



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5563

Introduced 2/9/2024, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

New Act

820 ILCS 205/Act rep.

105 ILCS 5/26-1

from Ch. 122, par. 26-1

225 ILCS 10/2.17

from Ch. 23, par. 2212.17

225 ILCS 515/10

from Ch. 111, par. 910

225 ILCS 515/12.6

820 ILCS 175/67

820 ILCS 305/7

from Ch. 48, par. 138.7

820 ILCS 305/8

from Ch. 48, par. 138.8

Creates the Child Labor Law of 2024. Reinserts provisions of the Child Labor Law. Sets forth additional provisions concerning definitions; exemptions; employer requirements; restrictions on employment of minors; employment certificates; civil penalties; and criminal penalties. Repeals the Child Labor Law. Amends various Acts to make conforming changes. Effective January 1, 2025, except provisions concerning minors featured in vlogs and trust funds are effective July 1, 2024.

LRB103 39482 SPS 69677 b

1 AN ACT concerning employment.

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

4 Section 1. Short title. This Act may be cited as the Child
5 Labor Law of 2024.

6 Section 5. Findings. The General Assembly finds that
7 minors engaged in work are deserving of enhanced workplace
8 protections. It is the intent of the General Assembly, in
9 enacting this Child Labor Law of 2024, to safeguard all
10 working minors' health, safety, welfare, and access to
11 education and the provisions of this Act shall be interpreted
12 to provide the greatest protection of a minor's well-being.

13 Section 10. Definitions. As used in this Act:

14 "Construction" means any constructing, altering,
15 reconstructing, repairing, rehabilitating, refinishing,
16 refurbishing, remodeling, remediating, renovating, custom
17 fabricating, maintenance, landscaping, improving, wrecking,
18 painting, decorating, demolishing, and adding to or
19 subtracting from any building, structure, highway, roadway,
20 street, bridge, alley, sewer, ditch, sewage disposal plant,
21 water works, parking facility, railroad, excavation or other
22 structure, project, development, real property or improvement,

1 or to do any part thereof, whether or not the performance of
2 the work herein described involves the addition to, or
3 fabrication into, any structure, project, development, real
4 property or improvement herein described of any material or
5 article of merchandise. "Construction" also includes moving
6 construction-related materials on the job site to or from the
7 job site.

8 "Department" means the Department of Labor.

9 "Director" means the Director of Labor.

10 "District superintendent of schools" means an individual
11 employed by a board of education in accordance with Section
12 10-21.4 of the School Code and a school district's chief
13 executive officer as described in subsection (b) of Section
14 34-3.3 of the School Code.

15 "Duly authorized agent" means an individual who has been
16 designated by a regional or district superintendent of schools
17 as his or her agent for the limited purpose of issuing
18 employment certificates to minors under the age of 16 and may
19 include officials of any public school district, charter
20 school, or any State-recognized, non-public school.

21 "Employ" means to allow, suffer, or permit to work.

22 "Employer" means a person who employs a minor to work.

23 "Family" means a group of persons related by blood or
24 marriage, including civil partnerships, or whose close
25 relationship with each other is considered equivalent to a
26 family relationship by the individuals.

1 "Minor" means any person under the age of 16.

2 "Online platform" means any public-facing website, web
3 application, or digital application, including a mobile
4 application. "Online platform" includes a social network,
5 advertising network, mobile operating system, search engine,
6 email service, or Internet access service.

7 "Person" means any natural person, individual,
8 corporation, business enterprise, or other legal entity,
9 either public or private, and any legal successor,
10 representative, agent, or agency of that individual,
11 corporation, business enterprise, or legal entity.

12 "Regional superintendent of schools" means the chief
13 administrative officer of an educational service region as
14 described in Section 3A-2 of the School Code.

15 "School hours" means, for a minor of compulsory school age
16 who is enrolled in a public or non-public school that is
17 registered with or recognized by the State Board of Education,
18 the hours the minor's school is in session. "School hours"
19 means, for a minor of compulsory school age who is not enrolled
20 in a public or non-public school that is registered with or
21 recognized by the State Board of Education, the hours that the
22 minor's local public school in the district where the minor
23 resides is in session.

24 "School issuing officer" means a regional or district
25 superintendent of schools, or his or her duly authorized
26 agent.

1 "Vlog" means content shared on an online platform in
2 exchange for compensation.

3 "Vlogger" means an individual or family that creates video
4 content, performed in Illinois, in exchange for compensation,
5 and includes any proprietorship, partnership, company, or
6 other corporate entity assuming the name or identity of a
7 particular individual or family for the purposes of that
8 content creation. "Vlogger" does not include any person under
9 the age of 16 who produces his or her own vlogs.

10 Section 15. Employment of minors.

11 (a) A person shall not employ, allow, or permit a minor to
12 work in Illinois unless that work meets the requirements of
13 this Act and any rules adopted under this Act.

14 (b) A person may employ, allow, or permit a minor 14 or 15
15 years of age to work outside of school hours, except at work
16 sites prohibited under Section 55, after being issued a
17 certificate authorizing that employment.

18 (c) A person shall not employ, allow, or permit a minor 13
19 years of age or younger to work in any occupation or at any
20 work site not explicitly authorized by or exempted from this
21 Act.

22 Section 20. Exemptions.

23 (a) Nothing in this Act applies to the work of a minor
24 engaged in agricultural pursuits, except that no minor under

1 12 years of age, except members of the farmer's own family who
2 live with the farmer at his principal place of residence, at
3 any time shall be employed, allowed, or permitted to work in
4 any gainful occupation in connection with agriculture, except
5 that any minor of 10 years of age or more shall be permitted to
6 work in a gainful occupation in connection with agriculture
7 during school vacations or outside of school hours.

8 (b) Nothing in this Act applies to the work of a minor
9 engaged in the sale and distribution of magazines and
10 newspapers outside of school hours.

11 (c) Nothing in this Act applies a minor's performance of
12 household chores or babysitting outside of school hours if
13 that work is performed in or about a private residence and not
14 in connection with an established business, trade, or
15 profession of the person employing, allowing, or permitting
16 the minor to perform the activities.

17 (d) Nothing in this Act applies to the work of a minor 13
18 years of age or more in caddying at a golf course.

19 (e) Nothing in this Act applies to a minor 14 or 15 years
20 of age who is, under the direction of the minor's school,
21 participating in work-based learning programs in accordance
22 with the School Code.

23 (f) Nothing in this Act prohibits an employer from
24 employing, allowing, or permitting a minor 12 or 13 years of
25 age to work as an officiant of youth sports activities for a
26 not-for-profit youth club, park district, or municipal parks

1 and recreation department if the employer obtains
2 certification as provided for in Section 55 and:

3 (1) the parent or guardian of the minor who is
4 officiating, or an adult designated by the parent or
5 guardian, shall be present at the youth sports activity
6 while the minor is officiating;

7 (2) the minor may work as a sports official for a
8 maximum of 3 hours per day on school days and a maximum of
9 4 hours per day on non-school days;

10 (3) the minor shall not exceed 10 hours of officiating
11 in any week;

12 (4) the minor shall not work later than 9:00 p.m. on
13 any day of the week; and

14 (5) the participants in the youth sports activity are
15 at least 3 years younger than the officiating minor unless
16 an individual 16 years of age or older is officiating the
17 same youth sports activity with the minor.

18 The failure to satisfy the requirements of this subsection
19 shall result in the revocation of the minor's employment
20 certificate.

21 Section 25. Allowable work hours. Except as allowed under
22 Section 30, no employer shall employ, allow, or permit a minor
23 to work:

24 (1) more than 48 hours in any single 7-day period;

25 (2) more than 8 hours in any single 24-hour period;

1 (3) between 7 p.m. and 7 a.m. from Labor Day until June 1
2 or between 9 p.m. and 7 a.m. from June 1 until Labor Day; or

3 (4) more than 3 hours per day or more than 8 hours total of
4 work and school hours on days when school is in session.

5 Section 30. Exceptions to allowable work hours.

6 (a) An employer may employ, allow, or permit a minor under
7 the age of 16 to work a maximum of 8 hours on each Saturday and
8 on Sunday during the school year if:

9 (1) the minor does not work outside of school hours
10 more than 6 consecutive days in any one week; and

11 (2) the number of hours worked by the minor outside of
12 school hours in any week does not exceed 24.

13 (b) A minor working as a live theatrical performer as
14 described in Section 45 shall be permitted to work until 11
15 p.m. on nights when performances are held.

16 (c) A minor under 16 years of age working as a performer as
17 described in Section 50 shall be permitted to work until 10
18 p.m.

19 Section 35. Employer requirements.

20 (a) It shall be unlawful for any person to employ, allow,
21 or permit any minor to work unless the minor obtains an
22 employment certificate authorizing the minor to work for that
23 person. Any person seeking to employ, allow, or permit any
24 minor to work shall provide that minor with a notice of

1 intention to employ to be submitted by the minor to the minor's
2 school issuing officer with the minor's application for an
3 employment certificate.

4 (b) Every employer of one or more minors shall maintain,
5 on the premises where the work is being done, records that
6 include the name, date of birth, and place of residence of
7 every minor who works for that employer, notice of intention
8 to employ the minor, and the minor's employment certificate.
9 Authorized officers and employees of the Department, truant
10 officers, and other school officials charged with the
11 enforcement of school attendance requirements described in
12 Section 26-1 of the School Code may inspect the records
13 without notice at any time.

14 (c) Every employer of minors shall ensure that all minors
15 are supervised by an adult 21 years of age or older, on site,
16 at all times while the minor is working.

17 (d) No person shall employ, allow, or permit any minor to
18 work for more than 5 hours continuously without an interval of
19 at least 30 minutes for a meal period. No period of less than
20 30 minutes shall be deemed to interrupt a continuous period of
21 work.

22 (e) Every employer who employs one or more minors shall
23 post in a conspicuous place where minors are employed,
24 allowed, or permitted to work, a notice summarizing the
25 requirements of this Act, including a list of the occupations
26 prohibited to minors and the Department's toll free telephone

1 number described in Section 85. An employer with employees who
2 do not regularly report to a physical workplace, such as
3 employees who work remotely or travel for work, shall also
4 provide the summary and notice by email to its employees or
5 conspicuous posting on the employer's website or intranet
6 site, if the site is regularly used by the employer to
7 communicate work-related information to employees and is able
8 to be regularly accessed by all employees, freely and without
9 interference. The notice shall be furnished by the Department.

10 (f) Every employer, during the period of employment of a
11 minor and for 3 years thereafter, shall keep on file, at the
12 place of employment, a copy of the employment certificate
13 issued for the minor. An employment certificate shall be valid
14 only for the employer for whom issued and a new certificate
15 shall not be issued for the employment of a minor except on the
16 presentation of a new statement of intention to employ the
17 minor. The failure of any employer to produce for inspection
18 the employment certificate for each minor in the employer's
19 establishment shall be a violation of this Act. The Department
20 may specify any other record keeping requirements by rule.

21 (g) In the event of the work-related death of a minor
22 engaged in work subject to this Act, the employer shall,
23 within 24 hours, report the death to the Department and to the
24 school official who issued the minor's work certificate for
25 that employer. In the event of a work-related injury or
26 illness of a minor that requires the employer to file a report

1 with the Illinois Workers' Compensation Commission under
2 Section 6 of the Workers' Compensation Act or Section 6 of the
3 Workers' Occupational Diseases Act, the employer shall submit
4 a copy of the report to the Department and to the school
5 official who issued the minor's work certificate for that
6 employer within 72 hours of the deadline by which the employer
7 must file the report to the Illinois Workers' Compensation
8 Commission. The report shall be subject to the confidentiality
9 provisions of Section 6 of the Workers' Compensation Act or
10 Section 6 of the Workers' Occupational Diseases Act.

11 Section 40. Restrictions on employment of minors.

12 (a) No person shall employ, allow, or permit a minor to
13 work:

14 (1) in any mechanic's garage, including garage pits,
15 repairing cars, trucks, or other vehicles or using garage
16 lifting racks

17 (2) in the oiling, cleaning or wiping of machinery or
18 shafting;

19 (3) in or about any mine or quarry;

20 (4) in stone cutting or polishing;

21 (5) in any factory work;

22 (6) in or about any plant manufacturing explosives or
23 articles containing explosive components, or in the use or
24 transportation of same;

25 (7) in or about plants manufacturing iron or steel,

1 ore reduction works, smelters, foundries, forging shops,
2 hot rolling mills or any other place in which the heating,
3 melting, or heat treatment of metals is carried on;

4 (8) in the operation of machinery used in the cold
5 rolling of heavy metal stock, or in the operation of
6 power-driven punching, shearing, stamping, or metal plate
7 bending machines;

8 (9) in or about logging, sawmills or lath, shingle, or
9 cooperage-stock mills;

10 (10) in the operation of power-driven woodworking
11 machines, or off-bearing from circular saws;

12 (11) in the operation and repair of freight elevators
13 or hoisting machines and cranes;

14 (12) in spray painting;

15 (13) in occupations involving exposure to lead or its
16 compounds;

17 (14) in occupations involving exposure to acids, dyes,
18 chemicals, dust, gases, vapors, or fumes that are known or
19 suspected to be dangerous to humans;

20 (15) in any occupation subject to the Amusement Ride
21 and Attraction Safety Act;

22 (16) in oil refineries, gasoline blending plants, or
23 pumping stations on oil transmission lines;

24 (17) in the operation of laundry, dry cleaning, or
25 dyeing machinery;

26 (18) in occupations involving exposure to radioactive

1 substances;

2 (19) in or about any filling station or service
3 station, except that this prohibition does not extend to
4 attached convenience stores;

5 (20) in construction work, including demolition and
6 repair;

7 (21) in any energy generation or transmission service;

8 (22) in public and private utilities and related
9 services;

10 (23) in operations in or in connection with
11 slaughtering, meat packing, poultry processing, and fish
12 and seafood processing;

13 (24) in operations which involve working on an
14 elevated surface, with or without use of equipment,
15 including, but not limited to, ladders and scaffolds;

16 (25) in security positions or any occupations that
17 require the use or carrying of a firearm or other weapon;

18 (26) in occupations which involve the handling or
19 storage of human blood, human blood products, human body
20 fluids, or human body tissues;

21 (27) in any mill, cannery, factory, workshop, coal
22 brick or lumber yard;

23 (28) any occupation which is prohibited for minors
24 under federal law; or

25 (29) in any other occupation or working condition
26 determined by the Director to be hazardous.

