



# FIRST READING

COMMISSION ON GOVERNMENT FORECASTING AND ACCOUNTABILITY

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## Major Bills Passed by the 102nd General Assembly

This issue of *First Reading* summarizes bills as they passed both houses of the 102nd General Assembly’s spring and June sessions, and reports the Governor’s actions on them. A total of 664 bills passed both houses during that time. This issue summarizes 193 bills of general interest in 13 categories.

Decennial redistricting was done for state legislative and judicial districts, and for the Cook County Board of Review. A new law delays the 2022 primary election until June 28 and reduces the number of signatures needed on nominating petitions in 2022 due to COVID-19. Lawmakers also voted to expand ethics requirements on lobbyists and some appointees.

A new law authorizes two lotteries to award 110 new adult-use cannabis dispensary licenses to social equity applicants. Another act lowers trailer registration fees; raises the fee for a certificate of title; and ends state sales taxation of the portion of the value of a trade-in beyond \$10,000.

By August 2022, the State Board of Education is to develop, and schools are to follow, sex education class learning standards conforming to the National Sex Education Standards. Other new acts restrict use of “time out” in schools, and allow college athletes to receive compensation for use of their identities.

The limit on Crime Victims Compensation Act awards is raised from \$27,000 to \$45,000 for any crime committed after August 6, 2022. Legislators also voted to prohibit police from obtaining data stored in household computers and cellphones without consent or a warrant, and to expand the Firearms Restraining Order Act.



New acts will cover more services under Medicaid; require birth centers to be licensed; require creation of mobile mental health services to respond to emergency mental health crisis calls; and expand training of 911 operators. Trained pharmacists may dispense hormonal contraceptives under standing orders. Utility customers’ bills can be increased to pay for more enrollment in the Percentage of Income Payment Plan.

Information on all bills of the 102nd General Assembly is available at the General Assembly’s website: [www.ilga.gov](http://www.ilga.gov).

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# Appropriations & State Budget

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*The state's budget for fiscal year 2022 is \$176.6 billion—\$5.5 billion over the \$171.1 billion appropriated for FY 2021. General Funds appropriations rose 1.6%, from \$40.7 billion to \$41.3 billion.*

All FY 2022 appropriations for capital and operations spending were approved in one law. The budget plan is based on assumed “base” General Funds revenues of \$42.4 billion—including some \$656 million from tax changes enacted in 2021—plus \$2 billion from the federal American Rescue Plan Act. The plan assumes \$42.3 billion of “base” spending and a “base surplus” of \$61 million. It also includes \$1.0 billion for repaying COVID-related debt, and projects a total surplus of \$88 million.

General Funds appropriations for K-12 (including pension contributions) total \$15.4 billion, or 37.1% of General Funds appropriations; the share for higher education (including pension contributions) is \$3.9 billion—9.4% of the total. Appropriations for the five state pension funds and the Chicago teachers’ pension fund total \$10.1 billion, of which \$9.8 billion is from the General Funds.

The FY 2022 budget implementation act made changes related to finance, pensions, revenues, fund transfers, and the federal American Rescue Plan Act.

More details on the FY 2022 budget—including revenue changes, budget implementation provisions, and appropriations—are in the *FY 2022 Budget Summary* from the Commission on Government Forecasting and Accountability. That report, available on the Commission’s website, also has information on the FY 2021 revenues, state employee numbers, group insurance, Medicaid, education funding, state pension systems, and state borrowing.

## FY 2021 Supplemental Appropriations and FY 2022 Operating Appropriations

**P.A. 102-17**, enacted by S.B. 2800 (Harmon-Sims-Hunter—Welch-G.Harris)

## FY 2022 Budget Implementation

**P.A. 102-16**, enacted by S.B. 2017 (Harmon-Sims—G.Harris)

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# Business & Economic Development

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*New acts will extend Illinois' Secure Choice Savings Program to smaller employers; allow water and sewer utilities to charge customers to fund a low-income assistance program; and require Chicago dwelling units and hotels to have smoke detectors. Legislators also voted to establish insurance and other requirements for car-sharing businesses; create a task force to study the future of work in Illinois; and require reporting by employers who use artificial intelligence to analyze video interviews of job candidates.*

## **Artificial Intelligence.**

Employers relying solely on an artificial intelligence analysis of a video interview to decide whom to interview in person are to report annually the race and ethnicity of each applicant to the Department of Commerce and Economic Opportunity (DCEO). DCEO is to analyze the data for racial bias and report to the Governor and General Assembly by each July 1 (P.A. 102-47, enacted by H.B. 53, Andrade-G.Harris—Connor-J.Collins).

## **Automatic Worker Savings**

**Expansion.** Employers of 5 to 24 employees with no tax-deferred employee saving programs (added to larger employers) must enroll in the Illinois Secure Choice Savings Program all employees who are at least 18 and do not opt out. Younger employees can opt in. The Program will establish automatic annual increases in employee contributions, up to a maximum of 10% of pay (P.A. 102-179, enacted by H.B. 117, Guzzardi-Ammons-Gabel et al.—Martwick-Holmes-J.Collins-Peters-Bush et al.).

## **Brewers Selling to Retailers,**

**Etc.** A new Class 3 brewer's license is for brewers or nonresident dealers making up to 155,000 gallons per year at one location and up to 465,000 gallons per year in total. They can sell on licensed premises, for on- or off-premises consumption, beer made by themselves or other brewers, plus cider, wine, or spirits. They can also apply for a self-distribution exemption to sell limited quantities directly to retailers and other breweries. Wineries, breweries, and craft distillers seeking a self-distribution exemption can be part of an affiliated group that makes limited quantities of other types of alcohol, instead of only the type their entity makes.

Makers and distributors may give retailers suggested display diagrams, but may not condition discounts, rebates, or access to brands on a retailer's compliance. They may not affix prices directly to products on behalf of retailers, or enter prices in a retailer's computer system.

Retail licensees may form cooperative buying agreements to buy wine or spirits from distributors. Distributors must offer the same quantity discount programs to cooperative buying groups as to any retailer. A cooperative buying group that buys wine or spirits under a quantity discount program must buy at least 250 cases under that program. Each participant in a cooperative buying group may be required to buy a minimum percentage of such cases (P.A. 102-442, enacted by H.B. 2620, Zalewski-C.Meier-Rita et al.—Cunningham-Castro et al.).

**Cannabis Licenses.** The Department of Financial and Professional Regulation (DFPR) will award 110 new adult-use cannabis dispensary licenses in a two-round lottery to social equity applicants. A third lottery will be held for the top-scoring applicants for the original 75 licenses. Five remaining medical cannabis dispensary licenses will be given to social equity applicants. In general, social equity applicants are those who live in areas disproportionately impacted by poverty or

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## Business & Economic Development

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cannabis use, and/or have been personally involved or have family members who were involved with the justice system due to cannabis use (**P.A. 102-98**, enacted by H.B. 1443, Ford-Welch-Ortiz-Gordon-Booth-Welter et al.—Lightford-Castro-Villanueva et al.).

### Car-Sharing Businesses

must assume liability for use of a shared vehicle in an amount of at least 4 times the legal minimum insurance, and separately ensure that the owner and driver are protected by at least twice the legal minimum liability insurance. Car-sharing businesses must comply with requirements for recordkeeping, consumer protection disclosures, driver's license verification, and safety recalls of shared vehicles (**P.A. 102-497**, enacted by H.B. 3712, T.Jones—N.Harris-Barickman et al.).

**Corporate Reporting.** The self-identified sexual orientation and gender identity of each board member of a publicly held corporation is to be included in its annual report to the Secretary of State (**P.A. 102-223**, enacted by S.B. 1730, E.Jones-Castro-Simmons-J.Morrison-Feigenholtz et al.—Didech-Welch-Ammons-Mah-Delgado et al.).

**Credit Unions.** A credit union's board of directors may (1) hold membership meetings remotely by electronic means; (2) appoint one or more "associate directors" to act in an advisory capacity; and (3) authorize loans of up to 5% of the credit union's unimpaired capital to community development financial institutions and minority depository institutions. DFPR will no longer set maximum compensation rates for credit union board members, but can reduce unreasonable rates (**P.A. 102-496**, enacted by H.B. 3698, Hoffman-DeLuca—Muñoz).

### Economic Development

**Administration.** The Illinois Business Investment Committee is removed from involvement in the Economic Development for a Growing Economy (EDGE) tax credit program. An Illinois Small Business Fund is created to receive proceeds from DCEO's investments in economic development programs; DCEO may reinvest that money in small businesses through grants and loans. Some provisions are repealed, including the Illinois Small Business Incubator Act and a requirement that businesses receiving some state financial assistance report on jobs created (**P.A. 102-330**, enacted by S.B. 1690, S.Bennett et al.—Croke).

### Entrepreneurship

**Assistance Centers.** Subject to appropriation, DCEO is

to issue grants for creating entrepreneurship assistance centers to train minorities, women, persons with disabilities, dislocated workers, and veterans to pursue self-employment. DCEO will monitor and evaluate such centers' performance, and report annually starting in 2023 (**P.A. 102-272**, enacted by H.B. 665, Evans-Ammons et al.—Sims-N.Harris-Lightford-Van Pelt).

### Equal Pay Certification

**Changes.** Businesses with over 100 employees were required to get an equal pay registration certificate from the Illinois Department of Labor by March 23, 2024. Under this act, the Department will assign each business a date between March 2022 and March 2024 by which to apply for a certificate. The information that employers must submit for certification is expanded. Violations will result in fines of \$2,500 to \$10,000 (changed from 1% of gross profit) (**P.A. 102-36**, enacted by S.B. 1847, Hunter-Simmons-J.Collins-Johnson et al.—Harper et al.).

### Illinois Future of Work Task

**Force.** This body is created to assess new technologies, develop ideas for job standards and working conditions for future work, and propose workforce development programs for jobs of the future. The Task Force is to meet seven times and report to the Governor and General

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Assembly by May 2022 (**P.A. 102-407**, enacted by H.B. 645, Evans-Ammons et al.—Villivalam-Castro-Johnson et al.).

**Liquor Delivery; Vaccination Promotion.** In addition to mixed drinks as under current law, single-serving containers of wine may be used in delivery and carryout of alcoholic beverages. If a drink is in the manufacturer’s original container, it must be labeled with the name, license number, and address of the retailer. Authority for delivery and carryout of drinks is extended to January 3, 2024. From June 10 to July 10, 2021, in advertised promotions to encourage vaccination, licensed retailers could offer a free alcoholic drink to customers showing proof of COVID-19 vaccination (**P.A. 102-8**, enacted by S.B. 104, Feigenholtz-Fowler et al.—Zalewski-M.Murphy et al.).

**Non-Compete and Non-Solicitation Agreements** cannot be established with employees earning under \$75,000 per year (non-compete) or \$45,000 per year (non-solicitation). Those amounts will increase once every 5 years to \$90,000 (non-compete) and \$52,500 (non-solicitation) in 2037. (Non-compete agreements had been banned for low-wage hourly employees.) Such an agreement will be valid only if the employee receives “adequate consideration” as defined; the agreement is ancillary to a valid

employment relationship and does no more than is required to protect the employer’s legitimate business interests; and there is no undue hardship to the employee or injury to the public. Employers must advise prospective employees in writing to consult a lawyer before signing such an agreement, and give them 14 days to review it (**P.A. 102-358**, enacted by S.B. 672, Hunter-Feigenholtz-Peters et al.—Burke-Ugaste-Guzzardi-Kifowit et al.).

**Product Research and Broadband Funding.** The Department of Human Services is to offer an Illinois Broadband Adoption Program for low-income people to get vouchers for broadband Internet service. Persons getting Medicaid, TANF, SNAP, or free or reduced-price school lunches are automatically eligible; the Department may further expand eligibility. The Program will be funded by federal American Rescue Plan aid and state appropriations.

DCEO may award “innovation vouchers” to eligible Illinois businesses that partner with Illinois institutions of higher education for research leading to creation of new products and services that can be marketed by Illinois businesses. The vouchers can be issued for up to 75% of the cost of research, not to exceed \$75,000; a business may receive only one voucher per year (**P.A. 102-648**, enacted

by S.B. 2290, S.Bennett-Belt-D.Turner et al.—Mayfield-Hoffman-West-Greenwood et al.).

**Product Research Funding.** Provisions on innovation vouchers like those in P.A. 102-648 are in **P.A. 102-421**, enacted by H.B. 1855, Hoffman et al.—S.Bennett et al.

**Smoke Detectors.** Chicago dwelling units and hotels are no longer exempt from having smoke detectors (**P.A. 102-46**, enacted by H.B. 51, Andrade—Pacione-Zayas et al.).

**Water and Sewer Financial Assistance.** DCEO may create a program allowing water and sewer providers to voluntarily offer financial assistance to low-income customers. Participating providers may charge a customer up to 20¢ per month for residential and \$10 per month for non-residential service. Funds will be deposited in a new Water and Sewer Low-Income Assistance Fund administered by the Department of Revenue. Amounts collected by each provider will be used for its customers only (**P.A. 102-262**, enacted by H.B. 414, Greenwood-Flowers-DeLuca-Hurley et al.—Belt-Villivalam-J.Collins-Johnson-Van Pelt et al.).

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# Civil Law

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*A new act raises the maximum award under the Crime Victims Compensation Act from \$27,000 to \$45,000 for a crime committed after August 6, 2022. Legislators also voted to stay residential mortgage foreclosure sales until August 2021; authorize agreements between adults who need help understanding and planning life activities and supporters to help them; and accord some legal privileges to statements made in restorative justice meetings.*

## **Business Law Changes.**

Shareholder meetings may be held electronically unless the bylaws require them to be held “at a place.” Illinois corporations can merge with limited liability entities (formerly with limited liability companies) not established in Illinois. The corporate franchise tax is to expire after 2024 (was 2025). “Benefit corporations” organized outside Illinois may be authorized to operate here. A limited liability company (LLC) that has acted to terminate itself, but has not begun distributing assets or filed for court supervision, can undo its action within 90 days under procedures stated in this act. An LLC that was voluntarily terminated can be reinstated if it takes specified actions (P.A. 102-282, enacted by S.B. 116, J.Morrison—Morgan-D. Meyers-Martin-Ammons et al.).

