDS WEST, A DISTANCE OF
20 280.45 FEET; THENCE NORTH 86 DEGREES 30 MINUTES 00 SECONDS
21 WEST, A DISTANCE OF 30.05 FEET; THENCE NORTH 0 DEGREES 11
22 MINUTES 55 SECONDS EAST, A DISTANCE OF 500.03 FEET; THENCE
23 SOUTH 86 DEGREES 30 MINUTES 01 SECONDS EAST, A DISTANCE OF
24 30.05 FEET; THENCE SOUTH 0 DEGREES 11 MINUTES 55 SECONDS WEST,
25 A DISTANCE OF 219.58 FEET TO THE POINT OF BEGINNING, IN MCHENRY

1 COUNTY, ILLINOIS, CONTAINING 15,001 SQUARE FEET OR 0.344
2 ACRES, MORE OR LESS. BEING PART OF PARCEL 11-34-426-004.

3 11-34-426-005, 22219 Route 20

4 PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 34,
5 TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN,
6 MCHENRY COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS
7 FOLLOWS:

8 COMMENCING AT THE SOUTHWEST CORNER OF A PARCEL OF LAND
9 DESCRIBED IN A DEED RECORDED MARCH 5, 1999 AS DOCUMENT NUMBER
10 1999R0017561 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
11 SOUTH 0 DEGREES 20 MINUTES 20 SECONDS WEST (BEARINGS BASED ON
12 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
13 THE WEST LINE OF SAID DEED EXTENDED SOUTHERLY, A DISTANCE OF
14 33.05 FEET TO A POINT ON THE SOUTHERLY LINE OF U.S. ROUTE 20
15 (WEST GRANT HIGHWAY) AS USED AND MONUMENTED; THENCE SOUTH 86
16 DEGREES 29 MINUTES 24 SECONDS EAST ALONG SAID SOUTHERLY LINE
17 OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS USED AND MONUMENTED, A
18 DISTANCE OF 101.98 FEET TO THE POINT BEGINNING; THENCE
19 CONTINUING SOUTH 86 DEGREES 29 MINUTES 24 SECONDS EAST ALONG
20 SAID SOUTHERLY LINE OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS
21 USED AND MONUMENTED, A DISTANCE OF 30.05 FEET; THENCE SOUTH 0
22 DEGREES 11 MINUTES 55 SECONDS WEST, A DISTANCE OF 266.66 FEET;
23 THENCE NORTH 86 DEGREE 30 MINUTES 01 SECONDS WEST, A DISTANCE
24 OF 30.05 FEET; THENCE NORTH 0 DEGREES 11 MINUTES 55 SECONDS
25 EAST, A DISTANCE OF 266.67 FEET TO THE POINT OF BEGINNING, IN

1 MCHENRY COUNTY, ILLINOIS, CONTAINING 8,000 SQUARE FEET OR
2 0.184 ACRES, MORE OR LESS. BEING PART OF PARCEL 11-34-426-005.

3 11-35-100-031, 21804 W Grant Highway

4 PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF
5 SECTION 35, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD
6 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
7 PARTICULARLY DESCRIBED AS FOLLOWS:

8 COMMENCING AT THE SOUTHWEST CORNER OF A PARCEL OF LAND
9 DESCRIBED IN A DEED RECORDED MAY 18, 2018 AS DOCUMENT NUMBER
10 2018R0018036 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
11 NORTH 0 DEGREES 20 MINUTES 12 SECONDS WEST (BEARINGS BASED ON
12 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
13 THE WEST LINE OF SAID DEED, A DISTANCE OF 33.07 FEET TO THE
14 POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 20
15 MINUTES 12 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF
16 30.07 FEET; THENCE SOUTH 86 DEGREES 29 MINUTES 24 SECONDS
17 EAST, A DISTANCE OF 220.12 FEET TO A POINT ON THE EAST LINE OF
18 SAID DEED; THENCE SOUTH 0 DEGREES 20 MINUTES 23 SECONDS EAST
19 ALONG SAID EAST LINE, A DISTANCE OF 30.07 FEET TO A POINT ON
20 THE NORTHERLY LINE OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS
21 USED AND MONUMENTED; THENCE NORTH 86 DEGREES 29 MINUTES 24
22 SECONDS WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 220.12
23 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
24 CONTAINING 6,604 SQUARE FEET OR 0.152 ACRES, MORE OR LESS.
25 BEING PART OF PARCEL 11-35-100-031.

1 11-35-100-032, 21714 W Grant Highway

2 PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF
3 SECTION 35, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD
4 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
5 PARTICULARLY DESCRIBED AS FOLLOWS:

6 BEGINNING AT THE NORTHEAST CORNER OF A PARCEL OF LAND
7 DESCRIBED IN A DEED RECORDED DECEMBER 23, 1993 AS DOCUMENT
8 NUMBER 1993R0080441 IN THE RECORDERS OFFICE OF MCHENRY COUNTY;
9 THENCE SOUTH 0 DEGREES 14 MINUTES 43 SECONDS EAST (BEARINGS
10 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
11 DATUM) ALONG THE EAST LINE OF SAID DEED, A DISTANCE OF 20.00
12 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 06 SECONDS WEST, A
13 DISTANCE OF 200.18 FEET TO A POINT ON THE WEST LINE OF SAID
14 DEED; THENCE NORTH 0 DEGREES 20 MINUTES 23 SECONDS WEST ALONG
15 SAID WEST LINE, A DISTANCE OF 20.00 FEET TO THE NORTHWEST
16 CORNER OF SAID DEED; THENCE NORTH 89 DEGREES 12 MINUTES 06
17 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DEED, A DISTANCE
18 OF 200.22 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY,
19 ILLINOIS, CONTAINING 4,004 SQUARE FEET OR 0.092 ACRES, MORE OR
20 LESS. BEING PART OF PARCEL 11-35-100-032.

21 and

22 PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF
23 SECTION 35, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD
24 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
25 PARTICULARLY DESCRIBED AS FOLLOWS:

1 COMMENCING AT THE SOUTHWEST CORNER OF A PARCEL OF LAND
2 DESCRIBED IN A DEED RECORDED DECEMBER 23, 1993 AS DOCUMENT
3 NUMBER 1993R0080441 IN THE RECORDERS OFFICE OF MCHENRY COUNTY;
4 THENCE NORTH 0 DEGREES 20 MINUTES 23 SECONDS WEST (BEARINGS
5 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
6 DATUM) ALONG THE WEST LINE OF SAID DEED, A DISTANCE OF 33.07
7 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0
8 DEGREES 20 MINUTES 23 SECONDS WEST ALONG SAID WEST LINE, A
9 DISTANCE OF 30.07 FEET; THENCE SOUTH 86 DEGREES 29 MINUTES 24
10 SECONDS EAST, A DISTANCE OF 200.02 FEET TO A POINT ON THE EAST
11 LINE OF SAID DEED; THENCE SOUTH 0 DEGREES 14 MINUTES 43 SECONDS
12 EAST ALONG SAID EAST LINE, A DISTANCE OF 30.07 FEET TO A POINT
13 ON THE NORTHERLY LINE OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS
14 USED AND MONUMENTED; THENCE NORTH 86 DEGREES 29 MINUTES 24
15 SECONDS WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 199.97
16 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
17 CONTAINING 6,000 SQUARE FEET OR 0.138 ACRES, MORE OR LESS,
18 BEING PART OF PARCEL 11-35-100-032.

19 11-35-100-070, 21970 Grant Highway

20 PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 35,
21 TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN,
22 MCHENRY COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS
23 FOLLOWS:

24 COMMENCING AT THE SOUTHWEST CORNER OF A PARCEL OF LAND
25 DESCRIBED IN A DEED RECORDED JUNE 25, 2021 AS DOCUMENT NUMBER

2021R0034676 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
NORTH 0 DEGREES 03 MINUTES 53 SECONDS EAST (BEARINGS BASED ON
ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
THE WEST LINE OF SAID DEED, A DISTANCE OF 33.06 FEET TO THE
POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 03
MINUTES 53 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF
30.05 FEET; THENCE SOUTH 86 DEGREES 29 MINUTES 24 SECONDS
EAST, A DISTANCE OF 222.32 FEET TO A POINT ON THE EAST LINE OF
SAID DEED; THENCE SOUTH 0 DEGREES 01 MINUTES 39 SECONDS EAST
ALONG SAID EAST LINE, A DISTANCE OF 30.06 FEET TO A POINT ON
THE NORTHERLY LINE OF U.S. ROUTE 20 (WEST GRANT HIGHWAY) AS
USED AND MONUMENTED; THENCE NORTH 86 DEGREES 29 MINUTES 24
SECONDS WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 222.37
FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
CONTAINING 6,671 SQUARE FEET OR 0.153 ACRES, MORE OR LESS.
BEING PART OF PARCEL 11-35-100-070.

16-03-201-001, 6113 Meyer Road

PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH,
RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY,
ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER;
THENCE NORTH 89 DEGREES 36 MINUTES 03 SECONDS WEST (BEARINGS
BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
DATUM) ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A
DISTANCE OF 302.62 FEET TO THE POINT OF BEGINNING; THENCE

1 SOUTH 0 DEGREES 11 MINUTES 55 SECONDS WEST, A DISTANCE OF
2 1,384.77 FEET; THENCE SOUTH 89 DEGREES 24 MINUTES 13 SECONDS
3 WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 0 DEGREES 11
4 MINUTES 55 SECONDS EAST, A DISTANCE OF 1,199.96 FEET; THENCE
5 NORTH 25 DEGREES 02 MINUTES 55 SECONDS EAST, A DISTANCE OF
6 44.80 FEET; THENCE NORTH 0 DEGREES 05 MINUTES 16 SECONDS EAST,
7 A DISTANCE OF 10.49 FEET; THENCE NORTH 25 DEGREES 44 MINUTES 54
8 SECONDS WEST, A DISTANCE OF 42.98 FEET; THENCE NORTH 0 DEGREES
9 11 MINUTES 55 SECONDS EAST, A DISTANCE OF 95.54 FEET TO A POINT
10 ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89
11 DEGREES 36 MINUTES 03 SECONDS EAST ALONG SAID NORTH LINE, A
12 DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, IN MCHENRY
13 COUNTY, ILLINOIS, CONTAINING 40,607 SQUARE FEET OR 0.932
14 ACRES, MORE OR LESS. BEING PART OF PARCEL 16-03-201-001.

15 16-03-251-002, Meyer Road

16 PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH,
17 RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY,
18 ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
19 COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER;
20 THENCE SOUTH 89 DEGREES 22 MINUTES 17 SECONDS WEST (BEARINGS
21 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
22 DATUM) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A
23 DISTANCE OF 315.94 FEET TO THE POINT OF BEGINNING; THENCE
24 CONTINUING SOUTH 89 DEGREES 22 MINUTES 17 SECONDS WEST ALONG
25 SAID SOUTH LINE, A DISTANCE OF 30.00 FEET; THENCE NORTH 0

1 DEGREES 06 MINUTES 42 SECONDS EAST, A DISTANCE OF 1,322.74
2 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 13 SECONDS EAST, A
3 DISTANCE OF 30.00 FEET; THENCE SOUTH 0 DEGREES 06 MINUTES 42
4 SECONDS WEST, A DISTANCE OF 1,322.72 FEET TO THE POINT OF
5 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 39,681
6 SQUARE FEET OR 0.911 ACRES, MORE OR LESS. BEING PART OF PARCEL
7 16-03-251-002.

8 16-03-400-004, 6715 Meyer Road

9 PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH,
10 RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY,
11 ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

12 COMMENCING AT THE NORTHEAST CORNER OF A PARCEL OF LAND
13 DESCRIBED IN A DEED RECORDED JULY 31, 2001 AS DOCUMENT NUMBER
14 2001R0054424 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
15 SOUTH 89 DEGREES 24 MINUTES 57 SECONDS WEST (BEARINGS BASED ON
16 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
17 THE NORTH LINE OF SAID DEED, A DISTANCE OF 55.20 FEET TO THE
18 POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 08 MINUTES 57
19 SECONDS WEST, A DISTANCE OF 900.35 FEET TO A POINT ON THE SOUTH
20 LINE OF SAID DEED; THENCE SOUTH 89 DEGREES 26 MINUTES 15
21 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 30.00 FEET;
22 THENCE NORTH 0 DEGREES 08 MINUTES 57 SECONDS EAST, A DISTANCE
23 OF 900.34 FEET TO A POINT ON THE NORTH LINE OF SAID DEED;
24 THENCE NORTH 89 DEGREES 24 MINUTES 57 SECONDS EAST ALONG SAID
25 NORTH LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING,

1 IN MCHENRY COUNTY, ILLINOIS, CONTAINING 27,010 SQUARE FEET OR
2 0.620 ACRES, MORE OR LESS. BEING PART OF PARCEL 16-03-400-004.

3 16-03-400-007, Meyer Road

4 PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH,
5 RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY,
6 ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

7 COMMENCING AT THE NORTHEAST CORNER OF A PARCEL OF LAND
8 DESCRIBED IN A DEED RECORDED JULY 31, 2001 AS DOCUMENT NUMBER
9 2001R0054424 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
10 SOUTH 89 DEGREES 24 MINUTES 57 SECONDS WEST (BEARINGS BASED ON
11 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
12 THE NORTH LINE OF SAID DEED, A DISTANCE OF 55.20 FEET TO THE
13 POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 24
14 MINUTES 57 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF
15 30.00 FEET; THENCE NORTH 0 DEGREES 08 MINUTES 57 SECONDS EAST,
16 A DISTANCE OF 97.52 FEET; THENCE NORTH 58 DEGREES 47 MINUTES 16
17 SECONDS WEST, A DISTANCE OF 305.97 FEET; THENCE NORTH 0
18 DEGREES 06 MINUTES 42 SECONDS EAST, A DISTANCE OF 16.55 FEET TO
19 A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE
20 NORTH 89 DEGREES 22 MINUTES 17 SECONDS EAST ALONG SAID NORTH
21 LINE, A DISTANCE OF 30.00 FEET; THENCE SOUTH 58 DEGREES 47
22 MINUTES 16 SECONDS EAST, A DISTANCE OF 305.99 FEET; THENCE
23 SOUTH 0 DEGREES 08 MINUTES 57 SECONDS WEST, A DISTANCE OF
24 114.08 FEET TO THE POINT OF BEGINNING.

25 ALSO:

1 PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH,
2 RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY,
3 ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

4 COMMENCING AT THE SOUTHEAST CORNER OF A PARCEL OF LAND
5 DESCRIBED IN A DEED RECORDED JULY 31, 2001 AS DOCUMENT NUMBER
6 2001R0054424 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
7 SOUTH 89 DEGREES 26 MINUTES 15 SECONDS WEST (BEARINGS BASED ON
8 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
9 THE SOUTH LINE OF SAID DEED, A DISTANCE OF 59.77 FEET TO THE
10 POINT OF BEGINNING, SAID POINT BEING A POINT ON THE WESTERLY
11 RIGHT-OF-WAY LINE OF MEYER ROAD AS USED AND MONUMENTED; THENCE
12 SOUTH 0 DEGREES 15 MINUTES 11 SECONDS WEST ALONG SAID WESTERLY
13 LINE, A DISTANCE OF 1035.86 FEET; THENCE SOUTH 0 DEGREES 18
14 MINUTES 22 SECONDS EAST ALONG SAID WESTERLY LINE, A DISTANCE
15 OF 325.21 FEET; THENCE SOUTH 2 DEGREES 21 MINUTES 21 SECONDS
16 WEST ALONG SAID WESTERLY LINE, A DISTANCE OF 168.26 FEET TO A
17 POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE
18 NORTH 89 DEGREES 26 MINUTES 20 SECONDS WEST ALONG SAID SOUTH
19 LINE, A DISTANCE OF 30.64 FEET; THENCE NORTH 12 DEGREES 15
20 MINUTES 57 SECONDS EAST, A DISTANCE OF 3.61 FEET; THENCE NORTH
21 2 DEGREES 21 MINUTES 21 SECONDS EAST, A DISTANCE OF 164.97
22 FEET; THENCE NORTH 0 DEGREES 18 MINUTES 22 SECONDS WEST, A
23 DISTANCE OF 324.51 FEET; THENCE NORTH 0 DEGREES 15 MINUTES 11
24 SECONDS EAST, A DISTANCE OF 1035.73 FEET TO A POINT ON THE
25 SOUTH LINE OF SAID DEED; THENCE NORTH 89 DEGREES 26 MINUTES 15
26 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 30.00 FEET TO

1 THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
2 CONTAINING 58,473 SQUARE FEET OR 1.342 ACRES, MORE OR LESS.
3 BEING PART OF PARCEL 16-03-400-007.

4 16-10-200-002, Meyer Road/Pleasant Grove Road

5 PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 43
6 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
7 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

8 COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER;
9 THENCE NORTH 89 DEGREES 26 MINUTES 20 SECONDS WEST (BEARINGS
10 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
11 DATUM) ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A
12 DISTANCE OF 73.30 FEET TO THE POINT OF BEGINNING, SAID POINT
13 BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF MEYER ROAD
14 AS USED AND MONUMENTED; THENCE SOUTH 12 DEGREES 15 MINUTES 57
15 SECONDS WEST ALONG SAID WESTERLY LINE, A DISTANCE OF 355.46
16 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF
17 PLEASANT GROVE ROAD AS USED AND MONUMENTED; THENCE NORTH 40
18 DEGREES 45 MINUTES 09 SECONDS WEST ALONG SAID NORTHEASTERLY
19 LINE, A DISTANCE OF 37.56 FEET; THENCE NORTH 12 DEGREES 15
20 MINUTES 57 SECONDS EAST, A DISTANCE OF 326.65 FEET TO A POINT
21 ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89
22 DEGREES 26 MINUTES 20 SECONDS EAST ALONG SAID NORTH LINE, A
23 DISTANCE OF 30.64 FEET TO THE POINT OF BEGINNING, IN MCHENRY
24 COUNTY, ILLINOIS, CONTAINING 10,232 SQUARE FEET OR 0.235
25 ACRES, MORE OR LESS. BEING PART OF PARCEL 16-10-200-002.

1 16-11-100-024, Grant Highway

2 PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
3 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
4 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

5 COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER;
6 THENCE SOUTH 0 DEGREES 02 MINUTES 05 SECONDS WEST (BEARINGS
7 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
8 DATUM) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A
9 DISTANCE OF 564.87 FEET; THENCE SOUTH 40 DEGREES 45 MINUTES 09
10 SECONDS EAST, A DISTANCE OF 556.01 FEET; THENCE SOUTH 45
11 DEGREES 43 MINUTES 31 SECONDS WEST, A DISTANCE OF 25.64 FEET TO
12 THE POINT OF BEGINNING, SAID POINT BEING A POINT ON THE
13 SOUTHWESTERLY RIGHT-OF-WAY LINE OF PLEASANT GROVE ROAD AS USED
14 AND MONUMENTED; THENCE SOUTH 41 DEGREES 29 MINUTES 10 SECONDS
15 EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 41.98 FEET;
16 THENCE SOUTH 41 DEGREES 04 MINUTES 55 SECONDS EAST ALONG SAID
17 RIGHT-OF-WAY LINE, A DISTANCE OF 446.59 FEET; THENCE SOUTH 43
18 DEGREES 09 MINUTES 36 SECONDS WEST, A DISTANCE OF 30.15 FEET;
19 THENCE NORTH 41 DEGREES 04 MINUTES 55 SECONDS WEST, A DISTANCE
20 OF 449.51 FEET; THENCE NORTH 41 DEGREES 29 MINUTES 10 SECONDS
21 WEST, A DISTANCE OF 40.41 FEET; THENCE NORTH 45 DEGREES 43
22 MINUTES 31 SECONDS EAST, A DISTANCE OF 30.04 FEET TO THE POINT
23 OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 14,677
24 SQUARE FEET OR 0.337 ACRES, MORE OR LESS. BEING PART OF PARCEL
25 16-11-100-024.

1 16-11-100-026, Grant Highway

2 PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
3 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
4 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

5 COMMENCING AT THE NORTHERLY CORNER OF A PARCEL OF LAND
6 DESCRIBED IN A DEED RECORDED AS DOCUMENT NUMBER 2018R0043328
7 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE SOUTH 43
8 DEGREES 04 MINUTES 53 SECONDS WEST (BEARINGS BASED ON ILLINOIS
9 STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG THE
10 NORTHWESTERLY LINE OF SAID DEED, A DISTANCE OF 26.98 FEET TO
11 THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 43 DEGREES 04
12 MINUTES 53 SECONDS WEST ALONG SAID NORTHWESTERLY LINE, A
13 DISTANCE OF 30.00 FEET; THENCE NORTH 46 DEGREES 35 MINUTES 57
14 SECONDS WEST, A DISTANCE OF 315.94 FEET; THENCE NORTH 39
15 DEGREES 24 MINUTES 38 SECONDS WEST, A DISTANCE OF 330.00 FEET;
16 THENCE NORTH 41 DEGREES 04 MINUTES 55 SECONDS WEST, A DISTANCE
17 OF 14.95 FEET; THENCE NORTH 43 DEGREES 09 MINUTES 36 SECONDS
18 EAST, A DISTANCE OF 30.15 FEET TO A POINT ON THE SOUTHWESTERLY
19 LINE OF PLEASANT GROVE ROAD AS USED AND MONUMENTED; THENCE
20 SOUTH 41 DEGREES 04 MINUTES 55 SECONDS EAST ALONG SAID
21 WESTERLY LINE, A DISTANCE OF 18.41 FEET; THENCE SOUTH 39
22 DEGREES 24 MINUTES 38 SECONDS EAST ALONG SAID WESTERLY LINE, A
23 DISTANCE OF 328.55 FEET; THENCE SOUTH 46 DEGREES 35 MINUTES 56
24 SECONDS EAST ALONG SAID WESTERLY LINE, A DISTANCE 313.89 FEET
25 TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,

1 CONTAINING 19,826 SQUARE FEET OR 0.455 ACRES, MORE OR LESS.
2 BEING PART OF PARCEL 16-11-100-026.

3 16-11-100-027, Grant Highway

4 PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
5 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
6 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

7 COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER;
8 THENCE SOUTH 0 DEGREES 02 MINUTES 05 SECONDS WEST (BEARINGS
9 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
10 DATUM) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A
11 DISTANCE OF 614.24 FEET TO THE POINT OF BEGINNING, SAID POINT
12 BEING A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF
13 PLEASANT GROVE ROAD AS USED AND MONUMENTED; THENCE SOUTH 41
14 DEGREES 29 MINUTES 10 SECONDS EAST ALONG SAID RIGHT-OF-WAY
15 LINE, A DISTANCE OF 520.24 FEET; THENCE SOUTH 45 DEGREES 43
16 MINUTES 31 SECONDS WEST, A DISTANCE OF 30.04 FEET; THENCE
17 NORTH 41 DEGREES 29 MINUTES 10 SECONDS WEST, A DISTANCE OF
18 487.82 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST
19 QUARTER; THENCE NORTH 0 DEGREES 02 MINUTES 05 SECONDS EAST
20 ALONG SAID WEST LINE, A DISTANCE OF 45.26 FEET TO THE POINT OF
21 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 15,121
22 SQUARE FEET OR 0.347 ACRES, MORE OR LESS. BEING PART OF PARCEL
23 16-11-100-027.

24 16-11-100-034, 21813 Pleasant Grove Road

1 PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
2 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
3 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

4 COMMENCING AT THE NORTHERLY CORNER OF A PARCEL OF LAND
5 DESCRIBED IN A DEED RECORDED AS DOCUMENT NUMBER 2018R0043328
6 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE SOUTH 43
7 DEGREES 04 MINUTES 53 SECONDS WEST (BEARINGS BASED ON ILLINOIS
8 STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG THE
9 NORTHWESTERLY LINE OF SAID DEED, A DISTANCE OF 26.98 FEET TO
10 THE POINT OF BEGINNING; THENCE SOUTH 46 DEGREES 35 MINUTES 57
11 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF PLEASANT GROVE
12 ROAD AS USED AND MONUMENTED, A DISTANCE OF 174.82 FEET TO A
13 POINT ON THE SOUTHEASTERLY LINE OF SAID DEED; THENCE SOUTH 60
14 DEGREES 37 MINUTES 24 SECONDS WEST ALONG SAID SOUTHEASTERLY
15 LINE, A DISTANCE OF 31.41 FEET; THENCE NORTH 46 DEGREES 35
16 MINUTES 57 SECONDS WEST, A DISTANCE OF 165.36 FEET TO A POINT
17 ON SAID NORTHWESTERLY LINE; THENCE NORTH 43 DEGREES 04 MINUTES
18 53 SECONDS EAST ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF
19 30.00 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY,
20 ILLINOIS, CONTAINING 5,103 SQUARE FEET OR 0.117 ACRES, MORE OR
21 LESS. BEING PART OF PARCEL 16-11-100-034.

22 16-11-300-011, 7515 S IL Route 23

23 PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
24 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
25 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1 COMMENCING AT THE NORTHEAST CORNER OF A PARCEL OF LAND
2 DESCRIBED IN A DEED RECORDED MARCH 18, 2021 AS DOCUMENT NUMBER
3 2021R0014864 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
4 SOUTH 89 DEGREES 59 MINUTES 16 SECONDS WEST (BEARINGS BASED ON
5 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
6 THE NORTH LINE OF SAID DEED, A DISTANCE OF 30.00 FEET TO THE
7 POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 59
8 MINUTES 16 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF
9 30.00 FEET; THENCE NORTH 0 DEGREES 10 MINUTES 11 SECONDS WEST,
10 A DISTANCE OF 315.35 FEET TO A POINT ON THE SOUTH LINE OF A
11 DEED RECORDED AS DOCUMENT NUMBER 2021R0058501 IN THE RECORDERS
12 OFFICE OF MCHENRY COUNTY; THENCE SOUTH 89 DEGREES 45 MINUTES
13 25 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 30.05
14 FEET; THENCE SOUTH 0 DEGREES 09 MINUTES 41 SECONDS EAST ALONG
15 THE WESTERLY LINE OF ILLINOIS STATE ROUTE 23 AS USED AND
16 MONUMENTED, A DISTANCE OF 315.21 FEET TO THE POINT OF
17 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 9,466
18 SQUARE FEET OR 0.217 ACRES, MORE OR LESS. BEING PART OF PARCEL
19 16-11-300-011.

20 16-11-300-018, 7905 S IL Route 23

21 PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 43
22 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
23 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

24 BEGINNING AT THE SOUTHEAST CORNER OF A PARCEL OF LAND
25 DESCRIBED IN A DEED RECORDED AS DOCUMENT NUMBER 2021R0058501

1 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE NORTH 89
2 DEGREES 45 MINUTES 25 SECONDS WEST (BEARINGS BASED ON ILLINOIS
3 STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG THE SOUTH
4 LINE OF SAID DEED, A DISTANCE OF 33.05 FEET; THENCE NORTH 2
5 DEGREES 57 MINUTES 51 SECONDS WEST, A DISTANCE OF 131.76 FEET;
6 THENCE NORTH 0 DEGREES 02 MINUTES 27 SECONDS WEST, A DISTANCE
7 OF 35.98 FEET TO A POINT ON THE NORTH LINE OF SAID DEED; THENCE
8 SOUTH 89 DEGREES 30 MINUTES 22 SECONDS EAST ALONG SAID NORTH
9 LINE, A DISTANCE OF 30.00 FEET; THENCE SOUTH 0 DEGREES 02
10 MINUTES 27 SECONDS EAST ALONG THE WESTERLY LINE OF ILLINOIS
11 STATE ROUTE 23 PER COURT CASE NO. 92-ED-79, A DISTANCE OF 34.93
12 FEET; THENCE SOUTH 2 DEGREES 57 MINUTES 51 SECONDS EAST ALONG
13 SAID WESTERLY LINE, A DISTANCE OF 132.68 FEET TO THE POINT OF
14 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 5,030
15 SQUARE FEET OR 0.115 ACRES, MORE OR LESS. BEING PART OF PARCEL
16 16-11-300-018.