1 (b) No person shall employ, allow, or permit a minor to
2 work at:

3 (1) any cannabis business establishment subject to the
4 Cannabis Regulation and Tax Act or Compassionate Use of
5 Medical Cannabis Program Act;

6 (2) any establishment subject to the Live Adult
7 Entertainment Facility Surcharge Act;

8 (3) any firearm range or gun range used for
9 discharging a firearm in a sporting event, for practice or
10 instruction in the use of a firearm, or the testing of a
11 firearm;

12 (4) any establishment in which items containing
13 alcohol for consumption are manufactured, distilled,
14 brewed, or bottled;

15 (5) any establishment where the primary activity is
16 the sale of alcohol or tobacco;

17 (6) an establishment operated by any holder of an
18 owners license subject to the Illinois Gambling Act; or

19 (7) any other establishment which State or federal law
20 prohibits minors from entering or patronizing.

21 (c) An employer shall not allow minors to draw, mix, pour,
22 or serve any item containing alcohol or otherwise handle any
23 open containers of alcohol. An employer shall make reasonable
24 efforts to ensure that minors are unable to access alcohol.

25 (d) An employer may allow minors aged 14 and 15 to work in
26 retail stores, except that an employer shall not allow minors

1 to handle or be able to access any goods or products which are
2 illegal for minors to purchase or possess.

3 (e) No person shall employ, allow, or permit an unlicensed
4 minor to perform work in the practice of barber, cosmetology,
5 esthetics, hair braiding, and nail technology services
6 requiring a license under the Barber, Cosmetology, Esthetics,
7 Hair Braiding, and Nail Technology Act of 1985, except for
8 students enrolled in a school and performing barber,
9 cosmetology, esthetics, hair braiding, and nail technology
10 services in accordance with that Act and rules adopted under
11 that Act.

12 (f) A person may employ, allow, or permit a minor to
13 perform office or administrative support work that does not
14 expose the minor to the work prohibited in this Section.

15 Section 45. Minors employed in live theatrical
16 performances. In addition to the other requirements of this
17 Act, an employer of a minor working in live theatrical
18 performances, including plays, musicals, recitals, or
19 concerts, is subject to the following requirements:

20 (1) An employer shall not allow a minor to work in more
21 than 2 performances in any 24-hour period.

22 (2) An employer shall not allow a minor to work in more
23 than 8 performances in any 7-day period or 9 performances
24 if a State holiday occurs during that 7-day period.

25 (3) A minors shall be accompanied by a parent,

1 guardian, or chaperone at all times while at the work
2 site.

3 (4) A minor shall not work, including performing,
4 rehearsing, or otherwise being present at the work site,
5 in connection with the performance, for more than 8 hours
6 in any 24-hour period, more than 6 days in any 7-day
7 period, more than 24 hours in any 7-day period, or after 11
8 p.m. on any night.

9 (5) A minor shall not be excused from attending school
10 except as authorized by Section 26-1 of the School Code.

11 Section 50. Minors employed in live or pre-recorded,
12 distributed, broadcast performances and modeling.

13 (a) Notwithstanding the provisions of this Act, minors
14 under 16 years of age may be employed as models or performers
15 on live or pre-recorded radio or television, in motion
16 pictures, or in other entertainment-related performances,
17 subject to conditions that may be imposed by rule by the
18 Department.

19 (b) Notwithstanding the provisions of this Act, an
20 employer who employs a minor under 16 years of age in a
21 television, motion picture, or related entertainment
22 production may allow the minor to work until 10 p.m. without
23 seeking a waiver from the Department. An employer may apply to
24 the Director, or the Director's authorized representative, for
25 a waiver permitting a minor to work outside of the hours

1 allowed by this Act.

2 (1) A waiver request for a minor to work between 10
3 p.m. and 12:30 a.m. or between 5 a.m. and 7 a.m. shall be
4 granted if the Director, or the Director's authorized
5 representative, is satisfied that all of the following
6 conditions are met:

7 (A) the employment shall not be detrimental to the
8 health or welfare of the minor;

9 (B) the minor shall be supervised adequately;

10 (C) the education of the minor shall not be
11 neglected; and

12 (D) the total number of hours to be worked that day
13 and week is not over the limits established in this Act
14 or any rules adopted under this Act.

15 (2) A waiver request for a minor to work between 12:30
16 a.m. and 5 a.m. shall be granted if the Director, or the
17 Director's authorized representative, is satisfied that
18 all of the following conditions are met:

19 (A) the employment shall not be detrimental to the
20 health or welfare of the minor;

21 (B) the minor shall be supervised adequately;

22 (C) the education of the minor shall not be
23 jeopardized;

24 (D) performance by the minor during that time is
25 critical to the success of the production, as
26 demonstrated by true and accurate statements by the

1 employer that filming cannot be completed at any other
2 time of day;

3 (E) the filming primarily requires exterior
4 footage of sunset, nighttime, or dawn;

5 (F) the filming is scheduled on the most optimal
6 day of the week for the minor's schooling;

7 (G) the employer provides a schedule to the
8 Department of schooling and rest periods on the day
9 before, the day of, and the day after the overnight
10 hours to be worked;

11 (H) the age of the minor is taken into account as
12 provided by this Act or any rules adopted under this
13 Act;

14 (I) the total number of hours to be worked that day
15 and week is not over the limits established in this Act
16 or any rules adopted under this Act; and

17 (J) the waiver request was received by the
18 Department at least 72 hours prior to the overnight
19 hours to be worked.

20 (c) An employer applying for the waiver shall submit to
21 the Director, or the Director's authorized representative, a
22 completed application on the form that the Director provides.
23 The waiver shall contain signatures that show the consent of a
24 parent or legal guardian of the minor, the employer, and an
25 authorized representative of a collective bargaining unit if a
26 collective bargaining unit represents the minor upon

1 employment.

2 Section 55. Employment certificates.

3 (a) Any employer who employs, allows, or permits a minor
4 to work shall ensure that the minor holds a valid employment
5 certificate issued by a school issuing officer.

6 (b) An application for an employment certificate must be
7 submitted by the minor and the minor's parent or legal
8 guardian to the minor's school issuing officer as follows.

9 (1) The application shall be signed by the applicant's
10 parent or legal guardian.

11 (2) The application shall be submitted in person by
12 the minor desiring employment, unless the school issuing
13 officer determines that the minor may utilize a remote
14 application process.

15 (3) The minor shall be accompanied by his or her
16 parent, guardian, or custodian, whether applying in person
17 or remotely.

18 (4) The following papers shall be submitted with the
19 application:

20 (A) A statement of intention to employ signed by
21 the prospective employer, or by someone duly
22 authorized by them, setting forth the specific nature
23 of the occupation in which he intends to employ the
24 minor and the exact hours of the day and number of
25 hours per day and days per week during which the minor

1 shall be employed.

2 (B) Evidence of age showing that the minor is of
3 the age required by this Act, which evidence shall be
4 documentary, and shall be required in the order
5 designated, as follows:

6 (i) a birth certificate; or

7 (ii) if a birth certificate is unavailable,
8 the parent or legal guardian may present other
9 reliable proof of the child's identity and age
10 that is supported by a sworn statement explaining
11 why the birth certificate is not available. Other
12 reliable proof of the child's identity and age
13 includes a passport, visa, or other governmental
14 documentation of the child's identity. If the
15 student was not born in the United States, the
16 school issuing officer must accept birth
17 certificates or other reliable proof from a
18 foreign government.

19 (C) A statement on a form approved by the
20 Department and signed by the school issuing officer,
21 showing the minor's name, address, grade last
22 completed, and the names of the minor's parents or
23 legal guardian. If the minor does not have a permanent
24 home address or is otherwise eligible for services
25 under the federal McKinney-Vento Homeless Assistance
26 Act, the lack of a birth certificate or permanent home

1 address alone shall not be a barrier to receiving an
2 employment certificate.

3 (D) A statement of physical fitness signed by a
4 health care professional who has examined the minor,
5 certifying that the minor is physically fit to be
6 employed in all legal occupations or to be employed in
7 legal occupations under limitations specified, or, at
8 the discretion of the school issuing officer, the
9 minor's most recent school physical. If the statement
10 of physical fitness is limited, the employment
11 certificate issued thereon shall state clearly the
12 limitations upon its use, and shall be valid only when
13 used under the limitations so stated. In any case
14 where the health care professional deems it advisable
15 that he or she may issue a certificate of physical
16 fitness for a specified period of time, at the
17 expiration of which the person for whom it was issued
18 shall appear and be re-examined before being permitted
19 to continue work. Examinations shall be made in
20 accordance with the standards and procedures
21 prescribed by the Director, in consultation with the
22 Director of the Department of Public Health and the
23 State Superintendent of Education, and shall be
24 recorded on a form furnished by the Department. When
25 made by public health or public school physicians, the
26 examination shall be made without charge to the minor.

1 If a public health or public school health care
2 professional is not available, a statement from a
3 private health care professional who has examined the
4 minor may be accepted, provided that the examination
5 is made in accordance with the standards and
6 procedures established by the Department. For purposes
7 of this paragraph, "health care professional" means a
8 physician licensed to practice medicine in all its
9 branches, a licensed advanced practice registered
10 nurse, or a licensed physician assistant.

11 (5) The school issuing officer shall have authority to
12 verify the representations provided in the employment
13 certificate application as required by Section 55. A
14 school issuing officer shall not charge a fee for the
15 consideration of an employment certificate application.

16 (6) It shall be the duty of the school board or local
17 school authority to designate a place or places where
18 certificates shall be issued and recorded, and physical
19 examinations made without fee, and to establish and
20 maintain the necessary records and clerical services for
21 carrying out the provisions of this Act.

22 (b) Upon receipt of an application for an employment
23 certificate, a school issuing officer shall issue an
24 employment certificate only after examining and approving the
25 written application and other papers required under this
26 Section, and determining that the employment shall not be

1 detrimental to the minor's health, welfare, and education. The
2 school issuing officer shall consider any report of death,
3 injury, or illness of a minor at that workplace, received
4 under the requirements of Section 35, in the prior 2 years in
5 determining whether the employment shall be detrimental to the
6 minor's health, welfare, and education. Upon issuing an
7 employment certificate to a minor, the school issuing officer
8 shall notify the principal of the school attended by the
9 minor. The employment certificate shall be valid for a period
10 of one year from the date of issuance, unless suspended or
11 revoked.

12 (c) If the school issuing officer refuses to issue a
13 certificate to a minor, the school issuing officer shall send
14 to the principal of the school last attended by the minor a
15 notice of the refusal, including the name and address of the
16 minor and of the minor's parents or legal guardians, and the
17 reason for the refusal to issue the certificate.

18 (d) If a minor from another state seeks to obtain an
19 Illinois employment certificate, the Department shall work
20 with the State Superintendent of Education, or his or her duly
21 authorized agents, to issue the certificate if the State
22 Superintendent of Education deems that all requirements for
23 issuance have been met.

24 (e) Upon request, the school issuing officer shall issue a
25 certificate of age to any person between 16 and 20 years of age
26 upon presentation of the same proof of age as is required for

1 the issuance of employment certificates under this Act.

2 (f) Any certificate duly issued in accordance with this
3 Act shall be prima facie evidence of the age of the minor for
4 whom issued in any proceeding involving the employment of the
5 minor under this Act, as to any act occurring subsequent to its
6 issuance, or until revoked.

7 (g) The Department may suspend any certificate as an
8 emergency action imperatively required for the health, safety,
9 welfare, or education of the minor if:

10 (1) the parent or legal guardian of a minor, or the
11 principal of the school attended by the minor for whom an
12 employment certificate has been issued has asked for the
13 revocation of the certificate by petition to the
14 Department in writing, stating the reasons he or she
15 believes that the employment is interfering with the
16 health, safety, welfare, or education of the minor; or

17 (2) in the judgment of the Director, the employment
18 certificate was improperly issued or if the minor is
19 illegally employed.

20 If the certificate is suspended, the Department shall
21 notify the employer of the minor, the parent or guardian of the
22 minor, the minor's school principal, and the school issuing
23 officer of the suspension in writing and shall schedule an
24 administrative hearing to take place within 21 days after the
25 date of any suspension. The minor shall not thereafter be
26 employed, allowed, or permitted to work unless and until his

1 or her employment certificate has been reinstated. After the
2 hearing, an administrative law judge shall issue a final order
3 either reinstating or revoking the employment certificate. If
4 the certificate is revoked, the employer shall not thereafter
5 employ, permit, or allow the minor to work until the minor has
6 obtained a new employment certificate authorizing the minor's
7 employment by that employer.

8 Section 60. Department powers.

9 (a) The Department shall make, adopt, and enforce
10 reasonable rules relating to the administration and
11 enforcement of the provisions of this Act, including the
12 issuance of employment certificates authorized under this Act,
13 as may be deemed expedient. The rules shall be designed to
14 protect the health, safety, welfare, and education of minors
15 and to ensure that the conditions under which minors are
16 employed, allowed, or permitted to work shall not impair their
17 health, welfare, development, or education.

18 (b) In order to promote uniformity and efficiency of
19 issuance, the Department shall, in consultation with the State
20 Superintendent of Education, formulate the forms on which
21 certificates shall be issued and also forms needed in
22 connection with the issuance, and it shall supply the forms to
23 the school issuing officers.

24 Section 65. Investigation.

1 (a) It shall be the duty of the Department to enforce the
2 provisions of this Act. The Department shall have the power to
3 conduct investigations in connection with the administration
4 and enforcement of this Act and the authorized officers and
5 employees of the Department are hereby authorized and
6 empowered, to visit and inspect, at all reasonable times and
7 as often as possible, all places covered by this Act.

8 (b) The Director of Labor, or the Director's authorized
9 representative, may compel by subpoena, the attendance and
10 testimony of witnesses and the production of books, payrolls,
11 records, papers, and other evidence in any investigation or
12 hearing and may administer oaths to witnesses.

13 Section 70. Enforcement.

14 (a) The Department shall conduct hearings in accordance
15 with the Illinois Administrative Procedure Act if, upon
16 investigation, the Department finds cause to believe the Act,
17 or any rules adopted thereunder, has been violated; or to
18 consider whether to reinstate or revoke a minor's employment
19 certificate in accordance with Section 55.

20 (b) After the hearing, if supported by the evidence, the
21 Department may issue and cause to be served on any party an
22 order to cease and desist from violation of the Act, take
23 further affirmative or other action as deemed reasonable to
24 eliminate the effect of the violation, and may revoke any
25 certificate issued under the Act and determine the amount of

1 any civil penalty allowed by the Act. The Department may serve
2 orders by certified mail or by sending a copy by email to an
3 email address previously designated by the party for purposes
4 of receiving notice under this Act. An email address provided
5 by the party in the course of the administrative proceeding
6 shall not be used in any subsequent proceedings, unless the
7 party designates that email address for the subsequent
8 proceeding.

9 (c) Any party to a proceeding under the Act may apply for
10 and obtain judicial review of an order of the Department
11 entered under this Act in accordance with the provisions of
12 the Administrative Review Law, and the Department in
13 proceedings under this Section may obtain an order of court
14 for the enforcement of its order.