## **Cellphone Locating in**

**Emergency.** If requested by police or a 911 center, a wireless communications provider must provide geolocation information on a user. Such a request may be made only to respond to an emergency call or to prevent death or serious bodily harm. The State Police

will obtain contact information on wireless service providers for this purpose and provide it to 911 centers (P.A. 102-565, enacted by S.B. 2530, Curran-McConchie-DeWitte et al.—Mazzochi-Ammons et al.).

**Court Redistricting.** Effective in December 2022, the 20th Illinois judicial circuit will be divided into two circuits. St. Clair County will be the only county remaining in the 20th Circuit; a new 24th Circuit will consist of Monroe, Perry, Randolph, and Washington Counties. The General Assembly will divide the 19th Circuit (Lake County) into at least 10 subcircuits using 2020 Census results (P.A. 102-380, enacted by S.B. 2406, Belt-J. Collins—Hoffman-Greenwood et al.).

**COVID-19 Rental Assistance; Eviction Relief.** State agencies are authorized to receive and disburse emergency federal COVID-19 rental assistance as provided by federal law and this act, with priority to areas with high numbers of COVID-19 cases, housing instability or homelessness, or large amounts of rent owed. Until March 31, 2022, court files on residential

evictions must be temporarily sealed, but *may* later be unsealed regarding judgments entered for the property owners. Until August 2022, court files on residential evictions may be sealed if the court finds that justice so requires, and *must* be sealed if eviction occurred because a new owner took over the property. Residential mortgage foreclosure sales were stayed until August 2021 (P.A. 102-5, enacted by H.B. 2877, Ramirez-LaPointe-L. Collins-Guzzardi-Welch et al.—Aquino-Feigenholtz-D.Turner-Pacione-Zayas-Peters et al.).

## **Crime Victim Compensation.**

The maximum award per crime under the Act will rise from \$27,000 to \$45,000 for crimes committed after August 6, 2022. Survivors of a homicide victim will not automatically be denied compensation due to the victim’s provocation of the killer. The Attorney General’s role in administering the Act is increased. Several changes made to the Act by last year’s P.A. 101-652 are delayed in taking effect until January 1, 2022 (P.A. 102-27, enacted by H.B. 3295, Slaughter-Mayfield et al.—Sims-J.Collins-Van Pelt).

## **Health-Care Powers of**

**Attorney.** A person granting a power of attorney for health care can elect to have a 30-day ‘cooling off’ period apply if the person later attempts to revoke it (P.A. 102-181, enacted by H.B. 679, Davis-Carroll-Willis-Lilly—N.Harris).

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**Life-Sustaining Treatment Orders.** A physician's determination that an adult patient lacks decisional capacity (required before a surrogate decision maker stops life-sustaining treatments) needs the concurrence of an additional qualified health care practitioner (formerly of a second physician). A patient's surrogate decision maker may execute a Practitioner Orders for Life Sustaining Treatments (POLST) or similar form. A patient may not be required to execute a POLST form to get health care or be admitted to a facility. Before revoking such a form that was executed by the patient, the patient's surrogate decision maker must consult a qualified health care practitioner, and must act in accord with the patient's advance directive (if available) and known wishes (P.A. 102-140, enacted by S.B. 109, Feigenholtz et al.—Gabel-Ammons).

**Marriage Certificate Rerword.** One or both persons currently married to each other can obtain marriage certificates that do not identify the gender of either spouse (P.A. 102-171, enacted by S.B. 139, Feigenholtz et al.—A. Williams-Ammons et al.).

**Organ Transplants.** Hospitals, doctors, and organ procurement organizations may not prevent a patient from receiving an anatomical gift due solely to the patient's mental or physical disability. Such a disability may be taken into account only to the extent it is judged

medically significant to the provision of an anatomical gift (P.A. 102-147, enacted by S.B. 500, Barickman-Hastings-McConchie-K. Villa et al.—T. Bennett-Kifowit et al.)

**Opioid Suit Restrictions.** No unit of local government or school district can file or join an opioid suit against an opioid defendant that is subject to a settlement in which the state has joined, unless the Illinois Attorney General approves. If counties containing at least 60% of Illinois' population, including all counties of at least 250,000, agree with the Attorney General on allocating opioid settlement proceeds, the Attorney General can intervene in opioid suits and release claims by local governments and school districts that were pending against opioid defendants and are subject to a multistate opioid settlement involving Illinois (P.A. 102-85, enacted by S.B. 215, Crowe-Belt-Castro-Bush-J. Collins et al.—Hoffman).

**Prejudgment Interest** at 6% annually, on compensatory damages only, will start accruing upon the filing of a civil action for injury or death, except that (1) if the defendant makes a written settlement offer that the plaintiff does not accept within 90 days, interest will apply only to the excess, if any, of compensatory damages awarded over the offer; (2) public bodies will not pay prejudgment interest; and (3) it will not accrue for more than 5

years (P.A. 102-6, enacted by S.B. 72, Harmon-Lightford et al.—Hoffman).

**Restorative Justice.** A section added to the Code of Civil Procedure encourages "restorative justice practices" in which persons who have caused harm, and those they have harmed, are encouraged by a facilitator to discuss the harm and ways to redress it. Some legal privileges will apply to statements made in such meetings (P.A. 102-100, enacted by S.B. 64, Peters et al.—Ammons-Cassidy-Guzzardi et al.).

**Supported Decision-Makers for Adults.** A new Supported Decision-Making Agreement Act will permit an adult who needs help in understanding and planning life activities to agree with a "supporter" to provide such help. The Act includes the text of a form for such agreements, with options for what kinds of actions the supporter is authorized to take. Third parties are directed to rely on such agreements; they must report any cause to believe that a supporter is abusing, exploiting, or neglecting a supported person (P.A. 102-614, enacted by H.B. 3849, LaPointe-Carroll-Morgan et al.—Feigenholtz et al.).

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# Criminal Law

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*New laws expand some rights of crime victims in criminal prosecutions; prohibit state and local governments from cooperating with a federal immigration enforcement action unless presented with a federal criminal warrant; and establish a task force to study ways to reduce prison populations through resentencing. Legislators also voted to prohibit police from obtaining, without consent or a warrant, data stored in household computers and cellphones; expand the Firearms Restraining Order Act; and restrict the disclosure of identities of adult victims of sex crimes.*

## **Assessments After Conviction.**

If an assessment is imposed upon conviction, but public or community service is allowed in lieu of some or all of it, that service is to be credited at no less than the state hourly minimum wage rate. In Cook County until July 2024, the following will apply: Assessments for Illinois Vehicle Code violations are added to the violations potentially waivable due to a defendant's financial condition, but assessments for traffic and petty offenses are only partially waivable (**P.A. 102-620**, enacted by S.B. 626, J.Collins et al.—Cassidy-Ammons-Flowers-Ford-Ramirez et al.).

## **Correctional Officer Wellness.**

The Departments of Corrections and Juvenile Justice are to develop and implement wellness programs to help correctional officers deal with the challenges of their service (**P.A. 102-616**, enacted by H.B. 3895, Lilly—N.Harris).

**Court-Appointed Special Advocates** are to be appointed for all minors alleged in juvenile court to be abused,

neglected, or dependent, if such "CASAs" are available locally. Training and duties of CASAs are prescribed. The CASA for a minor may obtain all information and records relevant to the minor's case, but may not disclose them without a court order (**P.A. 102-607**, enacted by H.B. 3277, Costa Howard et al.—Belt-J. Morrison).

**Crime Victim Protection.** By January 2023, the Attorney General is to establish a division to investigate complaints of violations of crime victims' constitutional and statutory rights. Some rights of victims in criminal prosecutions are expanded. Complaints alleging violation of such rights can be filed in circuit court. Reasons for denying relief sought by a victim must be clearly stated; a denial can be appealed. Remedies must include requiring an employee who did not provide such a right to take mandatory training on victims' rights provided by the Attorney General. A defendant in a criminal case who wants to introduce legally privileged testimony (added to

records) from an alleged victim must seek court permission; if the court finds the testimony potentially admissible, the testimony is to be heard *in camera*, and its further use is restricted. Prosecutors' subpoenaing of legally confidential or privileged information or records of a victim is also restricted, and a victim who refuses to provide such information will not lose rights under the Rights of Crime Victims and Witnesses Act.

Victims of sex crimes are to be informed of the State Police sexual assault evidence tracking system. A provision on special procedures for taking testimony from minors and persons with disabilities in prosecutions for sex crimes is expanded to apply to such a witness in a prosecution for any violent crime. Temporary changes made by a 2020 act to the Sexual Assault Survivors Emergency Treatment Act will remain in effect until January 2022 instead of July 2021. Some requirements in the Act that were to take effect at the start of 2022 are delayed by 1 year (**P.A. 102-22**, enacted by H.B. 1739, Hirschauer-Conroy-Hurley et al.—K.Villa-Peters-J. Collins-Van Pelt).

## **Criminal Justice Adjustments.**

Changes are made in several provisions of P.A. 101-652 (signed in February 2021). They include restrictions or bans on editing recordings from police body-worn cameras; adjusting that act's restrictions



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on use of force to make an arrest; adding elements of knowledge and intent to the prohibitions on obstruction, by police or others acting with apparent legal authority, of apprehension or prosecution of crimes; and delaying effective dates of some provisions until January 2022. Reductions under P.A. 101-652 in mandatory supervised release terms for some crimes will apply only to persons convicted after July 1, 2021 or after January 1, 2022. Relaxations under P.A. 101-652 in electronic monitoring are also delayed to January 1, 2022.

Twelve sections of the Code of Criminal Procedure that establish procedures on granting bail in specific kinds of cases; drug testing of persons released before trials on drug charges; depositing of property for bail; and other matters involved in making bail are to be repealed effective January 1, 2023.

Kinds of information that must be reported on persons dying in custody are expanded, and reporting is required whether or not they were in Department of Corrections custody. The Illinois Criminal Justice Information Authority is to start compiling information from such reports by January 1, 2022. The reporting date for the Task Force on Constitutional Rights and Remedies is delayed until October 31, 2021 (**P.A. 102-28**, enacted by H.B. 3443, Slaughter-Harper-Robinson et al.—Sims-Peters-J.Collins-S.Bennett et al.).

**Criminal Transmission of HIV.** This crime has been abolished (**P.A. 102-168**, enacted by H.B. 1063, Ammons-Slaughter-L.Collins-Robinson-G.Harris et al.—Peters-Connor-Pacione-Zayas-Holmes-Aquino et al.).

**Electronic Data Use by Police.** Police will be barred from obtaining, without consent or a warrant, data stored in computers, cellphones, and similar devices that are kept primarily for household use. Exceptions will apply to emergencies involving imminent danger, such as kidnapping and hostage taking, in which it is not feasible to obtain a warrant. Data obtained in violation of these provisions will be inadmissible in court, unless a judicially recognized exception to the exclusion of evidence for constitutional reasons applies or the court finds by a preponderance of evidence that the officer involved reasonably believed that an emergency exception applied (**P.A. 102-597**, enacted by H.B. 2553, A.Williams-Flowers-Buckner-Lilly-Yednock et al.—Castro-Van Pelt-J.Collins et al.).

**False Statements in Interrogations.** A confession by a person who was under 18 when the offense was committed is to be presumed inadmissible if a law enforcement or juvenile officer knowingly made false statements about evidence or, without authority, made

statements about leniency during interrogation of the suspect. The state must prove voluntariness of such a confession by a preponderance of the evidence (**P.A. 102-101**, enacted by S.B. 2122, Peters-J.Collins-Van Pelt-Sims-Hunter et al.—Slaughter-Durkin-Ammons-Windhorst et al.).

**Firearms Restraining Orders.** The Firearms Restraining Order Act is expanded to (1) enable more kinds of persons to seek orders; (2) apply to ammunition, and parts that could be assembled into firearms; and (3) allow an order to be sought in any county where a firearms-related incident occurred. If a law enforcement agency receives a search warrant requiring it to seize such a person's firearms, it must report to the court on the results within 4 days. The State Police must report annually to the General Assembly on the number of petitions for such orders that are filed.

If funding is available, the Illinois Department of Public Health is to have a program to inform the public about firearms restraining orders and how they can be sought. The State Police Director is to appoint a commission to create a model policy for timely relinquishment of firearms under restraining orders; the State Police is to develop, with local law enforcement agencies, a strategy for achieving such relinquishment. The Law

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## Criminal Law

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Enforcement Training Standards Board is to develop a curriculum on seeking firearms restraining orders, and situations in which they are appropriate; police training schools must teach it, and each law enforcement officer must be trained on it annually (P.A. 102-345, enacted by H.B. 1092, Stoneback-Welch-Slaughter-Hirschauer-Ramirez et al.—Gillespie-J.Morrison-Villivalam).

**Hate Crimes.** Crimes motivated by citizenship or immigration status are added to those defined in the Criminal Code as hate crimes (P.A. 102-235, enacted by S.B. 1596, J.Collins-Villanueva-Simmons et al.—Mah-Gonzalez-Ammons-Cassidy-Ramirez et al.).

### Human Trafficking

**Victims.** The act on address confidentiality for victims of domestic violence, sexual assault, or stalking is extended to victims of human trafficking. Addresses of persons protected by that act may not be disclosed under the Freedom of Information Act or the Election Code. The State Board of Elections is to create a program enabling protected persons to register and vote (P.A. 102-292, enacted by S.B. 593, Glowiak Hilton-Holmes-J.Collins-Plummer-Villa et al.—Costa Howard-Keicher-Ammons-Hurley et al.).

### Immigration Enforcement Restrictions.

State and local governments may not make contracts to detain or house persons for federal civil immigration violations; investigate the citizenship or immigration status or place of birth of persons in their custody; or cooperate with a federal immigration enforcement action unless presented with a federal criminal warrant. All law enforcement agencies must report annually on requests and warrants from federal agencies related to immigration to the Attorney General, who can investigate and prosecute possible violations. A law enforcement or prosecuting agency that is asked to certify an alien as a victim of crimes that can result in protection under federal law must state in writing reasons for denying such certification, and must respond within 30 business days to an appeal of a denial. All such agencies must provide regular training of their officials who will make such certification decisions, and report annually on such requests to the Attorney General, who can investigate and prosecute possible violations (P.A. 102-234, enacted by S.B. 667, Aquino-Castro-Villanueva-Hunter-Villivalam et al.—E. Hernandez-Welch-Mayfield-Harper-Mah et al.).