17 16-11-300-019, Grant Highway

18 PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF
19 SECTION 11, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD
20 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
21 PARTICULARLY DESCRIBED AS FOLLOWS:

22 COMMENCING AT THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND
23 DESCRIBED IN A DEED RECORDED MARCH 27, 2017 AS DOCUMENT NUMBER
24 2017R0010605 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
25 SOUTH 83 DEGREES 22 MINUTES 50 SECONDS WEST (BEARINGS BASED ON

1 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
2 THE SOUTHERLY LINE OF SAID DEED, A DISTANCE OF 35.09 FEET TO
3 THE POINT OF BEGINNING; THENCE SOUTH 45 DEGREES 31 MINUTES 14
4 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF PLEASANT GROVE
5 ROAD AS USED AND MONUMENTED, A DISTANCE OF 146.50 FEET TO A
6 POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID
7 SOUTHWESTERLY LINE, SAID LINE BEING A CURVE CONCAVE TO THE
8 NORTHEAST, HAVING A RADIUS OF 2080.04 FEET AND A LENGTH OF 6.65
9 FEET TO A POINT OF NONTANGENCY, THE CHORD OF SAID ARC HAVING A
10 LENGTH OF 6.65 FEET AND A BEARING OF SOUTH 46 DEGREES 04
11 MINUTES 24 SECONDS EAST; THENCE SOUTH 44 DEGREES 31 MINUTES 12
12 SECONDS WEST, A DISTANCE OF 30.00 FEET; THENCE NORTHWESTERLY
13 ALONG A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF
14 2110.04 FEET AND A LENGTH OF 28.11 FEET TO A POINT OF TANGENCY,
15 THE CHORD OF SAID ARC HAVING A LENGTH OF 28.11 FEET AND A
16 BEARING OF NORTH 45 DEGREES 46 MINUTES 25 SECONDS WEST; THENCE
17 NORTH 45 DEGREES 43 MINUTES 57 SECONDS WEST, A DISTANCE OF
18 149.74 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID DEED;
19 THENCE NORTH 83 DEGREES 22 MINUTES 50 SECONDS EAST ALONG SAID
20 SOUTHERLY LINE, A DISTANCE 39.36 FEET TO THE POINT OF
21 BEGINNING.

22 ALSO:

23 COMMENCING AT THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND
24 DESCRIBED IN A DEED RECORDED MARCH 27, 2017 AS DOCUMENT NUMBER
25 2017R0010605 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
26 SOUTH 83 DEGREES 22 MINUTES 50 SECONDS WEST (BEARINGS BASED ON

1 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
2 THE SOUTHERLY LINE OF SAID DEED, A DISTANCE OF 35.09 FEET;
3 THENCE SOUTH 45 DEGREES 31 MINUTES 14 SECONDS EAST ALONG THE
4 SOUTHWESTERLY LINE OF PLEASANT GROVE ROAD AS USED AND
5 MONUMENTED, A DISTANCE OF 146.50 FEET TO A POINT OF CURVATURE;
6 THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE, SAID LINE
7 BEING A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF
8 2080.04 FEET AND A LENGTH OF 34.63 FEET TO A POINT THE POINT OF
9 BEGINNING, THE CHORD OF SAID ARC HAVING A LENGTH OF 34.62 FEET
10 AND A BEARING OF SOUTH 46 DEGREES 27 MINUTES 31 SECONDS EAST;
11 THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE, SAID LINE
12 BEING A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF
13 2080.04 FEET AND A LENGTH OF 357.75 FEET TO A POINT OF
14 NONTANGENCY, THE CHORD OF SAID ARC HAVING A LENGTH OF 357.31
15 FEET AND A BEARING OF SOUTH 51 DEGREES 51 MINUTES 46 SECONDS
16 EAST; THENCE SOUTH 0 DEGREES 25 MINUTES 58 SECONDS EAST, A
17 DISTANCE OF 35.92 FEET; THENCE NORTHWESTERLY ALONG A CURVE
18 CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2110.04 FEET AND A
19 LENGTH OF 383.41 FEET TO A POINT OF NONTANGENCY, THE CHORD OF
20 SAID ARC HAVING A LENGTH OF 382.89 FEET AND A BEARING OF NORTH
21 52 DEGREES 07 MINUTES 29 SECONDS WEST; THENCE NORTH 44 DEGREES
22 13 MINUTES 03 SECONDS EAST, A DISTANCE OF 30.01 FEET TO THE
23 POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING
24 16,128 SQUARE FEET OR 0.370 ACRES, MORE OR LESS. BEING PART OF
25 PARCEL 16-11-300-019.

1 16-11-300-020, Grant Highway

2 PART OF THE SOUTHWEST QUARTER AND PART OF THE SOUTHEAST
3 QUARTER OF SECTION 11, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE
4 3RD PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
5 PARTICULARLY DESCRIBED AS FOLLOWS:

6 COMMENCING AT THE NORTHEAST CORNER OF A PARCEL OF LAND
7 DESCRIBED IN A DEED RECORDED OCTOBER 13, 1987 AS DOCUMENT
8 NUMBER 87R005793 IN THE RECORDERS OFFICE OF MCHENRY COUNTY;
9 THENCE SOUTH 89 DEGREES 59 MINUTES 15 SECONDS WEST (BEARINGS
10 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
11 DATUM) ALONG THE NORTH LINE OF SAID DEED, A DISTANCE OF 37.10
12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89
13 DEGREES 59 MINUTES 15 SECONDS WEST ALONG SAID NORTH LINE, A
14 DISTANCE OF 30.00 FEET; THENCE NORTH 0 DEGREES 03 MINUTES 06
15 SECONDS EAST, A DISTANCE OF 197.90 FEET; THENCE NORTH 0
16 DEGREES 59 MINUTES 00 SECONDS WEST, A DISTANCE OF 288.75 FEET
17 TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE
18 CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1115.46 FEET AND A
19 LENGTH OF 409.62 FEET TO A POINT OF NONTANGENCY, THE CHORD OF
20 SAID ARC HAVING A LENGTH OF 407.32 FEET AND A BEARING OF NORTH
21 10 DEGREES 32 MINUTES 58 SECONDS EAST; THENCE NORTH 5 DEGREES
22 32 MINUTES 39 SECONDS WEST, A DISTANCE OF 5.66 FEET; THENCE
23 NORTH 60 DEGREES 06 MINUTES 59 SECONDS WEST, A DISTANCE OF
24 57.88 FEET; THENCE NORTH 60 DEGREES 31 MINUTES 31 SECONDS
25 WEST, A DISTANCE OF 93.02 FEET; THENCE NORTH 61 DEGREES 37
26 MINUTES 43 SECONDS WEST, A DISTANCE OF 117.56 FEET; THENCE

1 NORTH 60 DEGREES 38 MINUTES 16 SECONDS WEST, A DISTANCE OF
2 181.47 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY
3 ALONG A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF
4 2110.04 FEET AND A LENGTH OF 101.69 FEET TO A POINT OF
5 NONTANGENCY, THE CHORD OF SAID ARC HAVING A LENGTH OF 101.68
6 FEET AND A BEARING OF NORTH 58 DEGREES 42 MINUTES 39 SECONDS
7 WEST; THENCE NORTH 0 DEGREES 25 MINUTES 58 SECONDS WEST, A
8 DISTANCE OF 35.92 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF
9 PLEASANT GROVE ROAD AS USED AND MONUMENTED; THENCE
10 SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE, SAID LINE BEING A
11 CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2080.04
12 FEET AND A LENGTH OF 121.43 FEET TO A POINT OF TANGENCY, THE
13 CHORD OF SAID ARC HAVING A LENGTH OF 121.42 FEET AND A BEARING
14 OF SOUTH 58 DEGREES 27 MINUTES 44 SECONDS EAST; THENCE SOUTH 60
15 DEGREES 38 MINUTES 16 SECONDS EAST ALONG SAID SOUTHWESTERLY
16 LINE, A DISTANCE OF 179.36 FEET; THENCE SOUTH 61 DEGREES 37
17 MINUTES 43 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE, A
18 DISTANCE OF 117.59 FEET; THENCE SOUTH 60 DEGREES 31 MINUTES 31
19 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF
20 93.42 FEET; THENCE SOUTH 60 DEGREES 06 MINUTES 59 SECONDS EAST
21 ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 73.46 FEET TO A
22 POINT ON THE WESTERLY LINE OF ILLINOIS STATE ROUTE 23 PER THE
23 PLAT OF HIGHWAYS RECORDED APRIL 8TH 1993 AS DOCUMENT NUMBER
24 93R018532 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
25 SOUTH 5 DEGREES 32 MINUTES 39 SECONDS EAST ALONG SAID WESTERLY
26 LINE, A DISTANCE OF 28.23 FEET; THENCE SOUTHWESTERLY ALONG

1 SAID WESTERLY LINE, SAID LINE BEING A CURVE CONCAVE TO THE
2 SOUTHEAST, HAVING A RADIUS OF 1085.46 FEET AND A LENGTH OF
3 405.65 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC
4 HAVING A LENGTH OF 403.30 FEET AND A BEARING OF SOUTH 10
5 DEGREES 44 MINUTES 08 SECONDS WEST; THENCE SOUTH 0 DEGREES 58
6 MINUTES 57 SECONDS EAST ALONG SAID WESTERLY LINE, A DISTANCE
7 OF 289.29 FEET; THENCE SOUTH 0 DEGREES 03 MINUTES 06 SECONDS
8 WEST ALONG SAID WESTERLY LINE, A DISTANCE OF 197.87 FEET TO THE
9 POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING
10 44,404 SQUARE FEET OR 1.019 ACRES, MORE OR LESS. BEING PART OF
11 PARCEL 16-11-300-020.

12 16-14-300-004, 8605 S IL Route 23

13 PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 43
14 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
15 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

16 COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;
17 THENCE SOUTH 89 DEGREES 31 MINUTES 44 SECONDS WEST (BEARINGS
18 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
19 DATUM) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A
20 DISTANCE OF 39.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTH
21 0 DEGREES 02 MINUTES 56 SECONDS EAST ALONG THE WESTERLY LINE OF
22 ILLINOIS STATE ROUTE 23 AS USED AND MONUMENTED, A DISTANCE OF
23 170.00 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 44 SECONDS
24 WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 0 DEGREES 02
25 MINUTES 56 SECONDS WEST, A DISTANCE OF 170.00 FEET TO A POINT

1 ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89
2 DEGREES 31 MINUTES 44 SECONDS EAST ALONG SAID NORTH LINE, A
3 DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, IN MCHENRY
4 COUNTY, ILLINOIS, CONTAINING 5,100 SQUARE FEET OR 0.117 ACRES,
5 MORE OR LESS. BEING PART OF PARCEL 16-14-300-004.

6 16-23-100-011, 9809 S IL Route 23

7 PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF
8 SECTION 23, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD
9 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
10 PARTICULARLY DESCRIBED AS FOLLOWS:

11 COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER;
12 THENCE NORTH 89 DEGREES 57 MINUTES 46 SECONDS WEST (BEARINGS
13 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
14 DATUM) ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A
15 DISTANCE OF 27.11 FEET TO THE POINT OF BEGINNING; THENCE
16 CONTINUING NORTH 89 DEGREES 57 MINUTES 46 SECONDS WEST ALONG
17 SAID SOUTH LINE, A DISTANCE OF 30.00 FEET; THENCE NORTH 0
18 DEGREES 05 MINUTES 58 SECONDS WEST, A DISTANCE OF 50.32 FEET TO
19 A POINT ON THE SOUTHERLY LINE OF ANTHONY ROAD AS USED AND
20 MONUMENTED; THENCE SOUTH 76 DEGREES 45 MINUTES 52 SECONDS EAST
21 ALONG SAID SOUTHERLY LINE, A DISTANCE OF 30.83 FEET TO A POINT
22 ON THE WESTERLY LINE OF ILLINOIS STATE ROUTE 23 AS USED AND
23 MONUMENTED; THENCE SOUTH 0 DEGREES 05 MINUTES 58 SECONDS EAST
24 ALONG SAID WESTERLY LINE, A DISTANCE OF 43.28 FEET TO THE POINT
25 OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 1,404

1 SQUARE FEET OR 0.032 ACRES, MORE OR LESS. BEING PART OF PARCEL
2 16-23-100-011.

3 16-23-300-004, 9809 S IL Route 23

4 PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 43
5 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN, MCHENRY
6 COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

7 COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;
8 THENCE NORTH 89 DEGREES 57 MINUTES 46 SECONDS WEST (BEARINGS
9 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
10 DATUM) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A
11 DISTANCE OF 27.11 FEET TO THE POINT OF BEGINNING; THENCE SOUTH
12 0 DEGREES 05 MINUTES 58 SECONDS EAST ALONG THE WESTERLY LINE OF
13 ILLINOIS STATE ROUTE 23 AS USED AND MONUMENTED, A DISTANCE OF
14 1629.12 FEET TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND
15 DESCRIBED IN A DEED RECORDED MARCH 06, 2019 AS DOCUMENT NUMBER
16 2019R0005925 IN THE RECORDERS OFFICE OF MCHENRY COUNTY; THENCE
17 SOUTH 89 DEGREES 53 MINUTES 53 SECONDS WEST ALONG SAID
18 NORTHERLY LINE, A DISTANCE OF 30.00 FEET; THENCE NORTH 0
19 DEGREES 05 MINUTES 58 SECONDS WEST, A DISTANCE OF 1629.19 FEET
20 TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE
21 SOUTH 89 DEGREES 57 MINUTES 46 SECONDS EAST ALONG SAID NORTH
22 LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, IN
23 MCHENRY COUNTY, ILLINOIS, CONTAINING 48,875 SQUARE FEET OR
24 1.122 ACRES, MORE OR LESS. BEING PART OF PARCEL 16-23-300-004.

1 16-24-300-003, 20805 Anthony Road

2 PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 24,
3 TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD PRINCIPAL MERIDIAN,
4 MCHENRY COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS
5 FOLLOWS:

6 COMMENCING AT THE NORTHEAST CORNER OF SAID WEST HALF; THENCE
7 SOUTH 0 DEGREES 05 MINUTES 32 SECONDS WEST (BEARINGS BASED ON
8 ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG
9 THE EAST LINE OF SAID WEST HALF, A DISTANCE OF 28.82 FEET TO
10 THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0 DEGREES 05
11 MINUTES 32 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF
12 10.00 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 00 SECONDS
13 WEST, A DISTANCE OF 164.32 FEET; THENCE NORTH 0 DEGREES 08
14 MINUTES 58 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE
15 NORTH 89 DEGREES 31 MINUTES 00 SECONDS EAST ALONG THE
16 SOUTHERLY LINE OF ANTHONY ROAD AS USED AND MONUMENTED, A
17 DISTANCE OF 164.36 FEET TO THE POINT OF BEGINNING, IN MCHENRY
18 COUNTY, ILLINOIS, CONTAINING 1643 SQUARE FEET OR 0.038 ACRES,
19 MORE OR LESS. BEING PART OF PARCEL 16-24-300-003.

20 16-24-300-008, Anthony Road

21 PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF
22 SECTION 24, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD
23 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
24 PARTICULARLY DESCRIBED AS FOLLOWS:

25 COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER;

1 THENCE NORTH 89 DEGREES 32 MINUTES 44 SECONDS EAST (BEARINGS
2 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
3 DATUM) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A
4 DISTANCE OF 199.94 FEET; THENCE SOUTH 0 DEGREES 23 MINUTES 00
5 SECONDS EAST, A DISTANCE OF 27.97 FEET TO THE POINT OF
6 BEGINNING; THENCE NORTH 89 DEGREES 36 MINUTES 03 SECONDS EAST
7 ALONG THE SOUTHERLY LINE OF ANTHONY ROAD AS USED AND
8 MONUMENTED, A DISTANCE OF 965.54 FEET; THENCE SOUTH 0 DEGREES
9 08 MINUTES 58 SECONDS EAST, A DISTANCE OF 10.00 FEET; THENCE
10 SOUTH 89 DEGREES 36 MINUTES 03 SECONDS WEST, A DISTANCE OF
11 965.50 FEET; THENCE NORTH 0 DEGREES 23 MINUTES 00 SECONDS
12 WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, IN
13 MCHENRY COUNTY, ILLINOIS, CONTAINING 9655 SQUARE FEET OR 0.222
14 ACRES, MORE OR LESS. BEING PART OF PARCEL 16-24-300-008.

15 16-24-300-013, Anthony Road

16 PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF
17 SECTION 24, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD
18 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
19 PARTICULARLY DESCRIBED AS FOLLOWS:

20 COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;
21 THENCE SOUTH 89 DEGREES 32 MINUTES 44 SECONDS WEST (BEARINGS
22 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983
23 DATUM) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A
24 DISTANCE OF 665.01 FEET; THENCE SOUTH 0 DEGREES 01 MINUTES 25
25 SECONDS WEST, A DISTANCE OF 28.29 FEET TO THE POINT OF

1 BEGINNING; THENCE CONTINUING SOUTH 0 DEGREES 01 MINUTES 25
2 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89
3 DEGREES 23 MINUTES 57 SECONDS WEST, A DISTANCE OF 157.79 FEET;
4 THENCE SOUTH 89 DEGREES 43 MINUTES 33 SECONDS WEST, A DISTANCE
5 OF 153.50 FEET; THENCE SOUTH 89 DEGREES 26 MINUTES 49 SECONDS
6 WEST, A DISTANCE OF 353.78 FEET; THENCE NORTH 0 DEGREES 05
7 MINUTES 32 SECONDS EAST, A DISTANCE OF 10.00 FEET; THENCE
8 NORTH 89 DEGREES 26 MINUTES 49 SECONDS EAST ALONG THE
9 SOUTHERLY LINE OF ANTHONY ROAD AS USED AND MONUMENTED, A
10 DISTANCE OF 353.69 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 33
11 SECONDS EAST ALONG THE SOUTHERLY LINE OF ANTHONY ROAD AS USED
12 AND MONUMENTED, A DISTANCE OF 153.49 FEET; THENCE NORTH 89
13 DEGREES 23 MINUTES 57 SECONDS EAST ALONG THE SOUTHERLY LINE OF
14 ANTHONY ROAD AS USED AND MONUMENTED, A DISTANCE OF 157.87 FEET
15 TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS,
16 CONTAINING 6651 SQUARE FEET OR 0.153 ACRES, MORE OR LESS.
17 BEING PART OF PARCEL 16-24-300-013.

18 16-24-300-019, Anthony Road

19 PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF
20 SECTION 24, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE 3RD
21 PRINCIPAL MERIDIAN, MCHENRY COUNTY, ILLINOIS, MORE
22 PARTICULARLY DESCRIBED AS FOLLOWS:

23 COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;
24 THENCE SOUTH 89 DEGREES 32 MINUTES 44 SECONDS WEST (BEARINGS
25 BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983

1 DATUM) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A
2 DISTANCE OF 575.06 FEET; THENCE SOUTH 0 DEGREES 02 MINUTES 40
3 SECONDS EAST, A DISTANCE OF 28.06 FEET TO THE POINT OF
4 BEGINNING; THENCE CONTINUING SOUTH 0 DEGREES 02 MINUTES 40
5 SECONDS EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89
6 DEGREES 23 MINUTES 57 SECONDS WEST, A DISTANCE OF 90.00 FEET;
7 THENCE NORTH 0 DEGREES 01 MINUTES 25 SECONDS EAST, A DISTANCE
8 OF 10.00 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 57 SECONDS
9 EAST ALONG THE SOUTHERLY LINE OF ANTHONY ROAD AS USED AND
10 MONUMENTED, A DISTANCE OF 89.98 FEET TO THE POINT OF
11 BEGINNING, IN MCHENRY COUNTY, ILLINOIS, CONTAINING 900 SQUARE
12 FEET OR 0.021 ACRES, MORE OR LESS. BEING PART OF PARCEL
13 16-24-300-019.

14 (b) This Section is repealed August 9, 2027 (3 years after
15 the effective date of Public Act 103-892) ~~this amendatory Act~~
16 ~~of the 103rd General Assembly.~~

17 (Source: P.A. 103-892, eff. 8-9-24; revised 10-3-24.)

18 Section 1120. The Lawful Health Care Activity Act is
19 amended by changing Sections 28-10 and 28-11 as follows:

20 (735 ILCS 40/28-10)

21 Sec. 28-10. Definitions. As used in this Act:

22 "Lawful health care" means:

23 (1) reproductive health care that is not unlawful
24 under the laws of this State, including on any theory of

1 vicarious, joint, several, or conspiracy liability; or

2 (2) the treatment of gender dysphoria or the
3 affirmation of an individual's gender identity or gender
4 expression, including, but not limited to, all supplies,
5 care, and services of a medical, behavioral health, mental
6 health, surgical, psychiatric, therapeutic, diagnostic,
7 preventative, rehabilitative, or supportive nature that is
8 not unlawful under the laws of this State, including on
9 any theory of vicarious, joint, several, or conspiracy
10 liability.

11 "Lawful health care activity" means seeking, providing,
12 receiving, assisting in seeking, providing, or receiving,
13 providing material support for, or traveling to obtain lawful
14 health care.

15 "Health records related to lawful health care" means
16 records that identify a person who has sought or received
17 lawful health care ~~healthcare~~, including, but not limited to,
18 information regarding an individual's medical history, mental
19 or physical condition, or medical treatment or diagnosis by a
20 health care ~~healthcare~~ professional, and insurance and billing
21 records for medical care.

22 "Location information related to lawful health care" means
23 precise location information that could be reasonably used to
24 identify a person's attempt to acquire or receive lawful
25 health care, including, but not limited to, records of the
26 location of a person's license plate, records of the location

1 of a cell phone or other device that tracks location, or
2 records of observations of a person's location when the
3 location is near a provider of lawful health care.

4 "Reproductive health care" shall have the same meaning as
5 Section 1-10 of the Reproductive Health Act.

6 "State" has the meaning given in Section 1-10 of the
7 Reproductive Health Act.

8 (Source: P.A. 102-1117, eff. 1-13-23; 103-786, eff. 8-7-24;
9 revised 10-21-24.)

10 (735 ILCS 40/28-11)

11 Sec. 28-11. Prohibited State actions.

12 (a) Unless otherwise necessary to comply with Illinois or
13 federal law, the State shall not provide any information or
14 expend or use any time, money, facilities, property,
15 equipment, personnel, or other resources to assist any
16 individual, or out-of-state officer, official, agency, entity,
17 or department seeking to impose civil or criminal liability
18 upon a person or entity for lawful health care ~~healthcare~~
19 activity.

20 (b) Location information related to lawful health care and
21 health records related to lawful health care are confidential
22 and exempt from disclosure under the Freedom of Information
23 Act.

24 (c) This Section does not apply if an individual or
25 out-of-state officer, official, agency, entity, or department

1 is investigating conduct that would be subject to civil or
2 criminal liability under the laws of Illinois.

3 (Source: P.A. 103-786, eff. 8-7-24; revised 10-21-24.)

4 Section 1125. The Illinois Antitrust Act is amended by
5 changing Section 7.2 as follows:

6 (740 ILCS 10/7.2) (from Ch. 38, par. 60-7.2)

7 Sec. 7.2. (1) Whenever it appears to the Attorney General
8 that any person has engaged in, is engaging in, or is about to
9 engage in any act or practice prohibited by this Act, or that
10 any person has assisted or participated in any agreement or
11 combination of the nature described herein, he may, in his
12 discretion, conduct an investigation as he deems necessary in
13 connection with the matter and has the authority prior to the
14 commencement of any civil or criminal action as provided for
15 in the Act to subpoena witnesses, and pursuant to a subpoena
16 (i) compel their attendance for the purpose of examining them
17 under oath, (ii) require the production of any books,
18 documents, records, writings, or tangible things hereafter
19 referred to as "documentary material" which the Attorney
20 General deems relevant or material to his investigation, for
21 inspection, reproducing, or copying under such terms and
22 conditions as hereafter set forth, (iii) require written
23 answers under oath to written interrogatories, or (iv) require
24 compliance with a combination of the foregoing. Any subpoena

1 issued by the Attorney General shall contain the following
2 information:

3 (a) The statute and section thereof, the alleged
4 violation of which is under investigation and the general
5 subject matter of the investigation.

6 (b) The date and place at which time the person is
7 required to appear or produce documentary material in his
8 possession, custody, or control or submit answers to
9 interrogatories in the office of the Attorney General
10 located in Springfield or Chicago. Said date shall not be
11 less than 10 days from date of service of the subpoena.

12 (c) Where documentary material is required to be
13 produced, the same shall be described by class so as to
14 clearly indicate the material demanded.

15 The Attorney General is hereby authorized, and may so
16 elect, to require the production, pursuant to this Section
17 ~~section~~, of documentary material or interrogatory answers
18 prior to the taking of any testimony of the person subpoenaed.
19 Said documentary material shall be made available for
20 inspection and copying during normal business hours at the
21 principal place of business of the person served, or at such
22 other time and place, as may be agreed upon by the person
23 served and the Attorney General. When documentary material is
24 demanded by subpoena, said subpoena shall not:

25 (i) contain any requirement which would be
26 unreasonable or improper if contained in a subpoena duces

1 tecum issued by a court of this State; or

2 (ii) require the disclosure of any documentary
3 material which would be privileged, or which for any other
4 reason would not be required by a subpoena duces tecum
5 issued by a court of this State.

6 (2) The production of documentary material in response to
7 a subpoena served pursuant to this Section shall be made under
8 a sworn certificate, in such form as the subpoena designates,
9 by the person, if a natural person, to whom the demand is
10 directed or, if not a natural person, by a person or persons
11 having knowledge of the facts and circumstances relating to
12 such production, to the effect that all of the documentary
13 material required by the demand and in the possession,
14 custody, or control of the person to whom the demand is
15 directed has been produced and made available to the
16 custodian. Answers to interrogatories shall be accompanied by
17 a statement under oath attesting to the accuracy of the
18 answers.

19 While in the possession of the Attorney General and under
20 such reasonable terms and conditions as the Attorney General
21 shall prescribe: (A) documentary material shall be available
22 for examination by the person who produced such material or by
23 any duly authorized representative of such person, (B)
24 transcript of oral testimony shall be available for
25 examination by the person who produced such testimony, or his
26 or her counsel, and (C) answers to interrogatories shall be

1 available for examination by the person who swore to their
2 accuracy.

3 Except as otherwise provided in this Section, no
4 documentary material, transcripts of oral testimony, or
5 answers to interrogatories, or copies thereof, in the
6 possession of the Attorney General shall be available for
7 examination by any individual other than an authorized
8 employee of the Attorney General or other law enforcement
9 officials, federal, State, or local, without the consent of
10 the person who produced such material, transcripts, or
11 interrogatory answers. Such documentary material, transcripts
12 of oral testimony, or answers to interrogatories, or copies
13 thereof, may be used by the Attorney General in any
14 administrative or judicial action or proceeding.

15 For purposes of this Section, all documentary materials,
16 transcripts of oral testimony, answers to interrogatories
17 obtained by the Attorney General from other law enforcement
18 officials, information voluntarily produced to the Attorney
19 General for purposes of any investigation conducted under
20 subsection (1), or information provided to the Attorney
21 General pursuant to the notice requirement of Section 7.2a
22 shall be treated as if produced pursuant to a subpoena served
23 pursuant to this Section for purposes of maintaining the
24 confidentiality of such information.