15 (d) Whenever it appears that any employer has violated a
16 valid order of the Department issued under this Act, the
17 Director may commence an action and obtain from the court an
18 order upon the employer commanding them to obey the order of
19 the Department or be adjudged guilty of contempt of court and
20 punished accordingly.

21 Section 75. Civil penalties.

22 (a) Any person employing, allowing, or permitting a minor
23 to work who violates any of the provisions of this Act or any
24 rule adopted under the Act shall be subject to a civil penalty
25 of not to exceed \$20,000 for each violation, except that in the

1 event of the death of a minor or an illness or injury required
2 to be reported to the Department under Section 35, subsequent
3 to a violation, the employer is subject to a penalty not to
4 exceed \$60,000.

5 (1) In determining the amount of the penalty, the
6 appropriateness of the penalty to the size of the business
7 of the employer charged and the gravity of the violation
8 shall be considered.

9 (2) Each day during which any violation of this Act
10 continues shall constitute a separate and distinct
11 offense, and the employment of any minor in violation of
12 the Act shall, with respect to each minor so employed,
13 constitute a separate and distinct offense.

14 (b) Any administrative determination by the Department of
15 the amount of each penalty shall be final unless reviewed as
16 provided in Section 70.

17 (c) The amount of the penalty, when finally determined,
18 may be recovered in a civil action brought by the Director in
19 any circuit court, in which litigation the Director shall be
20 represented by the Attorney General.

21 (d) Penalties recovered under this Section shall be paid
22 by certified check, money order, or by an electronic payment
23 system designated by the Department, and deposited into the
24 Child Labor and Day and Temporary Labor Services Enforcement
25 Fund, a special fund in the State treasury. Moneys in the Fund
26 shall be used, subject to appropriation, for exemplary

1 programs, demonstration projects, and other activities or
2 purposes related to the enforcement of this Act or for the
3 activities or purposes related to the enforcement of the Day
4 and Temporary Labor Services Act, or for the activities or
5 purposes related to the enforcement of the Private Employment
6 Agency Act.

7 Section 80. Criminal penalties. Any person who engages in
8 any of the following activities shall be guilty of a Class A
9 misdemeanor and shall be subject to a civil penalty of no less
10 than \$500 and no more than \$2,500:

11 (1) employs, allows, or permits any minor to work in
12 violation of this Act, or of any rule, order, or ruling
13 issued under the provisions of this Act;

14 (2) obstructs the Department, its inspectors or
15 deputies, or any other person authorized to inspect places
16 of employment under this Act;

17 (3) willfully fails to comply with the provisions of
18 this Act; or

19 (4) having under his, her or its control or custody
20 any minor, willfully employs, allows, or permits a minor
21 to work in violation of this Act.

22 (e) Whenever in the opinion of the Department a violation
23 of this Act has occurred, it shall report the violation to the
24 Attorney General who shall prosecute all violations reported.

25 (f) The amount of the penalty, when finally determined,

1 shall be ordered by the court, in an action brought for a
2 criminal violation, to be paid to the Department.

3 (g) Penalties recovered under this Section shall be paid
4 into the Child Labor and Day and Temporary Labor Services
5 Enforcement Fund.

6 Section 85. Department reporting and outreach.

7 (a) The Department shall maintain a toll-free telephone
8 number to facilitate information requests concerning the
9 issuance of certificates under this Act and the reporting of
10 violations of this Act.

11 (b) The Department shall conduct ongoing outreach and
12 education efforts concerning this Act targeted toward school
13 districts, employers, and other appropriate community
14 organizations. The Department shall, to the extent possible,
15 coordinate these outreach and education activities with other
16 appropriate local, State, and federal agencies.

17 (c) The Department shall file with the General Assembly,
18 no later than January 1 each year, a report of its activities
19 regarding administration and enforcement of this Act for the
20 preceding fiscal year.

21 Section 90. Child performers; trust fund.

22 (a) As used in this Section:

23 "Artistic or creative services" includes, but is not
24 limited to, services as: an actor, actress, dancer, musician,

1 comedian, singer, stunt person, voice-over artist, runway or
2 print model, other performer or entertainer, songwriter,
3 musical producer, arranger, writer, director, producer,
4 production executive, choreographer, composer, conductor, or
5 designer.

6 "Child performer" means an unemancipated person under the
7 age of 16 who is employed in this State and who agrees to
8 render artistic or creative services.

9 (b) In addition to the requirements of Section 55, the
10 person authorized to issue employment certificates must
11 determine that a trust account, established by the child
12 performer's parent or guardian, that meets the requirements of
13 subsection (c) has been established designating the minor as
14 the beneficiary of the trust account before an employment
15 certificate for work as a child performer may be issued for a
16 minor under the age of 16 years. The person authorized to issue
17 employment certificates shall issue a temporary employment
18 certificate having a duration of not more than 15 days without
19 the establishment of a trust fund to permit a minor to provide
20 artistic or creative services. No more than one temporary
21 employment certificate may be issued for each child performer.
22 The Department shall prescribe the form in which temporary
23 employment certificates shall be issued and shall make the
24 forms available on its website.

25 (c) A trust account subject to this Section must provide,
26 at a minimum, the following:

1 (1) that at least 15% of the gross earnings of the
2 child performer shall be deposited into the account; (2)
3 that the funds in the account shall be available only to
4 the child performer;

5 (3) that the account shall be held by a bank,
6 corporate fiduciary, or trust company, as those terms are
7 defined in the Corporate Fiduciary Act;

8 (4) that the funds in the account shall become
9 available to the child performer upon the child performer
10 attaining the age of 18 years or until the child performer
11 is declared emancipated; and

12 (5) that the account meets the requirements of the
13 Illinois Uniform Transfers to Minors Act.

14 (d) The parent or guardian of the child performer shall
15 provide the employer with the information necessary to
16 transfer moneys into the trust account. Once the child
17 performer's employer deposits the money into the trust
18 account, the child performer's employer shall have no further
19 obligation or duty to monitor or account for the money. The
20 trustee or trustees of the trust shall be the only individual,
21 individuals, entity, or entities with the obligation or duty
22 to monitor and account for money once it has been deposited by
23 the child performer's employer.

24 (e) If the parent or guardian of the child performer fails
25 to provide the employer with the information necessary to
26 transfer funds into the trust account within 30 days after an

1 employment certificate has been issued, the funds that were to
2 be transferred to the trust account shall be transferred to
3 the Office of the State Treasurer in accordance with Section
4 15-608 of the Revised Uniform Unclaimed Property Act.

5 (f) This Section does not apply to an employer of a child
6 performer employed to perform services as an extra, services
7 as a background performer, or services in a similar capacity.

8 (g) The Department may adopt rules to implement this
9 Section.

10 Section 95. Minors featured in vlogs.

11 (a) A minor under the age of 16 is considered engaged in
12 the work of vlogging when the following criteria are met at any
13 time during the previous 12-month period:

14 (1) at least 30% of the vlogger's compensated video
15 content produced within a 30-day period included the
16 likeness, name, or photograph of the minor. Content
17 percentage is measured by the percentage of time the
18 likeness, name, or photograph of the minor visually
19 appears or is the subject of an oral narrative in a video
20 segment, as compared to the total length of the segment;
21 and

22 (2) the number of views received per video segment on
23 any online platform met the online platform's threshold
24 for the generation of compensation or the vlogger received
25 actual compensation for video content equal to or greater

1 than \$0.10 per view.

2 (b) With the exception of Section 100, the provisions of
3 this Act do not apply to a minor engaged in the work of
4 vlogging.

5 (c) All vloggers whose content features a minor under the
6 age of 16 engaged in the work of vlogging shall maintain the
7 following records and shall provide them to the minor on an
8 ongoing basis:

9 (1) the name and documentary proof of the age of the
10 minor engaged in the work of vlogging;

11 (2) the number of vlogs that generated compensation as
12 described in subsection (a) during the reporting period;

13 (3) the total number of minutes of the vlogs that the
14 vlogger received compensation for during the reporting
15 period;

16 (4) the total number of minutes each minor was
17 featured in vlogs during the reporting period;

18 (5) the total compensation generated from vlogs
19 featuring a minor during the reporting period; and

20 (6) the amount deposited into the trust account for
21 the benefit of the minor engaged in the working of
22 vlogging, as required by Section 100.

23 (d) If a vlogger whose vlog content features minors under
24 the age of 16 engaged in the work of vlogging fails to maintain
25 the records as provided in subsection (c), the minor may
26 commence a civil action to enforce the provisions of this

1 Section.

2 Section 100. Minor engaged in the work of vlogging; trust
3 fund.

4 (a) A minor satisfying the criteria described in
5 subsection (a) of Section 95 must be compensated by the
6 vlogger. The vlogger must set aside gross earnings on the
7 video content, including the likeness, name, or photograph of
8 the minor in a trust account to be preserved for the benefit of
9 the minor upon reaching the age of majority, according to the
10 following distribution:

11 (1) where only one minor meets the content threshold
12 described in Section 95, the percentage of total gross
13 earnings on any video segment, including the likeness,
14 name, or photograph of the minor that is equal to or
15 greater than half of the content percentage that includes
16 the minor as described in Section 95; or

17 (2) where more than one minor meets the content
18 threshold described in Section 95 and a video segment
19 includes more than one of those minors, the percentage
20 described in paragraph (1) for all minors in any segment
21 must be equally divided between the minors, regardless of
22 differences in percentage of content provided by the
23 individual minors.

24 (b) A trust account required under this Section must
25 provide, at a minimum, the following:

1 (1) that the funds in the account shall be available
2 only to the minor engaged in the work of vlogging;

3 (2) that the account shall be held by a bank,
4 corporate fiduciary, or trust company, as those terms are
5 defined in the Corporate Fiduciary Act;

6 (3) that the funds in the account shall become
7 available to the minor engaged in the work of vlogging
8 upon the minor attaining the age of 18 years or until the
9 minor is declared emancipated; and

10 (4) that the account meets the requirements of the
11 Illinois Uniform Transfers to Minors Act.

12 (c) If a vlogger knowingly or recklessly violates this
13 Section, a minor satisfying the criteria described in
14 subsection (a) of Section 95 may commence an action to enforce
15 the provisions of this Section regarding the trust account.
16 The court may award, to a minor who prevails in any action
17 brought in accordance with this Section, the following
18 damages:

19 (1) actual damages;

20 (2) punitive damages; and

21 (3) the costs of the action, including attorney's fees
22 and litigation costs.

23 (d) This Section does not affect a right or remedy
24 available under any other law of the State.

25 (e) Nothing in this Section shall be interpreted to have
26 any effect on a party that is neither the vlogger nor the minor

1 engaged in the work of vlogging.

2 Section 105. No limitations on other laws. Nothing in this
3 Act shall limit another State agency's authority to enforce
4 violations of any other State law.

5 Section 110. Severability. If any part of this Act is
6 decided to be unconstitutional and void, the decision shall
7 not affect the validity of the remaining parts of this Act
8 unless the part held void is indispensable to the operation of
9 the remaining parts.

10 (820 ILCS 205/Act rep.)

11 Section 900. The Child Labor Law is repealed.

12 Section 905. The School Code is amended by changing
13 Section 26-1 as follows:

14 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

15 Sec. 26-1. Compulsory school age; exemptions. Whoever has
16 custody or control of any child (i) between the ages of 7 and
17 17 years (unless the child has already graduated from high
18 school) for school years before the 2014-2015 school year or
19 (ii) between the ages of 6 (on or before September 1) and 17
20 years (unless the child has already graduated from high
21 school) beginning with the 2014-2015 school year shall cause

1 such child to attend some public school in the district
2 wherein the child resides the entire time it is in session
3 during the regular school term, except as provided in Section
4 10-19.1, and during a required summer school program
5 established under Section 10-22.33B; provided, that the
6 following children shall not be required to attend the public
7 schools:

8 1. Any child attending a private or a parochial school
9 where children are taught the branches of education taught
10 to children of corresponding age and grade in the public
11 schools, and where the instruction of the child in the
12 branches of education is in the English language;

13 2. Any child who is physically or mentally unable to
14 attend school, such disability being certified to the
15 county or district truant officer by a competent physician
16 licensed in Illinois to practice medicine and surgery in
17 all its branches, a chiropractic physician licensed under
18 the Medical Practice Act of 1987, a licensed advanced
19 practice registered nurse, a licensed physician assistant,
20 or a Christian Science practitioner residing in this State
21 and listed in the Christian Science Journal; or who is
22 excused for temporary absence for cause by the principal
23 or teacher of the school which the child attends, with
24 absence for cause by illness being required to include the
25 mental or behavioral health of the child for up to 5 days
26 for which the child need not provide a medical note, in

1 which case the child shall be given the opportunity to
2 make up any school work missed during the mental or
3 behavioral health absence and, after the second mental
4 health day used, may be referred to the appropriate school
5 support personnel; the exemptions in this paragraph (2) do
6 not apply to any female who is pregnant or the mother of
7 one or more children, except where a female is unable to
8 attend school due to a complication arising from her
9 pregnancy and the existence of such complication is
10 certified to the county or district truant officer by a
11 competent physician;

12 3. Any child necessarily and lawfully employed
13 according to the provisions of the Child Labor Law of 2024
14 ~~law regulating child labor~~ may be excused from attendance
15 at school by the county superintendent of schools or the
16 superintendent of the public school which the child should
17 be attending, on certification of the facts by and the
18 recommendation of the school board of the public school
19 district in which the child resides. In districts having
20 part-time continuation schools, children so excused shall
21 attend such schools at least 8 hours each week;

22 4. Any child over 12 and under 14 years of age while in
23 attendance at confirmation classes;

24 5. Any child absent from a public school on a
25 particular day or days or at a particular time of day for
26 the reason that he is unable to attend classes or to

1 participate in any examination, study, or work
2 requirements on a particular day or days or at a
3 particular time of day because of religious reasons,
4 including the observance of a religious holiday or
5 participation in religious instruction, or because the
6 tenets of his religion forbid secular activity on a
7 particular day or days or at a particular time of day. A
8 school board may require the parent or guardian of a child
9 who is to be excused from attending school because of
10 religious reasons to give notice, not exceeding 5 days, of
11 the child's absence to the school principal or other
12 school personnel. Any child excused from attending school
13 under this paragraph 5 shall not be required to submit a
14 written excuse for such absence after returning to school.
15 A district superintendent shall develop and distribute to
16 schools appropriate procedures regarding a student's
17 absence for religious reasons, how schools are notified of
18 a student's impending absence for religious reasons, and
19 the requirements of Section 26-2b of this Code;

20 6. Any child 16 years of age or older who (i) submits
21 to a school district evidence of necessary and lawful
22 employment pursuant to paragraph 3 of this Section and
23 (ii) is enrolled in a graduation incentives program
24 pursuant to Section 26-16 of this Code or an alternative
25 learning opportunities program established pursuant to
26 Article 13B of this Code;

1 7. A child in any of grades 6 through 12 absent from a
2 public school on a particular day or days or at a
3 particular time of day for the purpose of sounding "Taps"
4 at a military honors funeral held in this State for a
5 deceased veteran. In order to be excused under this
6 paragraph 7, the student shall notify the school's
7 administration at least 2 days prior to the date of the
8 absence and shall provide the school's administration with
9 the date, time, and location of the military honors
10 funeral. The school's administration may waive this 2-day
11 notification requirement if the student did not receive at
12 least 2 days advance notice, but the student shall notify
13 the school's administration as soon as possible of the
14 absence. A student whose absence is excused under this
15 paragraph 7 shall be counted as if the student attended
16 school for purposes of calculating the average daily
17 attendance of students in the school district. A student
18 whose absence is excused under this paragraph 7 must be
19 allowed a reasonable time to make up school work missed
20 during the absence. If the student satisfactorily
21 completes the school work, the day of absence shall be
22 counted as a day of compulsory attendance and he or she may
23 not be penalized for that absence; and

24 8. Any child absent from a public school on a
25 particular day or days or at a particular time of day for
26 the reason that his or her parent or legal guardian is an

1 active duty member of the uniformed services and has been
2 called to duty for, is on leave from, or has immediately
3 returned from deployment to a combat zone or
4 combat-support postings. Such a student shall be granted 5
5 days of excused absences in any school year and, at the
6 discretion of the school board, additional excused
7 absences to visit the student's parent or legal guardian
8 relative to such leave or deployment of the parent or
9 legal guardian. In the case of excused absences pursuant
10 to this paragraph 8, the student and parent or legal
11 guardian shall be responsible for obtaining assignments
12 from the student's teacher prior to any period of excused
13 absence and for ensuring that such assignments are
14 completed by the student prior to his or her return to
15 school from such period of excused absence.