### Juvenile Sentencing.

Determinate sentencing under the Juvenile Court Act is replaced with indeterminate sentencing based on “target release dates.” Sentences still must end by age 21. Criminal

sentences must run concurrently with any Juvenile Court sentences. The Department of Juvenile Justice is to operate all youth correctional institutions (now called “youth centers”), and may commission construction of new ones. No one committed to the Department may be isolated for disciplinary reasons (P.A. 102-350, enacted by H.B. 3513, Slaughter-Mayfield-Lilly-Greenwood-Ammons et al.—Connor-Peters-J.Collins-Van Pelt et al.).

**Neglected Child Reporting; Sex Crimes.** Definitions in the Abused and Neglected Child Reporting Act are expanded somewhat by (a) including as a neglected child one who is subject to a likelihood of harm due to disregard by a “person responsible for the child’s welfare” of responsibilities to the child, and (b) expanding the quoted term to include anyone (formerly only a custodian of the child) who commits or allows some kinds of offenses against the child.

A definition of “unable to give knowing consent” is added to the Criminal Code, to apply if the victim is drugged, and to be presumed to apply if the victim is institutionalized; in police custody; or a client or patient getting an examination or treatment when a sex crime occurs.

The definition of aggravated criminal sexual abuse by one in a position of trust or authority

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over the victim is expanded to apply to all victims under age 18 (formerly only ages 13-17), and the crime is raised to a Class 1 felony. The definition of the crime of making a revealing video recording or video transmission of another without consent is made more precise, and it is raised to a Class 4 felony (P.A. 102-567, enacted by S.B. 2567, Bush—Cassidy-Bos).

**Prison Medical Release.** A prisoner can seek release due to either terminal illness, or current or near-term medical incapacity (each as defined in this act); or an application for such release can be filed by a prison official, doctor, relative, or attorney for the person. A crime victim may submit a victim impact statement to the Prisoner Review Board regarding an application. The Board is to order a medical evaluation; may, but need not, hold a public hearing; and may grant release by majority vote of a three-member panel. The Board and Department of Corrections must issue annual reports on persons so released (P.A. 102-494, enacted by H.B. 3665, Guzzardi-E.Hernandez et al.—Connor-J.Collins-Van Pelt).

**Prostitution—Expunction.** Anyone may petition the court to vacate and expunge a Class 4 felony prostitution conviction after the sentence or conditions imposed due to the conviction are completed. A state’s attorney may so petition

at any time, but must notify the Prisoner Review Board. Criteria for the court to consider in hearing such a petition are stated (P.A. 102-639, enacted by S.B. 2136, J.Collins-Van Pelt-Martwick-Hunter et al.—Flowers-Evans-Guzzardi-L. Collins-Slaughter et al.).

**Public Defender Task Force.** A Public Defender Quality Defense Task Force will study public defenders’ caseloads and the quality of their services. It is to hold at least two public hearings and report to the Governor and General Assembly by the end of 2022 (P.A. 102-430, enacted by H.B. 2427, Stava-Murray-Ammons et al.—K.Villa-J.Collins-Van Pelt).

**Resentencing.** The state’s attorney of the county where a convicted defendant was sentenced may petition the court to reduce the sentence based on events since conviction that show that the sentence no longer advances the interests of justice. Rights guaranteed by the Rights of Crime Victims and Witnesses Act are not to be affected (P.A. 102-102, enacted by S.B. 2129, Peters-Sims-E. Jones—Cassidy-Slaughter-Buckner-Tarver-J.Williams et al.).

**Resentencing Task Force.** A 17-member Resentencing Task Force will study ways to reduce prison populations through resentencing motions filed by persons in prison, state’s attorneys, courts, and the

Department of Corrections, and report to the General Assembly and Governor by July 1, 2022 (P.A. 102-99, enacted by H.B. 3587, Slaughter-Cassidy-Harper-Mayfield-Lilly—Peters-J.Collins).

**Secretary of State and Immigration Actions.** The Secretary of State is prohibited from providing photographs or facial recognition search services to aid in enforcing federal immigration law (P.A. 102-354, enacted by S.B. 225, Villanueva-Hastings-Aquino—Gonzalez-Mayfield et al.).

**Transporting DCFS Clients.** Use of any kind of restraint, except child safety seats and medical devices, when the Department of Children and Family Services transports youth in its care or protective custody is forbidden. An “individualized trauma-sensitive transportation plan” for any such youth is to be developed and have court approval (P.A. 102-649, enacted by S.B. 2323, Feigenholtz-K.Villa—Kifowitz-Mason-L.Collins-Hammond-LaPointe et al.).

**Victim Identity Protection; School Personnel as Perpetrators.** Disclosure by law enforcement agencies and courts of the identities of adult victims of sex crimes is to be restricted—with exceptions for disclosure to a long list of kinds of public officials and employees, and professionals. After a hearing involving all

*(continued on p. 37)*

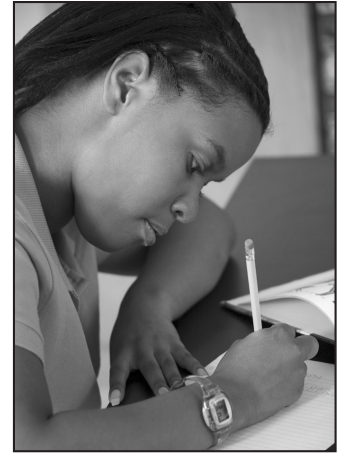
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# Education

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## Elementary & Secondary

*New laws require the Illinois State Board of Education to develop, and schools to use, sex education class learning standards conforming to the National Sex Education Standards, with information on consent, anatomy, puberty, gender identity, sexual orientation, and sexual health. Lawmakers also voted to require courses on media literacy, Asian American history, and contributions of Americans of various faiths; make grants to support school social workers and principal and teacher mentoring; and restrict use of “time out” in schools.*



### **Anaphylaxis Treatment.**

The Illinois State Board of Education (ISBE) and Illinois Department of Public Health are to issue an anaphylaxis policy for school districts, including requirements for training school personnel on preventing and responding to anaphylaxis. Before 2022, ISBE is to send the policy to school districts, which will have 6 months to implement it. The policy must be reviewed at least every 3 years, and districts must notify parents of the policy at least once per calendar year. Licensed day-care facilities must have plans for anaphylactic shock emergencies; at least one employee trained in recognizing and responding to anaphylaxis must be always present (**P.A. 102-413**, enacted by H.B. 102, Carroll-Mason-Costa Howard-Bos-West et al.—J.Morrison-Connor).

### **Asian American History.**

Public elementary and high schools must add Asian

American history units to their curricula starting in 2022-23. School boards may determine how much instructional time will satisfy the requirement; regional superintendents are to monitor compliance during annual compliance visits (**P.A. 102-44**, enacted by H.B. 376, Gong-Gershowitz-Welch-Mah-Conroy-Ramirez et al.—Villivalam-Van Pelt-Connor-J. Collins et al.).

**Bullying.** Schools’ restorative measures following bullying are to “increase student accountability” if the bullying is based on religion, race, ethnicity, or other protected categories listed in the Illinois Human Rights Act (**P.A. 102-241**, enacted by S.B. 673, J.Collins-Connor-Castro et al.—Gonzalez-Hurley et al.).

**Freedom Schools and Whole Child Task Force.** ISBE’s grant program to improve educational outcomes for African-American students using the

Freedom School model is expanded to include historically disadvantaged students, including African American students and other students of color.

The Whole Child Task Force’s membership is expanded to include (1) a member from a government agency with expertise in child development who is responsible for coordinating early childhood mental health programs and services; (2) a member with significant experience in early childhood mental health and childhood trauma; and (3) a member of an organization that represents school districts in the collar counties (**P.A. 102-209**, enacted by S.B. 820, Lightford-Ammons).

**Hair Styles.** School dress codes may not apply to hairstyles, including those historically associated with race, ethnicity, or hair texture. ISBE is to develop relevant resource materials and offer them on its

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website (**P.A. 102-360**, enacted by S.B. 817, Simmons-Aquino-Peters-Feigenholtz-J.Collins et al.—G.Harris-Cassidy et al.).

**Media Literacy.** Starting in 2022-23, each public high school must offer a unit on media literacy, including how to use media information and evaluate media messages (**P.A. 102-55**, enacted by H.B. 234, E.Hernandez-Kifowit et al.—K.Villa-Ellman-Lightford-Stadelman-J.Collins et al.).

**Miscellaneous.** ISBE’s comprehensive strategic plan is to focus on increasing equity in all Illinois schools. School district report cards will be due in December instead of October during a public health emergency, and are to report how many students graduate or withdraw from bilingual or English learner programs and the high school dropout rate. The English language proficiency requirement for teacher license applicants trained out of state is dropped (**P.A. 102-539**, enacted by S.B. 2043, Pacione-Zayas et al.—Bourne et al.).

**Muhammad Ali Day; U.S. History.** January 17 (Muhammad Ali’s birthday) is designated a commemorative holiday (not a day off) in public schools. Public schools’ U.S. history courses must include information on societal contributions by Americans of “different faith practices”

(**P.A. 102-411**, enacted by S.B. 564, Holmes-Ellman-J.Collins-Castro-Hunter et al.—Gonzalez-Ammons-Kifowit et al.).

**Principal and Teacher Mentoring.** Subject to appropriation, ISBE is to offer grant programs to support (1) mentoring for new principals and (2) induction and mentoring of new teachers. It is to select eligible entities to provide mentoring, including regional offices of education, institutions of higher education, school districts, and nonprofit organizations. A new Teaching Induction and Mentoring Advisory Group in ISBE will assist (**P.A. 102-521**, enacted by S.B. 814, Lightford—D. Meyers-Martin-K.Stuart-Scherer et al.).

**Safety Drills.** School lockdown drills may not include simulations of active shooter incidents. They must be announced to students and school personnel in advance; be age-appropriate; involve school professionals (including school mental health professionals); and include trauma-informed approaches to student well-being. School personnel or parents may exempt children from participating in a walk-through lockdown drill and provide alternative safety education. Law enforcement may run active shooter simulations only on days when children are not present. Each district’s annual review must

include a review of the efficacy and effects of such drills (**P.A. 102-395**, enacted by H.B. 2400, Hirschauer-Costa Howard-Stava-Murray-Ammons et al.—K.Villa-Gillespie et al.).

**Sexual Abuse Policies.** School districts’ sexual abuse policies must (formerly may) include curricula for students in pre-K through 12th grades by July 2022; annual training for school personnel on child sexual abuse and grooming behaviors; educational information for parents; and counseling and support for children affected by sexual abuse (**P.A. 102-610**, enacted by H.B. 3461, Crespo-Mussman-Keicher-Elik et al.—Curran-K.Villa et al.).

**Sex and Consent Education.** All classes on comprehensive personal health and safety and comprehensive sexual health education must satisfy several criteria including that the material is age-appropriate and developmentally appropriate; sensitive to students’ personal circumstances; and medically accurate. Courses must help students develop healthy relationships, safely use the Internet, find resources, and understand laws on consent. Courses may not contain bias, promote religious doctrines, or withhold information on health care services. Parents may view course material ahead of time and may exempt their children from such education.

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## Education

(continued from p. 13)

By August 2022, ISBE is to develop and make available learning standards for comprehensive personal health and safety education for K-5 students, and comprehensive sexual health education for students in grades 6-12. The standards are to include all of the National Sex Education Standards, including information on consent, anatomy, puberty, gender identity, sexual orientation, sexual health, and interpersonal violence. Schools may adapt the materials to fit their communities' needs. Schools are to annually report on such instruction to ISBE, which is to report such information to the General Assembly for 5 years.

Schools may provide “age and developmentally appropriate consent education” in kindergarten through 12th grades (P.A. 102-522, enacted by S.B. 818, Villivalam-Villanueva-Holmes-L.Murphy-Pacione-Zayas et al.—Lilly-Willis-Ramirez-Evans-Costa Howard et al.).

### Social Worker Aid.

*Scholarships.* Subject to appropriation, starting in 2022-23 the Illinois Student Assistance Commission (ISAC) will award up to 250 scholarships per year to

applicants who have social work licenses and masters' degrees in social work and agree to take courses to get Illinois Professional Educator Licenses with School Social Work endorsements. Racial minority applicants will get priority. If scholarships cannot be given to all qualified applicants, the order of priority will be (1) students who received scholarships in the preceding year and remain eligible; (2) new racial minority applicants; and (3) other new applicants. Recipients must work as school social workers in Illinois for at least 2 of the 5 years after graduation (with some exemptions) or repay the scholarships (P.A. 102-621, enacted by S.B. 661, Gillespie et al.—LaPointe-Carroll-West-Davis-Lilly et al.).

*Worker grants.* Subject to appropriation, starting in July 2022 ISAC may make grants of up to \$6,500 to qualified public school social workers, and encourage their use to repay student loans. Each applicant must have been a public school social worker for the last 12 consecutive months and have a loan related to a social work degree. Minority applicants will get priority (P.A. 102-622, enacted by S.B. 662, Gillespie et al.—Carroll).

### State Education Equity

**Committee.** This body is created within ISBE to identify methods to achieve “educational equity” for all children. It will make recommendations to ISBE and the General Assembly by January 31, 2022, and report annually on progress (P.A. 102-458, enacted by H.B. 3114, Delgado-Smith-Andrade-Kifowit et al.—Aquino-Lightford-Belt-J.Collins-Van Pelt et al.).

### Student Parents and Domestic or Sexual Abuse Victims.

A new Ensuring Success in School Task Force will develop model policies to implement a new law regarding these students. By July 2024 and every 2 years thereafter, districts must update their policies to ensure that such students can enroll and graduate. Schools must have policies for students or their parents to report domestic or sexual violence, and policies on responding to complaints of violations of this law. The policies must conform to statutory requirements, and staff responding to such complaints must be trained.

Before July 2024, unless a union agreement provides otherwise, each school must have at least one employee who is a school social worker, psychologist, counselor, nurse, or administrator trained to address needs of students who

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are parents or victims of abuse. School personnel who learn of such students must (while maintaining confidentiality) refer them to the designated staff member. Schools must annually inform all students over age 12 that counseling services are available without parental consent.

Schools must provide in-school support services and information on non-school support services to students who are parents or victims of abuse. Such students must be allowed to make up missed work.