25 The changes made by Public Act 103-526 ~~this amendatory Act~~
26 ~~of the 103rd General Assembly~~ are inoperative on and after

1 January 1, 2027.

2 (3) No person shall, with intent to avoid, evade, prevent,
3 or obstruct compliance in whole or in part by any person with
4 any duly served subpoena of the Attorney General under this
5 Act, knowingly remove from any place, conceal, withhold,
6 destroy, mutilate, alter, or by any other means falsify any
7 documentary material that is the subject of such subpoena. A
8 violation of this subsection is a Class A misdemeanor. The
9 Attorney General, with such assistance as he may from time to
10 time require of the State's Attorneys in the several counties,
11 shall investigate suspected violations of this subsection and
12 shall commence and try all prosecutions under this subsection.

13 (Source: P.A. 103-526, eff. 1-1-24; revised 7-24-24.)

14 Section 1130. The Mental Health and Developmental
15 Disabilities Confidentiality Act is amended by changing
16 Section 9.6 as follows:

17 (740 ILCS 110/9.6)

18 Sec. 9.6. Participants of any HIE, as defined under
19 Section 2, shall allow each recipient whose record is
20 accessible through the health information exchange the
21 reasonable opportunity to expressly decline the further
22 disclosure of the record by the health information exchange to
23 third parties, except to the extent permitted by law such as
24 for purposes of public health reporting. The HIE participants

1 shall permit a recipient to revoke a prior decision to opt out
2 ~~opt-out~~ or a decision not to opt out ~~opt-out~~. These rules,
3 standards, or contractual obligations shall provide for
4 written notice of a recipient's right to opt out ~~opt-out~~ which
5 directs the recipient to a health information exchange website
6 containing (i) an explanation of the purposes of the health
7 information exchange; and (ii) audio, visual, and written
8 instructions on how to opt out ~~opt-out~~ of participation in
9 whole or in part to the extent possible. The process for
10 effectuating an opt-out shall be reviewed by the HIE
11 participants annually and updated as the technical options
12 develop. The recipient shall be provided meaningful disclosure
13 regarding the health information exchange, and the recipient's
14 decision whether to opt out ~~opt-out~~ should be obtained without
15 undue inducement or any element of force, fraud, deceit,
16 duress, or other form of constraint or coercion. To the extent
17 that HIPAA, as specified in 45 CFR 164.508(b)(4), prohibits a
18 covered entity from conditioning the provision of its services
19 upon an individual's provision of an authorization, an HIE
20 participant shall not condition the provision of its services
21 upon a recipient's decision to opt out ~~opt-out~~ of further
22 disclosure of the record by an HIE to third parties. The HIE
23 participants shall also give annual consideration to enable a
24 recipient to expressly decline the further disclosure by an
25 HIE to third parties of selected portions of the recipient's
26 record while permitting disclosure of the recipient's

1 remaining patient health information. In giving effect to
2 recipient disclosure preferences, the HIE participants may
3 consider the extent to which relevant health information
4 technologies reasonably available to therapists and HIEs in
5 this State reasonably enable the effective segmentation of
6 specific information within a recipient's electronic medical
7 record and reasonably enable the effective exclusion of
8 specific information from disclosure by an HIE to third
9 parties, as well as the availability of sufficient
10 authoritative clinical guidance to enable the practical
11 application of such technologies to effect recipient
12 disclosure preferences. The provisions of this Section 9.6
13 shall not apply to the secure electronic transmission of data
14 which is point-to-point communication directed by the data
15 custodian.

16 (Source: P.A. 103-508, eff. 8-4-23; revised 7-24-24.)

17 Section 1135. The Whistleblower Act is amended by changing
18 Section 15 as follows:

19 (740 ILCS 174/15)

20 Sec. 15. Retaliation for certain disclosures prohibited.

21 (a) An employer may not take retaliatory action against an
22 employee who discloses or threatens to disclose to a public
23 body conducting an investigation, or in a court, an
24 administrative hearing, or any other proceeding initiated by a

1 public body, information related to an activity, policy, or
2 practice of the employer, where the employee has a good faith
3 belief that the activity, policy, or practice (i) violates a
4 State or federal law, rule, or regulation or (ii) poses a
5 substantial and specific danger to employees, public health,
6 or safety.

7 (b) An employer may not take retaliatory action against an
8 employee for disclosing or threatening to disclose information
9 to a government or law enforcement agency information related
10 to an activity, policy, or practice of the employer, where the
11 employee has a good faith belief that the activity, policy, or
12 practice of the employer (i) violates a State or federal law,
13 rule, or regulation or (ii) poses a substantial and specific
14 danger to employees, public health, or safety.

15 (c) An employer may not take retaliatory action against an
16 employee for disclosing or threatening to disclose to any
17 supervisor, principal officer, board member, or supervisor in
18 an organization that has a contractual relationship with the
19 employer who makes the employer aware of the disclosure,
20 information related to an activity, policy, or practice of the
21 employer if the employee has a good faith belief that the
22 activity, policy, or practice (i) violates a State or federal
23 law, rule, or regulation or (ii) poses a substantial and
24 specific danger to employees, public health, or safety.

25 (Source: P.A. 103-867, eff. 1-1-25; revised 10-21-24.)

1 Section 1140. The Adoption Act is amended by changing
2 Sections 1 and 2 as follows:

3 (750 ILCS 50/1)

4 Sec. 1. Definitions. When used in this Act, unless the
5 context otherwise requires:

6 A. ~~(1)~~ "Child" means a person under legal age subject to
7 adoption under this Act.

8 A-5. ~~(2)~~ "Adult", when referring to a person who is the
9 subject of a petition for adoption under Section 3 of this Act,
10 means a person who is 18 years old or older.

11 B. "Related child" means a child subject to adoption where
12 either or both of the adopting parents stands in any of the
13 following relationships to the child by blood, marriage,
14 adoption, or civil union: parent, grand-parent,
15 great-grandparent, brother, sister, step-parent,
16 step-grandparent, step-brother, step-sister, uncle, aunt,
17 great-uncle, great-aunt, first cousin, or second cousin. A
18 person is related to the child as a first cousin or second
19 cousin if they are both related to the same ancestor as either
20 grandchild or great-grandchild. A child whose parent has
21 executed a consent to adoption, a surrender, or a waiver
22 pursuant to Section 10 of this Act or whose parent has signed a
23 denial of paternity pursuant to Section 12 of the Vital
24 Records Act or Section 12a of this Act, or whose parent has had
25 his or her parental rights terminated, is not a related child

1 to that person, unless (1) the consent is determined to be void
2 or is void pursuant to subsection O of Section 10 of this Act;
3 or (2) the parent of the child executed a consent to adoption
4 by a specified person or persons pursuant to subsection A-1 of
5 Section 10 of this Act and a court of competent jurisdiction
6 finds that such consent is void; or (3) the order terminating
7 the parental rights of the parent is vacated by a court of
8 competent jurisdiction.

9 C. "Agency" for the purpose of this Act means a public
10 child welfare agency or a licensed child welfare agency.

11 D. "Unfit person" means any person whom the court shall
12 find to be unfit to have a child, without regard to the
13 likelihood that the child will be placed for adoption. The
14 grounds of unfitness are any one or more of the following,
15 except that a person shall not be considered an unfit person
16 for the sole reason that the person has relinquished a child in
17 accordance with the Abandoned Newborn Infant Protection Act:

18 (a) Abandonment of the child.

19 (a-1) Abandonment of a newborn infant in a hospital.

20 (a-2) Abandonment of a newborn infant in any setting
21 where the evidence suggests that the parent intended to
22 relinquish his or her parental rights.

23 (b) Failure to maintain a reasonable degree of
24 interest, concern, or responsibility as to the child's
25 welfare.

26 (c) Desertion of the child for more than 3 months next

1 preceding the commencement of the Adoption proceeding.

2 (d) Substantial neglect of the child if continuous or
3 repeated.

4 (d-1) Substantial neglect, if continuous or repeated,
5 of any child residing in the household which resulted in
6 the death of that child.

7 (e) Extreme or repeated cruelty to the child.

8 (f) There is a rebuttable presumption, which can be
9 overcome only by clear and convincing evidence, that a
10 parent is unfit if:

11 (1) Two or more findings of physical abuse have
12 been entered regarding any children under Section 2-21
13 of the Juvenile Court Act of 1987, the most recent of
14 which was determined by the juvenile court hearing the
15 matter to be supported by clear and convincing
16 evidence; or

17 (2) The parent has been convicted or found not
18 guilty by reason of insanity and the conviction or
19 finding resulted from the death of any child by
20 physical abuse; or

21 (3) There is a finding of physical child abuse
22 resulting from the death of any child under Section
23 2-21 of the Juvenile Court Act of 1987.

24 No conviction or finding of delinquency pursuant to
25 Article V of the Juvenile Court Act of 1987 shall be
26 considered a criminal conviction for the purpose of

1 applying any presumption under this paragraph ~~item~~ (f).

2 (g) Failure to protect the child from conditions
3 within his environment injurious to the child's welfare.

4 (h) Other neglect of, or misconduct toward the child;
5 provided that in making a finding of unfitness the court
6 hearing the adoption proceeding shall not be bound by any
7 previous finding, order or judgment affecting or
8 determining the rights of the parents toward the child
9 sought to be adopted in any other proceeding except such
10 proceedings terminating parental rights as shall be had
11 under either this Act, the Juvenile Court Act, or the
12 Juvenile Court Act of 1987.

13 (i) Depravity. Conviction of any one of the following
14 crimes shall create a presumption that a parent is
15 depraved which can be overcome only by clear and
16 convincing evidence: (1) first degree murder in violation
17 of paragraph (1) or (2) of subsection (a) of Section 9-1 of
18 the Criminal Code of 1961 or the Criminal Code of 2012 or
19 conviction of second degree murder in violation of
20 subsection (a) of Section 9-2 of the Criminal Code of 1961
21 or the Criminal Code of 2012 of a parent of the child to be
22 adopted; (2) first degree murder or second degree murder
23 of any child in violation of the Criminal Code of 1961 or
24 the Criminal Code of 2012; (3) attempt or conspiracy to
25 commit first degree murder or second degree murder of any
26 child in violation of the Criminal Code of 1961 or the

1 Criminal Code of 2012; (4) solicitation to commit murder
2 of any child, solicitation to commit murder of any child
3 for hire, or solicitation to commit second degree murder
4 of any child in violation of the Criminal Code of 1961 or
5 the Criminal Code of 2012; (5) predatory criminal sexual
6 assault of a child in violation of Section 11-1.40 or
7 12-14.1 of the Criminal Code of 1961 or the Criminal Code
8 of 2012; (6) heinous battery of any child in violation of
9 the Criminal Code of 1961; (7) aggravated battery of any
10 child in violation of the Criminal Code of 1961 or the
11 Criminal Code of 2012; (8) any violation of Section
12 11-1.20 or Section 12-13 of the Criminal Code of 1961 or
13 the Criminal Code of 2012; (9) any violation of subsection
14 (a) of Section 11-1.50 or Section 12-16 of the Criminal
15 Code of 1961 or the Criminal Code of 2012; (10) any
16 violation of Section 11-9.1 of the Criminal Code of 1961
17 or the Criminal Code of 2012; (11) any violation of
18 Section 11-9.1A of the Criminal Code of 1961 or the
19 Criminal Code of 2012; or (12) an offense in any other
20 state the elements of which are similar and bear a
21 substantial relationship to any of the enumerated offenses
22 in this paragraph ~~subsection~~ (i).

23 There is a rebuttable presumption that a parent is
24 depraved if the parent has been criminally convicted of at
25 least 3 felonies under the laws of this State or any other
26 state, or under federal law, or the criminal laws of any

1 United States territory; and at least one of these
2 convictions took place within 5 years of the filing of the
3 petition or motion seeking termination of parental rights.

4 There is a rebuttable presumption that a parent is
5 depraved if that parent has been criminally convicted of
6 either first or second degree murder of any person as
7 defined in the Criminal Code of 1961 or the Criminal Code
8 of 2012 within 10 years of the filing date of the petition
9 or motion to terminate parental rights.

10 No conviction or finding of delinquency pursuant to
11 Article 5 of the Juvenile Court Act of 1987 shall be
12 considered a criminal conviction for the purpose of
13 applying any presumption under this paragraph ~~item~~ (i).

14 (j) Open and notorious adultery or fornication.

15 (j-1) (Blank).

16 (k) Habitual drunkenness or addiction to drugs, other
17 than those prescribed by a physician, for at least one
18 year immediately prior to the commencement of the
19 unfitness proceeding.

20 (l) Failure to demonstrate a reasonable degree of
21 interest, concern, or responsibility as to the welfare of
22 a new born child during the first 30 days after its birth.

23 (m) Failure by a parent (i) to make reasonable efforts
24 to correct the conditions that were the basis for the
25 removal of the child from the parent during any 9-month
26 period following the adjudication of neglected or abused

1 minor under Section 2-3 of the Juvenile Court Act of 1987
2 or dependent minor under Section 2-4 of that Act, or (ii)
3 to make reasonable progress toward the return of the child
4 to the parent during any 9-month period following the
5 adjudication of neglected or abused minor under Section
6 2-3 of the Juvenile Court Act of 1987 or dependent minor
7 under Section 2-4 of that Act. If a service plan has been
8 established as required under Section 8.2 of the Abused
9 and Neglected Child Reporting Act to correct the
10 conditions that were the basis for the removal of the
11 child from the parent and if those services were
12 available, then, for purposes of this Act, "failure to
13 make reasonable progress toward the return of the child to
14 the parent" includes the parent's failure to substantially
15 fulfill his or her obligations under the service plan and
16 correct the conditions that brought the child into care
17 during any 9-month period following the adjudication under
18 Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
19 Notwithstanding any other provision, when a petition or
20 motion seeks to terminate parental rights on the basis of
21 subparagraph item (ii) of this paragraph subsection (m),
22 the petitioner shall file with the court and serve on the
23 parties a pleading that specifies the 9-month period or
24 periods relied on. The pleading shall be filed and served
25 on the parties no later than 3 weeks before the date set by
26 the court for closure of discovery, and the allegations in

1 the pleading shall be treated as incorporated into the
2 petition or motion. Failure of a respondent to file a
3 written denial of the allegations in the pleading shall
4 not be treated as an admission that the allegations are
5 true.

6 (m-1) (Blank).

7 (n) Evidence of intent to forgo his or her parental
8 rights, whether or not the child is a ward of the court,
9 (1) as manifested by his or her failure for a period of 12
10 months: (i) to visit the child, (ii) to communicate with
11 the child or agency, although able to do so and not
12 prevented from doing so by an agency or by court order, or
13 (iii) to maintain contact with or plan for the future of
14 the child, although physically able to do so, or (2) as
15 manifested by the father's failure, where he and the
16 mother of the child were unmarried to each other at the
17 time of the child's birth, (i) to commence legal
18 proceedings to establish his paternity under the Illinois
19 Parentage Act of 1984, the Illinois Parentage Act of 2015,
20 or the law of the jurisdiction of the child's birth within
21 30 days of being informed, pursuant to Section 12a of this
22 Act, that he is the father or the likely father of the
23 child or, after being so informed where the child is not
24 yet born, within 30 days of the child's birth, or (ii) to
25 make a good faith effort to pay a reasonable amount of the
26 expenses related to the birth of the child and to provide a

1 reasonable amount for the financial support of the child,
2 the court to consider in its determination all relevant
3 circumstances, including the financial condition of both
4 parents; provided that the ground for termination provided
5 in this item (ii) of subparagraph (2) of this paragraph
6 (n) ~~subparagraph (n) (2) (ii)~~ shall only be available where
7 the petition is brought by the mother or the husband of the
8 mother.

9 Contact or communication by a parent with his or her
10 child that does not demonstrate affection and concern does
11 not constitute reasonable contact and planning under this
12 paragraph ~~subdivision~~ (n). In the absence of evidence to
13 the contrary, the ability to visit, communicate, maintain
14 contact, pay expenses, and plan for the future shall be
15 presumed. The subjective intent of the parent, whether
16 expressed or otherwise, unsupported by evidence of the
17 foregoing parental acts manifesting that intent, shall not
18 preclude a determination that the parent has intended to
19 forgo his or her parental rights. In making this
20 determination, the court may consider but shall not
21 require a showing of diligent efforts by an authorized
22 agency to encourage the parent to perform the acts
23 specified in this paragraph ~~subdivision~~ (n).

24 It shall be an affirmative defense to any allegation
25 under subparagraph ~~paragraph~~ (2) of this paragraph (n)
26 ~~subsection~~ that the father's failure was due to

1 circumstances beyond his control or to impediments created
2 by the mother or any other person having legal custody.
3 Proof of that fact need only be by a preponderance of the
4 evidence.

5 (o) Repeated or continuous failure by the parents,
6 although physically and financially able, to provide the
7 child with adequate food, clothing, or shelter.

8 (p) Inability to discharge parental responsibilities
9 supported by competent evidence from a psychiatrist,
10 licensed clinical social worker, or clinical psychologist
11 of mental impairment, mental illness, or an intellectual
12 disability as defined in Section 1-116 of the Mental
13 Health and Developmental Disabilities Code, or
14 developmental disability as defined in Section 1-106 of
15 that Code, and there is sufficient justification to
16 believe that the inability to discharge parental
17 responsibilities shall extend beyond a reasonable time
18 period. However, this paragraph ~~subdivision~~ (p) shall not
19 be construed so as to permit a licensed clinical social
20 worker to conduct any medical diagnosis to determine
21 mental illness or mental impairment.

22 (q) (Blank).

23 (r) The child is in the temporary custody or
24 guardianship of the Department of Children and Family
25 Services, the parent is incarcerated as a result of
26 criminal conviction at the time the petition or motion for

1 termination of parental rights is filed, prior to
2 incarceration the parent had little or no contact with the
3 child or provided little or no support for the child, and
4 the parent's incarceration will prevent the parent from
5 discharging his or her parental responsibilities for the
6 child for a period in excess of 2 years after the filing of
7 the petition or motion for termination of parental rights.

8 (s) The child is in the temporary custody or
9 guardianship of the Department of Children and Family
10 Services, the parent is incarcerated at the time the
11 petition or motion for termination of parental rights is
12 filed, the parent has been repeatedly incarcerated as a
13 result of criminal convictions, and the parent's repeated
14 incarceration has prevented the parent from discharging
15 his or her parental responsibilities for the child.

16 (t) (Blank).

17 E. "Parent" means a person who is the legal mother or legal
18 father of the child as defined in subsection X or Y of this
19 Section. For the purpose of this Act, a parent who has executed
20 a consent to adoption, a surrender, or a waiver pursuant to
21 Section 10 of this Act, who has signed a Denial of Paternity
22 pursuant to Section 12 of the Vital Records Act or Section 12a
23 of this Act, or whose parental rights have been terminated by a
24 court, is not a parent of the child who was the subject of the
25 consent, surrender, waiver, or denial unless (1) the consent
26 is void pursuant to subsection O of Section 10 of this Act; or

1 (2) the person executed a consent to adoption by a specified
2 person or persons pursuant to subsection A-1 of Section 10 of
3 this Act and a court of competent jurisdiction finds that the
4 consent is void; or (3) the order terminating the parental
5 rights of the person is vacated by a court of competent
6 jurisdiction.

7 F. A person is available for adoption when the person is:

8 (a) a child who has been surrendered for adoption to
9 an agency and to whose adoption the agency has thereafter
10 consented;

11 (b) a child to whose adoption a person authorized by
12 law, other than his parents, has consented, or to whose
13 adoption no consent is required pursuant to Section 8 of
14 this Act;

15 (c) a child who is in the custody of persons who intend
16 to adopt him through placement made by his parents;

17 (c-1) a child for whom a parent has signed a specific
18 consent pursuant to subsection O of Section 10;

19 (d) an adult who meets the conditions set forth in
20 Section 3 of this Act; or

21 (e) a child who has been relinquished as defined in
22 Section 10 of the Abandoned Newborn Infant Protection Act.

23 A person who would otherwise be available for adoption
24 shall not be deemed unavailable for adoption solely by reason
25 of his or her death.

26 G. The singular includes the plural and the plural

1 includes the singular and the "male" includes the "female", as
2 the context of this Act may require.

3 H. (Blank).

4 I. "Habitual residence" has the meaning ascribed to it in
5 the federal Intercountry Adoption Act of 2000 and regulations
6 promulgated thereunder.

7 J. "Immediate relatives" means the biological parents, the
8 parents of the biological parents, and the siblings of the
9 biological parents.

10 K. "Intercountry adoption" is a process by which a child
11 from a country other than the United States is adopted by
12 persons who are habitual residents of the United States, or
13 the child is a habitual resident of the United States who is
14 adopted by persons who are habitual residents of a country
15 other than the United States.

16 L. (Blank).

17 M. "Interstate Compact on the Placement of Children" is a
18 law enacted by all states and certain territories for the
19 purpose of establishing uniform procedures for handling the
20 interstate placement of children in foster homes, adoptive
21 homes, or other child care facilities.

22 N. (Blank).

23 O. "Preadoption requirements" means any conditions or
24 standards established by the laws or administrative rules of
25 this State that must be met by a prospective adoptive parent
26 prior to the placement of a child in an adoptive home.

1 P. "Abused child" means a child whose parent or immediate
2 family member, or any person responsible for the child's
3 welfare, or any individual residing in the same home as the
4 child, or a paramour of the child's parent:

5 (a) inflicts, causes to be inflicted, or allows to be
6 inflicted upon the child physical injury, by other than
7 accidental means, that causes death, disfigurement,
8 impairment of physical or emotional health, or loss or
9 impairment of any bodily function;

10 (b) creates a substantial risk of physical injury to
11 the child by other than accidental means which would be
12 likely to cause death, disfigurement, impairment of
13 physical or emotional health, or loss or impairment of any
14 bodily function;

15 (c) commits or allows to be committed any sex offense
16 against the child, as sex offenses are defined in the
17 Criminal Code of 2012 and extending those definitions of
18 sex offenses to include children under 18 years of age;

19 (d) commits or allows to be committed an act or acts of
20 torture upon the child; or

21 (e) inflicts excessive corporal punishment.

22 Q. "Neglected child" means any child whose parent or other
23 person responsible for the child's welfare withholds or denies
24 nourishment or medically indicated treatment including food or
25 care denied solely on the basis of the present or anticipated
26 mental or physical impairment as determined by a physician

1 acting alone or in consultation with other physicians or
2 otherwise does not provide the proper or necessary support,
3 education as required by law, or medical or other remedial
4 care recognized under State law as necessary for a child's
5 well-being, or other care necessary for his or her well-being,
6 including adequate food, clothing, and shelter; or who is
7 abandoned by his or her parents or other person responsible
8 for the child's welfare.

9 A child shall not be considered neglected or abused for
10 the sole reason that the child's parent or other person
11 responsible for his or her welfare depends upon spiritual
12 means through prayer alone for the treatment or cure of
13 disease or remedial care as provided under Section 4 of the
14 Abused and Neglected Child Reporting Act. A child shall not be
15 considered neglected or abused for the sole reason that the
16 child's parent or other person responsible for the child's
17 welfare failed to vaccinate, delayed vaccination, or refused
18 vaccination for the child due to a waiver on religious or
19 medical grounds as permitted by law.

20 R. "Putative father" means a man who may be a child's
21 father, but who (1) is not married to the child's mother on or
22 before the date that the child was or is to be born and (2) has
23 not established paternity of the child in a court proceeding
24 before the filing of a petition for the adoption of the child.
25 The term includes a male who is less than 18 years of age.
26 "Putative father" does not mean a man who is the child's father

1 as a result of criminal sexual abuse or assault as defined
2 under Article 11 of the Criminal Code of 2012.

3 S. "Standby adoption" means an adoption in which a parent
4 consents to custody and termination of parental rights to
5 become effective upon the occurrence of a future event, which
6 is either the death of the parent or the request of the parent
7 for the entry of a final judgment of adoption.

8 T. (Blank).

9 T-5. "Biological parent", "birth parent", or "natural
10 parent" of a child are interchangeable terms that mean a
11 person who is biologically or genetically related to that
12 child as a parent.

13 U. "Interstate adoption" means the placement of a minor
14 child with a prospective adoptive parent for the purpose of
15 pursuing an adoption for that child that is subject to the
16 provisions of the Interstate Compact on the Placement of
17 Children.

18 V. (Blank).

19 W. (Blank).

20 X. "Legal father" of a child means a man who is recognized
21 as or presumed to be that child's father:

22 (1) because of his marriage to or civil union with the
23 child's parent at the time of the child's birth or within
24 300 days prior to that child's birth, unless he signed a
25 denial of paternity pursuant to Section 12 of the Vital
26 Records Act or a waiver pursuant to Section 10 of this Act;

1 or

2 (2) because his paternity of the child has been
3 established pursuant to the Illinois Parentage Act, the
4 Illinois Parentage Act of 1984, or the Gestational
5 Surrogacy Act; or

6 (3) because he is listed as the child's father or
7 parent on the child's birth certificate, unless he is
8 otherwise determined by an administrative or judicial
9 proceeding not to be the parent of the child or unless he
10 rescinds his acknowledgment of paternity pursuant to the
11 Illinois Parentage Act of 1984; or

12 (4) because his paternity or adoption of the child has
13 been established by a court of competent jurisdiction.

14 The definition in this subsection X shall not be construed
15 to provide greater or lesser rights as to the number of parents
16 who can be named on a final judgment order of adoption or
17 Illinois birth certificate that otherwise exist under Illinois
18 law.

19 Y. "Legal mother" of a child means a woman who is
20 recognized as or presumed to be that child's mother:

21 (1) because she gave birth to the child except as
22 provided in the Gestational Surrogacy Act; or

23 (2) because her maternity of the child has been
24 established pursuant to the Illinois Parentage Act of 1984
25 or the Gestational Surrogacy Act; or

26 (3) because her maternity or adoption of the child has

1 been established by a court of competent jurisdiction; or

2 (4) because of her marriage to or civil union with the
3 child's other parent at the time of the child's birth or
4 within 300 days prior to the time of birth; or

5 (5) because she is listed as the child's mother or
6 parent on the child's birth certificate unless she is
7 otherwise determined by an administrative or judicial
8 proceeding not to be the parent of the child.

9 The definition in this subsection Y shall not be construed
10 to provide greater or lesser rights as to the number of parents
11 who can be named on a final judgment order of adoption or
12 Illinois birth certificate that otherwise exist under Illinois
13 law.

14 Z. "Department" means the Illinois Department of Children
15 and Family Services.

16 AA. "Placement disruption" means a circumstance where the
17 child is removed from an adoptive placement before the
18 adoption is finalized.

19 BB. "Secondary placement" means a placement, including,
20 but not limited to, the placement of a youth in care as defined
21 in Section 4d of the Children and Family Services Act, that
22 occurs after a placement disruption or an adoption
23 dissolution. "Secondary placement" does not mean secondary
24 placements arising due to the death of the adoptive parent of
25 the child.

26 CC. "Adoption dissolution" means a circumstance where the

1 child is removed from an adoptive placement after the adoption
2 is finalized.

3 DD. "Unregulated placement" means the secondary placement
4 of a child that occurs without the oversight of the courts, the
5 Department, or a licensed child welfare agency.

6 EE. "Post-placement and post-adoption support services"
7 means support services for placed or adopted children and
8 families that include, but are not limited to, mental health
9 treatment, including counseling and other support services for
10 emotional, behavioral, or developmental needs, and treatment
11 for substance abuse.

12 FF. "Youth in care" has the meaning provided in Section 4d
13 of the Children and Family Services Act.

14 The changes made by Public Act 103-941 ~~this amendatory Act~~
15 ~~of the 103rd General Assembly~~ apply to a petition that is filed
16 on or after January 1, 2025.

17 (Source: P.A. 102-139, eff. 1-1-22; 102-558, eff. 8-20-21;
18 103-696, eff. 1-1-25; 103-941, eff. 1-1-25; revised 11-26-24.)