16 Any child from a public middle school or high school,
17 subject to guidelines established by the State Board of
18 Education, shall be permitted by a school board one school
19 day-long excused absence per school year for the child who is
20 absent from school to engage in a civic event. The school board
21 may require that the student provide reasonable advance notice
22 of the intended absence to the appropriate school
23 administrator and require that the student provide
24 documentation of participation in a civic event to the
25 appropriate school administrator.

26 (Source: P.A. 102-266, eff. 1-1-22; 102-321, eff. 1-1-22;

1 102-406, eff. 8-19-21; 102-813, eff. 5-13-22; 102-981, eff.
2 1-1-23.)

3 Section 910. The Child Care Act of 1969 is amended by
4 changing Section 2.17 as follows:

5 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

6 Sec. 2.17. "Foster family home" means the home of an
7 individual or family:

8 (1) that is licensed or approved by the state in which it
9 is situated as a foster family home that meets the standards
10 established for the licensing or approval; and

11 (2) in which a child in foster care has been placed in the
12 care of an individual who resides with the child and who has
13 been licensed or approved by the state to be a foster parent
14 and:

15 (A) who the Department of Children and Family Services
16 deems capable of adhering to the reasonable and prudent
17 parent standard;

18 (B) who provides 24-hour substitute care for children
19 placed away from their parents or other caretakers; and

20 (3) who provides the care for no more than 6 children,
21 except the Director of Children and Family Services, pursuant
22 to Department regulations, may waive the numerical limitation
23 of foster children who may be cared for in a foster family home
24 for any of the following reasons to allow: (i) a parenting

1 youth in foster care to remain with the child of the parenting
2 youth; (ii) siblings to remain together; (iii) a child with an
3 established meaningful relationship with the family to remain
4 with the family; or (iv) a family with special training or
5 skills to provide care to a child who has a severe disability.
6 The family's or relative's own children, under 18 years of
7 age, shall be included in determining the maximum number of
8 children served.

9 For purposes of this Section, a "relative" includes any
10 person, 21 years of age or over, other than the parent, who (i)
11 is currently related to the child in any of the following ways
12 by blood or adoption: grandparent, sibling, great-grandparent,
13 uncle, aunt, nephew, niece, first cousin, great-uncle, or
14 great-aunt; or (ii) is the spouse of such a relative; or (iii)
15 is a child's step-father, step-mother, or adult step-brother
16 or step-sister; or (iv) is a fictive kin; "relative" also
17 includes a person related in any of the foregoing ways to a
18 sibling of a child, even though the person is not related to
19 the child, when the child and its sibling are placed together
20 with that person. For purposes of placement of children
21 pursuant to Section 7 of the Children and Family Services Act
22 and for purposes of licensing requirements set forth in
23 Section 4 of this Act, for children under the custody or
24 guardianship of the Department pursuant to the Juvenile Court
25 Act of 1987, after a parent signs a consent, surrender, or
26 waiver or after a parent's rights are otherwise terminated,

1 and while the child remains in the custody or guardianship of
2 the Department, the child is considered to be related to those
3 to whom the child was related under this Section prior to the
4 signing of the consent, surrender, or waiver or the order of
5 termination of parental rights.

6 The term "foster family home" includes homes receiving
7 children from any State-operated institution for child care;
8 or from any agency established by a municipality or other
9 political subdivision of the State of Illinois authorized to
10 provide care for children outside their own homes. The term
11 "foster family home" does not include an "adoption-only home"
12 as defined in Section 2.23 of this Act. The types of foster
13 family homes are defined as follows:

14 (a) "Boarding home" means a foster family home which
15 receives payment for regular full-time care of a child or
16 children.

17 (b) "Free home" means a foster family home other than
18 an adoptive home which does not receive payments for the
19 care of a child or children.

20 (c) "Adoptive home" means a foster family home which
21 receives a child or children for the purpose of adopting
22 the child or children, but does not include an
23 adoption-only home.

24 (d) "Work-wage home" means a foster family home which
25 receives a child or children who pay part or all of their
26 board by rendering some services to the family not

1 prohibited by the Child Labor Law of 2024 or by standards
2 or regulations of the Department prescribed under this
3 Act. The child or children may receive a wage in
4 connection with the services rendered the foster family.

5 (e) "Agency-supervised home" means a foster family
6 home under the direct and regular supervision of a
7 licensed child welfare agency, of the Department of
8 Children and Family Services, of a circuit court, or of
9 any other State agency which has authority to place
10 children in child care facilities, and which receives no
11 more than 8 children, unless of common parentage, who are
12 placed and are regularly supervised by one of the
13 specified agencies.

14 (f) "Independent home" means a foster family home,
15 other than an adoptive home, which receives no more than 4
16 children, unless of common parentage, directly from
17 parents, or other legally responsible persons, by
18 independent arrangement and which is not subject to direct
19 and regular supervision of a specified agency except as
20 such supervision pertains to licensing by the Department.

21 (g) "Host home" means an emergency foster family home
22 under the direction and regular supervision of a licensed
23 child welfare agency, contracted to provide short-term
24 crisis intervention services to youth served under the
25 Comprehensive Community-Based Youth Services program,
26 under the direction of the Department of Human Services.

1 The youth shall not be under the custody or guardianship
2 of the Department pursuant to the Juvenile Court Act of
3 1987.

4 (Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23.)

5 Section 915. The Private Employment Agency Act is amended
6 by changing Sections 10 and 12.6 as follows:

7 (225 ILCS 515/10) (from Ch. 111, par. 910)

8 Sec. 10. Licensee prohibitions. No licensee shall send or
9 cause to be sent any female help or servants, inmate, or
10 performer to enter any questionable place, or place of bad
11 repute, house of ill-fame, or assignation house, or to any
12 house or place of amusement kept for immoral purposes, or
13 place resorted to for the purpose of prostitution or gambling
14 house, the character of which licensee knows either actually
15 or by reputation.

16 No licensee shall permit questionable characters,
17 prostitutes, gamblers, intoxicated persons, or procurers to
18 frequent the agency.

19 No licensee shall accept any application for employment
20 made by or on behalf of any child, or shall place or assist in
21 placing any such child in any employment whatever, in
22 violation of the Child Labor Law of 2024. A violation of any
23 provision of this Section shall be a Class A misdemeanor.

24 No licensee shall publish or cause to be published any

1 fraudulent or misleading notice or advertisement of its
2 employment agencies by means of cards, circulars, or signs, or
3 in newspapers or other publications; and all letterheads,
4 receipts, and blanks shall contain the full name and address
5 of the employment agency and licensee shall state in all
6 notices and advertisements the fact that licensee is, or
7 conducts, a private employment agency.

8 No licensee shall print, publish, or paint on any sign or
9 window, or insert in any newspaper or publication, a name
10 similar to that of the Illinois Public Employment Office.

11 No licensee shall print or stamp on any receipt or on any
12 contract used by that agency any part of this Act, unless the
13 entire Section from which that part is taken is printed or
14 stamped thereon.

15 All written communications sent out by any licensee,
16 directly or indirectly, to any person or firm with regard to
17 employees or employment shall contain therein definite
18 information that such person is a private employment agency.

19 No licensee or his or her employees shall knowingly give
20 any false or misleading information, or make any false or
21 misleading promise to any applicant who shall apply for
22 employment or employees.

23 (Source: P.A. 90-372, eff. 7-1-98.)

24 (225 ILCS 515/12.6)

25 Sec. 12.6. Child Labor and Day and Temporary Labor

1 Services Enforcement Fund. All moneys received as fees and
2 penalties under this Act shall be deposited into the Child
3 Labor and Day and Temporary Labor Services Enforcement Fund
4 and may be used for the purposes set forth in Section 75 ~~17.3~~
5 of the Child Labor Law of 2024.

6 (Source: P.A. 99-422, eff. 1-1-16.)

7 Section 920. The Day and Temporary Labor Services Act is
8 amended by changing Section 67 as follows:

9 (820 ILCS 175/67)

10 Sec. 67. Action for civil penalties brought by an
11 interested party.

12 (a) Upon a reasonable belief that a day and temporary
13 labor service agency or a third party client covered by this
14 Act is in violation of any part of this Act, an interested
15 party may initiate a civil action in the county where the
16 alleged offenses occurred or where any party to the action
17 resides, asserting that a violation of the Act has occurred,
18 pursuant to the following sequence of events:

19 (1) The interested party submits to the Department of
20 Labor a complaint describing the violation and naming the
21 day or temporary labor service agency or third party
22 client alleged to have violated this Act.

23 (2) The Department sends notice of complaint to the
24 named parties alleged to have violated this Act and the

1 interested party. The named parties may either contest the
2 alleged violation or cure the alleged violation.

3 (3) The named parties contest or cure the alleged
4 violation within 30 days after the receipt of the notice
5 of complaint or, if the named party does not respond
6 within 30 days, the Department issues a notice of right to
7 sue to the interested party as described in paragraph (4).

8 (4) The Department issues a notice of right to sue to
9 the interested party, if one or more of the following has
10 occurred:

11 (i) the named party has cured the alleged
12 violation to the satisfaction of the Director;

13 (ii) the Director has determined that the
14 allegation is unjustified or that the Department does
15 not have jurisdiction over the matter or the parties;
16 or

17 (iii) the Director has determined that the
18 allegation is justified or has not made a
19 determination, and either has decided not to exercise
20 jurisdiction over the matter or has concluded
21 administrative enforcement of the matter.

22 (b) If within 180 days after service of the notice of
23 complaint to the parties, the Department has not (i) resolved
24 the contest and cure period, (ii) with the mutual agreement of
25 the parties, extended the time for the named party to cure the
26 violation and resolve the complaint, or (iii) issued a right

1 to sue letter, the interested party may initiate a civil
2 action for penalties. The parties may extend the 180-day
3 period by mutual agreement. The limitations period for the
4 interested party to bring an action for the alleged violation
5 of the Act shall be tolled for the 180-day period and for the
6 period of any mutually agreed extensions. At the end of the
7 180-day period, or any mutually agreed extensions, the
8 Department shall issue a right to sue letter to the interested
9 party.

10 (c) Any claim or action filed under this Section must be
11 made within 3 years of the alleged conduct resulting in the
12 complaint plus any period for which the limitations period has
13 been tolled.

14 (d) In an action brought pursuant to this Section, an
15 interested party may recover against the covered entity any
16 statutory penalties set forth in Section 70 and injunctive
17 relief. An interested party who prevails in a civil action
18 shall receive 10% of any statutory penalties assessed, plus
19 any attorneys' fees and expenses in bringing the action. The
20 remaining 90% of any statutory penalties assessed shall be
21 deposited into the Child Labor and Day and Temporary Labor
22 Services Enforcement Fund and shall be used exclusively for
23 the purposes set forth in Section 17.3 of the Child Labor Law
24 of 2024.

25 (Source: P.A. 103-437, eff. 8-4-23.)

1 Section 925. The Workers' Compensation Act is amended by
2 changing Sections 7 and 8 as follows:

3 (820 ILCS 305/7) (from Ch. 48, par. 138.7)

4 Sec. 7. The amount of compensation which shall be paid for
5 an accidental injury to the employee resulting in death is:

6 (a) If the employee leaves surviving a widow, widower,
7 child or children, the applicable weekly compensation rate
8 computed in accordance with subparagraph 2 of paragraph (b) of
9 Section 8, shall be payable during the life of the widow or
10 widower and if any surviving child or children shall not be
11 physically or mentally incapacitated then until the death of
12 the widow or widower or until the youngest child shall reach
13 the age of 18, whichever shall come later; provided that if
14 such child or children shall be enrolled as a full time student
15 in any accredited educational institution, the payments shall
16 continue until such child has attained the age of 25. In the
17 event any surviving child or children shall be physically or
18 mentally incapacitated, the payments shall continue for the
19 duration of such incapacity.

20 The term "child" means a child whom the deceased employee
21 left surviving, including a posthumous child, a child legally
22 adopted, a child whom the deceased employee was legally
23 obligated to support or a child to whom the deceased employee
24 stood in loco parentis. The term "children" means the plural
25 of "child".

1 The term "physically or mentally incapacitated child or
2 children" means a child or children incapable of engaging in
3 regular and substantial gainful employment.

4 In the event of the remarriage of a widow or widower, where
5 the decedent did not leave surviving any child or children
6 who, at the time of such remarriage, are entitled to
7 compensation benefits under this Act, the surviving spouse
8 shall be paid a lump sum equal to 2 years compensation benefits
9 and all further rights of such widow or widower shall be
10 extinguished.

11 If the employee leaves surviving any child or children
12 under 18 years of age who at the time of death shall be
13 entitled to compensation under this paragraph (a) of this
14 Section, the weekly compensation payments herein provided for
15 such child or children shall in any event continue for a period
16 of not less than 6 years.

17 Any beneficiary entitled to compensation under this
18 paragraph (a) of this Section shall receive from the special
19 fund provided in paragraph (f) of this Section, in addition to
20 the compensation herein provided, supplemental benefits in
21 accordance with paragraph (g) of Section 8.