Schools must implement policies to ensure confidentiality of a student's status as a parent or a victim or perpetrator of domestic or sexual violence.

During suspension or expulsion hearings, students must be allowed to have a representative and support person present. Students must be allowed to cite mitigating factors such as pregnancy or violence. Students may use home instruction for pregnancy-related conditions, childcare, or problems arising from domestic or sexual violence (formerly only pregnancy), and may not be penalized for using such instruction (**P.A. 102-466**, enacted by H.B. 3223, Moeller-G.Harris-Mussman-Ammons-Scherer et al.—Lightford-J.Collins-Belt-Van Pelt et al.).

**Time Out and Physical Restraint in Schools.** Time out and isolated time out are added to physical restraint as measures that may be used only in specified circumstances, including that the employee applying the measure has been trained in it. Parents must be notified after such a measure is used and allowed to request a meeting to discuss it; ISBE must be notified as well. Mechanical and chemical restraints are prohibited. Prone restraint may be used only in specific circumstances until the end of the 2021-22 school year. Schools may not deny students basic health necessities when isolating them.

ISBE's rules governing time out and physical restraint in public schools must be expanded to cover isolated time out and special education nonpublic facilities. ISBE is to set goals for schools to reduce use of such measures, and offer a grant program to help schools do so. Schools are to develop school-specific plans for such reductions. School districts are to report progress to ISBE annually for 3 years; schools that can prove they have not used such measures in the preceding 3 years need not report. ISBE will report progress to the

General Assembly by June 30, 2023 (**P.A. 102-339**, enacted by H.B. 219, Carroll-Buckner-Mussman-West et al.—Gillespie-Simmons-Lightford-Van Pelt-J.Collins et al.).

**Truancy.** In Chicago public schools, the Office of Chronic Truant Adjudication is eliminated; community service may no longer be required for truancy; and truant students may no longer be referred to the state's attorney. Instead, if a student or student's parents fail to comply with truancy services offered by a school, the school may refer them to a state agency or organization for "socio-emotional based intervention and prevention services." Statewide, students found by a court to be truant minors in need of supervision may no longer be fined or lose their drivers' license (**P.A. 102-456**, enacted by H.B. 3099, Harper et al.—Hunter-Lightford-J. Collins-Johnson-Van Pelt).

**Violent Incident Reporting.** Starting in 2022-23, school report cards issued by ISBE must report how many incidents of violence on school grounds or in school-related activities resulted in out-of-school suspension, expulsion, or removal to an alternative setting (**P.A. 102-294**, enacted by S.B. 633, L.Murphy-Lightford et al.—Conroy).

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## Higher Education

*New laws allow college athletes to receive compensation for use of their identities; authorize stipends for students seeking degrees in social work who agree to work for the Department of Children and Family Services; and create a consortium of colleges to help early childhood workers get degrees. Other acts prohibit public universities and colleges from requiring standardized test scores for admission of Illinois residents; create a pilot program at the University of Illinois to guarantee admission to some community college students; require colleges to have liaisons for homeless students and undocumented students; and regulate student loan debt relief service providers.*

**Admissions.** *Community college to U of I.* Starting in 2022-23, the University of Illinois is to have a 4-year pilot program guaranteeing admission to community college students with at least 36 transferable semester hours, a 3.0 GPA, and English language proficiency. Institutions subject to an existing pilot program for automatic admission of high school students in the top 10% of their class are to give priority to Illinois residents (**P.A. 102-187**, enacted by H.B. 796, Mazzochi-Ammons-K.Stuart-Carroll et al.—Cunningham-S. Bennett-J.Morrison et al.).



**Test scores.** Starting in 2022, Illinois public universities and colleges may not require Illinois residents to provide standardized test scores for undergraduate admission, although applicants may provide such scores voluntarily. This act says that it does not limit an institution’s admission requirements, standards, or policies (**P.A. 102-54**, enacted by H.B. 226, Greenwood-Ammons et al.—Belt-J.Collins-Van Pelt et al.).

**Athlete Endorsements.** College athletes may receive compensation from third parties for use of their names, images, likenesses, or voices, and may hire publicity agents, but must disclose publicity agreements to their colleges. They may not get compensation for endorsing or promoting gambling, controlled substances, cannabis, tobacco, alcohol, performance-promoting substances, adult entertainment, or other products or services inconsistent with their institutions’ values or mission.

Colleges may set reasonable limits on dates and times when athletes may participate in publicity-related activity. Colleges and athletic associations may not make publicity rights agreements with their athletes (**P.A. 102-42**, enacted by S.B. 2338, N.Harris-J.Collins-Peters-Sims et al.—Buckner-Welch-Gordon-Booth-Carroll-Slaughter et al.).

**Course Materials Access.** A College Course Materials Affordability and Equitable Access Task Force is created in ISAC to study how higher education institutions improve student access to course materials and reduce their cost. The Task Force is to report to the Governor, General Assembly, and ISAC on its findings and recommendations by October 2022, make a final report by March 31, 2023, and be dissolved 1 year later (**P.A. 102-122**, enacted by H.B. 332, Burke-Hammond-West et al.—L.Murphy-J.Collins et al.).



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**Degree Prospects Report.**

Each Illinois public university must give each student who declares or changes a major a report on that major and its occupational outlook. The report must include the estimated cost of the degree and the average monthly student loan payment over 20 years; the average job placement rate by 12 months after graduation; average entry-level pay; and average pay 5 years after hiring (P.A. 102-214, enacted by S.B. 1638, Rose-Plummer et al.—Hammond-Ammons-Brady-West et al.).

**Early Childhood Degree**

**Aid.** A new Early Childhood Access Consortium for Equity, consisting of public universities and community colleges with early childhood programs, will form regional hubs to help students get early childhood education degrees. Students already studying in that field will get priority. Regional hubs will offer online, hybrid, or in-person classes at participating institutions if a course is unavailable at a student's home institution. The Illinois Board of Higher Education (IBHE) will set enrollment and completion goals for the Consortium.

An advisory committee will oversee and advise the Consortium. The Consortium must report on its activities to the General Assembly, the legislative committees

overseeing higher education, the Governor, and the advisory committee.

Public universities are to grant junior-level status to a student who has an associate's degree in early childhood education (P.A. 102-174, enacted by H.B. 2878, K.Stuart-Ammons-Crespo et al.—Pacione-Zayas-Castro-Van Pelt-Lightford-K.Villa et al.).

**Homeless Students Liaison.**

Illinois institutions of higher education must designate a staff member as a liaison to homeless students. The liaison will provide assistance and resources, including help with financial aid and housing, to students who are homeless or were or are under state care. The liaison must report annually to IBHE or Illinois Community College Board (ICCB) numbers of students served; services provided; and known student outcomes. If an institution has a homeless or in-care population rate exceeding 2% of enrollment after 3 years, it must create a liaison position rather than designating an existing employee. Institutions that provide on-campus housing must give priority to homeless or in-care students, and waive fees for on-campus housing during school breaks (P.A. 102-83, enacted by S.B. 190, Glowiak Hilton-Pacione-Zayas-S.Bennett-Villanueva-J. Collins et al.—West-K.Stuart-Cassidy-Ammons-Hammond et al.).

**Loans. Debt relief providers.**

Student loan debt relief service providers are added to the entities subject to the Debt Settlement Consumer Protection Act, which includes restrictions on fees they can charge. Student loan debt relief services must disclose in all advertising, and before contracts are signed, that they are private and not affiliated with government, and that consolidation and repayment plans are available through the U.S. Department of Education (P.A. 102-298, enacted by S.B. 669, Aquino-Connor-Curran-J.Morrison-J. Collins et al.—Zalewski-Buckner-Mason-Andrade et al.).

*Disclosures.* Before private educational lenders disburse loan funds, they must attempt to learn from a school each borrower's enrollment status and cost of attendance compared to estimated financial assistance. Each private educational lender that makes more than 10 loans in a year must report information on them, including default rates and sample contracts, to the Department of Financial and Professional Regulation and the Student Loan Ombudsman. Lenders must send statements with loan details to borrowers at least quarterly while they are students.

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## Education

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Higher education institutions must inform potential borrowers about federal student aid for which they may be eligible, and the impact of private loans on eligibility for other financial aid. Institutions must report to ISBE or ICCB annually on their compliance with these requirements (**P.A. 102-583**, enacted by H.B. 2746, K.Stuart-West-Hurley-Greenwood-Ortiz et al.—S.Bennett-Castro-Van Pelt et al.).

### **Social Worker Fellowships.**

Subject to appropriation, the Department of Children and Family Services (DCFS) is to award Pat McGuire Child Welfare Education Fellowships for 6 years starting in 2021-22 to eligible students seeking social work degrees. Students at participating public universities may get up to \$10,000 per year for 2 years. They must agree to accept full-time employment with a DCFS-contracted agency within 6 months after graduation and work there for 18 months per year they received a stipend, or repay it. DCFS will report results to the General Assembly and Governor annually starting in October 2023 (**P.A. 102-80**, enacted by S.B. 136, J.Morrison-Feigenholtz et al.—LaPointe-Costa Howard-Flowers-West et al.).

**Student Data.** IBHE is to develop one or more questions to be used annually by public institutions of higher education to determine which of their students are parents or legal guardians of minors. Starting in September 2021, all such institutions that have child care or early learning centers must determine the total children served per semester and how many are children of students. Starting in July 2022, they must report such data to IBHE or ICCB, which will publish it on their websites (**P.A. 102-88**, enacted by S.B. 267, Villanueva et al.—Guzzardi-Ammons et al.).

### **Students with Disabilities.**

Community colleges are to offer access to higher education for students with disabilities. Such colleges are encouraged to offer for-credit and non-credit courses as appropriate, and to have their disability services coordinators inform high schools of the availability of those courses. Community colleges and high schools are to cooperate to ensure that students with disabilities have access to dual-credit courses. School districts must offer information on career and technical education opportunities to students with individualized education plans (**P.A. 102-516**, enacted by

H.B. 3950, LaPointe-Ammons-Hirschauer-Ortiz et al.—Fine-D. Turner et al.).

### **Undocumented Student**

**Liaison.** Starting in 2022-23, public community colleges and universities must designate an employee on each campus as the Undocumented Student Resource Liaison to assist undocumented and mixed-status students. The Illinois Dream Fund Commission will provide professional development training to the liaisons (**P.A. 102-475**, enacted by H.B. 3438, Hirschauer-Avelar-Ramirez-Ortiz et al.—K.Villa-Castro-Van Pelt et al.).

*Jennifer Hebel*

*Research Librarian*

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# Environment & Conservation

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*New acts prohibit chemicals called PFAS in firefighting foams after 2024, and require schools to notify parents and employees before coal-tar sealants are used for paving. Studies are to be done on carbon capture and on ways to protect Illinois' land and water resources. Lawmakers also voted to require notice be given before a coal-fired power plant is demolished, and to require community water suppliers to start replacing lead water lines.*

## **Animal Parts and Products**

**Ban.** The Ivory Ban Act is renamed the Animal Parts and Products Ban Act, and expanded to include animal parts and/or products from numerous endangered animal species. Unless barred by federal law, the Department of Natural Resources may permit the sale or purchase of animal parts and products for educational purposes or for transfer to or from a museum (P.A. 102-64, enacted by H.B. 395, Moylan-Carroll et al.—Holmes).

**Carbon Capture.** Subject to appropriation, the Prairie Research Institute at the University of Illinois at Urbana-Champaign, consulting with an advisory committee, must report by December 31, 2022 on the potential of carbon capture and storage for climate-change mitigation (P.A. 102-341, enacted by H.B. 165, T.Bennett-Ammons-M.Murphy-Spain et al.—Koehler-D.Turner).

**Coal Tar Sealant Disclosure.** Public schools and day-care centers must give written or telephone notice to employees, and to parents and guardians of students, before use in paving

projects of sealant products that are based on coal tar or have high polycyclic aromatic hydrocarbon content. A state agency or school undertaking a paving project that requires such a sealant must request a base bid with an alternative for asphalt- or latex-based sealant in the project. Coal tar-based sealants used in roofing, and for highway structures under the Department of Transportation, are exempted (P.A. 102-242, enacted by S.B. 692, Fine-J. Morrison-L.Murphy-Bush-J. Collins—Gabel-Ammons et al.).

## **Conservation Task Force.**

An Illinois Thirty-by-Thirty Conservation Task Force is created. The 23-member panel will hold at least three listening sessions on ways Illinois can protect 30% of its land and water resources by 2030. It must report to the Governor and General Assembly by July 1, 2022 (P.A. 102-618, enacted by H.B. 3928, T.Bennett-Butler-Gabel-Avelar-Slaughter et al.—Barickman-Bush et al.).

**Construction Debris Storage Facilities.** All facilities used to store or treat general

construction or demolition debris must have state permits by 1 year after Pollution Control Board rules take effect. A unit of local government where such a facility is located may impose a fee or tax on its disposal of solid waste. Operators must ensure that at least 40% of total debris they receive is recyclable (P.A. 102-310, enacted by S.B. 1089, Hastings—Zalewski).

## **Disposable Wipes Labeling.**

Most premoistened, nonwoven disposable wipes made after June 2022 must be clearly labeled “Do Not Flush” and have a corresponding symbol. The labels must meet size, visibility, and placement requirements. Local wastewater authorities may fine an entity \$2,000 for a first, \$5,000 for a second, and \$10,000 for further violations (P.A. 102-286, enacted by S.B. 294, Castro—Didech-Carroll-D.Meyers-Martin-Kifowit et al.).

## **Lead Water Line**

**Replacement.** The Department of Commerce and Economic Opportunity must establish a low-income water assistance program to ensure access to affordable and clean water. Owners and operators of community water supplies must develop water service line inventories and lead service line replacement plans. The deadline for replacing such lines will be based on how many lead service lines each community water supply reports having, with the longest time

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## Environment & Conservation

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being 50 years. A 28-member Lead Service Line Replacement Advisory Board is created in the Illinois Environmental Protection Agency, and a Lead Service Line Replacement Fund created to help finance replacement (**P.A. 102-613**, enacted by H.B. 3739, Robinson-D'Amico-Harper-Lilly-Greenwood et al.—Bush-Johnson-J.Collins-Curran et al.).

**PFAS Disposal.** Perfluoroalkyl and polyfluoroalkyl substances (PFAS, widely used man-made chemicals that persist in both the environment and human bodies) are not to be disposed of by incineration (H.B. 3190, Greenwood-Hoffman et al.—Belt-J.Collins et al., **vetoed**).