19 (750 ILCS 50/2) (from Ch. 40, par. 1502)

20 Sec. 2. Who may adopt a child.

21 A. Any of the following persons, who is under no legal
22 disability (except the minority specified in sub-paragraph
23 (b)) and who has resided in the State of Illinois continuously
24 for a period of at least 6 months immediately preceding the
25 commencement of an adoption proceeding, or any member of the

1 armed forces of the United States who has been domiciled in the
2 State of Illinois for 90 days, may institute such proceeding:

3 (a) A reputable person of legal age and of either sex,
4 provided that if such person is married or in a civil union
5 and has not been living separate and apart from his or her
6 spouse or civil union partner for 12 months or longer, his
7 or her spouse or civil union partner shall be a party to
8 the adoption proceeding, including a spouse or civil union
9 partner desiring to adopt a child of the other spouse or
10 civil union partner, in all of which cases the adoption
11 shall be by both spouses or civil union partners jointly;

12 (b) A minor, by leave of court upon good cause shown;~~;~~

13 (c) Notwithstanding sub-paragraph (a) of this
14 subsection, a spouse or civil union partner is not
15 required to join in a petition for adoption for the
16 adoption of an adult if a petitioner is a former
17 stepparent of that adult, or to re-adopt a child after an
18 intercountry adoption if the spouse or civil union partner
19 did not previously adopt the child as set forth in
20 subsections (c) and (e) of Section 4.1 of this Act. For
21 purposes of this Section, "former stepparent" means a
22 person who was married to, or in a civil union with, the
23 legal parent of the adult seeking to be adopted, and the
24 marriage or civil union has ended.

25 B. The residence requirement specified in paragraph A of
26 this Section shall not apply to:

1 (a) an adoption of a related child;

2 (a-1) an adoption of a child previously adopted in a
3 foreign country by the petitioner;

4 (b) an adoption of a child placed by an
5 Illinois-licensed child welfare agency performing adoption
6 services;

7 (c) an adoption of an adult by a former stepparent; or

8 (d) an adoption of a child born in this State who has
9 resided continuously in this State since birth, or a child
10 who has continuously resided in this State for at least 6
11 months immediately preceding the commencement of the
12 adoption proceeding, if:

13 (1) an Illinois-licensed child welfare agency
14 performing adoption services has acknowledged a
15 consent or surrender of one or both of the biological
16 or legal parents of the child under this Act and the
17 Child Care Act of 1969; or

18 (2) an authorized person under Section 10 has
19 acknowledged a consent of one or both of the
20 biological or legal parents of the child and an
21 Illinois-licensed child welfare agency performing
22 adoption services has counseled the biological or
23 legal parent or parents of the child as to the birth
24 parent rights and responsibilities under the Child
25 Care Act of 1969 and the rules adopted thereunder.

26 C. Nothing in this Section overrides the requirements

1 contained in Public Act 94-586.

2 (Source: P.A. 102-139, eff. 1-1-22; revised 7-24-24.)

3 Section 1145. The Probate Act of 1975 is amended by
4 changing Section 11a-15 as follows:

5 (755 ILCS 5/11a-15) (from Ch. 110 1/2, par. 11a-15)

6 Sec. 11a-15. Successor guardian.† Upon the death,
7 incapacity, resignation, or removal of a guardian of the
8 estate or person of a living ward, the court shall appoint a
9 successor guardian or terminate the adjudication of
10 disability. The powers and duties of the successor guardian
11 shall be the same as those of the predecessor guardian unless
12 otherwise modified.

13 Notice of the time and place of the hearing on a petition
14 for the appointment of a successor guardian shall be given not
15 less than 3 days before the hearing for a successor to a
16 temporary guardian and not less than 14 days before the
17 hearing for a successor to a limited or plenary guardian. The
18 notice shall be by mail or in person to the alleged person with
19 a disability, to the proposed successor guardian, and to those
20 persons whose names and addresses are listed in the petition
21 for adjudication of disability and appointment of a guardian
22 under Section 11a-8. The court, upon a finding of good cause,
23 may waive the notice requirement under this Section.

24 (Source: P.A. 103-740, eff. 1-1-25; revised 11-26-24.)

1 Section 1150. The Real Property Transfer on Death
2 Instrument Act is amended by changing Section 90 as follows:

3 (755 ILCS 27/90)

4 Sec. 90. Limitations and bona fide transfers.

5 (a) An action to set aside or contest the validity of a
6 transfer on death instrument shall be commenced within the
7 earlier of 2 years after the date of the owner's death or 6
8 months from the date letters of office are issued pursuant to
9 the Probate Act of 1975.

10 (b) A bona fide purchaser or mortgagee for value shall
11 take the real property free and clear of any action, claim,
12 liability, or contest if the transfer to the bona fide
13 purchaser or mortgagee for value occurs prior to the recording
14 of a lis pendens under Section 2-1901 of the Code of Civil
15 Procedure or prior to the filing of ~~the~~ a notice of
16 renunciation pursuant to Section 66 of this Act.

17 (Source: P.A. 102-68, eff. 1-1-22; revised 7-24-24.)

18 Section 1155. The Health Care Surrogate Act is amended by
19 changing Section 10 as follows:

20 (755 ILCS 40/10) (from Ch. 110 1/2, par. 851-10)

21 Sec. 10. Definitions. As used in this Act:

22 "Adult" means a person who is (i) 18 years of age or older

1 or (ii) an emancipated minor under the Emancipation of Minors
2 Act.

3 "Artificial nutrition and hydration" means supplying food
4 and water through a conduit, such as a tube or intravenous
5 line, where the recipient is not required to chew or swallow
6 voluntarily, including, but not limited to, nasogastric tubes,
7 gastrostomies, jejunostomies, and intravenous infusions.
8 "Artificial nutrition and hydration" does not include assisted
9 feeding, such as spoon or bottle feeding.

10 "Available" means that a person is not "unavailable". A
11 person is unavailable if (i) the person's existence is not
12 known, (ii) the person has not been able to be contacted by
13 telephone or mail, or (iii) the person lacks decisional
14 capacity, refuses to accept the office of surrogate, or is
15 unwilling to respond in a manner that indicates a choice among
16 the treatment matters at issue.

17 "Attending physician" means the physician selected by or
18 assigned to the patient who has primary responsibility for
19 treatment and care of the patient and who is a licensed
20 physician in Illinois or a physician licensed in the state
21 where the patient is being treated. If more than one physician
22 shares that responsibility, any of those physicians may act as
23 the attending physician under this Act.

24 "Close friend" means any person 18 years of age or older
25 who has exhibited special care and concern for the patient and
26 who presents an affidavit to the attending physician stating

1 that he or she (i) is a close friend of the patient, (ii) is
2 willing and able to become involved in the patient's health
3 care, and (iii) has maintained such regular contact with the
4 patient as to be familiar with the patient's activities,
5 health, and religious and moral beliefs. The affidavit must
6 also state facts and circumstances that demonstrate that
7 familiarity.

8 "Death" means when, according to accepted medical
9 standards, there is (i) an irreversible cessation of
10 circulatory and respiratory functions or (ii) an irreversible
11 cessation of all functions of the entire brain, including the
12 brain stem.

13 "Decisional capacity" means the ability to understand and
14 appreciate the nature and consequences of a decision regarding
15 medical treatment or forgoing life-sustaining treatment and
16 the ability to reach and communicate an informed decision in
17 the matter as determined by the attending physician.

18 "Forgo life-sustaining treatment" means to withhold,
19 withdraw, or terminate all or any portion of life-sustaining
20 treatment with knowledge that the patient's death is likely to
21 result.

22 "Guardian" means a court appointed guardian of the person
23 who serves as a representative of a minor or as a
24 representative of a person under legal disability.

25 "Health care facility" means a type of health care
26 provider commonly known by a wide variety of titles,

1 including, but not limited to, hospitals, medical centers,
2 nursing homes, rehabilitation centers, long term or tertiary
3 care facilities, and other facilities established to
4 administer health care and provide overnight stays in their
5 ordinary course of business or practice.

6 "Health care provider" means a person that is licensed,
7 certified, or otherwise authorized or permitted by the law of
8 this State or licensed in the state where the patient is being
9 treated to administer health care in the ordinary course of
10 business or practice of a profession, including, but not
11 limited to, physicians, nurses, health care facilities, and
12 any employee, officer, director, agent, or person under
13 contract with such a person.

14 "Imminent" (as in "death is imminent") means a
15 determination made by the attending physician according to
16 accepted medical standards that death will occur in a
17 relatively short period of time, even if life-sustaining
18 treatment is initiated or continued.

19 "Life-sustaining treatment" means any medical treatment,
20 procedure, or intervention that, in the judgment of the
21 attending physician, when applied to a patient with a
22 qualifying condition, would not be effective to remove the
23 qualifying condition or would serve only to prolong the dying
24 process. Those procedures can include, but are not limited to,
25 assisted ventilation, renal dialysis, surgical procedures,
26 blood transfusions, and the administration of drugs,

1 antibiotics, and artificial nutrition and hydration.

2 "Minor" means an individual who is not an adult as defined
3 in this Act.

4 "Parent" means a person who is the natural or adoptive
5 mother or father of the child and whose parental rights have
6 not been terminated by a court of law.

7 "Patient" means an adult or minor individual, unless
8 otherwise specified, under the care or treatment of a licensed
9 physician or other health care provider.

10 "Person" means an individual, a corporation, a business
11 trust, a trust, a partnership, an association, a government, a
12 governmental subdivision or agency, or any other legal entity.

13 "Qualifying condition" means the existence of one or more
14 of the following conditions in a patient certified in writing
15 in the patient's medical record by the attending physician and
16 by at least one other qualified health care practitioner:

17 (1) "Terminal condition" means an illness or injury
18 for which there is no reasonable prospect of cure or
19 recovery, death is imminent, and the application of
20 life-sustaining treatment would only prolong the dying
21 process.

22 (2) "Permanent unconsciousness" means a condition
23 that, to a high degree of medical certainty, (i) will last
24 permanently, without improvement, (ii) in which thought,
25 sensation, purposeful action, social interaction, and
26 awareness of self and environment are absent, and (iii)

1 for which initiating or continuing life-sustaining
2 treatment, in light of the patient's medical condition,
3 provides only minimal medical benefit.

4 (3) "Incurable or irreversible condition" means an
5 illness or injury (i) for which there is no reasonable
6 prospect of cure or recovery, (ii) that ultimately will
7 cause the patient's death even if life-sustaining
8 treatment is initiated or continued, (iii) that imposes
9 severe pain or otherwise imposes an inhumane burden on the
10 patient, and (iv) for which initiating or continuing
11 life-sustaining treatment, in light of the patient's
12 medical condition, provides only minimal medical benefit.

13 The determination that a patient has a qualifying
14 condition creates no presumption regarding the application or
15 non-application of life-sustaining treatment. It is only after
16 a determination by the attending physician that the patient
17 has a qualifying condition that the surrogate decision maker
18 may consider whether or not to forgo life-sustaining
19 treatment. In making this decision, the surrogate shall weigh
20 the burdens on the patient of initiating or continuing
21 life-sustaining treatment against the benefits of that
22 treatment.

23 "Qualified health care practitioner" means an individual
24 who has personally examined the patient and who is licensed in
25 Illinois or in the state where the patient is being treated and
26 who is a physician, advanced practice registered nurse,

1 physician assistant, or resident with at least one year of
2 graduate or specialty training who holds a temporary license
3 to practice medicine and is enrolled in a residency program
4 accredited by the Liaison Committee on Graduate Medical
5 Education or the Bureau of Professional Education of the
6 American Osteopathic Association.

7 "Physician" means a physician licensed to practice
8 medicine in all its branches in this State or in the state
9 where the patient is being treated.

10 "Surrogate decision maker" means an adult individual or
11 individuals who (i) have decisional capacity, (ii) are
12 available upon reasonable inquiry, (iii) are willing to make
13 medical treatment decisions on behalf of a patient who lacks
14 decisional capacity, and (iv) are identified by the attending
15 physician in accordance with the provisions of this Act as the
16 person or persons who are to make those decisions in
17 accordance with the provisions of this Act.

18 (Source: P.A. 102-140, eff. 1-1-22; 102-182, eff. 7-30-21;
19 102-744, eff. 5-6-22; revised 7-24-24.)

20 Section 1160. The Landlord and Tenant Act is amended by
21 setting forth and renumbering multiple versions of Section 25
22 as follows:

23 (765 ILCS 705/25)

24 Sec. 25. Disclosure of potential flooding in rental and

1 lease agreements.

2 (a) As used in this Section:

3 "Flood" and "flooding" mean a general or temporary
4 condition of partial or complete inundation of a dwelling or
5 property caused by:

6 (1) the overflow of inland or tidal waves;

7 (2) the unusual and rapid accumulation of runoff or
8 surface waters from any established water source such as a
9 river, stream, or drainage ditch; or

10 (3) rainfall.

11 "Lower-level unit" means any garden level unit, basement
12 level unit, or first floor level unit.

13 (b) Every landlord shall clearly disclose to each of the
14 landlord's tenants in writing prior to signing the lease for
15 the rental property that a rental property is located in the
16 Federal Emergency Management Agency (FEMA) Special Flood
17 Hazard Area ("100-year floodplain") and if the landlord has
18 actual knowledge that the rental property or any portion of
19 the parking areas of the real property containing the rental
20 property has been subjected to flooding and the frequency of
21 such flooding. Such disclosure shall also be included in the
22 written lease or the written renewal lease and shall be signed
23 by both parties.

24 (c) Every landlord who leases a lower-level unit shall
25 clearly disclose to each of the landlord's lower-level unit
26 tenants in writing prior to the signing of the lease for the

1 lower-level unit if the lower-level unit or any portion of the
2 real property containing the lower-level unit has experienced
3 flooding in the last 10 years and shall disclose the frequency
4 of such flooding. Such disclosure shall also be included in
5 the written lease or the written renewal lease and shall be
6 signed by both parties.

7 (d) The written disclosure shall look substantially
8 similar to the following:

9 "(Landlord) [] is or [] is not aware that the rental
10 property is located in a FEMA Special Flood Hazard Area
11 ("100-year floodplain"). The property has experienced flooding
12 [] times in the last 10 years. Even if the rental property is
13 not in a Special Flood Hazard Area ("100-year floodplain"),
14 the dwelling may still be susceptible to flooding. The Federal
15 Emergency Management Agency (FEMA) maintains a flood map on
16 its Internet website that is searchable by address, at no
17 cost, to determine if a dwelling is located in a flood hazard
18 area.

19 (Landlord) [] is or [] is not aware that the rental
20 property you are renting has flooded at least once in the last
21 10 years. The rental property has flooded [] times in the last
22 10 years. Even if the dwelling has not flooded in the last 10
23 years, the dwelling may still be susceptible to flooding.

24 Most tenant insurance policies do not cover damage or loss
25 incurred in a flood. You are encouraged to examine your policy
26 to determine whether you are covered. If you are not, flood

1 insurance may be available through FEMA's National Flood
2 Insurance Program to cover your personal property in the event
3 of a flood. Information regarding flood risks can be found at
4 the dnr.illinois.gov (Illinois Department of Natural
5 Resources), fema.gov (FEMA), and ready.gov/flood (U.S.
6 National public service).

7 Landlords are required to disclose the above information
8 pursuant to Section 25 of the Landlord and Tenant Act. A
9 landlord's failure to comply with Section 25 of the Landlord
10 and Tenant Act shall entitle the tenant to remedies as defined
11 in that Section.

12

13 (Tenant Signature) (Date)

14

15 (Landlord Signature) (Date)"

16 (e) If a landlord fails to comply with subsection (b), and
17 the tenant subsequently becomes aware that the property is
18 located in the FEMA Special Flood Hazard Area ("100-year
19 floodplain") the tenant may terminate the lease by giving
20 written notice of termination to the landlord no later than
21 the 30th day after a tenant becomes aware of the landlord's
22 failure to comply with subsection (b), and the landlord shall
23 return all rent and fees paid in advance no later than the 15th
24 day after the tenant gave notice.

25 If a landlord fails to comply with subsection (b) or
26 subsection (c) and flooding occurs that results in damage to

1 the tenant's personal property, affects the habitability of
2 the leased property, or affects the tenant's access to the
3 leased property, the tenant may:

4 (1) terminate the lease by giving written notice to
5 the landlord no later than the 30th day after the flood
6 occurred and the landlord shall return all rent and fees
7 paid in advance no later than the 15th day after the tenant
8 gave notice; and

9 (2) bring an action against the landlord of the
10 property to recover damages for personal property lost or
11 damaged as a result of flooding.

12 (e) Exemptions. This Section does not apply to farm
13 leases, concession leases, and rental properties owned or
14 managed by the Department of Natural Resources.

15 (f) This Section may not be interpreted to permit the
16 renting, leasing, or subleasing of lower-level units in a
17 municipality if the municipality does not permit the renting,
18 leasing, or subleasing of such units.

19 (Source: P.A. 103-754, eff. 1-1-25; revised 12-1-24.)

20 (765 ILCS 705/30)

21 Sec. 30 ~~25~~. Reusable tenant screening report.

22 (a) Definitions. In this Section:

23 "Application screening fee" means a request by a landlord
24 for a fee to cover the costs of obtaining information about a
25 prospective tenant.

1 "Consumer report" has the same meaning as defined in
2 Section 1681a of Title 15 of the United States Code.

3 "Consumer credit reporting agency" means a person which,
4 for monetary fees, dues, or on a cooperative nonprofit basis,
5 regularly engages in whole or in part in the practice of
6 assembling or evaluating consumer credit information or other
7 information on consumers for the purpose of furnishing
8 consumer reports to third parties and that uses any means or
9 facility of interstate commerce for the purpose of preparing
10 or furnishing consumer reports.

11 "Reusable tenant screening report" means a written report,
12 prepared by a consumer credit reporting agency, that
13 prominently states the date through which the information
14 contained in the report is current and includes, but is not
15 limited to, all of the following information regarding a
16 prospective tenant:

17 (A) the name of the prospective tenant;

18 (B) the contact information for the prospective
19 tenant;

20 (C) a verification of source of income of the
21 prospective tenant;

22 (D) the last known address of the prospective
23 tenant; and

24 (E) the results of an eviction history check of
25 the prospective tenant in a manner and for a period of
26 time consistent with applicable law related to the

1 consideration of eviction history in housing.

2 (b) Providing a reusable tenant screening report.

3 (1) If a prospective tenant provides a reusable tenant
4 screening report that meets the following criteria, the
5 landlord may not charge the prospective tenant a fee to
6 access the report or an application screening fee. Those
7 criteria include the following:

8 (A) the report was prepared within the previous 30
9 days by a consumer credit reporting agency at the
10 request and expense of a prospective tenant;

11 (B) the report is made directly available to a
12 landlord for use in the rental application process or
13 is provided through a third-party website that
14 regularly engages in the business of providing a
15 reusable tenant screening report and complies with all
16 State and federal laws pertaining to use and
17 disclosure of information contained in a consumer
18 report by a consumer credit reporting agency;

19 (C) the report is available to the landlord at no
20 cost to access or use; and

21 (D) the report includes all of the criteria
22 consistently being used by the landlord in the
23 screening of prospective tenants.

24 (2) A landlord may require an applicant to state that
25 there has not been a material change to the information in
26 the reusable tenant screening report.

1 (c) If an ordinance, resolution, regulation,
2 administrative action, initiative, or other policy adopted by
3 a unit of local government or county conflicts with this Act,
4 the policy that provides greater protections to prospective
5 tenants applies.

6 (d) Nothing in this Section prohibits a landlord from
7 collecting and processing an application in addition to the
8 report provided, as long as the prospective tenant is not
9 charged an application screening fee for this additional
10 report.

11 (Source: P.A. 103-840, eff. 1-1-25; revised 12-3-24.)

12 Section 1165. The Landlord Retaliation Act is amended by
13 changing Section 20 as follows:

14 (765 ILCS 721/20)

15 Sec. 20. Rebuttable presumption. In an action by or
16 against the tenant, if within one year before the alleged act
17 of retaliation there is evidence that the retaliation was
18 against the tenant's conduct that is protected under this Act,
19 that evidence creates a rebuttable presumption that the
20 landlord's conduct was retaliatory. The presumption does not
21 arise if the protected tenant activity was initiated after the
22 alleged act of retaliation.

23 (Source: P.A. 103-831, eff. 1-1-25; revised 10-23-24.)

1 Section 1170. The Mobile Home Landlord and Tenant Rights
2 Act is amended by changing Section 17 as follows:

3 (765 ILCS 745/17) (from Ch. 80, par. 217)

4 Sec. 17. Notice required by Law. The following notice
5 shall be printed verbatim in a clear and conspicuous manner in
6 each lease or rental agreement of a mobile home or lot:

7 "IMPORTANT NOTICE REQUIRED BY LAW:

8 The rules set forth below govern the terms of your lease of
9 occupancy arrangement with this mobile home park. The law
10 requires all of these rules and regulations to be fair and
11 reasonable, and if not, such rules and regulations cannot be
12 enforced against you.

13 As required by law, the park must be licensed to operate a
14 mobile home park either by ~~either~~ the State of Illinois
15 Department of Public Health or applicable home rule
16 jurisdiction. Pursuant to the Mobile Home Park Act, this
17 license shall expire April 30 of each year, and a new license
18 shall be issued upon proper application and payment of the
19 annual license fee.

20 You may continue to reside in the park as long as you pay
21 your rent and abide by the rules and regulations of the park.
22 You may only be evicted for non-payment of rent, violation of
23 laws, or for violation of the rules and regulations of the park
24 and the terms of the lease.

25 If this park requires you to deal exclusively with a

1 certain fuel dealer or other merchant for goods or service in
2 connection with the use or occupancy of your mobile home or on
3 your mobile home lot, the price you pay for such goods or
4 services may not be more than the prevailing price in this
5 locality for similar goods and services.

6 You may not be evicted for reporting any violations of law
7 or health and building codes to boards of health, building
8 commissioners, the Office ~~department~~ of the Attorney General,
9 or any other appropriate government agency.".

10 (Source: P.A. 103-630, eff. 1-1-25; revised 10-24-24.)

11 Section 1175. The Right of Publicity Act is amended by
12 changing Section 20 as follows:

13 (765 ILCS 1075/20)

14 Sec. 20. Enforcement of rights and remedies.

15 (a) The rights and remedies set forth in this Act may be
16 exercised and enforced by:

17 (1) an individual or his or her authorized
18 representative;

19 (2) a person to whom the recognized rights have been
20 transferred by written transfer under Section 15 of this
21 Act; or

22 (3) after the death of an individual who has not
23 transferred the recognized rights by written transfer
24 under this Act, any person or persons that possess ~~who~~

1 ~~possesses~~ an interest in those rights.

2 (a-5) In addition to the enforcement of rights and
3 remedies in subsection (a), the rights and remedies set forth
4 in this Act may, in the case of an individual who is a
5 recording artist, be enforced by:

6 (1) the individual who is the recording artist; or

7 (2) a person who has entered into a contract for the
8 individual's exclusive personal services as a recording
9 artist or who has entered into a contract for an exclusive
10 license to distribute sound recordings that capture the
11 recording artist's audio performances.

12 (b) Each person described in paragraph (3) of subsection
13 (a) shall make a proportional accounting to, and shall act at
14 all times in good faith with respect to, any other person in
15 whom the rights being enforced have vested.

16 (Source: P.A. 103-836, eff. 1-1-25; revised 10-23-24.)

17 Section 1180. The Illinois Human Rights Act is amended by
18 changing Sections 2-101, 2-102, 2-108, and 3-106 as follows:

19 (775 ILCS 5/2-101)

20 (Text of Section before amendment by P.A. 103-804)

21 Sec. 2-101. Definitions. The following definitions are
22 applicable strictly in the context of this Article.

23 (A) Employee.

24 (1) "Employee" includes:

1 (a) Any individual performing services for
2 remuneration within this State for an employer;

3 (b) An apprentice;

4 (c) An applicant for any apprenticeship.

5 For purposes of subsection (D) of Section 2-102 of
6 this Act, "employee" also includes an unpaid intern. An
7 unpaid intern is a person who performs work for an
8 employer under the following circumstances:

9 (i) the employer is not committed to hiring the
10 person performing the work at the conclusion of the
11 intern's tenure;

12 (ii) the employer and the person performing the
13 work agree that the person is not entitled to wages for
14 the work performed; and

15 (iii) the work performed:

16 (I) supplements training given in an
17 educational environment that may enhance the
18 employability of the intern;

19 (II) provides experience for the benefit of
20 the person performing the work;

21 (III) does not displace regular employees;

22 (IV) is performed under the close supervision
23 of existing staff; and

24 (V) provides no immediate advantage to the
25 employer providing the training and may
26 occasionally impede the operations of the

1 employer.

2 (2) "Employee" does not include:

3 (a) (Blank);

4 (b) Individuals employed by persons who are not
5 "employers" as defined by this Act;

6 (c) Elected public officials or the members of
7 their immediate personal staffs;

8 (d) Principal administrative officers of the State
9 or of any political subdivision, municipal corporation
10 or other governmental unit or agency;

11 (e) A person in a vocational rehabilitation
12 facility certified under federal law who has been
13 designated an evaluatee, trainee, or work activity
14 client.

15 (B) Employer.

16 (1) "Employer" includes:

17 (a) Any person employing one or more employees
18 within Illinois during 20 or more calendar weeks
19 within the calendar year of or preceding the alleged
20 violation;

21 (b) Any person employing one or more employees
22 when a complainant alleges civil rights violation due
23 to unlawful discrimination based upon his or her
24 physical or mental disability unrelated to ability,
25 pregnancy, or sexual harassment;

26 (c) The State and any political subdivision,

1 municipal corporation or other governmental unit or
2 agency, without regard to the number of employees;

3 (d) Any party to a public contract without regard
4 to the number of employees;

5 (e) A joint apprenticeship or training committee
6 without regard to the number of employees.

7 (2) "Employer" does not include any place of worship,
8 religious corporation, association, educational
9 institution, society, or nonprofit ~~non-profit~~ nursing
10 institution conducted by and for those who rely upon
11 treatment by prayer through spiritual means in accordance
12 with the tenets of a recognized church or religious
13 denomination with respect to the employment of individuals
14 of a particular religion to perform work connected with
15 the carrying on by such place of worship, corporation,
16 association, educational institution, society, or
17 nonprofit ~~non-profit~~ nursing institution of its
18 activities.

19 (C) Employment Agency. "Employment Agency" includes both
20 public and private employment agencies and any person, labor
21 organization, or labor union having a hiring hall or hiring
22 office regularly undertaking, with or without compensation, to
23 procure opportunities to work, or to procure, recruit, refer, or
24 or place employees.

25 (D) Labor Organization. "Labor Organization" includes any
26 organization, labor union, craft union, or any voluntary

1 unincorporated association designed to further the cause of
2 the rights of union labor which is constituted for the
3 purpose, in whole or in part, of collective bargaining or of
4 dealing with employers concerning grievances, terms or
5 conditions of employment, or apprenticeships or applications
6 for apprenticeships, or of other mutual aid or protection in
7 connection with employment, including apprenticeships or
8 applications for apprenticeships.

9 (E) Sexual Harassment. "Sexual harassment" means any
10 unwelcome sexual advances or requests for sexual favors or any
11 conduct of a sexual nature when (1) submission to such conduct
12 is made either explicitly or implicitly a term or condition of
13 an individual's employment, (2) submission to or rejection of
14 such conduct by an individual is used as the basis for
15 employment decisions affecting such individual, or (3) such
16 conduct has the purpose or effect of substantially interfering
17 with an individual's work performance or creating an
18 intimidating, hostile, or offensive working environment.

19 For purposes of this definition, the phrase "working
20 environment" is not limited to a physical location an employee
21 is assigned to perform his or her duties.

22 (E-1) Harassment. "Harassment" means any unwelcome conduct
23 on the basis of an individual's actual or perceived race,
24 color, religion, national origin, ancestry, age, sex, marital
25 status, order of protection status, disability, military
26 status, sexual orientation, pregnancy, unfavorable discharge

1 from military service, citizenship status, work authorization
2 status, or family responsibilities that has the purpose or
3 effect of substantially interfering with the individual's work
4 performance or creating an intimidating, hostile, or offensive
5 working environment. For purposes of this definition, the
6 phrase "working environment" is not limited to a physical
7 location an employee is assigned to perform his or her duties.