22 (b) If no compensation is payable under paragraph (a) of
23 this Section and the employee leaves surviving a parent or
24 parents who at the time of the accident were totally dependent
25 upon the earnings of the employee then weekly payments equal
26 to the compensation rate payable in the case where the

1 employee leaves surviving a widow or widower, shall be paid to
2 such parent or parents for the duration of their lives, and in
3 the event of the death of either, for the life of the survivor.

4 (c) If no compensation is payable under paragraphs (a) or
5 (b) of this Section and the employee leaves surviving any
6 child or children who are not entitled to compensation under
7 the foregoing paragraph (a) but who at the time of the accident
8 were nevertheless in any manner dependent upon the earnings of
9 the employee, or leaves surviving a parent or parents who at
10 the time of the accident were partially dependent upon the
11 earnings of the employee, then there shall be paid to such
12 dependent or dependents for a period of 8 years weekly
13 compensation payments at such proportion of the applicable
14 rate if the employee had left surviving a widow or widower as
15 such dependency bears to total dependency. In the event of the
16 death of any such beneficiary the share of such beneficiary
17 shall be divided equally among the surviving beneficiaries and
18 in the event of the death of the last such beneficiary all the
19 rights under this paragraph shall be extinguished.

20 (d) If no compensation is payable under paragraphs (a),
21 (b) or (c) of this Section and the employee leaves surviving
22 any grandparent, grandparents, grandchild or grandchildren or
23 collateral heirs dependent upon the employee's earnings to the
24 extent of 50% or more of total dependency, then there shall be
25 paid to such dependent or dependents for a period of 5 years
26 weekly compensation payments at such proportion of the

1 applicable rate if the employee had left surviving a widow or
2 widower as such dependency bears to total dependency. In the
3 event of the death of any such beneficiary the share of such
4 beneficiary shall be divided equally among the surviving
5 beneficiaries and in the event of the death of the last such
6 beneficiary all rights hereunder shall be extinguished.

7 (e) The compensation to be paid for accidental injury
8 which results in death, as provided in this Section, shall be
9 paid to the persons who form the basis for determining the
10 amount of compensation to be paid by the employer, the
11 respective shares to be in the proportion of their respective
12 dependency at the time of the accident on the earnings of the
13 deceased. The Commission or an Arbitrator thereof may, in its
14 or his discretion, order or award the payment to the parent or
15 grandparent of a child for the latter's support the amount of
16 compensation which but for such order or award would have been
17 paid to such child as its share of the compensation payable,
18 which order or award may be modified from time to time by the
19 Commission in its discretion with respect to the person to
20 whom shall be paid the amount of the order or award remaining
21 unpaid at the time of the modification.

22 The payments of compensation by the employer in accordance
23 with the order or award of the Commission discharges such
24 employer from all further obligation as to such compensation.

25 (f) The sum of \$8,000 for burial expenses shall be paid by
26 the employer to the widow or widower, other dependent, next of

1 kin or to the person or persons incurring the expense of
2 burial.

3 In the event the employer failed to provide necessary
4 first aid, medical, surgical or hospital service, he shall pay
5 the cost thereof to the person or persons entitled to
6 compensation under paragraphs (a), (b), (c) or (d) of this
7 Section, or to the person or persons incurring the obligation
8 therefore, or providing the same.

9 On January 15 and July 15, 1981, and on January 15 and July
10 15 of each year thereafter the employer shall within 60 days
11 pay a sum equal to 1/8 of 1% of all compensation payments made
12 by him after July 1, 1980, either under this Act or the
13 Workers' Occupational Diseases Act, whether by lump sum
14 settlement or weekly compensation payments, but not including
15 hospital, surgical or rehabilitation payments, made during the
16 first 6 months and during the second 6 months respectively of
17 the fiscal year next preceding the date of the payments, into a
18 special fund which shall be designated the "Second Injury
19 Fund", of which the State Treasurer is ex-officio custodian,
20 such special fund to be held and disbursed for the purposes
21 hereinafter stated in paragraphs (f) and (g) of Section 8,
22 either upon the order of the Commission or of a competent
23 court. Said special fund shall be deposited the same as are
24 State funds and any interest accruing thereon shall be added
25 thereto every 6 months. It is subject to audit the same as
26 State funds and accounts and is protected by the General bond

1 given by the State Treasurer. It is considered always
2 appropriated for the purposes of disbursements as provided in
3 Section 8, paragraph (f), of this Act, and shall be paid out
4 and disbursed as therein provided and shall not at any time be
5 appropriated or diverted to any other use or purpose.

6 On January 15, 1991, the employer shall further pay a sum
7 equal to one half of 1% of all compensation payments made by
8 him from January 1, 1990 through June 30, 1990 either under
9 this Act or under the Workers' Occupational Diseases Act,
10 whether by lump sum settlement or weekly compensation
11 payments, but not including hospital, surgical or
12 rehabilitation payments, into an additional Special Fund which
13 shall be designated as the "Rate Adjustment Fund". On March
14 15, 1991, the employer shall pay into the Rate Adjustment Fund
15 a sum equal to one half of 1% of all such compensation payments
16 made from July 1, 1990 through December 31, 1990. Within 60
17 days after July 15, 1991, the employer shall pay into the Rate
18 Adjustment Fund a sum equal to one half of 1% of all such
19 compensation payments made from January 1, 1991 through June
20 30, 1991. Within 60 days after January 15 of 1992 and each
21 subsequent year through 1996, the employer shall pay into the
22 Rate Adjustment Fund a sum equal to one half of 1% of all such
23 compensation payments made in the last 6 months of the
24 preceding calendar year. Within 60 days after July 15 of 1992
25 and each subsequent year through 1995, the employer shall pay
26 into the Rate Adjustment Fund a sum equal to one half of 1% of

1 all such compensation payments made in the first 6 months of
2 the same calendar year. Within 60 days after January 15 of 1997
3 and each subsequent year through 2005, the employer shall pay
4 into the Rate Adjustment Fund a sum equal to three-fourths of
5 1% of all such compensation payments made in the last 6 months
6 of the preceding calendar year. Within 60 days after July 15 of
7 1996 and each subsequent year through 2004, the employer shall
8 pay into the Rate Adjustment Fund a sum equal to three-fourths
9 of 1% of all such compensation payments made in the first 6
10 months of the same calendar year. Within 60 days after July 15
11 of 2005, the employer shall pay into the Rate Adjustment Fund a
12 sum equal to 1% of such compensation payments made in the first
13 6 months of the same calendar year. Within 60 days after
14 January 15 of 2006 and each subsequent year, the employer
15 shall pay into the Rate Adjustment Fund a sum equal to 1.25% of
16 such compensation payments made in the last 6 months of the
17 preceding calendar year. Within 60 days after July 15 of 2006
18 and each subsequent year, the employer shall pay into the Rate
19 Adjustment Fund a sum equal to 1.25% of such compensation
20 payments made in the first 6 months of the same calendar year.
21 The administrative costs of collecting assessments from
22 employers for the Rate Adjustment Fund shall be paid from the
23 Rate Adjustment Fund. The cost of an actuarial audit of the
24 Fund shall be paid from the Rate Adjustment Fund. The State
25 Treasurer is ex officio custodian of such Special Fund and the
26 same shall be held and disbursed for the purposes hereinafter

1 stated in paragraphs (f) and (g) of Section 8 upon the order of
2 the Commission or of a competent court. The Rate Adjustment
3 Fund shall be deposited the same as are State funds and any
4 interest accruing thereon shall be added thereto every 6
5 months. It shall be subject to audit the same as State funds
6 and accounts and shall be protected by the general bond given
7 by the State Treasurer. It is considered always appropriated
8 for the purposes of disbursements as provided in paragraphs
9 (f) and (g) of Section 8 of this Act and shall be paid out and
10 disbursed as therein provided and shall not at any time be
11 appropriated or diverted to any other use or purpose. Within 5
12 days after the effective date of this amendatory Act of 1990,
13 the Comptroller and the State Treasurer shall transfer
14 \$1,000,000 from the General Revenue Fund to the Rate
15 Adjustment Fund. By February 15, 1991, the Comptroller and the
16 State Treasurer shall transfer \$1,000,000 from the Rate
17 Adjustment Fund to the General Revenue Fund. The Comptroller
18 and Treasurer are authorized to make transfers at the request
19 of the Chairman up to a total of \$19,000,000 from the Second
20 Injury Fund, the General Revenue Fund, and the Workers'
21 Compensation Benefit Trust Fund to the Rate Adjustment Fund to
22 the extent that there is insufficient money in the Rate
23 Adjustment Fund to pay claims and obligations. Amounts may be
24 transferred from the General Revenue Fund only if the funds in
25 the Second Injury Fund or the Workers' Compensation Benefit
26 Trust Fund are insufficient to pay claims and obligations of

1 the Rate Adjustment Fund. All amounts transferred from the
2 Second Injury Fund, the General Revenue Fund, and the Workers'
3 Compensation Benefit Trust Fund shall be repaid from the Rate
4 Adjustment Fund within 270 days of a transfer, together with
5 interest at the rate earned by moneys on deposit in the Fund or
6 Funds from which the moneys were transferred.

7 Upon a finding by the Commission, after reasonable notice
8 and hearing, that any employer has willfully and knowingly
9 failed to pay the proper amounts into the Second Injury Fund or
10 the Rate Adjustment Fund required by this Section or if such
11 payments are not made within the time periods prescribed by
12 this Section, the employer shall, in addition to such
13 payments, pay a penalty of 20% of the amount required to be
14 paid or \$2,500, whichever is greater, for each year or part
15 thereof of such failure to pay. This penalty shall only apply
16 to obligations of an employer to the Second Injury Fund or the
17 Rate Adjustment Fund accruing after the effective date of this
18 amendatory Act of 1989. All or part of such a penalty may be
19 waived by the Commission for good cause shown.

20 Any obligations of an employer to the Second Injury Fund
21 and Rate Adjustment Fund accruing prior to the effective date
22 of this amendatory Act of 1989 shall be paid in full by such
23 employer within 5 years of the effective date of this
24 amendatory Act of 1989, with at least one-fifth of such
25 obligation to be paid during each year following the effective
26 date of this amendatory Act of 1989. If the Commission finds,

1 following reasonable notice and hearing, that an employer has
2 failed to make timely payment of any obligation accruing under
3 the preceding sentence, the employer shall, in addition to all
4 other payments required by this Section, be liable for a
5 penalty equal to 20% of the overdue obligation or \$2,500,
6 whichever is greater, for each year or part thereof that
7 obligation is overdue. All or part of such a penalty may be
8 waived by the Commission for good cause shown.

9 The Chairman of the Illinois Workers' Compensation
10 Commission shall, annually, furnish to the Director of the
11 Department of Insurance a list of the amounts paid into the
12 Second Injury Fund and the Rate Adjustment Fund by each
13 insurance company on behalf of their insured employers. The
14 Director shall verify to the Chairman that the amounts paid by
15 each insurance company are accurate as best as the Director
16 can determine from the records available to the Director. The
17 Chairman shall verify that the amounts paid by each
18 self-insurer are accurate as best as the Chairman can
19 determine from records available to the Chairman. The Chairman
20 may require each self-insurer to provide information
21 concerning the total compensation payments made upon which
22 contributions to the Second Injury Fund and the Rate
23 Adjustment Fund are predicated and any additional information
24 establishing that such payments have been made into these
25 funds. Any deficiencies in payments noted by the Director or
26 Chairman shall be subject to the penalty provisions of this

1 Act.

2 The State Treasurer, or his duly authorized
3 representative, shall be named as a party to all proceedings
4 in all cases involving claim for the loss of, or the permanent
5 and complete loss of the use of one eye, one foot, one leg, one
6 arm or one hand.

7 The State Treasurer or his duly authorized agent shall
8 have the same rights as any other party to the proceeding,
9 including the right to petition for review of any award. The
10 reasonable expenses of litigation, such as medical
11 examinations, testimony, and transcript of evidence, incurred
12 by the State Treasurer or his duly authorized representative,
13 shall be borne by the Second Injury Fund.

14 If the award is not paid within 30 days after the date the
15 award has become final, the Commission shall proceed to take
16 judgment thereon in its own name as is provided for other
17 awards by paragraph (g) of Section 19 of this Act and take the
18 necessary steps to collect the award.

19 Any person, corporation or organization who has paid or
20 become liable for the payment of burial expenses of the
21 deceased employee may in his or its own name institute
22 proceedings before the Commission for the collection thereof.

23 For the purpose of administration, receipts and
24 disbursements, the Special Fund provided for in paragraph (f)
25 of this Section shall be administered jointly with the Special
26 Fund provided for in Section 7, paragraph (f) of the Workers'

1 Occupational Diseases Act.

2 (g) All compensation, except for burial expenses provided
3 in this Section to be paid in case accident results in death,
4 shall be paid in installments equal to the percentage of the
5 average earnings as provided for in Section 8, paragraph (b)
6 of this Act, at the same intervals at which the wages or
7 earnings of the employees were paid. If this is not feasible,
8 then the installments shall be paid weekly. Such compensation
9 may be paid in a lump sum upon petition as provided in Section
10 9 of this Act. However, in addition to the benefits provided by
11 Section 9 of this Act where compensation for death is payable
12 to the deceased's widow, widower or to the deceased's widow,
13 widower and one or more children, and where a partial lump sum
14 is applied for by such beneficiary or beneficiaries within 18
15 months after the deceased's death, the Commission may, in its
16 discretion, grant a partial lump sum of not to exceed 100 weeks
17 of the compensation capitalized at their present value upon
18 the basis of interest calculated at 3% per annum with annual
19 rests, upon a showing that such partial lump sum is for the
20 best interest of such beneficiary or beneficiaries.

21 (h) In case the injured employee is under 16 years of age
22 at the time of the accident and is illegally employed, the
23 amount of compensation payable under paragraphs (a), (b), (c),
24 (d) and (f) of this Section shall be increased 50%.

25 Nothing herein contained repeals or amends the provisions
26 of the Child Labor Law of 2024 relating to the employment of

1 minors under the age of 16 years.

2 However, where an employer has on file an employment
3 certificate issued pursuant to the Child Labor Law of 2024 or
4 work permit issued pursuant to the Federal Fair Labor
5 Standards Act, as amended, or a birth certificate properly and
6 duly issued, such certificate, permit or birth certificate is
7 conclusive evidence as to the age of the injured minor
8 employee for the purposes of this Section only.

9 (i) Whenever the dependents of a deceased employee are
10 noncitizens not residing in the United States, Mexico or
11 Canada, the amount of compensation payable is limited to the
12 beneficiaries described in paragraphs (a), (b) and (c) of this
13 Section and is 50% of the compensation provided in paragraphs
14 (a), (b) and (c) of this Section, except as otherwise provided
15 by treaty.