**PFAS Firefighting Foams.** Makers of Class B firefighting foams (for extinguishing flammable liquid fires) must not make or sell foams containing intentionally added PFAS after 2024. Persons discharging such foams after 2021 must notify the Illinois Emergency Management Agency within 48 hours. The Agency must post on its website information on proper disposal of PFAS-containing firefighting foams (**P.A. 102-290**, enacted by S.B. 561, Ellman-Bush-J.Collins et al.—Moeller).

### Power Plant Demolition.

Before “a demolition” occurs at a coal-fired power plant, the owner must give at least 60 days’ notice by publication in a newspaper within 25 miles of the plant, and provide copies of demolition plans to the Illinois EPA and the public in municipalities within the 25-mile area (**P.A. 102-631**, enacted by S.B. 1920, Crowe et al.—K.Stuart-Elik-Ammons-Mah-Mayfield et al.).

### Spearfishing Near Highways.

Taking fish by spear or bow and arrow along, across, or from a highway or public right-of-way is prohibited (**P.A. 102-369**, enacted by S.B. 1879, B.Stewart—Chesney-Yednock et al.).

### State Parks Designations.

Numerous additions and removals are made in designations of areas as State Parks, Fish and Wildlife Areas, Natural Areas, Habitat Areas, Recreational Areas, Boating Access Areas, Historic Sites, and State Memorials (**P.A. 102-246**, enacted by S.B. 915, Joyce-Fowler—Walsh).

*Robert L. Bayless  
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## CGFA Publications

The following are some of the publications that are available on the CGFA Internet site at: <http://www.ilga.gov/commission/CGFAInterim.html>

### Federal Funds to State Agencies

This publication presents information on federal aid programs administered by Illinois state agencies. It includes program descriptions and outlay information. A table shows which programs are supported and what regions and populations of Illinois are served by the federal grants.

### Fiscal Year 2022 Budget Summary

Details Illinois’ most recently enacted budget. Includes major categories of appropriations, comparisons of prior state fiscal year appropriations, and other information about the current state budget.

### How a Bill Becomes Law in Illinois (English and Spanish versions)

This chart shows the progress of a bill through the Illinois General Assembly and the Office of the Governor.

### Illinois Tax Handbook for Legislators

This handbook gives information on every significant Illinois state tax.

### Laws for Youth

This booklet summarizes major laws that affect young persons in Illinois. The laws are divided by subject and arranged in a question-and-answer format to make them easy to find.

### Penalties for Crimes in Illinois

This chart summarizes the sentences and fines for criminal offenses in Illinois.

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# Health & Safety

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*New acts expand the services covered by Medicaid; require birth centers to be licensed; and add restrictions to discourage youth vaping. Many insurers must cover new services including A1C and Vitamin D blood testing, biomarker testing, cancer testing, colonoscopy, mental health services, pancreatic cancer screening, and telehealth services.*

## **Birth Center Regulation.**

Birth centers (sites designated for birth-related needs and with up to 10 beds, except hospitals) must be licensed and regulated by the Illinois Department of Public Health (IDPH). To be licensed, a birth center must have a certificate of need from the Health Facilities and Services Review Board. Each birth center must link its services to at least one birthing hospital, and have an agreement for patient transfer with a nearby hospital (P.A. 102-518, enacted by H.B. 3995, Gabel-Ammons-E.Hernandez-Flowers-Moeller—Fine-Van Pelt-J.Collins et al.).

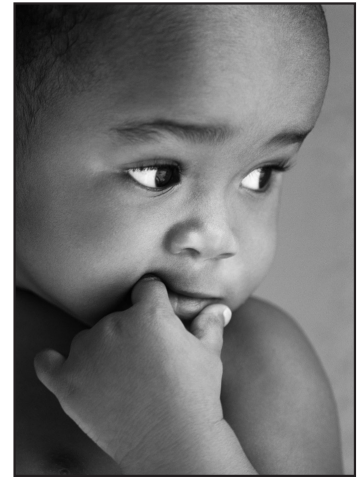
## **Comprehensive Health Insurance Plan Discontinued.**

The Comprehensive Health Insurance Plan (CHIP) will cease operations as the alternative market or mechanism for health insurance for state residents at the end of 2021. The powers and responsibilities of the Plan and its Board are to be transferred to the Director of Insurance to

wind down its operations (P. A. 102-159, enacted by S.B. 1087, Muñoz—T.Jones et al.).

## **Cottage Food Regulation.**

A cottage food operation must register with its local health department, but may sell products outside of that department's geographic area. Local health departments may establish self-certification programs for operators to affirm compliance with registration requirements. Cottage food operations must meet labeling and packaging requirements, including new requirements for selling and packaging fermented or acidified foods. A local health department receiving a consumer complaint or foodborne illness report on a cottage food operator in another jurisdiction will refer it to the operator's local health department. Fundraising sales by religious, charitable, or nonprofit organizations of baked goods that are not potentially hazardous are exempt (P.A. 102-633, enacted by S.B. 2007, Koehler-Bush-J.Collins et al.—Guzzardi-M.Murphy-Carroll-Cassidy et al.).



## **Dental Anesthesiology.**

The specialty of dental anesthesiology is added to the definition of “branches of dentistry” in the Illinois Dental Practice Act (P.A. 102-93, enacted by S.B. 335, Crowe—K.Stuart et al.).

## **Family Contact With Patients in Disasters.**

Nursing homes must make reasonable efforts to facilitate a requested daily phone or video call between a resident and a family member during a disaster declared by the Governor. During a pandemic or other public health emergency, hospitals must implement a contact policy to help patients engage electronically with family members (P.A. 102-398, enacted by H.B. 3147, Manley-Hurley-Walsh et al.—Cullerton-J.Collins-Van Pelt-Plummer-D.Turner et al.).

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## Health & Safety

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**Health Care Training, New Entities, Etc. Training.** Health care professionals subject to continuing education requirements must complete at least a 1-hour training course on implicit bias awareness for each renewal period. The Department on Aging must implement a dementia training program for persons providing adult protective services and interacting with persons with dementia. Day care staff are to receive training related to early childhood mental health every 3 years.

IDPH must establish a “community health worker” training and certification program. Subject to appropriation, Medicaid will cover such certified workers’ services. Noncertified community health workers may be employed with funding outside Medicaid.

*New bodies.* A Behavioral Health Workforce Education Center of Illinois is to be created and administered by a public higher education institution chosen by the Board of Higher Education to help coordinate workforce planning for a high-quality behavioral health system. A new Special Commission on Gynecologic Cancers is to report before 2022 on how to meet the needs of persons with such cancers.

A new Health and Human Services Task Force will review health and human services programs to improve outcomes in those areas for Illinois residents.

An Anti-Racism Commission is created to propose statewide policies to eliminate racism in Illinois. A *Medicaid Managed Care Oversight Commission* is created to evaluate the effectiveness of Illinois’ managed care program. A *Medicaid Business Opportunity Commission* will develop a program to support Medicaid contracting with businesses owned by minorities, women, and persons with disabilities. The Department of Healthcare and Family Services will establish a Medicaid Technical Assistance Center to strengthen Illinois health care providers’ business infrastructure.

*Racial Impact Note.* Any bill that could have a disparate impact on racial and ethnic minorities must, at the request of any member, have prepared for it a racial impact note by the most relevant the state agency.

*Other provisions.* Perinatal doula services and evidence-based home visiting services will be covered by Medicaid. Subject to appropriation, at least \$50 million annually is to be disbursed among safety-net hospitals with perinatal designation to preserve or improve OB/GYN services.



The University of Illinois Hospital and other licensed hospitals must provide N95 face masks to doctors, nurses, and other employees providing direct patient care. A number of notices required to be posted in hospitals may be posted electronically. Hospitals and nursing homes are to develop policies to test their water supplies for Legionella bacteria.

The prohibition on charging or prosecuting someone who seeks help for a person experiencing an overdose now applies also to arresting.

The reduced state sales tax rate for “urine testing materials” is changed to apply to “blood sugar testing materials.”

Personal sick leave may be used for “personal care” of close family members, including transportation to medical appointments or providing

emotional support during medical care, in addition to uses already authorized.

IDPH will establish a grant program for treatment of sickle cell disease (**P.A. 102-4**, enacted by H.B. 158, Lilly-Flowers-Greenwood-Welch-Ammons et al.—Hunter-Peters-J.Collins-Van Pelt-Lightford et al.).

**Healthy Illinois Survey.** If funds are available, IDPH will administer an annual Healthy Illinois Survey. The Survey is to include interviews of a sample of state residents to establish a public health data set. IDPH would provide results to cities, communities, local health departments, hospitals, and other potential users (**P.A. 102-483**, enacted by H.B. 3504, Gonzalez-Moeller et al.—Johnson-Van Pelt-D. Turner-Glowiak Hilton-J. Collins et al.).

**Lemonade Sales.** IDPH and local health agencies may not regulate sales of lemonade, other nonalcoholic drinks, or “mixed beverages” by persons under age 16 (**P.A. 102-78**, enacted by S.B. 119, Joyce-Connor-Fowler et al.—DeLuca-Ammons-Didech et al.).

**Life Insurance Coverage.** Authorized life insurers may not deny or limit coverage, or charge differing rates, based solely on whether an applicant has been in a substance use

treatment or recovery program in the last 5 years or has been prescribed or obtained a standing order for an opioid antagonist (**P. A. 102-107**, enacted by H.B. 33, Mason-Conroy et al.—Johnson-Sims-Simmons-Belt-Van Pelt).

**Mandated Coverages. A1C and vitamin D blood testing.** Individual and group policies of accident and health insurance, managed care plans, and Medicaid must cover A1C blood testing for diabetes diagnosis and treatment, and blood testing for vitamin D deficiency (**P.A. 102-530**, enacted by S.B. 1854, Ellman-Holmes-J.Morrison-Connor-Hastings et al.—Rohr et al.).

**Biomarker testing.** Individual and group health insurers, managed care plans, limited health service organizations, voluntary health services plans, and Medicaid must cover biomarker testing as defined by this act (**P.A. 102-203**, enacted by H.B. 1779, Flowers-Hammond-Mayfield-Moeller-T. Jones et al.—Muñoz-Cullerton-Hastings-J.Collins-Bush et al.).

**Cancer testing.** Individual or group policies of accident and health insurance, managed care plans, and health maintenance organizations must cover medically necessary comprehensive cancer testing, and blood or constitutional tissue testing for cancer

predisposition (**P.A. 102-589**, enacted by H.B. 2109, Lewis-Welch-Durkin-T.Jones-Brady et al.—Lightford-McConchie-J. Collins).

**Colonoscopy.** Group accident and health insurance policies, self-insured counties and municipalities, and health maintenance organizations must cover a colonoscopy that follows initial screening and is determined medically necessary (**P.A. 102-443**, enacted by H.B. 2653, Mason et al.—Johnson-Fine-Bush et al.).

**COVID-19 testing of nursing home employees.** Through 2021, health insurance plans and HMOs must cover diagnostic COVID-19 testing of enrollees working in long-term-care facilities (**P.A. 102-34**, enacted by S.B. 1096, Gillespie—G.Harris et al.).

**Infertility treatment.** A group policy of accident and health insurance for over 25 employees that provides pregnancy-related benefits may not impose limits on coverage of fertility medications different from those on other prescription drugs. Such policies also may not impose limits on infertility diagnosis and treatment that differ from those for services unrelated to infertility. The definition of “infertility” for purposes of mandated coverage of it is expanded (**P.A. 102-170**, enacted by H.B. 3709, Croke

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## Health & Safety

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et al.—Fine-Feigenholtz-Bush-Villanueva-Aquino et al.).

### *Mental health benefits.*

Network plan health insurers, Medicaid, and managed care organizations must ensure that beneficiaries have “timely and proximate access” to treatment for mental, emotional, nervous, or substance use disorders. Beneficiaries living in Cook or the collar counties should not have to travel more than 30 minutes or 30 miles to get such treatment; elsewhere they should not have to travel more than 60 minutes or 60 miles. Wait times should not exceed 10 days for an initial appointment or 20 days for a follow-up appointment (**P. A. 102-144**, enacted by S.B. 471, Fine et al.—LaPointe).

*Mental health services.* Starting in 2023, insurers issuing policies of accident and health insurance, and Medicaid managed care organizations, must cover medically necessary treatment of mental, emotional, nervous, or substance use disorders and conditions. Insurers may not set specific limits on the duration of those benefits. Insurers must meet detailed provisions on review of claims, level of care placement, and more (**P.A.**

**102-579**, enacted by H.B. 2595, Conroy-Gong-Gershowitz-Costa Howard et al.—Fine-Feigenholtz-D.Turner-J.Collins-Lightford et al.).

### *Pancreatic cancer screening.*

Starting in 2022, group and individual health plans, managed care plans, Medicaid, state employee group insurance, self-insured counties and municipalities, school employee health insurance plans, HMOs, limited health service organizations, and voluntary health service plans must cover medically necessary pancreatic cancer screening (**P.A. 102-306**, enacted by S.B. 968, Johnson-Simmons-J.Collins-Villanueva-J.Morrison et al.—Ammons-Didech-T.Jones-Carroll et al.).

*Telehealth services.* Individual and group policies of accident or health insurance must cover telehealth services, e-visits, and virtual check-ins if clinically appropriate and medically necessary. IDPH will study telehealth coverage and reimbursement policies, and report to the General Assembly. Telehealth services are to be in accord with existing privacy and confidentiality laws and regulations (**P.A. 102-104**, enacted by H.B. 3308, T.Jones-Conroy-Brady-Morgan-Mayfield et al.—N. Harris-Pacione-Zayas-J.Collins-Holmes-Hunter et al.).

### *Telehealth services information.*

A health insurance plan that uses preferred providers must include in its electronic provider directory, and on paper if asked, information on the use and availability of telehealth services (**P.A. 102-92**, enacted by S.B. 332, J.Collins—Avelar et al.).

**Medicaid Expansion.** The state’s Medicaid program may cover chiropractic services including manipulation. Approved tobacco cessation medications and services will be covered. The Department of Healthcare and Family Services (DHFS) must cover immunosuppressive drugs and related services for post-kidney transplant management (excluding long-term care) for eligible noncitizens. With federal approval, the Program of All-Inclusive Care for the Elderly (PACE) will become a benefit under Medicaid.