8 (F) Religion. "Religion" with respect to employers
9 includes all aspects of religious observance and practice, as
10 well as belief, unless an employer demonstrates that he is
11 unable to reasonably accommodate an employee's or prospective
12 employee's religious observance or practice without undue
13 hardship on the conduct of the employer's business.

14 (G) Public Employer. "Public employer" means the State, an
15 agency or department thereof, unit of local government, school
16 district, instrumentality or political subdivision.

17 (H) Public Employee. "Public employee" means an employee
18 of the State, agency or department thereof, unit of local
19 government, school district, instrumentality or political
20 subdivision. "Public employee" does not include public
21 officers or employees of the General Assembly or agencies
22 thereof.

23 (I) Public Officer. "Public officer" means a person who is
24 elected to office pursuant to the Constitution or a statute or
25 ordinance, or who is appointed to an office which is
26 established, and the qualifications and duties of which are

1 prescribed, by the Constitution or a statute or ordinance, to
2 discharge a public duty for the State, agency or department
3 thereof, unit of local government, school district,
4 instrumentality or political subdivision.

5 (J) Eligible Bidder. "Eligible bidder" means a person who,
6 prior to contract award or prior to bid opening for State
7 contracts for construction or construction-related services,
8 has filed with the Department a properly completed, sworn and
9 currently valid employer report form, pursuant to the
10 Department's regulations. The provisions of this Article
11 relating to eligible bidders apply only to bids on contracts
12 with the State and its departments, agencies, boards, and
13 commissions, and the provisions do not apply to bids on
14 contracts with units of local government or school districts.

15 (K) Citizenship Status. "Citizenship status" means the
16 status of being:

17 (1) a born U.S. citizen;

18 (2) a naturalized U.S. citizen;

19 (3) a U.S. national; or

20 (4) a person born outside the United States and not a
21 U.S. citizen who is lawfully present and who is protected
22 from discrimination under the provisions of Section 1324b
23 of Title 8 of the United States Code, as now or hereafter
24 amended.

25 (L) Work Authorization Status. "Work authorization status"
26 means the status of being a person born outside of the United

1 States, and not a U.S. citizen, who is authorized by the
2 federal government to work in the United States.

3 (M) Family Responsibilities. "Family responsibilities"
4 means an employee's actual or perceived provision of personal
5 care to a family member. As used in this definition:

6 (1) "Personal care" has the meaning given to that term
7 in the Employee Sick Leave Act.

8 (2) "Family member" has the meaning given to the term
9 "covered family member" in the Employee Sick Leave Act.

10 (Source: P.A. 102-233, eff. 8-2-21; 102-558, eff. 8-20-21;
11 102-1030, eff. 5-27-22; 103-797, eff. 1-1-25; revised
12 10-7-24.)

13 (Text of Section after amendment by P.A. 103-804)

14 Sec. 2-101. Definitions. The following definitions are
15 applicable strictly in the context of this Article.

16 (A) Employee.

17 (1) "Employee" includes:

18 (a) Any individual performing services for
19 remuneration within this State for an employer;

20 (b) An apprentice;

21 (c) An applicant for any apprenticeship.

22 For purposes of subsection (D) of Section 2-102 of
23 this Act, "employee" also includes an unpaid intern. An
24 unpaid intern is a person who performs work for an
25 employer under the following circumstances:

1 (i) the employer is not committed to hiring the
2 person performing the work at the conclusion of the
3 intern's tenure;

4 (ii) the employer and the person performing the
5 work agree that the person is not entitled to wages for
6 the work performed; and

7 (iii) the work performed:

8 (I) supplements training given in an
9 educational environment that may enhance the
10 employability of the intern;

11 (II) provides experience for the benefit of
12 the person performing the work;

13 (III) does not displace regular employees;

14 (IV) is performed under the close supervision
15 of existing staff; and

16 (V) provides no immediate advantage to the
17 employer providing the training and may
18 occasionally impede the operations of the
19 employer.

20 (2) "Employee" does not include:

21 (a) (Blank);

22 (b) Individuals employed by persons who are not
23 "employers" as defined by this Act;

24 (c) Elected public officials or the members of
25 their immediate personal staffs;

26 (d) Principal administrative officers of the State

1 or of any political subdivision, municipal corporation
2 or other governmental unit or agency;

3 (e) A person in a vocational rehabilitation
4 facility certified under federal law who has been
5 designated an evaluatee, trainee, or work activity
6 client.

7 (B) Employer.

8 (1) "Employer" includes:

9 (a) Any person employing one or more employees
10 within Illinois during 20 or more calendar weeks
11 within the calendar year of or preceding the alleged
12 violation;

13 (b) Any person employing one or more employees
14 when a complainant alleges civil rights violation due
15 to unlawful discrimination based upon his or her
16 physical or mental disability unrelated to ability,
17 pregnancy, or sexual harassment;

18 (c) The State and any political subdivision,
19 municipal corporation or other governmental unit or
20 agency, without regard to the number of employees;

21 (d) Any party to a public contract without regard
22 to the number of employees;

23 (e) A joint apprenticeship or training committee
24 without regard to the number of employees.

25 (2) "Employer" does not include any place of worship,
26 religious corporation, association, educational

1 institution, society, or nonprofit ~~non-profit~~ nursing
2 institution conducted by and for those who rely upon
3 treatment by prayer through spiritual means in accordance
4 with the tenets of a recognized church or religious
5 denomination with respect to the employment of individuals
6 of a particular religion to perform work connected with
7 the carrying on by such place of worship, corporation,
8 association, educational institution, society, or
9 nonprofit ~~non-profit~~ nursing institution of its
10 activities.

11 (C) Employment Agency. "Employment Agency" includes both
12 public and private employment agencies and any person, labor
13 organization, or labor union having a hiring hall or hiring
14 office regularly undertaking, with or without compensation, to
15 procure opportunities to work, or to procure, recruit, refer, or
16 or place employees.

17 (D) Labor Organization. "Labor Organization" includes any
18 organization, labor union, craft union, or any voluntary
19 unincorporated association designed to further the cause of
20 the rights of union labor which is constituted for the
21 purpose, in whole or in part, of collective bargaining or of
22 dealing with employers concerning grievances, terms or
23 conditions of employment, or apprenticeships or applications
24 for apprenticeships, or of other mutual aid or protection in
25 connection with employment, including apprenticeships or
26 applications for apprenticeships.

1 (E) Sexual Harassment. "Sexual harassment" means any
2 unwelcome sexual advances or requests for sexual favors or any
3 conduct of a sexual nature when (1) submission to such conduct
4 is made either explicitly or implicitly a term or condition of
5 an individual's employment, (2) submission to or rejection of
6 such conduct by an individual is used as the basis for
7 employment decisions affecting such individual, or (3) such
8 conduct has the purpose or effect of substantially interfering
9 with an individual's work performance or creating an
10 intimidating, hostile, or offensive working environment.

11 For purposes of this definition, the phrase "working
12 environment" is not limited to a physical location an employee
13 is assigned to perform his or her duties.

14 (E-1) Harassment. "Harassment" means any unwelcome conduct
15 on the basis of an individual's actual or perceived race,
16 color, religion, national origin, ancestry, age, sex, marital
17 status, order of protection status, disability, military
18 status, sexual orientation, pregnancy, unfavorable discharge
19 from military service, citizenship status, work authorization
20 status, or family responsibilities that has the purpose or
21 effect of substantially interfering with the individual's work
22 performance or creating an intimidating, hostile, or offensive
23 working environment. For purposes of this definition, the
24 phrase "working environment" is not limited to a physical
25 location an employee is assigned to perform his or her duties.

26 (F) Religion. "Religion" with respect to employers

1 includes all aspects of religious observance and practice, as
2 well as belief, unless an employer demonstrates that he is
3 unable to reasonably accommodate an employee's or prospective
4 employee's religious observance or practice without undue
5 hardship on the conduct of the employer's business.

6 (G) Public Employer. "Public employer" means the State, an
7 agency or department thereof, unit of local government, school
8 district, instrumentality or political subdivision.

9 (H) Public Employee. "Public employee" means an employee
10 of the State, agency or department thereof, unit of local
11 government, school district, instrumentality or political
12 subdivision. "Public employee" does not include public
13 officers or employees of the General Assembly or agencies
14 thereof.

15 (I) Public Officer. "Public officer" means a person who is
16 elected to office pursuant to the Constitution or a statute or
17 ordinance, or who is appointed to an office which is
18 established, and the qualifications and duties of which are
19 prescribed, by the Constitution or a statute or ordinance, to
20 discharge a public duty for the State, agency or department
21 thereof, unit of local government, school district,
22 instrumentality or political subdivision.

23 (J) Eligible Bidder. "Eligible bidder" means a person who,
24 prior to contract award or prior to bid opening for State
25 contracts for construction or construction-related services,
26 has filed with the Department a properly completed, sworn and

1 currently valid employer report form, pursuant to the
2 Department's regulations. The provisions of this Article
3 relating to eligible bidders apply only to bids on contracts
4 with the State and its departments, agencies, boards, and
5 commissions, and the provisions do not apply to bids on
6 contracts with units of local government or school districts.

7 (K) Citizenship Status. "Citizenship status" means the
8 status of being:

9 (1) a born U.S. citizen;

10 (2) a naturalized U.S. citizen;

11 (3) a U.S. national; or

12 (4) a person born outside the United States and not a
13 U.S. citizen who is lawfully present and who is protected
14 from discrimination under the provisions of Section 1324b
15 of Title 8 of the United States Code, as now or hereafter
16 amended.

17 (L) Work Authorization Status. "Work authorization status"
18 means the status of being a person born outside of the United
19 States, and not a U.S. citizen, who is authorized by the
20 federal government to work in the United States.

21 (M) Family Responsibilities. "Family responsibilities"
22 means an employee's actual or perceived provision of personal
23 care to a family member. As used in this definition:

24 (1) "Personal care" has the meaning given to that term
25 in the Employee Sick Leave Act.

26 (2) "Family member" has the meaning given to the term

1 "covered family member" in the Employee Sick Leave Act.

2 (N) ~~(M)~~ Artificial Intelligence. "Artificial intelligence"
3 means a machine-based system that, for explicit or implicit
4 objectives, infers, from the input it receives, how to
5 generate outputs such as predictions, content,
6 recommendations, or decisions that can influence physical or
7 virtual environments. "Artificial intelligence" includes
8 generative artificial intelligence.

9 (O) ~~(N)~~ Generative Artificial Intelligence. "Generative
10 artificial intelligence" means an automated computing system
11 that, when prompted with human prompts, descriptions, or
12 queries, can produce outputs that simulate human-produced
13 content, including, but not limited to, the following: (1)
14 textual outputs, such as short answers, essays, poetry, or
15 longer compositions or answers; (2) image outputs, such as
16 fine art, photographs, conceptual art, diagrams, and other
17 images; (3) multimedia outputs, such as audio or video in the
18 form of compositions, songs, or short-form or long-form audio
19 or video; and (4) other content that would be otherwise
20 produced by human means.

21 (Source: P.A. 102-233, eff. 8-2-21; 102-558, eff. 8-20-21;
22 102-1030, eff. 5-27-22; 103-797, eff. 1-1-25; 103-804, eff.
23 1-1-26; revised 11-26-24.)

24 (775 ILCS 5/2-102)

25 (Text of Section before amendment by P.A. 103-804)

1 Sec. 2-102. Civil rights violations; employment ~~violations~~
2 ~~employment~~. It is a civil rights violation:

3 (A) Employers. For any employer to refuse to hire, to
4 segregate, to engage in harassment as defined in
5 subsection (E-1) of Section 2-101, or to act with respect
6 to recruitment, hiring, promotion, renewal of employment,
7 selection for training or apprenticeship, discharge,
8 discipline, tenure or terms, privileges or conditions of
9 employment on the basis of unlawful discrimination,
10 citizenship status, work authorization status, or family
11 responsibilities. An employer is responsible for
12 harassment by the employer's nonmanagerial and
13 nonsupervisory employees only if the employer becomes
14 aware of the conduct and fails to take reasonable
15 corrective measures.

16 (A-5) Language. For an employer to impose a
17 restriction that has the effect of prohibiting a language
18 from being spoken by an employee in communications that
19 are unrelated to the employee's duties.

20 For the purposes of this subdivision (A-5), "language"
21 means a person's native tongue, such as Polish, Spanish,
22 or Chinese. "Language" does not include such things as
23 slang, jargon, profanity, or vulgarity.

24 (A-10) Harassment of nonemployees. For any employer,
25 employment agency, or labor organization to engage in
26 harassment of nonemployees in the workplace. An employer

1 is responsible for harassment of nonemployees by the
2 employer's nonmanagerial and nonsupervisory employees only
3 if the employer becomes aware of the conduct and fails to
4 take reasonable corrective measures. For the purposes of
5 this subdivision (A-10), "nonemployee" means a person who
6 is not otherwise an employee of the employer and is
7 directly performing services for the employer pursuant to
8 a contract with that employer. "Nonemployee" includes
9 contractors and consultants. This subdivision applies to
10 harassment occurring on or after January 1, 2020 (the
11 effective date of Public Act 101-221) ~~this amendatory Act~~
12 ~~of the 101st General Assembly.~~

13 (B) Employment agency. For any employment agency to
14 fail or refuse to classify properly, accept applications
15 and register for employment referral or apprenticeship
16 referral, refer for employment, or refer for
17 apprenticeship on the basis of unlawful discrimination,
18 citizenship status, work authorization status, or family
19 responsibilities or to accept from any person any job
20 order, requisition or request for referral of applicants
21 for employment or apprenticeship which makes or has the
22 effect of making unlawful discrimination or discrimination
23 on the basis of citizenship status, work authorization
24 status, or family responsibilities a condition of
25 referral.

26 (C) Labor organization. For any labor organization to

1 limit, segregate or classify its membership, or to limit
2 employment opportunities, selection and training for
3 apprenticeship in any trade or craft, or otherwise to
4 take, or fail to take, any action which affects adversely
5 any person's status as an employee or as an applicant for
6 employment or as an apprentice, or as an applicant for
7 apprenticeships, or wages, tenure, hours of employment or
8 apprenticeship conditions on the basis of unlawful
9 discrimination, citizenship status, work authorization
10 status, or family responsibilities.

11 (D) Sexual harassment. For any employer, employee,
12 agent of any employer, employment agency or labor
13 organization to engage in sexual harassment; provided,
14 that an employer shall be responsible for sexual
15 harassment of the employer's employees by nonemployees or
16 nonmanagerial and nonsupervisory employees only if the
17 employer becomes aware of the conduct and fails to take
18 reasonable corrective measures.

19 (D-5) Sexual harassment of nonemployees. For any
20 employer, employee, agent of any employer, employment
21 agency, or labor organization to engage in sexual
22 harassment of nonemployees in the workplace. An employer
23 is responsible for sexual harassment of nonemployees by
24 the employer's nonmanagerial and nonsupervisory employees
25 only if the employer becomes aware of the conduct and
26 fails to take reasonable corrective measures. For the

1 purposes of this subdivision (D-5), "nonemployee" means a
2 person who is not otherwise an employee of the employer
3 and is directly performing services for the employer
4 pursuant to a contract with that employer. "Nonemployee"
5 includes contractors and consultants. This subdivision
6 applies to sexual harassment occurring on or after January
7 1, 2020 (the effective date of Public Act 101-221) ~~this~~
8 ~~amendatory Act of the 101st General Assembly.~~

9 (E) Public employers. For any public employer to
10 refuse to permit a public employee under its jurisdiction
11 who takes time off from work in order to practice his or
12 her religious beliefs to engage in work, during hours
13 other than such employee's regular working hours,
14 consistent with the operational needs of the employer and
15 in order to compensate for work time lost for such
16 religious reasons. Any employee who elects such deferred
17 work shall be compensated at the wage rate which he or she
18 would have earned during the originally scheduled work
19 period. The employer may require that an employee who
20 plans to take time off from work in order to practice his
21 or her religious beliefs provide the employer with a
22 notice of his or her intention to be absent from work not
23 exceeding 5 days prior to the date of absence.

24 (E-5) Religious discrimination. For any employer to
25 impose upon a person as a condition of obtaining or
26 retaining employment, including opportunities for

1 promotion, advancement, or transfer, any terms or
2 conditions that would require such person to violate or
3 forgo a sincerely held practice of his or her religion
4 including, but not limited to, the wearing of any attire,
5 clothing, or facial hair in accordance with the
6 requirements of his or her religion, unless, after
7 engaging in a bona fide effort, the employer demonstrates
8 that it is unable to reasonably accommodate the employee's
9 or prospective employee's sincerely held religious belief,
10 practice, or observance without undue hardship on the
11 conduct of the employer's business.

12 Nothing in this Section prohibits an employer from
13 enacting a dress code or grooming policy that may include
14 restrictions on attire, clothing, or facial hair to
15 maintain workplace safety or food sanitation.

16 (F) Training and apprenticeship programs. For any
17 employer, employment agency or labor organization to
18 discriminate against a person on the basis of age in the
19 selection, referral for or conduct of apprenticeship or
20 training programs.

21 (G) Immigration-related practices.

22 (1) for an employer to request for purposes of
23 satisfying the requirements of Section 1324a(b) of
24 Title 8 of the United States Code, as now or hereafter
25 amended, more or different documents than are required
26 under such Section or to refuse to honor documents

1 tendered that on their face reasonably appear to be
2 genuine or to refuse to honor work authorization based
3 upon the specific status or term of status that
4 accompanies the authorization to work; or

5 (2) for an employer participating in the E-Verify
6 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
7 Programs for Employment Eligibility Confirmation
8 (enacted by PL 104-208, div. C title IV, subtitle A) to
9 refuse to hire, to segregate, or to act with respect to
10 recruitment, hiring, promotion, renewal of employment,
11 selection for training or apprenticeship, discharge,
12 discipline, tenure or terms, privileges or conditions
13 of employment without following the procedures under
14 the E-Verify Program.

15 (H) (Blank).

16 (I) Pregnancy. For an employer to refuse to hire, to
17 segregate, or to act with respect to recruitment, hiring,
18 promotion, renewal of employment, selection for training
19 or apprenticeship, discharge, discipline, tenure or terms,
20 privileges or conditions of employment on the basis of
21 pregnancy, childbirth, or medical or common conditions
22 related to pregnancy or childbirth. Women affected by
23 pregnancy, childbirth, or medical or common conditions
24 related to pregnancy or childbirth shall be treated the
25 same for all employment-related purposes, including
26 receipt of benefits under fringe benefit programs, as

1 other persons not so affected but similar in their ability
2 or inability to work, regardless of the source of the
3 inability to work or employment classification or status.

4 (J) Pregnancy; reasonable accommodations.

5 (1) If after a job applicant or employee,
6 including a part-time, full-time, or probationary
7 employee, requests a reasonable accommodation, for an
8 employer to not make reasonable accommodations for any
9 medical or common condition of a job applicant or
10 employee related to pregnancy or childbirth, unless
11 the employer can demonstrate that the accommodation
12 would impose an undue hardship on the ordinary
13 operation of the business of the employer. The
14 employer may request documentation from the employee's
15 health care provider concerning the need for the
16 requested reasonable accommodation or accommodations
17 to the same extent documentation is requested for
18 conditions related to disability if the employer's
19 request for documentation is job-related and
20 consistent with business necessity. The employer may
21 require only the medical justification for the
22 requested accommodation or accommodations, a
23 description of the reasonable accommodation or
24 accommodations medically advisable, the date the
25 reasonable accommodation or accommodations became
26 medically advisable, and the probable duration of the

1 reasonable accommodation or accommodations. It is the
2 duty of the individual seeking a reasonable
3 accommodation or accommodations to submit to the
4 employer any documentation that is requested in
5 accordance with this paragraph. Notwithstanding the
6 provisions of this paragraph, the employer may require
7 documentation by the employee's health care provider
8 to determine compliance with other laws. The employee
9 and employer shall engage in a timely, good faith, and
10 meaningful exchange to determine effective reasonable
11 accommodations.

12 (2) For an employer to deny employment
13 opportunities or benefits to or take adverse action
14 against an otherwise qualified job applicant or
15 employee, including a part-time, full-time, or
16 probationary employee, if the denial or adverse action
17 is based on the need of the employer to make reasonable
18 accommodations to the known medical or common
19 conditions related to the pregnancy or childbirth of
20 the applicant or employee.

21 (3) For an employer to require a job applicant or
22 employee, including a part-time, full-time, or
23 probationary employee, affected by pregnancy,
24 childbirth, or medical or common conditions related to
25 pregnancy or childbirth to accept an accommodation
26 when the applicant or employee did not request an

1 accommodation and the applicant or employee chooses
2 not to accept the employer's accommodation.

3 (4) For an employer to require an employee,
4 including a part-time, full-time, or probationary
5 employee, to take leave under any leave law or policy
6 of the employer if another reasonable accommodation
7 can be provided to the known medical or common
8 conditions related to the pregnancy or childbirth of
9 an employee. No employer shall fail or refuse to
10 reinstate the employee affected by pregnancy,
11 childbirth, or medical or common conditions related to
12 pregnancy or childbirth to her original job or to an
13 equivalent position with equivalent pay and
14 accumulated seniority, retirement, fringe benefits,
15 and other applicable service credits upon her
16 signifying her intent to return or when her need for
17 reasonable accommodation ceases, unless the employer
18 can demonstrate that the accommodation would impose an
19 undue hardship on the ordinary operation of the
20 business of the employer.

21 For the purposes of this subdivision (J), "reasonable
22 accommodations" means reasonable modifications or
23 adjustments to the job application process or work
24 environment, or to the manner or circumstances under which
25 the position desired or held is customarily performed,
26 that enable an applicant or employee affected by

1 pregnancy, childbirth, or medical or common conditions
2 related to pregnancy or childbirth to be considered for
3 the position the applicant desires or to perform the
4 essential functions of that position, and may include, but
5 is not limited to: more frequent or longer bathroom
6 breaks, breaks for increased water intake, and breaks for
7 periodic rest; private non-bathroom space for expressing
8 breast milk and breastfeeding; seating; assistance with
9 manual labor; light duty; temporary transfer to a less
10 strenuous or hazardous position; the provision of an
11 accessible worksite; acquisition or modification of
12 equipment; job restructuring; a part-time or modified work
13 schedule; appropriate adjustment or modifications of
14 examinations, training materials, or policies;
15 reassignment to a vacant position; time off to recover
16 from conditions related to childbirth; and leave
17 necessitated by pregnancy, childbirth, or medical or
18 common conditions resulting from pregnancy or childbirth.

19 For the purposes of this subdivision (J), "undue
20 hardship" means an action that is prohibitively expensive
21 or disruptive when considered in light of the following
22 factors: (i) the nature and cost of the accommodation
23 needed; (ii) the overall financial resources of the
24 facility or facilities involved in the provision of the
25 reasonable accommodation, the number of persons employed
26 at the facility, the effect on expenses and resources, or

1 the impact otherwise of the accommodation upon the
2 operation of the facility; (iii) the overall financial
3 resources of the employer, the overall size of the
4 business of the employer with respect to the number of its
5 employees, and the number, type, and location of its
6 facilities; and (iv) the type of operation or operations
7 of the employer, including the composition, structure, and
8 functions of the workforce of the employer, the geographic
9 separateness, administrative, or fiscal relationship of
10 the facility or facilities in question to the employer.
11 The employer has the burden of proving undue hardship. The
12 fact that the employer provides or would be required to
13 provide a similar accommodation to similarly situated
14 employees creates a rebuttable presumption that the
15 accommodation does not impose an undue hardship on the
16 employer.

17 No employer is required by this subdivision (J) to
18 create additional employment that the employer would not
19 otherwise have created, unless the employer does so or
20 would do so for other classes of employees who need
21 accommodation. The employer is not required to discharge
22 any employee, transfer any employee with more seniority,
23 or promote any employee who is not qualified to perform
24 the job, unless the employer does so or would do so to
25 accommodate other classes of employees who need it.

26 (K) Notice.

1 (1) For an employer to fail to post or keep posted
2 in a conspicuous location on the premises of the
3 employer where notices to employees are customarily
4 posted, or fail to include in any employee handbook
5 information concerning an employee's rights under this
6 Article, a notice, to be prepared or approved by the
7 Department, summarizing the requirements of this
8 Article and information pertaining to the filing of a
9 charge, including the right to be free from unlawful
10 discrimination, the right to be free from sexual
11 harassment, and the right to certain reasonable
12 accommodations. The Department shall make the
13 documents required under this paragraph available for
14 retrieval from the Department's website.

15 (2) Upon notification of a violation of paragraph
16 (1) of this subdivision (K), the Department may launch
17 a preliminary investigation. If the Department finds a
18 violation, the Department may issue a notice to show
19 cause giving the employer 30 days to correct the
20 violation. If the violation is not corrected, the
21 Department may initiate a charge of a civil rights
22 violation.

23 (Source: P.A. 102-233, eff. 8-2-21; 103-797, eff. 1-1-25;
24 revised 10-7-24.)

25 (Text of Section after amendment by P.A. 103-804)

1 Sec. 2-102. Civil rights violations; employment violations
2 ~~employment~~. It is a civil rights violation:

3 (A) Employers. For any employer to refuse to hire, to
4 segregate, to engage in harassment as defined in
5 subsection (E-1) of Section 2-101, or to act with respect
6 to recruitment, hiring, promotion, renewal of employment,
7 selection for training or apprenticeship, discharge,
8 discipline, tenure or terms, privileges or conditions of
9 employment on the basis of unlawful discrimination,
10 citizenship status, work authorization status, or family
11 responsibilities. An employer is responsible for
12 harassment by the employer's nonmanagerial and
13 nonsupervisory employees only if the employer becomes
14 aware of the conduct and fails to take reasonable
15 corrective measures.

16 (A-5) Language. For an employer to impose a
17 restriction that has the effect of prohibiting a language
18 from being spoken by an employee in communications that
19 are unrelated to the employee's duties.

20 For the purposes of this subdivision (A-5), "language"
21 means a person's native tongue, such as Polish, Spanish,
22 or Chinese. "Language" does not include such things as
23 slang, jargon, profanity, or vulgarity.

24 (A-10) Harassment of nonemployees. For any employer,
25 employment agency, or labor organization to engage in
26 harassment of nonemployees in the workplace. An employer

1 is responsible for harassment of nonemployees by the
2 employer's nonmanagerial and nonsupervisory employees only
3 if the employer becomes aware of the conduct and fails to
4 take reasonable corrective measures. For the purposes of
5 this subdivision (A-10), "nonemployee" means a person who
6 is not otherwise an employee of the employer and is
7 directly performing services for the employer pursuant to
8 a contract with that employer. "Nonemployee" includes
9 contractors and consultants. This subdivision applies to
10 harassment occurring on or after January 1, 2020 (the
11 effective date of Public Act 101-221) ~~this amendatory Act~~
12 ~~of the 101st General Assembly.~~

13 (B) Employment agency. For any employment agency to
14 fail or refuse to classify properly, accept applications
15 and register for employment referral or apprenticeship
16 referral, refer for employment, or refer for
17 apprenticeship on the basis of unlawful discrimination,
18 citizenship status, work authorization status, or family
19 responsibilities or to accept from any person any job
20 order, requisition or request for referral of applicants
21 for employment or apprenticeship which makes or has the
22 effect of making unlawful discrimination or discrimination
23 on the basis of citizenship status, work authorization
24 status, or family responsibilities a condition of
25 referral.