16 In a case where any of the persons who would be entitled to
17 compensation is living at any place outside of the United
18 States, then payment shall be made to the personal
19 representative of the deceased employee. The distribution by
20 such personal representative to the persons entitled shall be
21 made to such persons and in such manner as the Commission
22 orders.

23 (Source: P.A. 102-1030, eff. 5-27-22.)

24 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

25 Sec. 8. The amount of compensation which shall be paid to

1 the employee for an accidental injury not resulting in death
2 is:

3 (a) The employer shall provide and pay the negotiated
4 rate, if applicable, or the lesser of the health care
5 provider's actual charges or according to a fee schedule,
6 subject to Section 8.2, in effect at the time the service was
7 rendered for all the necessary first aid, medical and surgical
8 services, and all necessary medical, surgical and hospital
9 services thereafter incurred, limited, however, to that which
10 is reasonably required to cure or relieve from the effects of
11 the accidental injury, even if a health care provider sells,
12 transfers, or otherwise assigns an account receivable for
13 procedures, treatments, or services covered under this Act. If
14 the employer does not dispute payment of first aid, medical,
15 surgical, and hospital services, the employer shall make such
16 payment to the provider on behalf of the employee. The
17 employer shall also pay for treatment, instruction and
18 training necessary for the physical, mental and vocational
19 rehabilitation of the employee, including all maintenance
20 costs and expenses incidental thereto. If as a result of the
21 injury the employee is unable to be self-sufficient the
22 employer shall further pay for such maintenance or
23 institutional care as shall be required.

24 The employee may at any time elect to secure his own
25 physician, surgeon and hospital services at the employer's
26 expense, or,

1 Upon agreement between the employer and the employees, or
2 the employees' exclusive representative, and subject to the
3 approval of the Illinois Workers' Compensation Commission, the
4 employer shall maintain a list of physicians, to be known as a
5 Panel of Physicians, who are accessible to the employees. The
6 employer shall post this list in a place or places easily
7 accessible to his employees. The employee shall have the right
8 to make an alternative choice of physician from such Panel if
9 he is not satisfied with the physician first selected. If, due
10 to the nature of the injury or its occurrence away from the
11 employer's place of business, the employee is unable to make a
12 selection from the Panel, the selection process from the Panel
13 shall not apply. The physician selected from the Panel may
14 arrange for any consultation, referral or other specialized
15 medical services outside the Panel at the employer's expense.
16 Provided that, in the event the Commission shall find that a
17 doctor selected by the employee is rendering improper or
18 inadequate care, the Commission may order the employee to
19 select another doctor certified or qualified in the medical
20 field for which treatment is required. If the employee refuses
21 to make such change the Commission may relieve the employer of
22 his obligation to pay the doctor's charges from the date of
23 refusal to the date of compliance.

24 Any vocational rehabilitation counselors who provide
25 service under this Act shall have appropriate certifications
26 which designate the counselor as qualified to render opinions

1 relating to vocational rehabilitation. Vocational
2 rehabilitation may include, but is not limited to, counseling
3 for job searches, supervising a job search program, and
4 vocational retraining including education at an accredited
5 learning institution. The employee or employer may petition to
6 the Commission to decide disputes relating to vocational
7 rehabilitation and the Commission shall resolve any such
8 dispute, including payment of the vocational rehabilitation
9 program by the employer.

10 The maintenance benefit shall not be less than the
11 temporary total disability rate determined for the employee.
12 In addition, maintenance shall include costs and expenses
13 incidental to the vocational rehabilitation program.

14 When the employee is working light duty on a part-time
15 basis or full-time basis and earns less than he or she would be
16 earning if employed in the full capacity of the job or jobs,
17 then the employee shall be entitled to temporary partial
18 disability benefits. Temporary partial disability benefits
19 shall be equal to two-thirds of the difference between the
20 average amount that the employee would be able to earn in the
21 full performance of his or her duties in the occupation in
22 which he or she was engaged at the time of accident and the
23 gross amount which he or she is earning in the modified job
24 provided to the employee by the employer or in any other job
25 that the employee is working.

26 Every hospital, physician, surgeon or other person

1 rendering treatment or services in accordance with the
2 provisions of this Section shall upon written request furnish
3 full and complete reports thereof to, and permit their records
4 to be copied by, the employer, the employee or his dependents,
5 as the case may be, or any other party to any proceeding for
6 compensation before the Commission, or their attorneys.

7 Notwithstanding the foregoing, the employer's liability to
8 pay for such medical services selected by the employee shall
9 be limited to:

10 (1) all first aid and emergency treatment; plus

11 (2) all medical, surgical and hospital services
12 provided by the physician, surgeon or hospital initially
13 chosen by the employee or by any other physician,
14 consultant, expert, institution or other provider of
15 services recommended by said initial service provider or
16 any subsequent provider of medical services in the chain
17 of referrals from said initial service provider; plus

18 (3) all medical, surgical and hospital services
19 provided by any second physician, surgeon or hospital
20 subsequently chosen by the employee or by any other
21 physician, consultant, expert, institution or other
22 provider of services recommended by said second service
23 provider or any subsequent provider of medical services in
24 the chain of referrals from said second service provider.
25 Thereafter the employer shall select and pay for all
26 necessary medical, surgical and hospital treatment and the

1 employee may not select a provider of medical services at
2 the employer's expense unless the employer agrees to such
3 selection. At any time the employee may obtain any medical
4 treatment he desires at his own expense. This paragraph
5 shall not affect the duty to pay for rehabilitation
6 referred to above.

7 (4) The following shall apply for injuries occurring
8 on or after June 28, 2011 (the effective date of Public Act
9 97-18) and only when an employer has an approved preferred
10 provider program pursuant to Section 8.1a on the date the
11 employee sustained his or her accidental injuries:

12 (A) The employer shall, in writing, on a form
13 promulgated by the Commission, inform the employee of
14 the preferred provider program;

15 (B) Subsequent to the report of an injury by an
16 employee, the employee may choose in writing at any
17 time to decline the preferred provider program, in
18 which case that would constitute one of the two
19 choices of medical providers to which the employee is
20 entitled under subsection (a) (2) or (a) (3); and

21 (C) Prior to the report of an injury by an
22 employee, when an employee chooses non-emergency
23 treatment from a provider not within the preferred
24 provider program, that would constitute the employee's
25 one choice of medical providers to which the employee
26 is entitled under subsection (a) (2) or (a) (3).

1 When an employer and employee so agree in writing, nothing
2 in this Act prevents an employee whose injury or disability
3 has been established under this Act, from relying in good
4 faith, on treatment by prayer or spiritual means alone, in
5 accordance with the tenets and practice of a recognized church
6 or religious denomination, by a duly accredited practitioner
7 thereof, and having nursing services appropriate therewith,
8 without suffering loss or diminution of the compensation
9 benefits under this Act. However, the employee shall submit to
10 all physical examinations required by this Act. The cost of
11 such treatment and nursing care shall be paid by the employee
12 unless the employer agrees to make such payment.

13 Where the accidental injury results in the amputation of
14 an arm, hand, leg or foot, or the enucleation of an eye, or the
15 loss of any of the natural teeth, the employer shall furnish an
16 artificial of any such members lost or damaged in accidental
17 injury arising out of and in the course of employment, and
18 shall also furnish the necessary braces in all proper and
19 necessary cases. In cases of the loss of a member or members by
20 amputation, the employer shall, whenever necessary, maintain
21 in good repair, refit or replace the artificial limbs during
22 the lifetime of the employee. Where the accidental injury
23 accompanied by physical injury results in damage to a denture,
24 eye glasses or contact eye lenses, or where the accidental
25 injury results in damage to an artificial member, the employer
26 shall replace or repair such denture, glasses, lenses, or

1 artificial member.

2 The furnishing by the employer of any such services or
3 appliances is not an admission of liability on the part of the
4 employer to pay compensation.

5 The furnishing of any such services or appliances or the
6 servicing thereof by the employer is not the payment of
7 compensation.

8 (b) If the period of temporary total incapacity for work
9 lasts more than 3 working days, weekly compensation as
10 hereinafter provided shall be paid beginning on the 4th day of
11 such temporary total incapacity and continuing as long as the
12 total temporary incapacity lasts. In cases where the temporary
13 total incapacity for work continues for a period of 14 days or
14 more from the day of the accident compensation shall commence
15 on the day after the accident.

16 1. The compensation rate for temporary total
17 incapacity under this paragraph (b) of this Section shall
18 be equal to 66 2/3% of the employee's average weekly wage
19 computed in accordance with Section 10, provided that it
20 shall be not less than 66 2/3% of the sum of the Federal
21 minimum wage under the Fair Labor Standards Act, or the
22 Illinois minimum wage under the Minimum Wage Law,
23 whichever is more, multiplied by 40 hours. This percentage
24 rate shall be increased by 10% for each spouse and child,
25 not to exceed 100% of the total minimum wage calculation,
26 nor exceed the employee's average weekly wage computed in

1 accordance with the provisions of Section 10, whichever is
2 less.

3 2. The compensation rate in all cases other than for
4 temporary total disability under this paragraph (b), and
5 other than for serious and permanent disfigurement under
6 paragraph (c) and other than for permanent partial
7 disability under subparagraph (2) of paragraph (d) or
8 under paragraph (e), of this Section shall be equal to 66
9 2/3% of the employee's average weekly wage computed in
10 accordance with the provisions of Section 10, provided
11 that it shall be not less than 66 2/3% of the sum of the
12 Federal minimum wage under the Fair Labor Standards Act,
13 or the Illinois minimum wage under the Minimum Wage Law,
14 whichever is more, multiplied by 40 hours. This percentage
15 rate shall be increased by 10% for each spouse and child,
16 not to exceed 100% of the total minimum wage calculation,
17 nor exceed the employee's average weekly wage computed in
18 accordance with the provisions of Section 10, whichever is
19 less.

20 2.1. The compensation rate in all cases of serious and
21 permanent disfigurement under paragraph (c) and of
22 permanent partial disability under subparagraph (2) of
23 paragraph (d) or under paragraph (e) of this Section shall
24 be equal to 60% of the employee's average weekly wage
25 computed in accordance with the provisions of Section 10,
26 provided that it shall be not less than 66 2/3% of the sum

1 of the Federal minimum wage under the Fair Labor Standards
2 Act, or the Illinois minimum wage under the Minimum Wage
3 Law, whichever is more, multiplied by 40 hours. This
4 percentage rate shall be increased by 10% for each spouse
5 and child, not to exceed 100% of the total minimum wage
6 calculation, nor exceed the employee's average weekly wage
7 computed in accordance with the provisions of Section 10,
8 whichever is less.

9 3. As used in this Section the term "child" means a
10 child of the employee including any child legally adopted
11 before the accident or whom at the time of the accident the
12 employee was under legal obligation to support or to whom
13 the employee stood in loco parentis, and who at the time of
14 the accident was under 18 years of age and not
15 emancipated. The term "children" means the plural of
16 "child".

17 4. All weekly compensation rates provided under
18 subparagraphs 1, 2 and 2.1 of this paragraph (b) of this
19 Section shall be subject to the following limitations:

20 The maximum weekly compensation rate from July 1,
21 1975, except as hereinafter provided, shall be 100% of the
22 State's average weekly wage in covered industries under
23 the Unemployment Insurance Act, that being the wage that
24 most closely approximates the State's average weekly wage.

25 The maximum weekly compensation rate, for the period
26 July 1, 1984, through June 30, 1987, except as hereinafter

1 provided, shall be \$293.61. Effective July 1, 1987 and on
2 July 1 of each year thereafter the maximum weekly
3 compensation rate, except as hereinafter provided, shall
4 be determined as follows: if during the preceding 12 month
5 period there shall have been an increase in the State's
6 average weekly wage in covered industries under the
7 Unemployment Insurance Act, the weekly compensation rate
8 shall be proportionately increased by the same percentage
9 as the percentage of increase in the State's average
10 weekly wage in covered industries under the Unemployment
11 Insurance Act during such period.

12 The maximum weekly compensation rate, for the period
13 January 1, 1981 through December 31, 1983, except as
14 hereinafter provided, shall be 100% of the State's average
15 weekly wage in covered industries under the Unemployment
16 Insurance Act in effect on January 1, 1981. Effective
17 January 1, 1984 and on January 1, of each year thereafter
18 the maximum weekly compensation rate, except as
19 hereinafter provided, shall be determined as follows: if
20 during the preceding 12 month period there shall have been
21 an increase in the State's average weekly wage in covered
22 industries under the Unemployment Insurance Act, the
23 weekly compensation rate shall be proportionately
24 increased by the same percentage as the percentage of
25 increase in the State's average weekly wage in covered
26 industries under the Unemployment Insurance Act during

1 such period.

2 From July 1, 1977 and thereafter such maximum weekly
3 compensation rate in death cases under Section 7, and
4 permanent total disability cases under paragraph (f) or
5 subparagraph 18 of paragraph (3) of this Section and for
6 temporary total disability under paragraph (b) of this
7 Section and for amputation of a member or enucleation of
8 an eye under paragraph (e) of this Section shall be
9 increased to 133-1/3% of the State's average weekly wage
10 in covered industries under the Unemployment Insurance
11 Act.

12 For injuries occurring on or after February 1, 2006,
13 the maximum weekly benefit under paragraph (d)1 of this
14 Section shall be 100% of the State's average weekly wage
15 in covered industries under the Unemployment Insurance
16 Act.

17 4.1. Any provision herein to the contrary
18 notwithstanding, the weekly compensation rate for
19 compensation payments under subparagraph 18 of paragraph
20 (e) of this Section and under paragraph (f) of this
21 Section and under paragraph (a) of Section 7 and for
22 amputation of a member or enucleation of an eye under
23 paragraph (e) of this Section, shall in no event be less
24 than 50% of the State's average weekly wage in covered
25 industries under the Unemployment Insurance Act.

26 4.2. Any provision to the contrary notwithstanding,

1 the total compensation payable under Section 7 shall not
2 exceed the greater of \$500,000 or 25 years.

3 5. For the purpose of this Section this State's
4 average weekly wage in covered industries under the
5 Unemployment Insurance Act on July 1, 1975 is hereby fixed
6 at \$228.16 per week and the computation of compensation
7 rates shall be based on the aforesaid average weekly wage
8 until modified as hereinafter provided.

9 6. The Department of Employment Security of the State
10 shall on or before the first day of December, 1977, and on
11 or before the first day of June, 1978, and on the first day
12 of each December and June of each year thereafter, publish
13 the State's average weekly wage in covered industries
14 under the Unemployment Insurance Act and the Illinois
15 Workers' Compensation Commission shall on the 15th day of
16 January, 1978 and on the 15th day of July, 1978 and on the
17 15th day of each January and July of each year thereafter,
18 post and publish the State's average weekly wage in
19 covered industries under the Unemployment Insurance Act as
20 last determined and published by the Department of
21 Employment Security. The amount when so posted and
22 published shall be conclusive and shall be applicable as
23 the basis of computation of compensation rates until the
24 next posting and publication as aforesaid.