Subject to federal approval, the income limit for Medicaid eligibility for persons under age 19 is raised from 133% of the federal poverty level to 313%. Medicaid is to reimburse for long-acting injectable medications to hospital inpatients for mental health or substance use disorders; a minimum reimbursement rate for childhood immunizations is established. Starting in 2022, the amount allocated to fund



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Medicaid dental services will increase by some \$10 million. DHFS must have procedures to allow application agents to help persons enroll in Medicaid.

DHFS is to ensure that patients in either Medicaid fee-for-service or Medicaid managed care, who experience opioid-related overdose or withdrawal, are admitted for inpatient hospitalization if medically necessary. DHFS is to send a Comprehensive Statewide Behavioral Health Strategy to the Governor and the General Assembly by July 1, 2022.

The Department of Human Services' Division of Developmental Disabilities will study the development and implementation of a waiver program to provide supports for young adults with disabilities (P. A. 102-43, enacted by S.B. 2294, Gillespie-J.Morrison-J. Collins—G.Harris-Greenwood-Lilly et al.).

**Medicare Supplement Policies.** Medigap policy holders aged 65 to 75 must be offered an annual 45-day open enrollment period starting on their birthdays, during which they may buy any supplement policy of the same issuer that offers benefits equal to or less than they currently have (P.A. 102-142, enacted by S.B. 147, L.Murphy-Harper).

**Medication Shopping.** The Department of Human Services' Prescription Monitoring Program may issue a notice of potential medication shopping if a person has 5 (raised from 3) or more prescribers and/or 5 (raised from 3) or more pharmacies, not using a common electronic file, for controlled substances within 6 months (formerly 30 days). Licensed opioid treatment programs must submit specified prescribing information to the Program (P.A. 102-527, enacted by S.B. 1842, Hunter et al.—Ford).

**Medicine Donations.** A new program will allow donation of nonsalable prescription and nonprescription drugs to entities that can legally possess them, such as hospitals, pharmacies, and distributors. Those entities may give the drugs to patients having prescriptions for them or having symptoms treated by an over-the-counter drug; donate them to another entity; or destroy them. Patients may be charged only a reasonable handling fee. Pharmacies' participation in the program is voluntary (P.A. 102-389, enacted by H.B. 119, Guzzardi-Demmer-Carroll-L.Collins et al.—K.Villa-J.Collins-Syverson-Connor-Ellman et al.).

**Pet Shops** may offer dogs or cats for sale only if they came from animal control facilities or shelters. Such facilities or shelters cannot be breeders; obtain or resell dogs or cats from a breeder; or sell dogs or cats at auction. Pet shop operators must keep records on each dog or cat offered for sale for 2 years, and send them to the Department of Agriculture twice yearly (P.A. 102-586, enacted by H.B. 1711, Chesney-Carroll-Conroy-B.Hernandez-West et al.—Castro-Holmes-Feigenholtz-Villa et al.).

**Pregnancy and Postpartum Care.** The Department of Human Services is to expand and update its maternal health programs to serve high-risk pregnant and postpartum patients. IDPH is to revise or supplement existing rules to improve high-risk maternal and infant outcomes and reduce racial disparities in outcomes. Health insurers must provide specified pregnancy and postpartum coverages. DHFS must establish a medical assistance program to cover a universal postpartum visit for eligible women within 3 weeks after birth, and a comprehensive visit 4 to 12 weeks after birth (P.A. 102-665, enacted by S.B. 967, Castro-J.Collins-Hunter-Van Pelt-Feigenholtz et al.—Greenwood-Flowers-Lilly-Mayfield-Gabel et al.).

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## Health & Safety

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### Prescription Drug

**Copayments.** Starting in 2023, every health insurer offering individual health plans covering prescription drugs must ensure that at least 10% of such plans offered in each service area and at each level of coverage charge a flat copayment amount for a drug; that percentage will rise to 25% in 2024. Starting in 2023, insurers offering group health plans with drug benefits must offer at least one plan in each service area and level of coverage doing so; it must have two such plans starting in 2024. Those copayments must apply before deductibles and be structured to avoid discouraging enrollment of persons with significant medical needs (**P.A. 102-391**, enacted by H.B. 1745, G.Harris-Evans-D.Meyers-Martin-Smith et al.—N.Harris-Simmons-Cullerton-Hastings-S. Bennett et al.).

**Prior Authorization.** Health insurers must have lists of services for which they require prior authorization, and post the requirements on their websites. An insurer may not deny a claim for lack of prior authorization if the prior authorization requirement was not in effect on the day of service. Insurers must notify providers at least 60 days before adding or changing a

prior authorization requirement. Entities requiring prior authorization must post data on approvals and denials on their websites.

Insurers must make determinations as to urgent care services within 48 hours after getting information needed for complete review, and determinations for non-urgent services within 5 calendar days. If a request was submitted by a physician, any adverse determination must be made, and any appeal reviewed, by a physician experienced with the relevant medical condition.

A prior authorization approval must last the lesser of 6 months or the length of treatment (12 months for a chronic or long-term condition). Insurers must honor a prior authorization by a previous insurer for at least 90 days into a new enrollee's coverage (**P.A. 102-409**, enacted by H.B. 711, G.Harris-Demmer-Davis-Moeller-Spain et al.—Holmes-Fowler-Castro-Koehler-Muñoz et al.).

**Tobacco Retailer Compliance Checks.** The Department of Human Services may check compliance by retailers of tobacco, alternative nicotine products, and e-cigarettes with the ban on sales to persons under 21. Such checks may be done by underage persons with law enforcement supervision

(**P.A. 102-576**, enacted by S.B. 555, Bush et al.—Andrade et al.).

### Youth Vaping Prevention.

A new act aims to restrict and prevent use of e-cigarettes and other vaping devices by persons under 21. Makers, distributors, and retailers may not advertise or market e-cigarettes by encouraging persons under 21 to use them, and must comply with labeling and packaging requirements. E-cigarettes are added to the products regulated by the Prevention of Cigarette Sales to Persons under 21 Years of Age Act. Free promotional samples of e-cigarettes are banned. Sales of e-cigarettes having additives such as polyethylene glycol and vitamin E acetate are also prohibited (**P.A. 102-575**, enacted by S.B. 512, J.Morrison-J. Collins et al.—Morgan-L. Collins-Ammons-Gabel-Gong-Gershowitz et al.).

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Senior Staff Scientist*

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# Local Government

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*New laws require creation of mobile mental health services for emergency mental health crisis calls, and expanded training for 911 operators. Counties and municipalities may waive business licensing fees due to COVID-19 hardships; forest preserve and conservation districts may use design-build processes for some projects. The Cook County Board of Review was redistricted.*

**Chicago South Suburban Mass Transit District.** The District is dissolved on January 1, 2021 (*sic*—2022 evidently was meant), and its remaining funds and parking lots allocated to the District’s municipalities (P.A. 102-428, enacted by H.B. 2413, Davis-Batinick-DeLuca et al.—N.Harris).

**Competitive Bidding.** Procurements for a fire protection district of real estate improvements, costing over \$20,000, must be competitively bid (P.A. 102-138, enacted by S.B. 85, Stoller-Fowler—Elik-Ammons et al.).

**Cook County Board of Review.** Cook County is redistricted for electing Board of Review Commissioners (P.A. 102-12, enacted by S.B. 2661, Harmon—E.Hernandez).

**COVID-19 Business Fees Relief.** For businesses showing financial or logistical hardship related to COVID-19, counties and municipalities may waive or give credit for business application, permit, licensing, and registration fees (P.A. 102-435, enacted by H.B. 2454, Hammond et al.—Glowiak Hilton-Tracy-Holmes-Plummer et al.).

**Design-Build Projects.** Forest preserve and conservation districts may use a design-build process with one entity designing and constructing projects if selection and reporting requirements are met. The threshold above which competitive bidding is required for other projects of such districts is raised from \$25,000 to \$30,000 (P.A. 102-460, enacted by H.B. 3160, Hurley et al.—Castro-Bush-Holmes et al.).

**Mental Health Emergencies.** Due to a federal law establishing 988 as a universal number to call for mental health crises, the Department of Human Services’ Division of Mental Health, plus newly created Statewide and Regional Advisory Committees, is to create a mobile mental and behavioral health service to respond to such calls. Local emergency service providers must coordinate with the new service to divert persons in mental or behavioral health crisis from hospital or jail when possible. State goals for the service include training emergency responders, having appropriate response times, and integrating it with law enforcement. Where service responders are available for

dispatch, law enforcement is not to be dispatched to a person requiring mental or behavioral health care unless the person is suspected of a crime or is a threat to self or others (P.A. 102-580, enacted by H.B. 2784, Cassidy-T.Jones-Flowers-Andrade-Lilly et al.—Peters-D. Turner-Castro-Fine-Feigenholtz et al.).

**Promoting Illinois Localities.** The list of entities the Department of Commerce and Economic Opportunity is to promote and assist under the Illinois Promotion Act is expanded to include most units of local government, and in some cases local parks (P.A. 102-287, enacted by S.B. 317, Glowiak Hilton—Costa Howard et al.).

**Rural EMS Credentialing Exception.** EMS System Medical Directors in rural areas with populations under 5,000 may issue 1-year, renewable exemptions for licensed registered nurses, physician assistants, and advanced practice registered nurses to work as volunteers doing the same work as EMTs. They must have at least 20 hours of IDPH-approved courses specific

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# Professions & Occupations

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*New laws will require fire sprinkler inspectors to be licensed; allow optometrists to provide some services by telehealth; and allow specifically trained pharmacists to dispense hormonal contraceptives without individual prescriptions.*

**Fire Sprinkler Contractors and Inspectors.** Starting in 2024, a license will be required to conduct fire sprinkler testing or routine inspections, except by persons employed by some entities. Standards for licensing fire sprinkler contractors are raised, and penalties are added for unlicensed practice as a fire sprinkler contractor or inspector (**P.A. 102-612**, enacted by H.B. 3714, Willis et al.—E.Jones).

**Landscape Architecture.** To use the title “landscape architect,” a person must be registered with the Department of Financial and Professional Regulation (DFPR) under a new act. Applicants for registration must have specified education and experience, and pass an exam. A board is created to advise the Department on enforcing the law (**P.A. 102-284**, enacted by S.B. 214, Villavalam et al.—Mah-Ammons).

**Optometry by Telehealth.** An Illinois-licensed optometrist may remotely treat an Illinois patient to whom the optometrist provided in-person care in the last 3 years. An optometrist may provide remote emergency care without such an in-person relationship. Before prescribing glasses or contacts, an optometrist treating a patient remotely must perform at least a minimum eye exam as defined in Illinois regulations (**P.A. 102-153**, enacted by S.B.

567, Villivalam et al.—Moeller et al.).

**Pharmacy Practice.** *Opioid warning.* The Department of Human Services is to create a pamphlet on risks of opioid dependence, post it online, and give it to prescribers, pharmacists, and patients on request. Pharmacists must give patients the pamphlet or its information, and discuss the risks, before dispensing Schedule II opioids (**P.A. 102-608**, enacted by H.B. 3355, C.Meier et al.—Plummer-Crowe).

*Services offered.* A pharmacist who has completed a training program and has a standing order from a physician or the local health department’s medical director, after assessing and counseling a patient on contraception methods, may dispense to the patient up to a 12-month supply of hormonal contraceptives. Subject to federal approval, Medicaid will cover such services. Starting in 2023, a health insurance plan must cover patient care services provided by in-network pharmacists if it would cover the same services by licensed physicians, advanced practice registered nurses, or physician assistants (**P.A. 102-103**, enacted by H.B. 135, Mussman-Conroy-Manley-Cassidy-Gabel et al.—Bush-D.Turner et al.).

**Sexual Harassment Prevention.** The requirement that persons licensed by DFPR for professions having continuing education requirements get at least 1 hour of sexual harassment prevention training before renewal is changed to requiring all persons licensed by DFPR to get such training from their employers, the Department of Human Rights, or an authorized continuing education provider (**P.A. 102-308**, enacted by S.B. 1079, Bush—Cassidy et al.).

**Sunset Renewals.** Eleven regulatory acts are extended to 2027, with numerous changes in their regulatory provisions. Those changes include combining the medical disciplinary and medical licensing boards into a new 17-member Illinois State Medical Board; increasing DFPR’s powers to regulate community association managers; extending the Boxing and Full-contact Martial Arts Act to amateur full-contact martial arts contests starting in 2023 and increasing DFPR’s powers to regulate such contests; and allowing DFPR to use email for some communications (**P.A. 102-20**, enacted by H.B. 806, Mah-Ammons—E.Jones-Cunningham-Holmes).

*Alexis Dawson  
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# Revenue

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*Lawmakers voted to raise the Senior Citizens Real Estate Tax Deferral program's income limit and the annual limit on taxes deferred for the next 4 years, and extend by 1 year some homestead exemptions for senior citizens and persons with disabilities in COVID-19 disaster counties. A tax credit for student assistance contributions is extended. EDGE tax credit recipients that cease operations and leave Illinois must repay EDGE tax credits they received.*

## **Allocating Income, Repaying Tax Credits, Etc.**

The Department of Revenue can refuse to issue or renew a license if an applicant has a tax delinquency in the last 23 years (formerly 20).

An EDGE (Economic Development for a Growing Economy) tax credit recipient that ceases operations at the project site, intending to end operations in Illinois, must repay all EDGE tax credits received.

Winnings from sports wagers under the Sports Wagering Act, received by nonresidents in tax year 2021 or later, are allocable to Illinois for income tax purposes. Sports wagering entities, if required by federal law to withhold federal income tax from wagering winnings paid out, must also withhold Illinois income tax from them.

If a taxpayer files a claim for a credit or refund when the limitations period on issuing a notice of tax deficiency will expire within 6 months, that limitations period is automatically extended by 6 months.

Devices designed for use with cannabis, and cartridges containing it, are exempted from taxation as electronic cigarettes.

Among other changes to the Local Government Revenue Recapture Act enacted last year, a third party that monitors Department of Revenue disbursements to a municipality or county on a continuing basis must destroy taxpayers' financial data within 3 years after receipt; any published summary of such data may not contain aggregated data on 4 or fewer taxpayers (P.A. 102-40, enacted by S.B. 2279, Stadelman—Zalewski).