26 (C) Labor organization. For any labor organization to

1 limit, segregate or classify its membership, or to limit
2 employment opportunities, selection and training for
3 apprenticeship in any trade or craft, or otherwise to
4 take, or fail to take, any action which affects adversely
5 any person's status as an employee or as an applicant for
6 employment or as an apprentice, or as an applicant for
7 apprenticeships, or wages, tenure, hours of employment or
8 apprenticeship conditions on the basis of unlawful
9 discrimination, citizenship status, work authorization
10 status, or family responsibilities.

11 (D) Sexual harassment. For any employer, employee,
12 agent of any employer, employment agency or labor
13 organization to engage in sexual harassment; provided,
14 that an employer shall be responsible for sexual
15 harassment of the employer's employees by nonemployees or
16 nonmanagerial and nonsupervisory employees only if the
17 employer becomes aware of the conduct and fails to take
18 reasonable corrective measures.

19 (D-5) Sexual harassment of nonemployees. For any
20 employer, employee, agent of any employer, employment
21 agency, or labor organization to engage in sexual
22 harassment of nonemployees in the workplace. An employer
23 is responsible for sexual harassment of nonemployees by
24 the employer's nonmanagerial and nonsupervisory employees
25 only if the employer becomes aware of the conduct and
26 fails to take reasonable corrective measures. For the

1 purposes of this subdivision (D-5), "nonemployee" means a
2 person who is not otherwise an employee of the employer
3 and is directly performing services for the employer
4 pursuant to a contract with that employer. "Nonemployee"
5 includes contractors and consultants. This subdivision
6 applies to sexual harassment occurring on or after January
7 1, 2020 (the effective date of Public Act 101-221) ~~this~~
8 ~~amendatory Act of the 101st General Assembly.~~

9 (E) Public employers. For any public employer to
10 refuse to permit a public employee under its jurisdiction
11 who takes time off from work in order to practice his or
12 her religious beliefs to engage in work, during hours
13 other than such employee's regular working hours,
14 consistent with the operational needs of the employer and
15 in order to compensate for work time lost for such
16 religious reasons. Any employee who elects such deferred
17 work shall be compensated at the wage rate which he or she
18 would have earned during the originally scheduled work
19 period. The employer may require that an employee who
20 plans to take time off from work in order to practice his
21 or her religious beliefs provide the employer with a
22 notice of his or her intention to be absent from work not
23 exceeding 5 days prior to the date of absence.

24 (E-5) Religious discrimination. For any employer to
25 impose upon a person as a condition of obtaining or
26 retaining employment, including opportunities for

1 promotion, advancement, or transfer, any terms or
2 conditions that would require such person to violate or
3 forgo a sincerely held practice of his or her religion
4 including, but not limited to, the wearing of any attire,
5 clothing, or facial hair in accordance with the
6 requirements of his or her religion, unless, after
7 engaging in a bona fide effort, the employer demonstrates
8 that it is unable to reasonably accommodate the employee's
9 or prospective employee's sincerely held religious belief,
10 practice, or observance without undue hardship on the
11 conduct of the employer's business.

12 Nothing in this Section prohibits an employer from
13 enacting a dress code or grooming policy that may include
14 restrictions on attire, clothing, or facial hair to
15 maintain workplace safety or food sanitation.

16 (F) Training and apprenticeship programs. For any
17 employer, employment agency or labor organization to
18 discriminate against a person on the basis of age in the
19 selection, referral for or conduct of apprenticeship or
20 training programs.

21 (G) Immigration-related practices.

22 (1) for an employer to request for purposes of
23 satisfying the requirements of Section 1324a(b) of
24 Title 8 of the United States Code, as now or hereafter
25 amended, more or different documents than are required
26 under such Section or to refuse to honor documents

1 tendered that on their face reasonably appear to be
2 genuine or to refuse to honor work authorization based
3 upon the specific status or term of status that
4 accompanies the authorization to work; or

5 (2) for an employer participating in the E-Verify
6 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
7 Programs for Employment Eligibility Confirmation
8 (enacted by PL 104-208, div. C title IV, subtitle A) to
9 refuse to hire, to segregate, or to act with respect to
10 recruitment, hiring, promotion, renewal of employment,
11 selection for training or apprenticeship, discharge,
12 discipline, tenure or terms, privileges or conditions
13 of employment without following the procedures under
14 the E-Verify Program.

15 (H) (Blank).

16 (I) Pregnancy. For an employer to refuse to hire, to
17 segregate, or to act with respect to recruitment, hiring,
18 promotion, renewal of employment, selection for training
19 or apprenticeship, discharge, discipline, tenure or terms,
20 privileges or conditions of employment on the basis of
21 pregnancy, childbirth, or medical or common conditions
22 related to pregnancy or childbirth. Women affected by
23 pregnancy, childbirth, or medical or common conditions
24 related to pregnancy or childbirth shall be treated the
25 same for all employment-related purposes, including
26 receipt of benefits under fringe benefit programs, as

1 other persons not so affected but similar in their ability
2 or inability to work, regardless of the source of the
3 inability to work or employment classification or status.

4 (J) Pregnancy; reasonable accommodations.

5 (1) If after a job applicant or employee,
6 including a part-time, full-time, or probationary
7 employee, requests a reasonable accommodation, for an
8 employer to not make reasonable accommodations for any
9 medical or common condition of a job applicant or
10 employee related to pregnancy or childbirth, unless
11 the employer can demonstrate that the accommodation
12 would impose an undue hardship on the ordinary
13 operation of the business of the employer. The
14 employer may request documentation from the employee's
15 health care provider concerning the need for the
16 requested reasonable accommodation or accommodations
17 to the same extent documentation is requested for
18 conditions related to disability if the employer's
19 request for documentation is job-related and
20 consistent with business necessity. The employer may
21 require only the medical justification for the
22 requested accommodation or accommodations, a
23 description of the reasonable accommodation or
24 accommodations medically advisable, the date the
25 reasonable accommodation or accommodations became
26 medically advisable, and the probable duration of the

1 reasonable accommodation or accommodations. It is the
2 duty of the individual seeking a reasonable
3 accommodation or accommodations to submit to the
4 employer any documentation that is requested in
5 accordance with this paragraph. Notwithstanding the
6 provisions of this paragraph, the employer may require
7 documentation by the employee's health care provider
8 to determine compliance with other laws. The employee
9 and employer shall engage in a timely, good faith, and
10 meaningful exchange to determine effective reasonable
11 accommodations.

12 (2) For an employer to deny employment
13 opportunities or benefits to or take adverse action
14 against an otherwise qualified job applicant or
15 employee, including a part-time, full-time, or
16 probationary employee, if the denial or adverse action
17 is based on the need of the employer to make reasonable
18 accommodations to the known medical or common
19 conditions related to the pregnancy or childbirth of
20 the applicant or employee.

21 (3) For an employer to require a job applicant or
22 employee, including a part-time, full-time, or
23 probationary employee, affected by pregnancy,
24 childbirth, or medical or common conditions related to
25 pregnancy or childbirth to accept an accommodation
26 when the applicant or employee did not request an

1 accommodation and the applicant or employee chooses
2 not to accept the employer's accommodation.

3 (4) For an employer to require an employee,
4 including a part-time, full-time, or probationary
5 employee, to take leave under any leave law or policy
6 of the employer if another reasonable accommodation
7 can be provided to the known medical or common
8 conditions related to the pregnancy or childbirth of
9 an employee. No employer shall fail or refuse to
10 reinstate the employee affected by pregnancy,
11 childbirth, or medical or common conditions related to
12 pregnancy or childbirth to her original job or to an
13 equivalent position with equivalent pay and
14 accumulated seniority, retirement, fringe benefits,
15 and other applicable service credits upon her
16 signifying her intent to return or when her need for
17 reasonable accommodation ceases, unless the employer
18 can demonstrate that the accommodation would impose an
19 undue hardship on the ordinary operation of the
20 business of the employer.

21 For the purposes of this subdivision (J), "reasonable
22 accommodations" means reasonable modifications or
23 adjustments to the job application process or work
24 environment, or to the manner or circumstances under which
25 the position desired or held is customarily performed,
26 that enable an applicant or employee affected by

1 pregnancy, childbirth, or medical or common conditions
2 related to pregnancy or childbirth to be considered for
3 the position the applicant desires or to perform the
4 essential functions of that position, and may include, but
5 is not limited to: more frequent or longer bathroom
6 breaks, breaks for increased water intake, and breaks for
7 periodic rest; private non-bathroom space for expressing
8 breast milk and breastfeeding; seating; assistance with
9 manual labor; light duty; temporary transfer to a less
10 strenuous or hazardous position; the provision of an
11 accessible worksite; acquisition or modification of
12 equipment; job restructuring; a part-time or modified work
13 schedule; appropriate adjustment or modifications of
14 examinations, training materials, or policies;
15 reassignment to a vacant position; time off to recover
16 from conditions related to childbirth; and leave
17 necessitated by pregnancy, childbirth, or medical or
18 common conditions resulting from pregnancy or childbirth.

19 For the purposes of this subdivision (J), "undue
20 hardship" means an action that is prohibitively expensive
21 or disruptive when considered in light of the following
22 factors: (i) the nature and cost of the accommodation
23 needed; (ii) the overall financial resources of the
24 facility or facilities involved in the provision of the
25 reasonable accommodation, the number of persons employed
26 at the facility, the effect on expenses and resources, or

1 the impact otherwise of the accommodation upon the
2 operation of the facility; (iii) the overall financial
3 resources of the employer, the overall size of the
4 business of the employer with respect to the number of its
5 employees, and the number, type, and location of its
6 facilities; and (iv) the type of operation or operations
7 of the employer, including the composition, structure, and
8 functions of the workforce of the employer, the geographic
9 separateness, administrative, or fiscal relationship of
10 the facility or facilities in question to the employer.
11 The employer has the burden of proving undue hardship. The
12 fact that the employer provides or would be required to
13 provide a similar accommodation to similarly situated
14 employees creates a rebuttable presumption that the
15 accommodation does not impose an undue hardship on the
16 employer.

17 No employer is required by this subdivision (J) to
18 create additional employment that the employer would not
19 otherwise have created, unless the employer does so or
20 would do so for other classes of employees who need
21 accommodation. The employer is not required to discharge
22 any employee, transfer any employee with more seniority,
23 or promote any employee who is not qualified to perform
24 the job, unless the employer does so or would do so to
25 accommodate other classes of employees who need it.

26 (K) Notice.

1 (1) For an employer to fail to post or keep posted
2 in a conspicuous location on the premises of the
3 employer where notices to employees are customarily
4 posted, or fail to include in any employee handbook
5 information concerning an employee's rights under this
6 Article, a notice, to be prepared or approved by the
7 Department, summarizing the requirements of this
8 Article and information pertaining to the filing of a
9 charge, including the right to be free from unlawful
10 discrimination, the right to be free from sexual
11 harassment, and the right to certain reasonable
12 accommodations. The Department shall make the
13 documents required under this paragraph available for
14 retrieval from the Department's website.

15 (2) Upon notification of a violation of paragraph
16 (1) of this subdivision (K), the Department may launch
17 a preliminary investigation. If the Department finds a
18 violation, the Department may issue a notice to show
19 cause giving the employer 30 days to correct the
20 violation. If the violation is not corrected, the
21 Department may initiate a charge of a civil rights
22 violation.

23 (L) Use of artificial intelligence.

24 (1) With respect to recruitment, hiring,
25 promotion, renewal of employment, selection for
26 training or apprenticeship, discharge, discipline,

1 tenure, or the terms, privileges, or conditions of
2 employment, for an employer to use artificial
3 intelligence that has the effect of subjecting
4 employees to discrimination on the basis of protected
5 classes under this Article or to use zip codes as a
6 proxy for protected classes under this Article.

7 (2) For an employer to fail to provide notice to an
8 employee that the employer is using artificial
9 intelligence for the purposes described in paragraph
10 (1).

11 The Department shall adopt any rules necessary for the
12 implementation and enforcement of this subdivision,
13 including, but not limited to, rules on the circumstances
14 and conditions that require notice, the time period for
15 providing notice, and the means for providing notice.

16 (Source: P.A. 102-233, eff. 8-2-21; 103-797, eff. 1-1-25;
17 103-804, eff. 1-1-26; revised 11-26-24.)

18 (775 ILCS 5/2-108)

19 (Section scheduled to be repealed on January 1, 2030)

20 Sec. 2-108. Employer disclosure requirements.

21 (A) Definitions. The following definitions are applicable
22 strictly to this Section:

23 (1) "Employer" means:

24 (a) any person employing one or more employees
25 within this State;

1 (b) a labor organization; or

2 (c) the State and any political subdivision,
3 municipal corporation, or other governmental unit or
4 agency, without regard to the number of employees.

5 (2) "Settlement" means any written commitment or
6 written agreement, including any agreed judgment,
7 stipulation, decree, agreement to settle, assurance of
8 discontinuance, or otherwise between an employee, as
9 defined by subsection (A) of Section 2-101, or a
10 nonemployee to whom an employer owes a duty under this Act
11 pursuant to subsection (A-10) or (D-5) of Section 2-102,
12 and an employer under which the employer directly or
13 indirectly provides to an individual compensation or other
14 consideration due to an allegation that the individual has
15 been a victim of sexual harassment or unlawful
16 discrimination under this Act.

17 (3) "Adverse judgment or administrative ruling" means
18 any final and non-appealable adverse judgment or final and
19 non-appealable administrative ruling entered in favor of
20 an employee as defined by subsection (A) of Section 2-101
21 or a nonemployee to whom an employer owes a duty under this
22 Act pursuant to subsection (A-10) or (D-5) of Section
23 2-102, and against the employer during the preceding year
24 in which there was a finding of sexual harassment or
25 unlawful discrimination brought under this Act, Title VII
26 of the Civil Rights Act of 1964, or any other federal,

1 State, or local law prohibiting sexual harassment or
2 unlawful discrimination.

3 (B) Required disclosures. Beginning July 1, 2020, and by
4 each July 1 thereafter, each employer that had an adverse
5 judgment or administrative ruling against it in the preceding
6 calendar year, as provided in this Section, shall disclose
7 annually to the Department of Human Rights the following
8 information:

9 (1) the total number of adverse judgments or
10 administrative rulings during the preceding year;

11 (2) whether any equitable relief was ordered against
12 the employer in any adverse judgment or administrative
13 ruling described in paragraph (1);

14 (3) how many adverse judgments or administrative
15 rulings described in paragraph (1) are in each of the
16 following categories:

17 (a) sexual harassment;

18 (b) discrimination or harassment on the basis of
19 sex;

20 (c) discrimination or harassment on the basis of
21 race, color, or national origin;

22 (d) discrimination or harassment on the basis of
23 religion;

24 (e) discrimination or harassment on the basis of
25 age;

26 (f) discrimination or harassment on the basis of

1 disability;

2 (g) discrimination or harassment on the basis of
3 military status or unfavorable discharge from military
4 status;

5 (h) discrimination or harassment on the basis of
6 sexual orientation or gender identity; and

7 (i) discrimination or harassment on the basis of
8 any other characteristic protected under this Act.

9 (C) Settlements. If the Department is investigating a
10 charge filed pursuant to this Act, the Department may request
11 the employer responding to the charge to submit the total
12 number of settlements entered into during the preceding 5
13 years, or less at the direction of the Department, that relate
14 to any alleged act of sexual harassment or unlawful
15 discrimination that:

16 (1) occurred in the workplace of the employer; or

17 (2) involved the behavior of an employee of the
18 employer or a corporate executive of the employer, without
19 regard to whether that behavior occurred in the workplace
20 of the employer.

21 The total number of settlements entered into during the
22 requested period shall be reported along with how many
23 settlements are in each of the following categories, when
24 requested by the Department pursuant to this subsection:

25 (a) sexual harassment;

26 (b) discrimination or harassment on the basis of sex;

1 (c) discrimination or harassment on the basis of race,
2 color, or national origin;

3 (d) discrimination or harassment on the basis of
4 religion;

5 (e) discrimination or harassment on the basis of age;

6 (f) discrimination or harassment on the basis of
7 disability;

8 (g) discrimination or harassment on the basis of
9 military status or unfavorable discharge from military
10 status;

11 (h) discrimination or harassment on the basis of
12 sexual orientation or gender identity; and

13 (i) discrimination or harassment on the basis of any
14 other characteristic protected under this Act. ~~+~~

15 The Department shall not rely on the existence of any
16 settlement agreement to support a finding of substantial
17 evidence under this Act.

18 (D) Prohibited disclosures. An employer may not disclose
19 the name of a victim of an act of alleged sexual harassment or
20 unlawful discrimination in any disclosures required under this
21 Section.

22 (E) Annual report. The Department shall publish an annual
23 report aggregating the information reported by employers under
24 subsection (B) of this Section such that no individual
25 employer data is available to the public. The report shall
26 include the number of adverse judgments or administrative

1 rulings filed during the preceding calendar year based on each
2 of the protected classes identified by this Act.

3 The report shall be filed with the General Assembly and
4 made available to the public by December 31 of each reporting
5 year. Data submitted by an employer to comply with this
6 Section is confidential and exempt from the Freedom of
7 Information Act.

8 (F) Failure to report and penalties. If an employer fails
9 to make any disclosures required under this Section, the
10 Department shall issue a notice to show cause giving the
11 employer 30 days to disclose the required information. If the
12 employer does not make the required disclosures within 30
13 days, the Department shall petition the Illinois Human Rights
14 Commission for entry of an order imposing a civil penalty
15 against the employer pursuant to Section 8-109.1. The civil
16 penalty shall be paid into the Department of Human Rights'
17 Training and Development Fund.

18 (G) Rules. The Department shall adopt any rules it deems
19 necessary for implementation of this Section.

20 (H) This Section is repealed on January 1, 2030.

21 (Source: P.A. 101-221, eff. 1-1-20; 102-558, eff. 8-20-21;
22 revised 7-24-24.)

23 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

24 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
25 shall prohibit:

1 (A) Private Sales of Single Family Homes.

2 (1) Any sale of a single family home by its owner so
3 long as the following criteria are met:

4 (a) The owner does not own or have a beneficial
5 interest in more than 3 single family homes at the time
6 of the sale;

7 (b) The owner or a member of the owner's family was
8 the last current resident of the home;

9 (c) The home is sold without the use in any manner
10 of the sales or rental facilities or services of any
11 real estate broker or salesman, or of any employee or
12 agent of any real estate broker or salesman;

13 (d) The home is sold without the publication,
14 posting or mailing, after notice, of any advertisement
15 or written notice in violation of paragraph (F) of
16 Section 3-102.

17 (2) This exemption does not apply to paragraph (F) of
18 Section 3-102.

19 (B) Apartments. Rental of a housing accommodation in a
20 building which contains housing accommodations for not more
21 than 4 families living independently of each other, if the
22 owner resides in one of the housing accommodations. This
23 exemption does not apply to paragraph (F) of Section 3-102.

24 (C) Private Rooms. Rental of a room or rooms in a private
25 home by an owner if the owner or a member of the owner's family
26 resides therein or, while absent for a period of not more than

1 12 months, if the owner or a member of the owner's family
2 intends to return to reside therein. This exemption does not
3 apply to paragraph (F) of Section 3-102.

4 (D) Reasonable local, State, or federal ~~Federal~~
5 restrictions regarding the maximum number of occupants
6 permitted to occupy a dwelling.

7 (E) Religious Organizations. A religious organization,
8 association, or society, or any nonprofit institution or
9 organization operated, supervised, or controlled by or in
10 conjunction with a religious organization, association, or
11 society, from limiting the sale, rental, or occupancy of a
12 dwelling which it owns or operates for other than a commercial
13 purpose to persons of the same religion, or from giving
14 preference to such persons, unless membership in such religion
15 is restricted on account of race, color, or national origin.

16 (F) Sex. Restricting the rental of rooms in a housing
17 accommodation to persons of one sex.

18 (G) Persons Convicted of Drug-Related Offenses. Conduct
19 against a person because such person has been convicted by any
20 court of competent jurisdiction of the illegal manufacture or
21 distribution of a controlled substance as defined in Section
22 102 of the federal Controlled Substances Act (21 U.S.C. 802).

23 (H) Persons engaged in the business of furnishing
24 appraisals of real property from taking into consideration
25 factors other than those based on unlawful discrimination or
26 familial status or source of income in furnishing appraisals.

1 (H-1) The owner of an owner-occupied residential building
2 with 4 or fewer units (including the unit in which the owner
3 resides) from making decisions regarding whether to rent to a
4 person based upon that person's sexual orientation.

5 (I) Housing for Older Persons. No provision in this
6 Article regarding familial status shall apply with respect to
7 housing for older persons.

8 (1) As used in this Section, "housing for older
9 persons" means housing:

10 (a) provided under any State or federal ~~Federal~~
11 program that the Department determines is specifically
12 designed and operated to assist elderly persons (as
13 defined in the State or federal ~~Federal~~ program); or

14 (b) intended for, and solely occupied by, persons
15 62 years of age or older; or

16 (c) intended and operated for occupancy by persons
17 55 years of age or older and:

18 (i) at least 80% of the occupied units are
19 occupied by at least one person who is 55 years of
20 age or older;

21 (ii) the housing facility or community
22 publishes and adheres to policies and procedures
23 that demonstrate the intent required under this
24 subparagraph ~~subdivision~~ (c); and

25 (iii) the housing facility or community
26 complies with rules adopted by the Department for

1 verification of occupancy, which shall:

2 (aa) provide for verification by reliable
3 surveys and affidavits; and

4 (bb) include examples of the types of
5 policies and procedures relevant to a
6 determination of compliance with the
7 requirement of clause (ii).

8 These surveys and affidavits shall be admissible in
9 administrative and judicial proceedings for the purposes
10 of such verification.

11 (2) Housing shall not fail to meet the requirements
12 for housing for older persons by reason of:

13 (a) persons residing in such housing as of the
14 effective date of this amendatory Act of 1989 who do
15 not meet the age requirements of subparagraph
16 ~~subsections~~ (1)(b) or (c); provided, that new
17 occupants of such housing meet the age requirements of
18 subparagraph ~~subsections~~ (1)(b) or (c) of this
19 subsection; or

20 (b) unoccupied units; provided, that such units
21 are reserved for occupancy by persons who meet the age
22 requirements of subparagraph ~~subsections~~ (1)(b) or (c)
23 of this subsection.

24 (3)(a) A person shall not be held personally liable
25 for monetary damages for a violation of this Article if
26 the person reasonably relied, in good faith, on the

1 application of the exemption under this subsection (I)
2 relating to housing for older persons.

3 (b) For the purposes of this paragraph ~~item~~ (3), a
4 person may show good faith reliance on the application of
5 the exemption only by showing that:

6 (i) the person has no actual knowledge that the
7 facility or community is not, or will not be, eligible
8 for the exemption; and

9 (ii) the facility or community has stated
10 formally, in writing, that the facility or community
11 complies with the requirements for the exemption.

12 (J) Child Sex Offender Refusal to Rent. Refusal of a child
13 sex offender who owns and resides at residential real estate
14 to rent any residential unit within the same building in which
15 the child sex offender resides to a person who is the parent or
16 guardian of a child or children under 18 years of age.

17 (K) Arrest Records. Inquiry into or the use of an arrest
18 record if the inquiry or use is otherwise authorized by State
19 or federal law.

20 (L) Financial Institutions. A financial institution as
21 defined in Article 4 from considering source of income or
22 immigration status in a real estate transaction in compliance
23 with State or federal law.

24 (M) Immigration Status. Inquiry into or the use of
25 immigration status if the inquiry or use is in compliance with
26 State or federal law.

1 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24;
2 revised 7-24-24.)

3 Section 1185. The Consumer Legal Funding Act is amended by
4 changing Section 5 as follows:

5 (815 ILCS 121/5)

6 Sec. 5. Definitions. As used in this Act:

7 "Advertise" means publishing or disseminating any written,
8 electronic, or printed communication, or any communication by
9 means of recorded telephone messages or transmitted on radio,
10 television, the Internet, or similar communications media,
11 including film strips, motion pictures, and videos, published,
12 disseminated, circulated, or placed before the public,
13 directly or indirectly, for the purpose of inducing a consumer
14 to enter into a consumer legal funding.

15 "Charges" means the fees, as set forth in Section 25, to be
16 paid to the consumer legal funding company by or on behalf of
17 the consumer above the funded amount provided by or on behalf
18 of the company to an Illinois consumer pursuant to this Act.

19 "Consumer" means a natural person who has a pending legal
20 claim and who resides or is domiciled in Illinois.

21 "Consumer legal funding" or "funding" means a nonrecourse
22 transaction in which a company purchases and a consumer
23 transfers to the company an unvested, contingent future
24 interest in the potential net proceeds of a settlement or

1 judgment obtained from the consumer's legal claim; and in
2 which, if no proceeds are obtained from the consumer's legal
3 claim, the consumer is not required to repay the company the
4 consumer legal funding amount or charges.

5 "Consumer legal funding company" or "company" means a
6 person or entity that enters into, purchases, or services a
7 consumer legal funding transaction with an Illinois consumer.

8 "Consumer legal funding company" does not include:

9 (1) an immediate family member of the consumer;

10 (2) a bank, lender, financing entity, or other special
11 purpose entity:

12 (A) that provides financing to a consumer legal
13 funding company; or

14 (B) to which a consumer legal funding company
15 grants a security interest or transfers any rights or
16 interest in a consumer legal funding; or

17 (3) an attorney or accountant who provides services to
18 a consumer.

19 "Department" means the Department of Financial and
20 Professional Regulation.

21 "Funded amount" means the amount of moneys provided to, or
22 on behalf of, the consumer in the consumer legal funding.

23 "Funded amount" does not include charges except for charges
24 that are deducted from the funded amount.

25 "Funding date" means the date on which the funded amount
26 is transferred to the consumer by the consumer legal funding

1 company either by personal delivery; via wire, ACH, or other
2 electronic means; or mailed by insured, certified, or
3 registered United States mail.

4 "Immediate family member" means a parent; sibling; child
5 by blood, adoption, or marriage; spouse; grandparent; or
6 grandchild.

7 "Legal claim" means a bona fide civil claim or cause of
8 action.

9 "Resolution amount" means the funded amount plus the
10 agreed-upon charges that are delivered to the consumer legal
11 funding company on the resolution date.

12 "Resolution date" means the date the resolution amount is
13 delivered to the consumer legal funding company.

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation or the Secretary's designee.

16 (Source: P.A. 102-987, eff. 5-27-22; 103-974, eff. 1-1-25;
17 revised 10-23-24.)

18 Section 1190. The Interchange Fee Prohibition Act is
19 amended by changing Section 150-1 as follows:

20 (815 ILCS 151/150-1)

21 (This Section may contain text from a Public Act with a
22 delayed effective date)

23 Sec. 150-1. Short title. This Article ~~Act~~ may be cited as
24 the Interchange Fee Prohibition Act. References in this

1 Article to "this Act" mean this Article.

2 (Source: P.A. 103-592, eff. 7-1-25; revised 10-23-24.)

3 Section 1195. The Consumer Fraud and Deceptive Business
4 Practices Act is amended by setting forth and renumbering
5 multiple versions of Section 2BBBB and by setting forth,
6 renumbering, and changing multiple versions of Section 2EEEE
7 as follows:

8 (815 ILCS 505/2BBBB)

9 Sec. 2BBBB. Deceptive practices related to limited
10 services pregnancy centers.

11 (a) As used in this Section:

12 "Abortion" means the use of any instrument, medicine,
13 drug, or any other substance or device to terminate the
14 pregnancy of an individual known to be pregnant with an
15 intention other than to increase the probability of a live
16 birth, to preserve the life or health of the child after live
17 birth, or to remove a dead fetus, as defined in Section 1-10 of
18 the Reproductive Health Act.

19 "Affiliates" has the meaning given to the term "hospital
20 affiliate" as defined in subsection (b) of Section 10.8 of the
21 Hospital Licensing Act.

22 "Emergency contraception" means one or more prescription
23 drugs (i) used separately or in combination for the purpose of
24 preventing pregnancy, (ii) administered to or

1 self-administered by a patient within a medically recommended
2 amount of time after sexual intercourse, and (iii) dispensed
3 for such purpose in accordance with professional standards of
4 practice.