25 7. The payment of compensation by an employer or his
26 insurance carrier to an injured employee shall not

1 constitute an admission of the employer's liability to pay
2 compensation.

3 (c) For any serious and permanent disfigurement to the
4 hand, head, face, neck, arm, leg below the knee or the chest
5 above the axillary line, the employee is entitled to
6 compensation for such disfigurement, the amount determined by
7 agreement at any time or by arbitration under this Act, at a
8 hearing not less than 6 months after the date of the accidental
9 injury, which amount shall not exceed 150 weeks (if the
10 accidental injury occurs on or after the effective date of
11 this amendatory Act of the 94th General Assembly but before
12 February 1, 2006) or 162 weeks (if the accidental injury
13 occurs on or after February 1, 2006) at the applicable rate
14 provided in subparagraph 2.1 of paragraph (b) of this Section.

15 No compensation is payable under this paragraph where
16 compensation is payable under paragraphs (d), (e) or (f) of
17 this Section.

18 A duly appointed member of a fire department in a city, the
19 population of which exceeds 500,000 according to the last
20 federal or State census, is eligible for compensation under
21 this paragraph only where such serious and permanent
22 disfigurement results from burns.

23 (d) 1. If, after the accidental injury has been sustained,
24 the employee as a result thereof becomes partially
25 incapacitated from pursuing his usual and customary line of
26 employment, he shall, except in cases compensated under the

1 specific schedule set forth in paragraph (e) of this Section,
2 receive compensation for the duration of his disability,
3 subject to the limitations as to maximum amounts fixed in
4 paragraph (b) of this Section, equal to 66-2/3% of the
5 difference between the average amount which he would be able
6 to earn in the full performance of his duties in the occupation
7 in which he was engaged at the time of the accident and the
8 average amount which he is earning or is able to earn in some
9 suitable employment or business after the accident. For
10 accidental injuries that occur on or after September 1, 2011,
11 an award for wage differential under this subsection shall be
12 effective only until the employee reaches the age of 67 or 5
13 years from the date the award becomes final, whichever is
14 later.

15 2. If, as a result of the accident, the employee sustains
16 serious and permanent injuries not covered by paragraphs (c)
17 and (e) of this Section or having sustained injuries covered
18 by the aforesaid paragraphs (c) and (e), he shall have
19 sustained in addition thereto other injuries which injuries do
20 not incapacitate him from pursuing the duties of his
21 employment but which would disable him from pursuing other
22 suitable occupations, or which have otherwise resulted in
23 physical impairment; or if such injuries partially
24 incapacitate him from pursuing the duties of his usual and
25 customary line of employment but do not result in an
26 impairment of earning capacity, or having resulted in an

1 impairment of earning capacity, the employee elects to waive
2 his right to recover under the foregoing subparagraph 1 of
3 paragraph (d) of this Section then in any of the foregoing
4 events, he shall receive in addition to compensation for
5 temporary total disability under paragraph (b) of this
6 Section, compensation at the rate provided in subparagraph 2.1
7 of paragraph (b) of this Section for that percentage of 500
8 weeks that the partial disability resulting from the injuries
9 covered by this paragraph bears to total disability. If the
10 employee shall have sustained a fracture of one or more
11 vertebra or fracture of the skull, the amount of compensation
12 allowed under this Section shall be not less than 6 weeks for a
13 fractured skull and 6 weeks for each fractured vertebra, and
14 in the event the employee shall have sustained a fracture of
15 any of the following facial bones: nasal, lachrymal, vomer,
16 zygoma, maxilla, palatine or mandible, the amount of
17 compensation allowed under this Section shall be not less than
18 2 weeks for each such fractured bone, and for a fracture of
19 each transverse process not less than 3 weeks. In the event
20 such injuries shall result in the loss of a kidney, spleen or
21 lung, the amount of compensation allowed under this Section
22 shall be not less than 10 weeks for each such organ.
23 Compensation awarded under this subparagraph 2 shall not take
24 into consideration injuries covered under paragraphs (c) and
25 (e) of this Section and the compensation provided in this
26 paragraph shall not affect the employee's right to

1 compensation payable under paragraphs (b), (c) and (e) of this
2 Section for the disabilities therein covered.

3 (e) For accidental injuries in the following schedule, the
4 employee shall receive compensation for the period of
5 temporary total incapacity for work resulting from such
6 accidental injury, under subparagraph 1 of paragraph (b) of
7 this Section, and shall receive in addition thereto
8 compensation for a further period for the specific loss herein
9 mentioned, but shall not receive any compensation under any
10 other provisions of this Act. The following listed amounts
11 apply to either the loss of or the permanent and complete loss
12 of use of the member specified, such compensation for the
13 length of time as follows:

14 1. Thumb-

15 70 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 94th General Assembly but before February 1, 2006.

18 76 weeks if the accidental injury occurs on or
19 after February 1, 2006.

20 2. First, or index finger-

21 40 weeks if the accidental injury occurs on or
22 after the effective date of this amendatory Act of the
23 94th General Assembly but before February 1, 2006.

24 43 weeks if the accidental injury occurs on or
25 after February 1, 2006.

26 3. Second, or middle finger-

1 35 weeks if the accidental injury occurs on or
2 after the effective date of this amendatory Act of the
3 94th General Assembly but before February 1, 2006.

4 38 weeks if the accidental injury occurs on or
5 after February 1, 2006.

6 4. Third, or ring finger-

7 25 weeks if the accidental injury occurs on or
8 after the effective date of this amendatory Act of the
9 94th General Assembly but before February 1, 2006.

10 27 weeks if the accidental injury occurs on or
11 after February 1, 2006.

12 5. Fourth, or little finger-

13 20 weeks if the accidental injury occurs on or
14 after the effective date of this amendatory Act of the
15 94th General Assembly but before February 1, 2006.

16 22 weeks if the accidental injury occurs on or
17 after February 1, 2006.

18 6. Great toe-

19 35 weeks if the accidental injury occurs on or
20 after the effective date of this amendatory Act of the
21 94th General Assembly but before February 1, 2006.

22 38 weeks if the accidental injury occurs on or
23 after February 1, 2006.

24 7. Each toe other than great toe-

25 12 weeks if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the

1 94th General Assembly but before February 1, 2006.

2 13 weeks if the accidental injury occurs on or
3 after February 1, 2006.

4 8. The loss of the first or distal phalanx of the thumb
5 or of any finger or toe shall be considered to be equal to
6 the loss of one-half of such thumb, finger or toe and the
7 compensation payable shall be one-half of the amount above
8 specified. The loss of more than one phalanx shall be
9 considered as the loss of the entire thumb, finger or toe.
10 In no case shall the amount received for more than one
11 finger exceed the amount provided in this schedule for the
12 loss of a hand.

13 9. Hand-

14 190 weeks if the accidental injury occurs on or
15 after the effective date of this amendatory Act of the
16 94th General Assembly but before February 1, 2006.

17 205 weeks if the accidental injury occurs on or
18 after February 1, 2006.

19 190 weeks if the accidental injury occurs on or
20 after June 28, 2011 (the effective date of Public Act
21 97-18) and if the accidental injury involves carpal
22 tunnel syndrome due to repetitive or cumulative
23 trauma, in which case the permanent partial disability
24 shall not exceed 15% loss of use of the hand, except
25 for cause shown by clear and convincing evidence and
26 in which case the award shall not exceed 30% loss of

1 use of the hand.

2 The loss of 2 or more digits, or one or more phalanges
3 of 2 or more digits, of a hand may be compensated on the
4 basis of partial loss of use of a hand, provided, further,
5 that the loss of 4 digits, or the loss of use of 4 digits,
6 in the same hand shall constitute the complete loss of a
7 hand.

8 10. Arm-

9 235 weeks if the accidental injury occurs on or
10 after the effective date of this amendatory Act of the
11 94th General Assembly but before February 1, 2006.

12 253 weeks if the accidental injury occurs on or
13 after February 1, 2006.

14 Where an accidental injury results in the amputation
15 of an arm below the elbow, such injury shall be
16 compensated as a loss of an arm. Where an accidental
17 injury results in the amputation of an arm above the
18 elbow, compensation for an additional 15 weeks (if the
19 accidental injury occurs on or after the effective date of
20 this amendatory Act of the 94th General Assembly but
21 before February 1, 2006) or an additional 17 weeks (if the
22 accidental injury occurs on or after February 1, 2006)
23 shall be paid, except where the accidental injury results
24 in the amputation of an arm at the shoulder joint, or so
25 close to shoulder joint that an artificial arm cannot be
26 used, or results in the disarticulation of an arm at the

1 shoulder joint, in which case compensation for an
2 additional 65 weeks (if the accidental injury occurs on or
3 after the effective date of this amendatory Act of the
4 94th General Assembly but before February 1, 2006) or an
5 additional 70 weeks (if the accidental injury occurs on or
6 after February 1, 2006) shall be paid.

7 11. Foot-

8 155 weeks if the accidental injury occurs on or
9 after the effective date of this amendatory Act of the
10 94th General Assembly but before February 1, 2006.

11 167 weeks if the accidental injury occurs on or
12 after February 1, 2006.

13 12. Leg-

14 200 weeks if the accidental injury occurs on or
15 after the effective date of this amendatory Act of the
16 94th General Assembly but before February 1, 2006.

17 215 weeks if the accidental injury occurs on or
18 after February 1, 2006.

19 Where an accidental injury results in the amputation
20 of a leg below the knee, such injury shall be compensated
21 as loss of a leg. Where an accidental injury results in the
22 amputation of a leg above the knee, compensation for an
23 additional 25 weeks (if the accidental injury occurs on or
24 after the effective date of this amendatory Act of the
25 94th General Assembly but before February 1, 2006) or an
26 additional 27 weeks (if the accidental injury occurs on or

1 after February 1, 2006) shall be paid, except where the
2 accidental injury results in the amputation of a leg at
3 the hip joint, or so close to the hip joint that an
4 artificial leg cannot be used, or results in the
5 disarticulation of a leg at the hip joint, in which case
6 compensation for an additional 75 weeks (if the accidental
7 injury occurs on or after the effective date of this
8 amendatory Act of the 94th General Assembly but before
9 February 1, 2006) or an additional 81 weeks (if the
10 accidental injury occurs on or after February 1, 2006)
11 shall be paid.

12 13. Eye-

13 150 weeks if the accidental injury occurs on or
14 after the effective date of this amendatory Act of the
15 94th General Assembly but before February 1, 2006.

16 162 weeks if the accidental injury occurs on or
17 after February 1, 2006.

18 Where an accidental injury results in the enucleation
19 of an eye, compensation for an additional 10 weeks (if the
20 accidental injury occurs on or after the effective date of
21 this amendatory Act of the 94th General Assembly but
22 before February 1, 2006) or an additional 11 weeks (if the
23 accidental injury occurs on or after February 1, 2006)
24 shall be paid.

25 14. Loss of hearing of one ear-

26 50 weeks if the accidental injury occurs on or

1 after the effective date of this amendatory Act of the
2 94th General Assembly but before February 1, 2006.

3 54 weeks if the accidental injury occurs on or
4 after February 1, 2006.

5 Total and permanent loss of hearing of both ears-

6 200 weeks if the accidental injury occurs on or
7 after the effective date of this amendatory Act of the
8 94th General Assembly but before February 1, 2006.

9 215 weeks if the accidental injury occurs on or
10 after February 1, 2006.

11 15. Testicle-

12 50 weeks if the accidental injury occurs on or
13 after the effective date of this amendatory Act of the
14 94th General Assembly but before February 1, 2006.

15 54 weeks if the accidental injury occurs on or
16 after February 1, 2006.

17 Both testicles-

18 150 weeks if the accidental injury occurs on or
19 after the effective date of this amendatory Act of the
20 94th General Assembly but before February 1, 2006.

21 162 weeks if the accidental injury occurs on or
22 after February 1, 2006.

23 16. For the permanent partial loss of use of a member
24 or sight of an eye, or hearing of an ear, compensation
25 during that proportion of the number of weeks in the
26 foregoing schedule provided for the loss of such member or

1 sight of an eye, or hearing of an ear, which the partial
2 loss of use thereof bears to the total loss of use of such
3 member, or sight of eye, or hearing of an ear.

4 (a) Loss of hearing for compensation purposes
5 shall be confined to the frequencies of 1,000, 2,000
6 and 3,000 cycles per second. Loss of hearing ability
7 for frequency tones above 3,000 cycles per second are
8 not to be considered as constituting disability for
9 hearing.

10 (b) The percent of hearing loss, for purposes of
11 the determination of compensation claims for
12 occupational deafness, shall be calculated as the
13 average in decibels for the thresholds of hearing for
14 the frequencies of 1,000, 2,000 and 3,000 cycles per
15 second. Pure tone air conduction audiometric
16 instruments, approved by nationally recognized
17 authorities in this field, shall be used for measuring
18 hearing loss. If the losses of hearing average 30
19 decibels or less in the 3 frequencies, such losses of
20 hearing shall not then constitute any compensable
21 hearing disability. If the losses of hearing average
22 85 decibels or more in the 3 frequencies, then the same
23 shall constitute and be total or 100% compensable
24 hearing loss.

25 (c) In measuring hearing impairment, the lowest
26 measured losses in each of the 3 frequencies shall be

1 added together and divided by 3 to determine the
 2 average decibel loss. For every decibel of loss
 3 exceeding 30 decibels an allowance of 1.82% shall be
 4 made up to the maximum of 100% which is reached at 85
 5 decibels.

6 (d) If a hearing loss is established to have
 7 existed on July 1, 1975 by audiometric testing the
 8 employer shall not be liable for the previous loss so
 9 established nor shall he be liable for any loss for
 10 which compensation has been paid or awarded.

11 (e) No consideration shall be given to the
 12 question of whether or not the ability of an employee
 13 to understand speech is improved by the use of a
 14 hearing aid.

15 (f) No claim for loss of hearing due to industrial
 16 noise shall be brought against an employer or allowed
 17 unless the employee has been exposed for a period of
 18 time sufficient to cause permanent impairment to noise
 19 levels in excess of the following:

20 Sound Level DBA

Slow Response	Hours Per Day
90	8
92	6
95	4
97	3
100	2

1	102	1-1/2
2	105	1
3	110	1/2
4	115	1/4

5 This subparagraph (f) shall not be applied in cases of
6 hearing loss resulting from trauma or explosion.

7 17. In computing the compensation to be paid to any
8 employee who, before the accident for which he claims
9 compensation, had before that time sustained an injury
10 resulting in the loss by amputation or partial loss by
11 amputation of any member, including hand, arm, thumb or
12 fingers, leg, foot or any toes, such loss or partial loss
13 of any such member shall be deducted from any award made
14 for the subsequent injury. For the permanent loss of use
15 or the permanent partial loss of use of any such member or
16 the partial loss of sight of an eye, for which
17 compensation has been paid, then such loss shall be taken
18 into consideration and deducted from any award for the
19 subsequent injury.