**Income Tax Checkoff.** A new checkoff will fund grants to Ronald McDonald House Charities for services in Illinois (P.A. 102-73, enacted by S.B. 81, Stoller et al.—Mason-T. Bennett et al.).

**Income Tax Credits Extended.** The credits for employers' matching contributions to College Savings Pool Accounts and the Illinois Prepaid Tuition Trust Fund are extended 3 years, through 2024 (P.A. 102-289, enacted by S.B. 340, Hunter et al.—LaPointe).

**Property Tax Exemption Extensions.** Homestead exemptions for residences of persons with disabilities and veterans with service-connected disabilities, and the Senior

Citizens Assessment Freeze Homestead Exemption, if they were received for tax year 2020, can be extended to tax year 2021 without application if the county board declared a disaster related to COVID-19; ownership of the property has not changed; the 2020 exemption has not been found erroneous; and the taxpayer has not asked to end the exemption (P.A. 102-136, enacted by H.B. 3289, Walsh-Hoffman-Mayfield et al.—Connor-Loughran Cappel-Holmes-J.Collins et al.).

**Property Tax Deferral Limits.** The Senior Citizens Real Estate Tax Deferral program's household income limit is raised from \$55,000 to \$65,000 for 2022 through 2025, when it is to return to \$55,000. The annual limit on total taxes deferred under the program is raised from \$5,000 per taxpayer to \$7,500 for 2022 through 2025, then returns to \$5,000 (P.A. 102-644, enacted by S.B. 2244, L.Murphy-Hunter-Sims-E.Jones et al.—D.Meyers-Martin-Ford-Hurley-Moylan-Greenwood et al.).

*Sarah E. Barlow  
Senior Research Associate*

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# Social Services

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*New acts allow additions to utility bills to pay for increased enrollment in the Percentage of Income Payment Plan; allow rent subsidies for some at-risk adults waiting for public housing; and require the Department on Aging to develop a risk assessment tool to identify at-risk elderly. New bodies will study racial disparities in child welfare decisions, and domestic violence laws. Medicaid will reimburse epilepsy treatment through telehealth, and a new Medicaid program is to provide dental services in schools.*

**Aid Applications for Youth in Care.** The Department of Children and Family Services (DCFS) is to ensure that every youth in care entering the last year of high school completes, by November 1, a Free Application for Federal Student Aid (FAFSA) if applicable or an application for state financial aid (**P.A. 102-70**, enacted by S.B. 63, Peters-J. Collins et al.—Tarver-Ammons et al.).

**African Americans in Child Welfare Commission.** An Advisory Commission on Reducing the Disproportionate Representation of African American Children in Foster Care is created. It is to analyze data; develop strategies to address a 2018 report that found racial disparities in child welfare decisions; identify practices to increase family placements for African American children entering the child welfare system; and help develop bias training for child welfare workers. It is to report biennially to the Governor and General Assembly (**P.A. 102-470**, enacted by H.B. 3267, Flowers-Mayfield—N.Harris-J. Collins-Van Pelt).

**African Americans in Child Welfare Task Force.** A Racial Disproportionality in Child Welfare Task Force is created.

It will examine the role of mandatory reporting on racial and gender disparities of families involved in the child welfare system; examine factors that bring families into contact with that system; study policies such as race-blind child protection screenings and child removal reviews; and study the development of implicit bias training for child welfare workers. The Task Force is to report to the Governor and General Assembly within 1 year after it first meets, and be dissolved January 1, 2024 (**P.A. 102-506**, enacted by H.B. 3821, Harper-Flowers-Ramirez-Mussman-Lilly et al.—Hunter-Lightford-Feigenholtz-J.Collins-Van Pelt et al.).

**Dentists in Schools.** The Department of Healthcare and Family Services is to establish, under Medicaid, a program of preventive dental services in schools for students under 19 (**P.A. 102-95**, enacted by S.B. 346, J.Morrison-Fine-Feigenholtz et al.—Kifowit-LaPointe et al.).

**Domestic Violence Task Force.** A task force is created to review Illinois domestic violence laws; identify gaps in their operation and enforcement; make recommendations to address

gaps; and establish a framework for specialized protective networks for victims, treatment options for victims and offenders, and specialty courts. It is to report to the Governor and General Assembly by September 1, 2022 (**P.A. 102-474**, enacted by H.B. 3317, Welter-West-Willis-Kifowit et al.—Rezin-Van Pelt et al.).

**Elder Abuse.** Abandonment is added as a type of abuse under the Adult Protective Services Act. The Department on Aging is to develop and implement by 2024 a demonstration project using a risk assessment tool to help identify elderly persons experiencing abuse, abandonment, neglect, or exploitation. Subject to appropriation, the Department will offer annual training on how trauma affects caseworkers and other employees, and strategies to prevent it.

A limitations period of 7 years is prescribed for prosecuting theft by deception of a person 60 or older or having a disability. For purposes of the crime of financial exploitation of an elderly or disabled person by a person in a position of trust, the definition of such a person is expanded to include a friend or acquaintance in a

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position of trust (**P.A. 102-244**, enacted by S.B. 701, Crowe et al.—K.Stuart-Hurley-Guerrero-Cuellar-Hammond-L.Collins et al.).

### **First Responders'**

**Mental Health.** Subject to appropriation, the Department of Human Services (DHS) is to offer an online database and resource page of mental health resources for first responders (**P.A. 102-337**, enacted by S.B. 1575, Martwick et al.—LaPointe-Hurley-Haas et al.).

### **Housing Pilot Program.**

Subject to appropriation, DHS' Division of Mental Health will create a "Housing is Recovery" pilot program. Adults at high risk of "unnecessary institutionalization" or overdose, and eligible for Medicaid, can get rent subsidies if they contribute to rent and agree to home- or community-based support services. The subsidy will last until the recipient gets aid from a public housing authority or stays over 6 months in a nursing home, mental health facility, or correctional institution. DHS and other stakeholders are to develop ways to identify and refer eligible persons being discharged from hospitals or jails. Up to 20% of annual program funding may be used for short-term rental stays for eligible persons from their discharge by hospitals or jails until long-term leases can be found. An outside research organization is to start reviewing the program 4 years after implementation, and report to the General

Assembly in the 5th year. DHS will report data on the program annually (**P.A. 102-66**, enacted by H.B. 449, Willis-Ammons et al.—Castro-K.Villa-Fine-Feigenholtz-Van Pelt et al.).

**Medicaid Spend-Down.** A person using spend-down to qualify for Medicaid must be allowed up to 6 consecutive months to submit medical receipts and bills and have them processed by the Department of Healthcare and Family Services as evidence of the spend-down before losing eligibility (**P.A. 102-74**, enacted by S.B. 100, Villivalam—Morgan et al.).

### **Pets in Affordable Housing.**

Starting January 2022, tenants in low-income multifamily rental units of at least 500 square feet, acquired, built, or rehabilitated after 2021 with money from the Illinois Affordable Housing Trust Fund, may keep at least two cats or one dog under 50 pounds. This will not apply to supportive living facilities or elderly housing, or to dangerous or vicious dogs. Housing providers may enforce policies related to sanitation, noise, and safety; housing providers will not be liable for injuries caused by pets (**P.A. 102-283**, enacted by S.B. 154, Holmes et al.—Kifowit-Ramirez et al.).

### **Stress-Relief Text Line.**

Subject to appropriation, DHS is to establish a permanent "Call4Calm" text line for Illinois residents needing help with stress. Users are to be referred to local mental health providers (**P.A. 102-206**,

enacted by H.B. 1805, Conroy et al.—Van Pelt-Hunter-Fine-Simmons-Johnson et al.).

### **Telehealth for Epilepsy.**

The Medicaid program will reimburse epilepsy specialists authorized to provide epilepsy treatment using telehealth (**P.A. 102-207**, enacted by H.B. 3025, Wheeler-Ugaste-Gabel et al.—Fine-Van Pelt).

### **Utility Bill Assistance.**

The monthly Energy Assistance Charge added to residential utility customers' bills can rise each year by 16¢—from 64¢ in 2023 up to a limit of 96¢—with corresponding increases for nonresidential customers. The stated purpose of the increases is to double 2020 enrollment in the Percentage of Income Payment (PIP) Plan by 2024.

Current dollar limits on utility assistance for PIP Plan participants are removed. Participants may be 75 days past due (formerly 45) before being terminated from the program; one-twelfth of a participant's arrearage is to be deducted for each timely payment. At least 80% of PIP Plan funding is to be distributed each year.

The maximum authorized income limit for Low Income Home Energy Assistance Program (LIHEAP) and PIP Plan eligibility—150% of the federal poverty level—is changed to the greater of 150% of that level or 60% of the state median income, and may

*(continued on p. 40)*

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# State Government & Pensions

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*A new law delays the 2022 primary election until June 28 and reduces the numbers of signatures needed on nominating petitions in 2022 due to COVID-19. Decennial redistricting was done for legislative and judicial districts. Lawmakers also voted to expand ethics requirements on lobbyists and some appointees. New laws create an Illinois Commission on Amateur Sports, require racial diversity in state job interview panels, and establish Juneteenth as a state holiday.*

**Affordable Housing.** If funds are appropriated, the Illinois Housing Development Authority (IHDA) is to make grants to encourage construction and rehabilitation of affordable multifamily rental housing, focusing on prioritized areas. Projects for which donors can receive tax credits are expanded and the credits extended through 2026. IHDA must notify a local government that has not submitted a compliant affordable housing plan, and may notify the Attorney General. The limit on IHDA's outstanding bonds is doubled to \$7.2 billion.

The methods for assessing low-income housing for tax purposes in Cook County are changed. Assessors must reduce, for up to 30 years, assessments of property containing "affordable rental housing" and meeting stated conditions; counties other than Cook may opt out (**P.A. 102-175**, enacted by H.B. 2621, Guzzardi-Harper-Mah-Zalewski-Tarver et al.—Hunter-Johnson-Gillespie-Van Pelt-Feigenholtz et al.).

**Amateur Sports.** An Illinois Commission on Amateur Sports is created to make recommendations to the Governor, General Assembly, and Department of Commerce and Economic Opportunity on how the state can promote

physical fitness through participation in amateur sports, and promote related business opportunities and economic development. The Commission must report annually from the end of 2023 until its dissolution at the start of 2026 (**P.A. 102-511**, enacted by H.B. 3870, Mason-Carroll-West-Scherer-Slaughter et al.—Hastings et al.).

### **Diversity in State Employment.**

The Department of Central Management Services (CMS) must attempt to identify laws and policies that impede opportunities for minorities and marginalized persons to be hired by the state, and make recommendations and policy changes. CMS must also provide more state employment career counseling for people delinquent in child support payments. Applicants accused of examination fraud or deception must be allowed to appeal. State agencies using interview panels or multi-round interviews must, if possible, include diverse groups of panel members, and agencies must annually report to CMS on the diversity of interview processes. *Rutan*-eligible (policy-related) positions are exempt from those interviewing provisions (**P.A. 102-617**, enacted by H.B. 3914, Flowers et al.—Belt-J.Collins-Van Pelt-Sims et al.).

Provisions on interviewing like those in P.A. 102-617 are also in **P.A. 102-225**, enacted by S.B. 1765 (Belt-D.Turner-Van Pelt-Castro et al.—Greenwood-Flowers-Lilly et al.).

**Elections. Dates.** The 2022 primary election is delayed to June 28, 2022. General Election Day (November 8) will be a state holiday; schools will close and be available as polling places. Dates are also set for circulating, filing, and certifying nominating petitions in 2022. The number of signatures needed on petitions is reduced for the 2022 election due to COVID-19. The State Board of Elections is to notify election authorities of ballot tracking procedures and all voting requirements 90 days before an election.

*High school voter registration.* The State Board of Elections is to create a one-page document explaining the voter registration process, which all high schools must provide to students. High schools may not prohibit, but may reasonably restrict, nonpartisan voter registration activities.

*Voting by mail.* Voters can apply to vote by mail permanently. The State Board of Elections by December 31, 2021 is to draft a bill



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proposing an electronic vote-by-mail system for voters with disabilities.

*Polling places.* In addition to Cook County, other counties may establish temporary polling places at jails and allow persons in custody but not convicted to vote in elections in which they could vote in their resident precincts. In 2022 only, each election authority must designate one location where all voters in its jurisdiction may vote regardless of precinct.

*Cybersecurity.* By July 1, 2024, all election authorities must begin using a “.gov” web address and provide all employees with “.gov” email addresses. Election authorities are to protect their websites and email addresses using security products; perform biennial organizational risk assessments; begin monthly vulnerability scans to defend against cyber breaches by 2024; and use endpoint detection and response security tools on all employee computers by July 1, 2024.

*General Assembly vacancies.* Before holding a meeting to fill a General Assembly vacancy, committees are to make public the names of the committee person(s); the date, time, and location of the meeting; and information on how to submit a name for consideration. A meeting to fill a vacancy must be accessible to the public and held in the district or virtually.

*Dual offices.* Local governments, including home-rule units, may not require General Assembly

members to resign before seeking local elective office (**P.A. 102-15**, enacted by S.B. 825, Harmon-Van Pelt-Villivalam—West-K.Stuart-Smith-Ammons-Carroll et al.).

*Voting methods.* Some voting options authorized temporarily for 2020 are added to the Election Code: Election authorities must accept ballots mailed with insufficient or no postage, and election authorities may offer curbside voting and ballot collection sites. Funds under the federal Help America Vote Act can be used to maintain secure collection sites (**P.A. 102-1**, enacted by H.B. 1871, K.Stuart-Ammons-Greenwood-Mayfield et al.—J. Morrison-J.Collins-Hastings-Hunter et al.).

**Ethics. Lobbying.** State lobbying restrictions are extended to local officials and lobbying at local levels. Elected and appointed officials may not be paid to lobby other levels of government on behalf of lobbyists. Executive-branch officers may not lobby at the state level for 6 months after they leave office. Starting with the 103rd General Assembly, former legislators may not lobby the General Assembly of which they were members (or, apparently, lobby other parts of the state government) for 6 months after leaving office. Persons in a new class called “consultant” (who help develop lobbying strategies) must be reported by lobbyists, and must register as lobbyists if they communicate with or make expenditures benefiting officials with intent to influence

government action for their employers. Lobbyists must take ethics and harassment and discrimination training before registration or renewal will be deemed complete (formerly within 30 days after registering), and must also have written sexual harassment policies before completing the process. Chicago may regulate lobbying in ways different from the state act’s provisions; no other unit of local government may regulate lobbying inconsistently with the state act.