5 "Limited services pregnancy center" means an organization
6 or facility, including a mobile facility, that:

7 (1) does not directly provide abortions or provide or
8 prescribe emergency contraception, or provide referrals
9 for abortions or emergency contraception, and has no
10 affiliation with any organization or provider who provides
11 abortions or provides or prescribes emergency
12 contraception; and

13 (2) has a primary purpose to offer or provide
14 pregnancy-related services to an individual who is or has
15 reason to believe the individual may be pregnant, whether
16 or not a fee is charged for such services.

17 "Limited services pregnancy center" does not include:

18 (1) a health care professional licensed by the
19 Department of Financial and Professional Regulation;

20 (2) a hospital licensed under the Hospital Licensing
21 Act and its affiliates; or

22 (3) a hospital licensed under the University of
23 Illinois Hospital Act and its affiliates.

24 "Limited services pregnancy center" includes an organization
25 or facility that has employees, volunteers, or agents who are
26 health care professionals licensed by the Department of

1 Financial and Professional Regulation.

2 "Pregnancy-related services" means any medical service, or
3 health counseling service, related to the prevention,
4 preservation, or termination of pregnancy, including, but not
5 limited to, contraception and contraceptive counseling,
6 pregnancy testing, pregnancy diagnosis, pregnancy options
7 counseling, limited obstetric ultrasound, obstetric
8 ultrasound, obstetric sonogram, sexually transmitted
9 infections testing, and prenatal care.

10 (b) A limited services pregnancy center shall not engage
11 in unfair methods of competition or unfair or deceptive acts
12 or practices, including the use or employment of any
13 deception, fraud, false pretense, false promise, or
14 misrepresentation, or the concealment, suppression, or
15 omission of any material fact, with the intent that others
16 rely upon the concealment, suppression, or omission of such
17 material fact:

18 (1) to interfere with or prevent an individual from
19 seeking to gain entry or access to a provider of abortion
20 or emergency contraception;

21 (2) to induce an individual to enter or access the
22 limited services pregnancy center;

23 (3) in advertising, soliciting, or otherwise offering
24 pregnancy-related services; or

25 (4) in conducting, providing, or performing
26 pregnancy-related services.

1 (c) A violation of this Section constitutes a violation of
2 this Act.

3 (Source: P.A. 103-270, eff. 7-27-23; 103-605, eff. 7-1-24.)

4 (815 ILCS 505/2EEEE)

5 Sec. 2EEEE. Credit reporting; medical debt.

6 (a) As used in this Section:

7 "Collection action" means any referral of a bill to a
8 collection agency or law firm to collect payment for services
9 from a consumer for health care services.

10 "Collection agency" means any individual, partnership,
11 corporation, trust, estate, co-operative, association,
12 government or government subdivision, agency, or other entity
13 that either purchases medical debt or collects medical debt on
14 behalf of another entity.

15 "Consumer report" and ~~or~~ "credit report" have the meaning
16 ascribed to the term "consumer report" under 15 U.S.C.
17 1681a(d).

18 "Consumer reporting agency" has the meaning ascribed to
19 that term in 15 U.S.C. 1681a(f).

20 "Medical debt" means a debt arising from the receipt of
21 health care services, products, or devices.

22 "Medical debt" does not include debt charged to a credit
23 card or an open-end or close-end extension of credit made by a
24 financial institution to a borrower unless the open-end or
25 close-end extension of credit may be used by the borrower

1 solely for the purpose of the purchase of health care
2 services.

3 (b) It is an unlawful practice within the meaning of this
4 Act for a consumer reporting agency:

5 (1) to make, create, or furnish any consumer report or
6 credit report containing, incorporating, or reflecting any
7 adverse information that the consumer reporting agency
8 knows or should know relates to medical debt incurred by
9 the consumer or a collection action against the consumer
10 to collect medical debt; and

11 (2) to maintain in the file on a consumer any
12 information relating to medical debt incurred by a
13 consumer or a collection action against the consumer to
14 collect medical debt.

15 (Source: P.A. 103-648, eff. 1-1-25.)

16 (815 ILCS 505/2FFFF)

17 Sec. 2FFFF ~~2BBBB~~. Violations of the Pawnbroker Regulation
18 Act of 2023. Any person who violates Article 15 of the
19 Pawnbroker Regulation Act of 2023 commits an unlawful practice
20 within the meaning of this Act.

21 (Source: P.A. 103-585, eff. 3-22-24; revised 9-25-24.)

22 (815 ILCS 505/2GGGG)

23 Sec. 2GGGG ~~2EEEE~~. Violations concerning teledentistry
24 under the Illinois Dental Practice Act. Any person who

1 violates Section 17.2 of the Illinois Dental Practice Act
2 commits an unlawful practice within the meaning of this Act.

3 (Source: P.A. 103-902, eff. 8-9-24; revised 9-25-24.)

4 Section 1200. The Digital Voice and Likeness Protection
5 Act is amended by changing Section 5 as follows:

6 (815 ILCS 550/5)

7 Sec. 5. Definitions. In this Act:

8 "Artificial intelligence" means a machine-based system
9 that, for explicit or implicit objectives, infers, from the
10 input it receives, how to generate outputs such as
11 predictions, content, recommendations, or decisions that can
12 influence physical or virtual environments. "Artificial
13 intelligence" includes generative artificial intelligence.

14 "Digital replica" means a newly created, electronic
15 representation of the identity of an actual individual created
16 using a computer, algorithm, software, tool, artificial
17 intelligence, or other technology that is fixed in a sound
18 recording or audiovisual work in which that individual did not
19 actually perform or appear and that is so realistic that a
20 reasonable observer would believe it is a performance by the
21 individual being portrayed and no other individual.

22 "Generative artificial intelligence" means an automated
23 computing system that, when prompted with human prompts,
24 descriptions, or queries, can produce outputs that simulate

1 human-produced content, including, but not limited to, the
2 following:

3 (1) textual outputs, such as short answers, essays,
4 poetry, or longer compositions or answers;

5 (2) image outputs, such as fine art, photographs,
6 conceptual art, diagrams, and other images;

7 (3) multimedia outputs, such as audio or video in the
8 form of compositions, songs, or short-form or long-form
9 audio or video; and

10 (4) other content that would be otherwise produced by
11 human means.

12 (Source: P.A. 103-830, eff. 8-9-24; revised 10-23-24.)

13 Section 1205. The Worker Freedom of Speech Act is amended
14 by changing Section 35 as follows:

15 (820 ILCS 57/35)

16 Sec. 35. Exceptions. Nothing in this Act:

17 (1) prohibits communications of information that the
18 employer is required by law to communicate, but only to
19 the extent of the lawful requirement;

20 (2) limits the rights of an employer or its agent,
21 representative, or designee to conduct meetings involving
22 religious matters or political matters, so long as
23 attendance is voluntary, or to engage in communications,
24 so long as receipt or listening is voluntary;

1 (3) limits the rights of an employer or its agent,
2 representative, or designee from communicating to its
3 employees any information that is necessary for the
4 employees to perform their required job duties;

5 (4) prohibits ~~prohibit~~ an employer or its agent,
6 representative, or designee from requiring its employees
7 to attend any training intended to foster a civil and
8 collaborative workplace or reduce or prevent workplace
9 harassment or discrimination;

10 (5) prohibits an institution of higher education, or
11 any agent, representative, or designee of the institution,
12 from conducting meetings or participating in any
13 communications with its employees concerning any
14 coursework, symposia, research, publication, or an
15 academic program at the institution;

16 (6) prohibits a political organization, a political
17 party organization, a caucus organization, a candidate's
18 political organization, or a not-for-profit organization
19 that is exempt from taxation under Section 501(c)(4),
20 501(c)(5), or 501(c)(6) of the Internal Revenue Code from
21 requiring its staff or employees to attend an
22 employer-sponsored meeting or participate in any
23 communication with the employer or the employer's agent,
24 representative or designee for the purpose of
25 communicating the employer's political tenets or purposes;

26 (7) prohibits the General Assembly or a State or local

1 legislative or regulatory body from requiring its ~~their~~
2 employees to attend an employer-sponsored meeting or
3 participate in any communication with the employer or the
4 employer's agent, representative, or designee for the
5 purpose of communicating the employer's proposals to
6 change legislation, proposals to change regulations, or
7 proposals to change public policy; or

8 (8) prohibits a religious organization from requiring
9 its employees to attend an employer-sponsored meeting or
10 participate in any communication with the employer or the
11 employer's agent, representative, or designee for the
12 purpose of communicating the employer's religious beliefs,
13 practices, or tenets.

14 (Source: P.A. 103-722, eff. 1-1-25; revised 10-21-24.)

15 Section 1210. The Illinois Freedom to Work Act is amended
16 by changing Section 10 as follows:

17 (820 ILCS 90/10)

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

20 (a) No employer shall enter into a covenant not to compete
21 with any employee unless the employee's actual or expected
22 annualized rate of earnings exceeds \$75,000 per year. This
23 amount shall increase to \$80,000 per year beginning on January
24 1, 2027, \$85,000 per year beginning on January 1, 2032, and

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

4 (b) No employer shall enter into a covenant not to solicit
5 with any employee unless the employee's actual or expected
6 annualized rate of earnings exceeds \$45,000 per year. This
7 amount shall increase to \$47,500 per year beginning on January
8 1, 2027, \$50,000 per year beginning on January 1, 2032, and
9 \$52,500 per year beginning on January 1, 2037. A covenant not
10 to solicit entered into in violation of this subsection is
11 void and unenforceable.

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

24 (d) A covenant not to compete is void and illegal with
25 respect to individuals covered by a collective bargaining
26 agreement under the Illinois Public Labor Relations Act or the

1 Illinois Educational Labor Relations Act.

2 (e) A covenant not to compete or a covenant not to solicit
3 is void and illegal with respect to individuals employed in
4 construction, regardless of whether an individual is covered
5 by a collective bargaining agreement. This subsection (e) does
6 not apply to construction employees who primarily perform
7 management, engineering or architectural, design, or sales
8 functions for the employer or who are shareholders, partners,
9 or owners in any capacity of the employer.

10 (f) ~~(e)~~ Any covenant not to compete or covenant not to
11 solicit entered into after January 1, 2025 (the effective date
12 of Public Act 103-915) ~~this amendatory Act of the 103rd~~
13 ~~General Assembly~~ shall not be enforceable with respect to the
14 provision of mental health services to veterans and first
15 responders by any licensed mental health professional in this
16 State if the enforcement of the covenant not to compete or
17 covenant not to solicit is likely to result in an increase in
18 cost or difficulty for any veteran or first responder seeking
19 mental health services.

20 For the purpose of this subsection:

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

24 "Licensed mental health professional" means a person
25 licensed under the Clinical Psychologist Licensing Act, the
26 Clinical Social Work and Social Work Practice Act, the

1 Marriage and Family Therapy Licensing Act, the Nurse Practice
2 Act, or the Professional Counselor and Clinical Professional
3 Counselor Licensing and Practice Act.

4 (Source: P.A. 102-358, eff. 1-1-22; 103-915, eff. 1-1-25;
5 103-921, eff. 1-1-25; revised 11-26-24.)

6 Section 1215. The Victims' Economic Security and Safety
7 Act is amended by changing Section 35 as follows:

8 (820 ILCS 180/35)

9 Sec. 35. Enforcement.

10 (a) Department of Labor.

11 (1) The Director or his or her authorized
12 representative shall administer and enforce the provisions
13 of this Act. Any employee or a representative of employees
14 who believes his or her rights under this Act have been
15 violated may, within 3 years after the alleged violation
16 occurs, file a complaint with the Department requesting a
17 review of the alleged violation. A copy of the complaint
18 shall be sent to the person who allegedly committed the
19 violation, who shall be the respondent. Upon receipt of a
20 complaint, the Director shall cause such investigation to
21 be made as he or she deems appropriate. The investigation
22 shall provide an opportunity for a public hearing at the
23 request of any party to the review to enable the parties to
24 present information relating to the alleged violation

1 ~~allegation~~. The parties shall be given written notice of
2 the time and place of the hearing at least 7 days before
3 the hearing. Upon receiving the report of the
4 investigation, the Director shall make findings of fact.
5 If the Director finds that a violation did occur, he or she
6 shall issue a decision incorporating his or her findings
7 and requiring the party committing the violation to take
8 such affirmative action to abate the violation as the
9 Director deems appropriate, including:

10 (A) damages equal to the amount of wages, salary,
11 employment benefits, public assistance, or other
12 compensation denied or lost to such individual by
13 reason of the violation, and the interest on that
14 amount calculated at the prevailing rate;

15 (B) such equitable relief as may be appropriate,
16 including, but not limited to, hiring, reinstatement,
17 promotion, and reasonable accommodations; and

18 (C) reasonable attorney's fees, reasonable expert
19 witness fees, and other costs of the action to be paid
20 by the respondent to a prevailing employee.

21 If the Director finds that there was no violation, he
22 or she shall issue an order denying the complaint. An
23 order issued by the Director under this Section shall be
24 final and subject to judicial review under the
25 Administrative Review Law.

26 (2) The Director shall adopt rules necessary to

1 administer and enforce this Act in accordance with the
2 Illinois Administrative Procedure Act. The Director shall
3 have the powers and the parties shall have the rights
4 provided in the Illinois Administrative Procedure Act for
5 contested cases, including, but not limited to, provisions
6 for depositions, subpoena power and procedures, and
7 discovery and protective order procedures.

8 (3) Intervention. The Attorney General of Illinois may
9 intervene on behalf of the Department if the Department
10 certifies that the case is of general public importance.
11 Upon such intervention the court may award such relief as
12 is authorized to be granted to an employee who has filed a
13 complaint or whose representative has filed a complaint
14 under this Section.

15 (b) Refusal to pay damages. Any employer who has been
16 ordered by the Director of Labor or the court to pay damages
17 under this Section and who fails to do so within 30 days after
18 the order is entered is liable to pay a penalty of 1% per
19 calendar day to the employee for each day of delay in paying
20 the damages to the employee.

21 (Source: P.A. 93-591, eff. 8-25-03; revised 7-23-24.)

22 Section 1220. The Paid Leave for All Workers Act is
23 amended by changing Section 15 as follows:

24 (820 ILCS 192/15)

1 Sec. 15. Provision of paid leave.

2 (a) An employee who works in Illinois is entitled to earn
3 and use up to a minimum of 40 hours of paid leave during a
4 12-month period or a pro rata number of hours of paid leave
5 under the provisions of subsection (b). The paid leave may be
6 used by the employee for any purpose as long as the paid leave
7 is taken in accordance with the provisions of this Act.

8 (b) Paid leave under this Act shall accrue at the rate of
9 one hour of paid leave for every 40 hours worked up to a
10 minimum of 40 hours of paid leave or such greater amount if the
11 employer provides more than 40 hours. Employees who are exempt
12 from the overtime requirements of the federal Fair Labor
13 Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40
14 hours in each workweek for purposes of paid leave accrual
15 unless their regular workweek is less than 40 hours, in which
16 case paid leave accrues based on that regular workweek.
17 Employees shall determine how much paid leave they need to
18 use; ~~if~~ however, ~~the~~ employers may set a reasonable minimum
19 increment for the use of paid leave not to exceed 2 hours per
20 day. If an employee's scheduled workday is less than 2 hours
21 per day, the employee's scheduled workday shall be used to
22 determine the amount of paid leave.

23 (c) An employer may make available the minimum number of
24 hours of paid leave, subject to pro rata requirements provided
25 in subsection (b), to an employee on the first day of
26 employment or the first day of the 12-month period. Employers

1 that provide the minimum number of hours of paid leave to an
2 employee on the first day of employment or the first day of the
3 12-month period are not required to carry over ~~carryover~~ paid
4 leave from 12-month period to 12-month period and may require
5 employees to use all paid leave prior to the end of the benefit
6 period or forfeit the unused paid leave. However, under no
7 circumstances shall an employee be credited with paid leave
8 that is less than what the employee would have accrued under
9 subsections (a) and (g) of this Section.

10 (d) The 12-month period may be any consecutive 12-month
11 period designated by the employer in writing at the time of
12 hire. Changes to the 12-month period may be made by the
13 employer if notice is given to employees in writing prior to
14 the change and the change does not reduce the eligible accrual
15 rate and paid leave available to the employee. If the employer
16 changes the designated 12-month period, the employer shall
17 provide the employee with documentation of the balance of
18 hours worked, paid leave accrued and taken, and the remaining
19 paid leave balance.

20 (e) Paid leave under this Act may be taken by an employee
21 for any reason of the employee's choosing. An employee is not
22 required to provide an employer a reason for the leave and may
23 not be required to provide documentation or certification as
24 proof or in support of the leave. An employee may choose
25 whether to use paid leave provided under this Act prior to
26 using any other leave provided by the employer or State law.

1 (f) Employees shall be paid their hourly rate of pay for
2 paid leave. However, employees engaged in an occupation in
3 which gratuities or commissions have customarily and usually
4 constituted and have been recognized as part of the
5 remuneration for hire purposes shall be paid by their employer
6 at least the full minimum wage in the jurisdiction in which
7 they are employed when paid leave is taken. This wage shall be
8 treated as the employee's regular rate of pay for purposes of
9 this Act.

10 (g) Paid leave under this Act shall begin to accrue at the
11 commencement of employment or on the effective date of this
12 Act, whichever is later. Employees shall be entitled to begin
13 using paid leave 90 days following commencement of their
14 employment or 90 days following the effective date of this
15 Act, whichever is later.

16 (h) Paid leave under this Act shall be provided upon the
17 oral or written request of an employee in accordance with the
18 employer's reasonable paid leave policy notification
19 requirements which may include the following:

20 (1) If use of paid leave under this Act is
21 foreseeable, the employer may require the employee to
22 provide 7 calendar days' notice before the date the leave
23 is to begin.

24 (2) If paid leave under this Act is not foreseeable,
25 the employee shall provide such notice as soon as is
26 practicable after the employee is aware of the necessity

1 of the leave. An employer that requires notice of paid
2 leave under this Act when the leave is not foreseeable
3 shall provide a written policy that contains procedures
4 for the employee to provide notice.

5 (3) Employers shall provide employees with written
6 notice of the paid leave policy notification requirements
7 in this Section in the manner provided in Section 20 for
8 notice and posting and within 5 calendar days of any
9 change to the employer's reasonable paid leave policy
10 notification requirements.

11 (4) An employer may not require, as a condition of
12 providing paid leave under this Act, that the employee
13 search for or find a replacement worker to cover the hours
14 during which the employee takes paid leave.

15 (i) Except as provided in subsection (c), paid leave under
16 this Act shall carry over annually to the extent not used by
17 the employee, provided that nothing in this Act shall be
18 construed to require an employer to provide more than 40 hours
19 of paid leave for an employee in the 12-month period unless the
20 employer agrees to do so.

21 (j) Nothing in this Section or any other Illinois law or
22 rule shall be construed as requiring financial or other
23 payment to an employee from an employer upon the employee's
24 termination, resignation, retirement, or other separation from
25 employment for paid leave accrued under this Act that has not
26 been used. Nothing in this Section or any other Illinois law or

1 rule shall be construed as requiring financial or other
2 reimbursements to an employee from an employer for unused paid
3 leave under this Act at the end of the benefit year or any
4 other time.

5 (k) If an employee is transferred to a separate division,
6 entity, or location, but remains employed by the same
7 employer, the employee is entitled to all paid leave accrued
8 at the prior division, entity, or location and is entitled to
9 use all paid leave as provided in this Section. If there is a
10 separation from employment and the employee is rehired within
11 12 months of separation by the same employer, previously
12 accrued paid leave that had not been used by the employee shall
13 be reinstated. The employee shall be entitled to use accrued
14 paid leave at the commencement of employment following a
15 separation from employment of 12 months or less.

16 (l) Paid leave under this Act shall not be charged or
17 otherwise credited to an employee's paid time off bank or
18 employee account unless the employer's policy permits such a
19 credit. If the paid leave under this Act is credited to an
20 employee's paid time off bank or employee vacation account
21 then any unused paid leave shall be paid to the employee upon
22 the employee's termination, resignation, retirement, or other
23 separation to the same extent as vacation time under existing
24 Illinois law or rule. Nothing in this Act shall be construed to
25 waive or otherwise limit an employee's right to final
26 compensation for promised and earned, but unpaid vacation time

1 or paid time off, as provided under the Illinois Wage Payment
2 and Collection Act and rules. Employers shall provide
3 employees with written notice of changes to the employer's
4 vacation time, paid time off, or other paid leave policies
5 that affect an employee's right to final compensation for such
6 leave.

7 (m) During any period an employee takes leave under this
8 Act, the employer shall maintain coverage for the employee and
9 any family member under any group health plan for the duration
10 of such leave at no less than the level and conditions of
11 coverage that would have been provided if the employee had not
12 taken the leave. The employer shall notify the employee that
13 the employee is still responsible for paying the employee's
14 share of the cost of the health care coverage, if any.

15 (n) Nothing in this Act shall be deemed to interfere with,
16 impede, or in any way diminish the right of employees to
17 bargain collectively with their employers through
18 representatives of their own choosing in order to establish
19 wages or other conditions of work in excess of the applicable
20 minimum standards established in this Act. The paid leave
21 requirements of this Act may be waived in a bona fide
22 collective bargaining agreement, but only if the waiver is set
23 forth explicitly in such agreement in clear and unambiguous
24 terms.

25 Nothing in this Act shall be deemed to affect the validity
26 or change the terms of bona fide collective bargaining

1 agreements in effect on January 1, 2024. After that date,
2 requirements of this Act may be waived in a bona fide
3 collective bargaining agreement, but only if the waiver is set
4 forth explicitly in such agreement in clear and unambiguous
5 terms.

6 In no event shall this Act apply to any employee working in
7 the construction industry who is covered by a bona fide
8 collective bargaining agreement, nor shall this Act apply to
9 any employee who is covered by a bona fide collective
10 bargaining agreement with an employer that provides services
11 nationally and internationally of delivery, pickup, and
12 transportation of parcels, documents, and freight.

13 Notwithstanding the provisions of this subsection, nothing
14 in this Act shall be deemed to affect the validity or change
15 the terms of a bona fide collective bargaining agreement
16 applying to an employee who is employed by a State agency that
17 is in effect on July 1, 2024. After that date, requirements of
18 this Act may be waived in a bona fide collective bargaining
19 agreement, but only if the waiver is set forth explicitly in
20 such agreement in clear and unambiguous terms. As used in this
21 subsection, "State agency" has the same meaning as set forth
22 in Section 4 of the Forms Notice Act.

23 (o) An agreement by an employee to waive his or her rights
24 under this Act is void as against public policy.

25 (p) The provisions of this Act shall not apply to any
26 employer that is covered by a municipal or county ordinance

1 that is in effect on the effective date of this Act that
2 requires employers to give any form of paid leave to their
3 employees, including paid sick leave or paid leave.
4 Notwithstanding the provisions of this subsection, any
5 employer that is not required to provide paid leave to its
6 employees, including paid sick leave or paid leave, under a
7 municipal or county ordinance that is in effect on the
8 effective date of this Act shall be subject to the provisions
9 of this Act if the employer would be required to provide paid
10 leave under this Act to its employees.

11 Any local ordinance that provides paid leave, including
12 paid sick leave or paid leave, enacted or amended after the
13 effective date of this Act must comply with the requirements
14 of this Act or provide benefits, rights, and remedies that are
15 greater than or equal to the benefits, rights, and remedies
16 afforded under this Act.

17 An employer in a municipality or county that enacts or
18 amends a local ordinance that provides paid leave, including
19 paid sick leave or paid leave, after the effective date of this
20 Act shall only comply with the local ordinance or ordinances
21 so long as the benefits, rights, and remedies are greater than
22 or equal to the benefits, rights, and remedies afforded under
23 this Act.

24 (Source: P.A. 102-1143, eff. 1-1-24; 103-605, eff. 7-1-24;
25 revised 10-23-24.)

1 Section 1225. The Child Labor Law of 2024 is amended by
2 changing Sections 35 and 55 as follows:

3 (820 ILCS 206/35)

4 Sec. 35. Employer requirements.

5 (a) It shall be unlawful for any person to employ, allow,
6 or permit any minor to work unless the minor obtains an
7 employment certificate authorizing the minor to work for that
8 person. Any person seeking to employ, allow, or permit any
9 minor to work shall provide that minor with a notice of
10 intention to employ to be submitted by the minor to the minor's
11 school issuing officer with the minor's application for an
12 employment certificate.

13 (b) Every employer of one or more minors shall maintain,
14 on the premises where the work is being done, records that
15 include the name, date of birth, and place of residence of
16 every minor who works for that employer, notice of intention
17 to employ the minor, and the minor's employment certificate.
18 Authorized officers and employees of the Department, truant
19 officers, and other school officials charged with the
20 enforcement of school attendance requirements described in
21 Section 26-1 of the School Code may inspect the records
22 without notice at any time.

23 (c) Every employer of minors shall ensure that all minors
24 are supervised by an adult 21 years of age or older, on site,
25 at all times while the minor is working.

1 (d) No person shall employ, allow, or permit any minor to
2 work for more than 5 hours continuously without an interval of
3 at least 30 minutes for a meal period. No period of less than
4 30 minutes shall be deemed to interrupt a continuous period of
5 work.

6 (e) Every employer who employs one or more minors shall
7 post in a conspicuous place where minors are employed,
8 allowed, or permitted to work, a notice summarizing the
9 requirements of this Act, including a list of the occupations
10 prohibited to minors and the Department's toll free telephone
11 number described in Section 85. An employer with employees who
12 do not regularly report to a physical workplace, such as
13 employees who work remotely or travel for work, shall also
14 provide the summary and notice by email to its employees or
15 conspicuous posting on the employer's website or intranet
16 site, if the site is regularly used by the employer to
17 communicate work-related information to employees and is able
18 to be regularly accessed by all employees, freely and without
19 interference. The notice shall be furnished by the Department.

20 (f) Every employer, during the period of employment of a
21 minor and for 3 years thereafter, shall keep on file, at the
22 place of employment, a copy of the employment certificate
23 issued for the minor. An employment certificate shall be valid
24 only for the employer for whom it was issued and a new
25 certificate shall not be issued for the employment of a minor
26 except on the presentation of a new statement of intention to

1 employ the minor. The failure of any employer to produce for
2 inspection the employment certificate for each minor in the
3 employer's establishment shall be a violation of this Act. The
4 Department may specify any other record keeping requirements
5 by rule.

6 (g) In the event of the work-related death of a minor
7 engaged in work subject to this Act, the employer shall,
8 within 24 hours, report the death to the Department and to the
9 school official who issued the minor's work certificate for
10 that employer. In the event of a work-related injury or
11 illness of a minor that requires the employer to file a report
12 with the Illinois Workers' Compensation Commission under
13 Section 6 of the Workers' Compensation Act or Section 6 of the
14 Workers' Occupational Diseases Act, the employer shall submit
15 a copy of the report to the Department and to the school
16 official who issued the minor's work certificate for that
17 employer within 72 hours of the deadline by which the employer
18 must file the report to the Illinois Workers' Compensation
19 Commission. The report shall be subject to the confidentiality
20 provisions of Section 6 of the Workers' Compensation Act or
21 Section 6 of the Workers' Occupational Diseases Act.

22 (Source: P.A. 103-721, eff. 1-1-25; revised 12-1-24.)

23 (820 ILCS 206/55)

24 Sec. 55. Employment certificates.

25 (a) Any employer who employs, allows, or permits a minor

1 to work shall ensure that the minor holds a valid employment
2 certificate issued by a school issuing officer.

3 (b) An application for an employment certificate must be
4 submitted by the minor and the minor's parent or legal
5 guardian to the minor's school issuing officer as follows.

6 (1) The application shall be signed by the applicant's
7 parent or legal guardian.