20 18. The specific case of loss of both hands, both
21 arms, or both feet, or both legs, or both eyes, or of any
22 two thereof, or the permanent and complete loss of the use
23 thereof, constitutes total and permanent disability, to be
24 compensated according to the compensation fixed by
25 paragraph (f) of this Section. These specific cases of
26 total and permanent disability do not exclude other cases.

1 Any employee who has previously suffered the loss or
2 permanent and complete loss of the use of any of such
3 members, and in a subsequent independent accident loses
4 another or suffers the permanent and complete loss of the
5 use of any one of such members the employer for whom the
6 injured employee is working at the time of the last
7 independent accident is liable to pay compensation only
8 for the loss or permanent and complete loss of the use of
9 the member occasioned by the last independent accident.

10 19. In a case of specific loss and the subsequent
11 death of such injured employee from other causes than such
12 injury leaving a widow, widower, or dependents surviving
13 before payment or payment in full for such injury, then
14 the amount due for such injury is payable to the widow or
15 widower and, if there be no widow or widower, then to such
16 dependents, in the proportion which such dependency bears
17 to total dependency.

18 Beginning July 1, 1980, and every 6 months thereafter, the
19 Commission shall examine the Second Injury Fund and when,
20 after deducting all advances or loans made to such Fund, the
21 amount therein is \$500,000 then the amount required to be paid
22 by employers pursuant to paragraph (f) of Section 7 shall be
23 reduced by one-half. When the Second Injury Fund reaches the
24 sum of \$600,000 then the payments shall cease entirely.
25 However, when the Second Injury Fund has been reduced to
26 \$400,000, payment of one-half of the amounts required by

1 paragraph (f) of Section 7 shall be resumed, in the manner
2 herein provided, and when the Second Injury Fund has been
3 reduced to \$300,000, payment of the full amounts required by
4 paragraph (f) of Section 7 shall be resumed, in the manner
5 herein provided. The Commission shall make the changes in
6 payment effective by general order, and the changes in payment
7 become immediately effective for all cases coming before the
8 Commission thereafter either by settlement agreement or final
9 order, irrespective of the date of the accidental injury.

10 On August 1, 1996 and on February 1 and August 1 of each
11 subsequent year, the Commission shall examine the special fund
12 designated as the "Rate Adjustment Fund" and when, after
13 deducting all advances or loans made to said fund, the amount
14 therein is \$4,000,000, the amount required to be paid by
15 employers pursuant to paragraph (f) of Section 7 shall be
16 reduced by one-half. When the Rate Adjustment Fund reaches the
17 sum of \$5,000,000 the payment therein shall cease entirely.
18 However, when said Rate Adjustment Fund has been reduced to
19 \$3,000,000 the amounts required by paragraph (f) of Section 7
20 shall be resumed in the manner herein provided.

21 (f) In case of complete disability, which renders the
22 employee wholly and permanently incapable of work, or in the
23 specific case of total and permanent disability as provided in
24 subparagraph 18 of paragraph (e) of this Section, compensation
25 shall be payable at the rate provided in subparagraph 2 of
26 paragraph (b) of this Section for life.

1 An employee entitled to benefits under paragraph (f) of
2 this Section shall also be entitled to receive from the Rate
3 Adjustment Fund provided in paragraph (f) of Section 7 of the
4 supplementary benefits provided in paragraph (g) of this
5 Section 8.

6 If any employee who receives an award under this paragraph
7 afterwards returns to work or is able to do so, and earns or is
8 able to earn as much as before the accident, payments under
9 such award shall cease. If such employee returns to work, or is
10 able to do so, and earns or is able to earn part but not as
11 much as before the accident, such award shall be modified so as
12 to conform to an award under paragraph (d) of this Section. If
13 such award is terminated or reduced under the provisions of
14 this paragraph, such employees have the right at any time
15 within 30 months after the date of such termination or
16 reduction to file petition with the Commission for the purpose
17 of determining whether any disability exists as a result of
18 the original accidental injury and the extent thereof.

19 Disability as enumerated in subdivision 18, paragraph (e)
20 of this Section is considered complete disability.

21 If an employee who had previously incurred loss or the
22 permanent and complete loss of use of one member, through the
23 loss or the permanent and complete loss of the use of one hand,
24 one arm, one foot, one leg, or one eye, incurs permanent and
25 complete disability through the loss or the permanent and
26 complete loss of the use of another member, he shall receive,

1 in addition to the compensation payable by the employer and
2 after such payments have ceased, an amount from the Second
3 Injury Fund provided for in paragraph (f) of Section 7, which,
4 together with the compensation payable from the employer in
5 whose employ he was when the last accidental injury was
6 incurred, will equal the amount payable for permanent and
7 complete disability as provided in this paragraph of this
8 Section.

9 The custodian of the Second Injury Fund provided for in
10 paragraph (f) of Section 7 shall be joined with the employer as
11 a party respondent in the application for adjustment of claim.
12 The application for adjustment of claim shall state briefly
13 and in general terms the approximate time and place and manner
14 of the loss of the first member.

15 In its award the Commission or the Arbitrator shall
16 specifically find the amount the injured employee shall be
17 weekly paid, the number of weeks compensation which shall be
18 paid by the employer, the date upon which payments begin out of
19 the Second Injury Fund provided for in paragraph (f) of
20 Section 7 of this Act, the length of time the weekly payments
21 continue, the date upon which the pension payments commence
22 and the monthly amount of the payments. The Commission shall
23 30 days after the date upon which payments out of the Second
24 Injury Fund have begun as provided in the award, and every
25 month thereafter, prepare and submit to the State Comptroller
26 a voucher for payment for all compensation accrued to that

1 date at the rate fixed by the Commission. The State
2 Comptroller shall draw a warrant to the injured employee along
3 with a receipt to be executed by the injured employee and
4 returned to the Commission. The endorsed warrant and receipt
5 is a full and complete acquittance to the Commission for the
6 payment out of the Second Injury Fund. No other appropriation
7 or warrant is necessary for payment out of the Second Injury
8 Fund. The Second Injury Fund is appropriated for the purpose
9 of making payments according to the terms of the awards.

10 As of July 1, 1980 to July 1, 1982, all claims against and
11 obligations of the Second Injury Fund shall become claims
12 against and obligations of the Rate Adjustment Fund to the
13 extent there is insufficient money in the Second Injury Fund
14 to pay such claims and obligations. In that case, all
15 references to "Second Injury Fund" in this Section shall also
16 include the Rate Adjustment Fund.

17 (g) Every award for permanent total disability entered by
18 the Commission on and after July 1, 1965 under which
19 compensation payments shall become due and payable after the
20 effective date of this amendatory Act, and every award for
21 death benefits or permanent total disability entered by the
22 Commission on and after the effective date of this amendatory
23 Act shall be subject to annual adjustments as to the amount of
24 the compensation rate therein provided. Such adjustments shall
25 first be made on July 15, 1977, and all awards made and entered
26 prior to July 1, 1975 and on July 15 of each year thereafter.

1 In all other cases such adjustment shall be made on July 15 of
2 the second year next following the date of the entry of the
3 award and shall further be made on July 15 annually
4 thereafter. If during the intervening period from the date of
5 the entry of the award, or the last periodic adjustment, there
6 shall have been an increase in the State's average weekly wage
7 in covered industries under the Unemployment Insurance Act,
8 the weekly compensation rate shall be proportionately
9 increased by the same percentage as the percentage of increase
10 in the State's average weekly wage in covered industries under
11 the Unemployment Insurance Act. The increase in the
12 compensation rate under this paragraph shall in no event bring
13 the total compensation rate to an amount greater than the
14 prevailing maximum rate at the time that the annual adjustment
15 is made. Such increase shall be paid in the same manner as
16 herein provided for payments under the Second Injury Fund to
17 the injured employee, or his dependents, as the case may be,
18 out of the Rate Adjustment Fund provided in paragraph (f) of
19 Section 7 of this Act. Payments shall be made at the same
20 intervals as provided in the award or, at the option of the
21 Commission, may be made in quarterly payment on the 15th day of
22 January, April, July and October of each year. In the event of
23 a decrease in such average weekly wage there shall be no change
24 in the then existing compensation rate. The within paragraph
25 shall not apply to cases where there is disputed liability and
26 in which a compromise lump sum settlement between the employer

1 and the injured employee, or his dependents, as the case may
2 be, has been duly approved by the Illinois Workers'
3 Compensation Commission.

4 Provided, that in cases of awards entered by the
5 Commission for injuries occurring before July 1, 1975, the
6 increases in the compensation rate adjusted under the
7 foregoing provision of this paragraph (g) shall be limited to
8 increases in the State's average weekly wage in covered
9 industries under the Unemployment Insurance Act occurring
10 after July 1, 1975.

11 For every accident occurring on or after July 20, 2005 but
12 before the effective date of this amendatory Act of the 94th
13 General Assembly (Senate Bill 1283 of the 94th General
14 Assembly), the annual adjustments to the compensation rate in
15 awards for death benefits or permanent total disability, as
16 provided in this Act, shall be paid by the employer. The
17 adjustment shall be made by the employer on July 15 of the
18 second year next following the date of the entry of the award
19 and shall further be made on July 15 annually thereafter. If
20 during the intervening period from the date of the entry of the
21 award, or the last periodic adjustment, there shall have been
22 an increase in the State's average weekly wage in covered
23 industries under the Unemployment Insurance Act, the employer
24 shall increase the weekly compensation rate proportionately by
25 the same percentage as the percentage of increase in the
26 State's average weekly wage in covered industries under the

1 Unemployment Insurance Act. The increase in the compensation
2 rate under this paragraph shall in no event bring the total
3 compensation rate to an amount greater than the prevailing
4 maximum rate at the time that the annual adjustment is made. In
5 the event of a decrease in such average weekly wage there shall
6 be no change in the then existing compensation rate. Such
7 increase shall be paid by the employer in the same manner and
8 at the same intervals as the payment of compensation in the
9 award. This paragraph shall not apply to cases where there is
10 disputed liability and in which a compromise lump sum
11 settlement between the employer and the injured employee, or
12 his or her dependents, as the case may be, has been duly
13 approved by the Illinois Workers' Compensation Commission.

14 The annual adjustments for every award of death benefits
15 or permanent total disability involving accidents occurring
16 before July 20, 2005 and accidents occurring on or after the
17 effective date of this amendatory Act of the 94th General
18 Assembly (Senate Bill 1283 of the 94th General Assembly) shall
19 continue to be paid from the Rate Adjustment Fund pursuant to
20 this paragraph and Section 7(f) of this Act.

21 (h) In case death occurs from any cause before the total
22 compensation to which the employee would have been entitled
23 has been paid, then in case the employee leaves any widow,
24 widower, child, parent (or any grandchild, grandparent or
25 other lineal heir or any collateral heir dependent at the time
26 of the accident upon the earnings of the employee to the extent

1 of 50% or more of total dependency) such compensation shall be
2 paid to the beneficiaries of the deceased employee and
3 distributed as provided in paragraph (g) of Section 7.

4 (h-1) In case an injured employee is under legal
5 disability at the time when any right or privilege accrues to
6 him or her under this Act, a guardian may be appointed pursuant
7 to law, and may, on behalf of such person under legal
8 disability, claim and exercise any such right or privilege
9 with the same effect as if the employee himself or herself had
10 claimed or exercised the right or privilege. No limitations of
11 time provided by this Act run so long as the employee who is
12 under legal disability is without a conservator or guardian.

13 (i) In case the injured employee is under 16 years of age
14 at the time of the accident and is illegally employed, the
15 amount of compensation payable under paragraphs (b), (c), (d),
16 (e) and (f) of this Section is increased 50%.

17 However, where an employer has on file an employment
18 certificate issued pursuant to the Child Labor Law of 2024 or
19 work permit issued pursuant to the Federal Fair Labor
20 Standards Act, as amended, or a birth certificate properly and
21 duly issued, such certificate, permit or birth certificate is
22 conclusive evidence as to the age of the injured minor
23 employee for the purposes of this Section.

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 (j) 1. In the event the injured employee receives
2 benefits, including medical, surgical or hospital benefits
3 under any group plan covering non-occupational disabilities
4 contributed to wholly or partially by the employer, which
5 benefits should not have been payable if any rights of
6 recovery existed under this Act, then such amounts so paid to
7 the employee from any such group plan as shall be consistent
8 with, and limited to, the provisions of paragraph 2 hereof,
9 shall be credited to or against any compensation payment for
10 temporary total incapacity for work or any medical, surgical
11 or hospital benefits made or to be made under this Act. In such
12 event, the period of time for giving notice of accidental
13 injury and filing application for adjustment of claim does not
14 commence to run until the termination of such payments. This
15 paragraph does not apply to payments made under any group plan
16 which would have been payable irrespective of an accidental
17 injury under this Act. Any employer receiving such credit
18 shall keep such employee safe and harmless from any and all
19 claims or liabilities that may be made against him by reason of
20 having received such payments only to the extent of such
21 credit.

22 Any excess benefits paid to or on behalf of a State
23 employee by the State Employees' Retirement System under
24 Article 14 of the Illinois Pension Code on a death claim or
25 disputed disability claim shall be credited against any
26 payments made or to be made by the State of Illinois to or on

1 behalf of such employee under this Act, except for payments
2 for medical expenses which have already been incurred at the
3 time of the award. The State of Illinois shall directly
4 reimburse the State Employees' Retirement System to the extent
5 of such credit.

6 2. Nothing contained in this Act shall be construed to
7 give the employer or the insurance carrier the right to credit
8 for any benefits or payments received by the employee other
9 than compensation payments provided by this Act, and where the
10 employee receives payments other than compensation payments,
11 whether as full or partial salary, group insurance benefits,
12 bonuses, annuities or any other payments, the employer or
13 insurance carrier shall receive credit for each such payment
14 only to the extent of the compensation that would have been
15 payable during the period covered by such payment.

16 3. The extension of time for the filing of an Application
17 for Adjustment of Claim as provided in paragraph 1 above shall
18 not apply to those cases where the time for such filing had
19 expired prior to the date on which payments or benefits
20 enumerated herein have been initiated or resumed. Provided
21 however that this paragraph 3 shall apply only to cases
22 wherein the payments or benefits hereinabove enumerated shall
23 be received after July 1, 1969.

24 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11;
25 97-813, eff. 7-13-12.)

26 Section 999. Effective date. This Act shall take effect

1 January 1, 2025, with the exception of Sections 95 and 100,
2 which shall take effect July 1, 2024.