8 (2) The application shall be submitted in person by
9 the minor desiring employment, unless the school issuing
10 officer determines that the minor may utilize a remote
11 application process.

12 (3) The minor shall be accompanied by his or her
13 parent, guardian, or custodian, whether applying in person
14 or remotely.

15 (4) The following papers shall be submitted with the
16 application:

17 (A) A statement of intention to employ signed by
18 the prospective employer, or by someone duly
19 authorized by the prospective employer, setting forth
20 the specific nature of the occupation in which the
21 prospective employer intends to employ the minor and
22 the exact hours of the day and number of hours per day
23 and days per week during which the minor shall be
24 employed.

25 (B) Evidence of age showing that the minor is of
26 the age required by this Act, which evidence shall be

1 documentary, and shall be required in the order
2 designated, as follows:

3 (i) a birth certificate; or

4 (ii) if a birth certificate is unavailable,
5 the parent or legal guardian may present other
6 reliable proof of the minor's identity and age
7 that is supported by a sworn statement explaining
8 why the birth certificate is not available. Other
9 reliable proof of the minor's identity and age
10 includes a passport, visa, or other governmental
11 documentation of the minor's identity. If the
12 student was not born in the United States, the
13 school issuing officer must accept birth
14 certificates or other reliable proof from a
15 foreign government.

16 (C) A statement on a form approved by the
17 Department and signed by the school issuing officer,
18 showing the minor's name, address, grade last
19 completed, the hours the minor's school is in session,
20 and other relevant information, as determined by the
21 school issuing officer, about the minor's school
22 schedule, and the names of the minor's parent or legal
23 guardian. If any of the information required to be on
24 the work permit changes, the issuing officer must
25 update the work permit and provide an updated copy to
26 the Department, the minor's employer, and the minor's

1 parent or legal guardian. If the minor does not have a
2 permanent home address or is otherwise eligible for
3 services under the federal McKinney-Vento Homeless
4 Assistance Act, the lack of a birth certificate or
5 permanent home address alone shall not be a barrier to
6 receiving an employment certificate.

7 (D) A statement of physical fitness signed by a
8 health care professional who has examined the minor,
9 certifying that the minor is physically fit to be
10 employed in all legal occupations or to be employed in
11 legal occupations under limitations specified, or, at
12 the discretion of the school issuing officer, the
13 minor's most recent school physical. If the statement
14 of physical fitness is limited, the employment
15 certificate issued thereon shall state clearly the
16 limitations upon its use, and shall be valid only when
17 used under the limitations so stated. In any case
18 where the health care professional deems it advisable
19 that he or she may issue a certificate of physical
20 fitness for a specified period of time, at the
21 expiration of which the person for whom it was issued
22 shall appear and be re-examined before being permitted
23 to continue work. Examinations shall be made in
24 accordance with the standards and procedures
25 prescribed by the Director, in consultation with the
26 Director of the Department of Public Health and the

1 State Superintendent of Education, and shall be
2 recorded on a form furnished by the Department. When
3 made by public health or public school physicians, the
4 examination shall be made without charge to the minor.
5 If a public health or public school health care
6 professional is not available, a statement from a
7 private health care professional who has examined the
8 minor may be accepted, provided that the examination
9 is made in accordance with the standards and
10 procedures established by the Department. For purposes
11 of this paragraph, "health care professional" means a
12 physician licensed to practice medicine in all its
13 branches, a licensed advanced practice registered
14 nurse, or a licensed physician assistant.

15 (5) The school issuing officer shall have authority to
16 verify the representations provided in the employment
17 certificate application as required by Section 55. A
18 school issuing officer shall not charge a fee for the
19 consideration of an employment certificate application.

20 (6) It shall be the duty of the school board or local
21 school authority to designate a place or places where
22 certificates shall be issued and recorded, and physical
23 examinations made without fee, and to establish and
24 maintain the necessary records and clerical services for
25 carrying out the provisions of this Act.

26 (c) Upon receipt of an application for an employment

1 certificate, a school issuing officer shall issue an
2 employment certificate only after examining and approving the
3 written application and other papers required under this
4 Section, and determining that the employment shall not be
5 detrimental to the minor's health, welfare, and education. The
6 school issuing officer shall consider any report of death,
7 injury, or illness of a minor at that workplace, received
8 under the requirements of Section 35, in the prior 2 years in
9 determining whether the employment shall be detrimental to the
10 minor's health, welfare, and education. Upon issuing an
11 employment certificate to a minor, the school issuing officer
12 shall notify the principal of the school attended by the
13 minor, and provide copies to the Department, the minor's
14 employer, and the minor's parent or legal guardian. The
15 employment certificate shall be valid for a period of one year
16 from the date of issuance, unless suspended or revoked.

17 (d) If the school issuing officer refuses to issue a
18 certificate to a minor, the school issuing officer shall send
19 to the principal of the school attended by the minor a notice
20 of the refusal, including the name and address of the minor and
21 of the minor's parent or legal guardian, and the reason for the
22 refusal to issue the certificate.

23 (e) If a minor from another state seeks to obtain an
24 Illinois employment certificate, the Department shall work
25 with the State Superintendent of Education, or his or her duly
26 authorized agents, to issue the certificate if the State

1 Superintendent of Education deems that all requirements for
2 issuance have been met.

3 (f) Upon request, the school issuing officer shall issue a
4 certificate of age to any person between 16 and 20 years of age
5 upon presentation of the same proof of age as is required for
6 the issuance of employment certificates under this Act.

7 (g) Any certificate duly issued in accordance with this
8 Act shall be prima facie evidence of the age of the minor for
9 whom it was issued in any proceeding involving the employment
10 of the minor under this Act, as to any act occurring subsequent
11 to its issuance, or until revoked.

12 (h) The Department may suspend any certificate as an
13 emergency action imperatively required for the health, safety,
14 welfare, or education of the minor if:

15 (1) the parent or legal guardian of a minor, the
16 school issuing officer, or the principal of the school
17 attended by the minor for whom an employment certificate
18 has been issued has asked for the revocation of the
19 certificate by petition to the Department in writing,
20 stating the reasons he or she believes that the employment
21 is interfering with the health, safety, welfare, or
22 education of the minor; or

23 (2) in the judgment of the Director, the employment
24 certificate was improperly issued or if the minor is
25 illegally employed.

26 If the certificate is suspended, the Department shall

1 notify the employer of the minor, the parent or guardian of the
2 minor, the minor's school principal, and the school issuing
3 officer of the suspension in writing and shall schedule an
4 administrative hearing to take place within 21 days after the
5 date of any suspension. The minor shall not thereafter be
6 employed, allowed, or permitted to work unless and until his
7 or her employment certificate has been reinstated. After the
8 hearing, an administrative law judge shall issue a final order
9 either reinstating or revoking the employment certificate. If
10 the certificate is revoked, the employer shall not thereafter
11 employ, permit, or allow the minor to work until the minor has
12 obtained a new employment certificate authorizing the minor's
13 employment by that employer.

14 (Source: P.A. 103-721, eff. 1-1-25; revised 10-21-24.)

15 Section 1230. The Underground Sewer Employee Safety Act is
16 amended by changing Section 0.05 as follows:

17 (820 ILCS 250/0.05)

18 Sec. 0.05. Federal regulations; operation of Act.

19 (a) Except as provided in subsection (b), Sections 1
20 through 6 of this Act are inoperative on and after June 10,
21 2022 (the effective date of Public Act 102-1071) ~~this~~
22 ~~amendatory Act of the 102nd General Assembly.~~

23 (b) If at any time the Occupational Safety and Health
24 standards at 29 CFR 1910.120 and, 29 CFR 1910.146 or the Safety

1 and Health Regulations for Construction standards 29 CFR
2 1926.1201 through 29 CFR 1926.1213 are repealed or revoked,
3 the Director of Labor shall adopt a rule setting forth a
4 determination that this Act should be reviewed and reinstated,
5 in whole or in part, in order to protect the health and safety
6 of Illinois' workers. On the date such a rule is adopted, this
7 Act shall again become operative.

8 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-24-24.)

9 Section 1235. The Workers' Compensation Act is amended by
10 changing Section 7 as follows:

11 (820 ILCS 305/7)

12 Sec. 7. The amount of compensation which shall be paid for
13 an accidental injury to the employee resulting in death is:

14 (a) If the employee leaves surviving a widow, widower,
15 child or children, the applicable weekly compensation rate
16 computed in accordance with subparagraph 2 of paragraph (b) of
17 Section 8, shall be payable during the life of the widow or
18 widower and if any surviving child or children shall not be
19 physically or mentally incapacitated then until the death of
20 the widow or widower or until the youngest child shall reach
21 the age of 18, whichever shall come later; provided that if
22 such child or children shall be enrolled as a full-time ~~full~~
23 ~~time~~ student in any accredited educational institution, the
24 payments shall continue until such child has attained the age

1 of 25. In the event any surviving child or children shall be
2 physically or mentally incapacitated, the payments shall
3 continue for the duration of such incapacity.

4 The term "child" means a child whom the deceased employee
5 left surviving, including a posthumous child, a child legally
6 adopted, a child whom the deceased employee was legally
7 obligated to support or a child to whom the deceased employee
8 stood in loco parentis. The term "children" means the plural
9 of "child".

10 The term "physically or mentally incapacitated child or
11 children" means a child or children incapable of engaging in
12 regular and substantial gainful employment.

13 In the event of the remarriage of a widow or widower, where
14 the decedent did not leave surviving any child or children
15 who, at the time of such remarriage, are entitled to
16 compensation benefits under this Act, the surviving spouse
17 shall be paid a lump sum equal to 2 years compensation benefits
18 and all further rights of such widow or widower shall be
19 extinguished.

20 If the employee leaves surviving any child or children
21 under 18 years of age who at the time of death shall be
22 entitled to compensation under this paragraph (a) of this
23 Section, the weekly compensation payments herein provided for
24 such child or children shall in any event continue for a period
25 of not less than 6 years.

26 Any beneficiary entitled to compensation under this

1 paragraph (a) of this Section shall receive from the special
2 fund provided in paragraph (f) of this Section, in addition to
3 the compensation herein provided, supplemental benefits in
4 accordance with paragraph (g) of Section 8.

5 (b) If no compensation is payable under paragraph (a) of
6 this Section and the employee leaves surviving a parent or
7 parents who at the time of the accident were totally dependent
8 upon the earnings of the employee then weekly payments equal
9 to the compensation rate payable in the case where the
10 employee leaves surviving a widow or widower, shall be paid to
11 such parent or parents for the duration of their lives, and in
12 the event of the death of either, for the life of the survivor.

13 (c) If no compensation is payable under paragraph
14 ~~paragraphs~~ (a) or (b) of this Section and the employee leaves
15 surviving any child or children who are not entitled to
16 compensation under the foregoing paragraph (a) but who at the
17 time of the accident were nevertheless in any manner dependent
18 upon the earnings of the employee, or leaves surviving a
19 parent or parents who at the time of the accident were
20 partially dependent upon the earnings of the employee, then
21 there shall be paid to such dependent or dependents for a
22 period of 8 years weekly compensation payments at such
23 proportion of the applicable rate if the employee had left
24 surviving a widow or widower as such dependency bears to total
25 dependency. In the event of the death of any such beneficiary
26 the share of such beneficiary shall be divided equally among

1 the surviving beneficiaries and in the event of the death of
2 the last such beneficiary all the rights under this paragraph
3 shall be extinguished.

4 (d) If no compensation is payable under paragraph
5 ~~paragraphs~~ (a), (b), or (c) of this Section and the employee
6 leaves surviving any grandparent, grandparents, grandchild or
7 grandchildren or collateral heirs dependent upon the
8 employee's earnings to the extent of 50% or more of total
9 dependency, then there shall be paid to such dependent or
10 dependents for a period of 5 years weekly compensation
11 payments at such proportion of the applicable rate if the
12 employee had left surviving a widow or widower as such
13 dependency bears to total dependency. In the event of the
14 death of any such beneficiary the share of such beneficiary
15 shall be divided equally among the surviving beneficiaries and
16 in the event of the death of the last such beneficiary all
17 rights hereunder shall be extinguished.

18 (e) The compensation to be paid for accidental injury
19 which results in death, as provided in this Section, shall be
20 paid to the persons who form the basis for determining the
21 amount of compensation to be paid by the employer, the
22 respective shares to be in the proportion of their respective
23 dependency at the time of the accident on the earnings of the
24 deceased. The Commission or an Arbitrator thereof may, in its
25 or his discretion, order or award the payment to the parent or
26 grandparent of a child for the latter's support the amount of

1 compensation which but for such order or award would have been
2 paid to such child as its share of the compensation payable,
3 which order or award may be modified from time to time by the
4 Commission in its discretion with respect to the person to
5 whom shall be paid the amount of the order or award remaining
6 unpaid at the time of the modification.

7 The payments of compensation by the employer in accordance
8 with the order or award of the Commission discharges such
9 employer from all further obligation as to such compensation.

10 (f) The sum of \$8,000 for burial expenses shall be paid by
11 the employer to the widow or widower, other dependent, next of
12 kin or to the person or persons incurring the expense of
13 burial.

14 In the event the employer failed to provide necessary
15 first aid, medical, surgical or hospital service, he shall pay
16 the cost thereof to the person or persons entitled to
17 compensation under paragraphs (a), (b), (c), or (d) of this
18 Section, or to the person or persons incurring the obligation
19 therefore, or providing the same.

20 On January 15 and July 15, 1981, and on January 15 and July
21 15 of each year thereafter the employer shall within 60 days
22 pay a sum equal to 1/8 of 1% of all compensation payments made
23 by him after July 1, 1980, either under this Act or the
24 Workers' Occupational Diseases Act, whether by lump sum
25 settlement or weekly compensation payments, but not including
26 hospital, surgical or rehabilitation payments, made during the

1 first 6 months and during the second 6 months respectively of
2 the fiscal year next preceding the date of the payments, into a
3 special fund which shall be designated the "Second Injury
4 Fund", of which the State Treasurer is ex officio ~~ex officio~~
5 custodian, such special fund to be held and disbursed for the
6 purposes hereinafter stated in paragraphs (f) and (g) of
7 Section 8, either upon the order of the Commission or of a
8 competent court. Said special fund shall be deposited the same
9 as are State funds and any interest accruing thereon shall be
10 added thereto every 6 months. It is subject to audit the same
11 as State funds and accounts and is protected by the General
12 bond given by the State Treasurer. It is considered always
13 appropriated for the purposes of disbursements as provided in
14 paragraph (f) of Section 8, ~~paragraph (f)~~, of this Act, and
15 shall be paid out and disbursed as therein provided and shall
16 not at any time be appropriated or diverted to any other use or
17 purpose.

18 On January 15, 1991, the employer shall further pay a sum
19 equal to one half of 1% of all compensation payments made by
20 him from January 1, 1990 through June 30, 1990 either under
21 this Act or under the Workers' Occupational Diseases Act,
22 whether by lump sum settlement or weekly compensation
23 payments, but not including hospital, surgical or
24 rehabilitation payments, into an additional Special Fund which
25 shall be designated as the "Rate Adjustment Fund". On March
26 15, 1991, the employer shall pay into the Rate Adjustment Fund

1 a sum equal to one half of 1% of all such compensation payments
2 made from July 1, 1990 through December 31, 1990. Within 60
3 days after July 15, 1991, the employer shall pay into the Rate
4 Adjustment Fund a sum equal to one half of 1% of all such
5 compensation payments made from January 1, 1991 through June
6 30, 1991. Within 60 days after January 15 of 1992 and each
7 subsequent year through 1996, the employer shall pay into the
8 Rate Adjustment Fund a sum equal to one half of 1% of all such
9 compensation payments made in the last 6 months of the
10 preceding calendar year. Within 60 days after July 15 of 1992
11 and each subsequent year through 1995, the employer shall pay
12 into the Rate Adjustment Fund a sum equal to one half of 1% of
13 all such compensation payments made in the first 6 months of
14 the same calendar year. Within 60 days after January 15 of 1997
15 and each subsequent year through 2005, the employer shall pay
16 into the Rate Adjustment Fund a sum equal to three-fourths of
17 1% of all such compensation payments made in the last 6 months
18 of the preceding calendar year. Within 60 days after July 15 of
19 1996 and each subsequent year through 2004, the employer shall
20 pay into the Rate Adjustment Fund a sum equal to three-fourths
21 of 1% of all such compensation payments made in the first 6
22 months of the same calendar year. Within 60 days after July 15
23 of 2005, the employer shall pay into the Rate Adjustment Fund a
24 sum equal to 1% of such compensation payments made in the first
25 6 months of the same calendar year. Within 60 days after
26 January 15 of 2006 and each subsequent year through 2024, the

1 employer shall pay into the Rate Adjustment Fund a sum equal to
2 1.25% of such compensation payments made in the last 6 months
3 of the preceding calendar year. Within 60 days after July 15 of
4 2006 and each subsequent year through 2023, the employer shall
5 pay into the Rate Adjustment Fund a sum equal to 1.25% of such
6 compensation payments made in the first 6 months of the same
7 calendar year. Within 60 days after July 15 of 2024 and each
8 subsequent year thereafter, the employer shall pay into the
9 Rate Adjustment Fund a sum equal to 1.375% of such
10 compensation payments made in the first 6 months of the same
11 calendar year. Within 60 days after January 15 of 2025 and each
12 subsequent year thereafter, the employer shall pay into the
13 Rate Adjustment Fund a sum equal to 1.375% of such
14 compensation payments made in the last 6 months of the
15 preceding calendar year. The administrative costs of
16 collecting assessments from employers for the Rate Adjustment
17 Fund shall be paid from the Rate Adjustment Fund. The cost of
18 an actuarial audit of the Fund shall be paid from the Rate
19 Adjustment Fund. The State Treasurer is ex officio custodian
20 of such Special Fund and the same shall be held and disbursed
21 for the purposes hereinafter stated in paragraphs (f) and (g)
22 of Section 8 upon the order of the Commission or of a competent
23 court. The Rate Adjustment Fund shall be deposited the same as
24 are State funds and any interest accruing thereon shall be
25 added thereto every 6 months. It shall be subject to audit the
26 same as State funds and accounts and shall be protected by the

1 general bond given by the State Treasurer. It is considered
2 always appropriated for the purposes of disbursements as
3 provided in paragraphs (f) and (g) of Section 8 of this Act and
4 shall be paid out and disbursed as therein provided and shall
5 not at any time be appropriated or diverted to any other use or
6 purpose. Within 5 days after December 7, 1990 (the effective
7 date of Public Act 86-1448) ~~this amendatory Act of 1990~~, the
8 Comptroller and the State Treasurer shall transfer \$1,000,000
9 from the General Revenue Fund to the Rate Adjustment Fund. By
10 February 15, 1991, the Comptroller and the State Treasurer
11 shall transfer \$1,000,000 from the Rate Adjustment Fund to the
12 General Revenue Fund. The Comptroller and Treasurer are
13 authorized to make transfers at the request of the Chairman up
14 to a total of \$19,000,000 from the Second Injury Fund, the
15 General Revenue Fund, and the Workers' Compensation Benefit
16 Trust Fund to the Rate Adjustment Fund to the extent that there
17 is insufficient money in the Rate Adjustment Fund to pay
18 claims and obligations. Amounts may be transferred from the
19 General Revenue Fund only if the funds in the Second Injury
20 Fund or the Workers' Compensation Benefit Trust Fund are
21 insufficient to pay claims and obligations of the Rate
22 Adjustment Fund. All amounts transferred from the Second
23 Injury Fund, the General Revenue Fund, and the Workers'
24 Compensation Benefit Trust Fund shall be repaid from the Rate
25 Adjustment Fund within 270 days of a transfer, together with
26 interest at the rate earned by moneys on deposit in the Fund or

1 Funds from which the moneys were transferred.

2 Upon a finding by the Commission, after reasonable notice
3 and hearing, that any employer has willfully and knowingly
4 failed to pay the proper amounts into the Second Injury Fund or
5 the Rate Adjustment Fund required by this Section or if such
6 payments are not made within the time periods prescribed by
7 this Section, the employer shall, in addition to such
8 payments, pay a penalty of 20% of the amount required to be
9 paid or \$2,500, whichever is greater, for each year or part
10 thereof of such failure to pay. This penalty shall only apply
11 to obligations of an employer to the Second Injury Fund or the
12 Rate Adjustment Fund accruing after December 18, 1989 (the
13 effective date of Public Act 86-998) ~~this amendatory Act of~~
14 ~~1989~~. All or part of such a penalty may be waived by the
15 Commission for good cause shown.

16 Any obligations of an employer to the Second Injury Fund
17 and Rate Adjustment Fund accruing prior to December 18, 1989
18 ~~(the effective date of Public Act 86-998) this amendatory Act~~
19 ~~of 1989~~ shall be paid in full by such employer within 5 years
20 of December 18, 1989 (the effective date of Public Act 86-998)
21 ~~this amendatory Act of 1989~~, with at least one-fifth of such
22 obligation to be paid during each year following December 18,
23 1989 (the effective date of Public Act 86-998) ~~this amendatory~~
24 ~~Act of 1989~~. If the Commission finds, following reasonable
25 notice and hearing, that an employer has failed to make timely
26 payment of any obligation accruing under the preceding

1 sentence, the employer shall, in addition to all other
2 payments required by this Section, be liable for a penalty
3 equal to 20% of the overdue obligation or \$2,500, whichever is
4 greater, for each year or part thereof that obligation is
5 overdue. All or part of such a penalty may be waived by the
6 Commission for good cause shown.

7 The Chairman of the Illinois Workers' Compensation
8 Commission shall, annually, furnish to the Director of the
9 Department of Insurance a list of the amounts paid into the
10 Second Injury Fund and the Rate Adjustment Fund by each
11 insurance company on behalf of their insured employers. The
12 Director shall verify to the Chairman that the amounts paid by
13 each insurance company are accurate as best as the Director
14 can determine from the records available to the Director. The
15 Chairman shall verify that the amounts paid by each
16 self-insurer are accurate as best as the Chairman can
17 determine from records available to the Chairman. The Chairman
18 may require each self-insurer to provide information
19 concerning the total compensation payments made upon which
20 contributions to the Second Injury Fund and the Rate
21 Adjustment Fund are predicated and any additional information
22 establishing that such payments have been made into these
23 funds. Any deficiencies in payments noted by the Director or
24 Chairman shall be subject to the penalty provisions of this
25 Act.

26 The State Treasurer, or his duly authorized

1 representative, shall be named as a party to all proceedings
2 in all cases involving claim for the loss of, or the permanent
3 and complete loss of the use of one eye, one foot, one leg, one
4 arm or one hand.

5 The State Treasurer or his duly authorized agent shall
6 have the same rights as any other party to the proceeding,
7 including the right to petition for review of any award. The
8 reasonable expenses of litigation, such as medical
9 examinations, testimony, and transcript of evidence, incurred
10 by the State Treasurer or his duly authorized representative,
11 shall be borne by the Second Injury Fund.

12 If the award is not paid within 30 days after the date the
13 award has become final, the Commission shall proceed to take
14 judgment thereon in its own name as is provided for other
15 awards by paragraph (g) of Section 19 of this Act and take the
16 necessary steps to collect the award.

17 Any person, corporation or organization who has paid or
18 become liable for the payment of burial expenses of the
19 deceased employee may in his or its own name institute
20 proceedings before the Commission for the collection thereof.

21 For the purpose of administration, receipts and
22 disbursements, the Special Fund provided for in paragraph (f)
23 of this Section shall be administered jointly with the Special
24 Fund provided for in paragraph (f) of Section 7, ~~paragraph (f)~~
25 of the Workers' Occupational Diseases Act.

26 (g) All compensation, except for burial expenses provided

1 in this Section to be paid in case accident results in death,
2 shall be paid in installments equal to the percentage of the
3 average earnings as provided for in paragraph (b) of Section
4 ~~8, paragraph (b)~~ of this Act, at the same intervals at which
5 the wages or earnings of the employees were paid. If this is
6 not feasible, then the installments shall be paid weekly. Such
7 compensation may be paid in a lump sum upon petition as
8 provided in Section 9 of this Act. However, in addition to the
9 benefits provided by Section 9 of this Act where compensation
10 for death is payable to the deceased's widow, widower or to the
11 deceased's widow, widower and one or more children, and where
12 a partial lump sum is applied for by such beneficiary or
13 beneficiaries within 18 months after the deceased's death, the
14 Commission may, in its discretion, grant a partial lump sum of
15 not to exceed 100 weeks of the compensation capitalized at
16 their present value upon the basis of interest calculated at
17 3% per annum with annual rests, upon a showing that such
18 partial lump sum is for the best interest of such beneficiary
19 or beneficiaries.

20 (h) In case the injured employee is under 16 years of age
21 at the time of the accident and is illegally employed, the
22 amount of compensation payable under paragraphs (a), (b), (c),
23 (d), and (f) of this Section shall be increased 50%.

24 Nothing herein contained repeals or amends the provisions
25 of the Child Labor Law of 2024 relating to the employment of
26 minors under the age of 16 years.

1 However, where an employer has on file an employment
2 certificate issued pursuant to the Child Labor Law of 2024 or
3 work permit issued pursuant to the Federal Fair Labor
4 Standards Act, as amended, or a birth certificate properly and
5 duly issued, such certificate, permit or birth certificate is
6 conclusive evidence as to the age of the injured minor
7 employee for the purposes of this Section only.

8 (i) Whenever the dependents of a deceased employee are
9 noncitizens not residing in the United States, Mexico or
10 Canada, the amount of compensation payable is limited to the
11 beneficiaries described in paragraphs (a), (b)1 and (c) of
12 this Section and is 50% of the compensation provided in
13 paragraphs (a), (b)1 and (c) of this Section, except as
14 otherwise provided by treaty.

15 In a case where any of the persons who would be entitled to
16 compensation is living at any place outside of the United
17 States, then payment shall be made to the personal
18 representative of the deceased employee. The distribution by
19 such personal representative to the persons entitled shall be
20 made to such persons and in such manner as the Commission
21 orders.

22 (Source: P.A. 102-1030, eff. 5-27-22; 103-590, eff. 6-5-24;
23 103-721, eff. 1-1-25; revised 10-10-24.)

24 Section 9995. No acceleration or delay. Where this Act
25 makes changes in a statute that is represented in this Act by

1 text that is not yet or no longer in effect (for example, a
2 Section represented by multiple versions), the use of that
3 text does not accelerate or delay the taking effect of (i) the
4 changes made by this Act or (ii) provisions derived from any
5 other Public Act.

6 Section 9996. No revival or extension. This Act does not
7 revive or extend any Section or Act otherwise repealed.

8 Section 9999. Effective date. This Act takes effect upon
9 becoming law.

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20	605 ILCS 5/6-513	from Ch. 121, par. 6-513
21	605 ILCS 5/6-901	from Ch. 121, par. 6-901
22	605 ILCS 5/10-303	from Ch. 121, par. 10-303
23	605 ILCS 30/4.1	
24	615 ILCS 5/18k	
25	620 ILCS 50/60	from Ch. 15 1/2, par. 164
26	620 ILCS 50/61	from Ch. 15 1/2, par. 165

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2	625 ILCS 5/3-402	from Ch. 95 1/2, par. 3-402
3	625 ILCS 5/3-506	
4	625 ILCS 5/3-699.14	
5	625 ILCS 5/3-699.22	
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7	625 ILCS 5/3-802	from Ch. 95 1/2, par. 3-802
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10	625 ILCS 5/5-102	from Ch. 95 1/2, par. 5-102
11	625 ILCS 5/6-110	
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21	705 ILCS 405/5-915	
22	720 ILCS 5/11-23.7	
23	720 ILCS 5/17-11.2	
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2	725 ILCS 187/2-1	
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5	730 ILCS 5/3-7-2	from Ch. 38, par. 1003-7-2
6	730 ILCS 5/3-13-4	from Ch. 38, par. 1003-13-4
7	730 ILCS 5/5-5-3.2	
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