*Political activity.* Anyone appointed to a paid position requiring Senate confirmation, including a State Board of Elections member, cannot also be an officer of a political committee or a candidate to be supported by a political committee. A member of the State Board cannot contribute money, goods, or services to a political committee. A “limited activity committee” category is created for persons nominated to positions needing Senate confirmation. The ban on political fundraisers in Sangamon County on session days is expanded to cover the entire state, and extended to the day preceding a regular session day.

*Investigations.* The Legislative Inspector General can start investigations without the Legislative Ethics Commission’s advance approval.

*Economic disclosures.* Statements of economic interests, which public officials

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## State Government

(continued from p. 33)

and some public employees must file, must report more kinds of assets (as defined in this act). False or incomplete disclosure, if made in good-faith reliance on guidance from the Secretary of State or the filer's ethics officer, will not be deemed unlawful.

*Other items.* The class of state employees subject to revolving-door prohibitions is expanded to include those involved in the "fiscal administration" of state contracts worth over \$25,000. Starting in the 103rd General Assembly, the pay of legislators who are appointed or leave during a term will be prorated (P.A. 102-664, enacted by S.B. 539, Gillespie-Curran-Harmon-L.Murphy-J.Morrison et al.—Burke-D.Meyers-Martin et al.).

*"Revolving door" ban.* Board members of a pension fund, investment board, or retirement system may not, until 12 months after they cease such service, be employed by the fund, board, or system, other than temporarily without pay to fill senior administrative staff positions that cannot be filled otherwise (P.A. 102-603, enacted by H.B. 3004, Batinick-T.Morrison—Connor et al.).

### Firefighter Disability Benefits.

A retired Chicago firefighter, who has not been getting a retirement annuity for over 5 years and has a condition that would qualify a firefighter on active duty for an occupational

disease disability benefit, can receive such a benefit until compulsory retirement age (63); the benefit and retirement annuity cannot overlap in time (P.A. 102-91, enacted by S.B. 307, Muñoz et al.—Hurley et al.).

### Firefighters' Prior Service

**Credit.** A downstate firefighter in Tier 2 (first hired as a firefighter after 2010) may get credit for prior service in other funds only by making that choice and paying required contributions within 21 months after hiring or of this law's effective date (P.A. 102-81, enacted by S.B. 167, Ellman et al.—Halpin et al.).

### Juneteenth National Freedom

**Day** (June 19) becomes a state holiday, but not a paid holiday if on a Saturday or Sunday (P.A. 102-14, enacted by H.B. 3922, Ford-Flowers-Gordon-Booth-Ammons-Butler et al.—Lightford-Johnson-J.Collins-Sims-Hunter et al.). If it is a Sunday, the next day will be the state holiday (P.A. 102-334, enacted by S.B. 1965, Lightford-Belt-J.Collins-Johnson-Hunter et al.—Ford-Greenwood-Butler-Lilly-Batinick et al.).

### Labor Unions. Representation

*and contracts.* Some state jobs' eligibility for union representation must be based on job duties rather than written job descriptions only. Nine reasons are listed for filing petitions seeking clarification of which job positions are subject to representation. Also, the time beyond which a union agreement with an executive-branch officer or agency cannot

bind the holder of that office in the next term is changed from June 30 of the year officers are inaugurated until 12 months after their inauguration (P.A. 102-151, enacted by S.B. 525, Aquino et al.—Halpin).

*Selection; strikes.* Public employees may show support for a union, or for choosing or changing a union, electronically within 12 months after a petition for such action is filed. The list of unfair labor practices by public employers is expanded to include retaliating against employees who participate in a lawful strike or withholding employment to influence employees before such a strike (P.A. 102-596, enacted by H.B. 2521, Gonzalez-Evans-Willis-Andrade-Flowers et al.—Villivalam-Hastings et al.).

### Notaries Public. Electronic.

The Secretary of State may commission a separate class of "electronic notaries public" to perform notarial acts electronically. An applicant for such a commission must take training on electronic notarization, pass a test, and obtain an additional \$25,000 surety bond. Such notaries must register and secure the technology they will use, which must meet security requirements; electronic notarizations must have the notary's electronic signature and seal; and remote acts must meet stated requirements and must be recorded.

*Generally.* Fees for notary applications, and maximum fees that notaries can charge, are increased. The Secretary

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of State may keep a publicly available database with information on each notary. Each notary must keep a journal on each notarial act taken, which must be produced on request by the Secretary of State. A notary's commission must be revoked after conviction of an offense under the notary act (formerly 2 such offenses within 12 months or 3 in 5 years), or (if also a lawyer) after being sanctioned, suspended, or disbarred (P.A. 102-160, enacted by S.B. 2664, Holmes—Kifowit-Carroll).

**Pension Investments.** Illinois' five state retirement systems may not directly invest in for-profit companies that the Illinois Investment Policy Board identifies as having contracts with the federal government to shelter migrant children. The Board must identify such companies by July 1, 2022. It may later re-evaluate the issue and report to the General Assembly that the goals behind divestment have been met (P.A. 102-118, enacted by H.B. 232, E.Hernandez-Ammons-Batinick et al.—K.Villa).

**Procurement.** A new act follows and clarifies P.A. 101-657, which added provisions to promote diversity in state procurement. The Business Enterprise Program is transferred from the Department of Central Management Services to the Commission on Equity and Inclusion. Bidders on state contract solicitations that include Business Enterprise Program participation goals must include diversity plans; failure to do so renders them non-responsive. Before a contract is fully

performed, state agencies and higher education institutions are to evaluate vendor fulfillment of diversity goals. Failure to meet goals may result in a 1-year suspension from state contracting, or contract cancellation without penalty to the state (P.A. 102-29, enacted by S.B. 166, Belt-J.Collins-D.Turner et al.—Harper-Ammons-Greenwood-Lilly-D.Meyers-Martin).

**Redistricting. Judicial.** The state's judicial districts are adjusted to give the four districts outside Cook County more nearly equal populations, based on Census Bureau American Community Survey estimates (P.A. 102-11, enacted by S.B. 642, Harmon—Tarver-Hoffman).

**Legislative.** Districts for electing state legislators in 2022 through 2030 are established based on the Census Bureau's 2015-2019 American Community Survey (P.A. 102-10, enacted by H.B. 2777, E.Hernandez-Welch—Harmon-Cunningham).

**Secretary of State Powers.** Until June 30, 2021, the Illinois Secretary of State could temporarily extend expiration dates for several registrations (such as driver's licenses, driving permits, and vehicle registrations) through the end of 2021.

The maximum amounts the State Librarian can grant to public and school libraries per capita are increased (P.A. 102-39, enacted by S.B. 2232, L.Murphy-Hastings—Mussman).

**Teachers' Pensions.** Teachers' Retirement System members may buy credit for up to 2 years'

service in a licensed private school if they apply by June 30, 2023 and make required contributions. The requirement that a school system reimburse TRS for any increase in the teacher's pension caused by an annual increase exceeding 6% in the teacher's salary during the years that determine final average salary for pension purposes is waived for increases due to teaching summer school in 2021 or 2022 (P.A. 102-525, enacted by S.B. 1646, McClure-K.Villa et al.—Marron-Welch-Severin-Didech-Scherer et al.).

**University and Teachers' Defined Contribution Plans.** Anyone joining the State Universities Retirement System after June 2023 will be enrolled by default in its deferred compensation plan but may opt out; other members may join it. Employers may contribute to the plan on behalf of participants. As soon as is practicable after 2021, TRS must enroll by default in its defined contribution plan anyone who first becomes a TRS member. Such members may opt out at any time; other members may enroll when the plan becomes available (P.A. 102-540, enacted by S.B. 2103, Martwick-K.Villa-Feigenholtz-Connor—Halpin).

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# Transportation

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*The Department of Transportation is to conduct a traffic study after each accident involving pedestrian death at a state highway crossing. A task force will study possibilities for reducing hazards to stopped vehicles and in construction zones. A commission will plan for a high-speed rail network. A new act lowers trailer registration fees; raises certificate of title fees; and eliminates state sales tax on the excess of trade-in value over \$10,000.*

## **High-Speed Railway**

**Commission.** A body is created to develop a plan for a high-speed rail network connecting Chicago to St. Louis, and connecting Rockford, Moline, Peoria, and Decatur. It is to report annually to the Governor and General Assembly until its abolition in 2027 (**P.A. 102-261**, enacted by H.B. 399, Moylan-D.Vella-Ammons-D. Meyers-Martin-Carroll et al.—Stadelman et al.).

## **Move Over Early Warning**

**Task Force.** This body is created to study why some drivers do not comply with requirements involving stopped vehicles or construction zones, and to research possible cellphone alerts to drivers about emergency personnel and hazards. The Task Force is to make recommendations by 2023 (**P.A. 102-336**, enacted by H.B. 3656, Hurley-Butler-Hoffman et al.—Muñoz-Connor et al.).

**Pregnant Motorists.** The Secretary of State may provide to a pregnant woman in her third trimester a decal or device

for persons with disabilities (**P.A. 102-453**, enacted by H.B. 3027, Wheeler-Durkin-Greenwood-Bourne-Welch et al.—Holmes et al.).

**Traffic Studies.** After every accident involving a pedestrian death at an intersection of a state highway, the Department of Transportation is to conduct a traffic study, including possible roadway improvements, and post the results (**P.A. 102-333**, enacted by S.B. 1791, L.Murphy et al.—Moylan et al.).

**Transportation Planning.** The Department of Transportation is to develop (1) a multi-modal transportation improvement program for all transportation facilities under its jurisdiction; (2) a risk-based highway system asset management plan; (3) a needs-based transit asset management plan for state-owned vehicles, facilities, and equipment; and (4) a performance-based project selection process. The RTA is to develop a transparent prioritization process for

projects getting state capital funding (**P.A. 102-573**, enacted by H.B. 253, Buckner-Delgado et al.—Villivalam-J.Collins-Cullerton et al.).

## **Vehicle Fee Changes.**

Registration fees on trailers that can carry up to 3,000 pounds are reduced from \$118 to \$36. The fee for a motor vehicle certificate of title rises by \$5 to \$155. Taxes on private vehicle sales are also raised. A provision that, since 2020, has limited to \$10,000 the trade-in value that can be deducted from the taxable selling price of a passenger vehicle will end next January (**P.A. 102-353**, enacted by S.B. 58, Muñoz-Koehler-Fowler-Cullerton-Joyce et al.—Evans-B.Hernandez-Welch-Carroll-K.Stuart et al.).

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## Criminal Law

(continued from p. 11)

affected parties, a court may prohibit anyone present in court from “further” disclosing an adult’s identity. If an employee or contract worker for a school district is alleged to have committed a sex crime, then either (1) if the district superintendent so requests or (2) if the law enforcement agency knows that the defendant works for the district, the agency is to give the superintendent a copy of the criminal history record on the allegation, with the identity of any adult victim omitted (P.A. 102-652, enacted by S.B. 2340, Lightford-Muñoz-J. Collins-Connor et al.—Cassidy-Bos-Ammons et al.).

**Video Appearance of Defendant.** Remote video appearances may no longer occur under the Sexually Violent Persons Commitment Act, but may occur at four additional kinds of proceedings involving a defendant’s fitness, disability, or treatment after acquittal for insanity. Subject to appropriation, the Department of Human Services and courts in two counties will operate a pilot project for such video appearances of persons unfit to stand trial or not guilty due to insanity, and report to the General Assembly (P.A. 102-486, enacted by H.B. 3575, Conroy—Hunter).

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## Local Government

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to prehospital care, and 8 hours of observant riding (P.A. 102-450, enacted by H.B. 2864, Swanson et al.—Anderson-Rose).

### Telecommunication

**Provisions.** Several telecommunications provisions that were to expire are extended. The Emergency Telephone System Act is extended with changes, including expanded training for 911 telecommunicators and a requirement that every 911 system be able to take text messages by 2023. The Prevailing Wage Act is expanded to include some construction projects contracted by public utilities and performed by third parties (P. A. 102-9, enacted by H.B. 3743, Walsh-Evans-Ammons—Hastings-Connor).

**TIF Reporting.** Starting in FY 2022, a municipality must send the Comptroller a copy of any TIF redevelopment plan that is enacted, amended, or extended, and report the following annually on each redevelopment project area: (1) number of jobs and increment projected when the redevelopment agreement was approved; (2) number of jobs and tax increment so far in that reporting period, using the guidelines and assumptions that were used for projections;

and (3) the stated rate of return identified by the developer, if any. A municipality may choose the financial advisor or underwriter to prepare the debt analysis included in its annual TIF reports; the analysis must now include actual debt service on obligations (P.A. 102-127, enacted by H.B. 571, Carroll-Zalewski-Greenwood et al.—Gillespie–D.Turner-J.Morrison-Fine-L.Murphy et al.).

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## Bills With Governor's Action

All bills summarized in this issue of *First Reading* are listed below. Beside the number of each bill is its Public Act number. The following abbreviations are used for the Governor's actions on bills:

AV Amendatorily vetoed  
 AVD Amendatorily vetoed; bill dead  
 IV Item and/or reduction vetoed  
 V Totally vetoed

Information on all 2020-21 bills and Public Acts, including their texts, is available at: <http://www.ilga.gov>  
 Click on the "Bills & Resolutions" or "Public Acts" link near the top of the page for information on a given bill or Public Act. Information on the General Assembly's workload over the years can be found at the CGFA's webpage.

H.B.	Public Act	H.B.	Public Act	H.B.	Public Act	H.B.	Public Act
	<b>102-</b>		<b>102-</b>		<b>102-</b>		<b>102-</b>
33	107	1092	345	3027	453	3743	9
51	46	1443	98	3099	456	3821	506
53	47	1711	586	3114	458	3849	614
102	413	1739	22	3147	398	3870	511
117	179	1745	391	3160	460	3895	616
119	389	1779	203	3190	V	3914	617
135	103	1805	206	3223	466	3922	14
158	4	1855	421	3267	470	3928	618
165	341	1871	1	3277	607	3950	516
219	339	2109	589	3289	136	3995	518
226	54	2400	395	3295	27		
232	118	2413	428	3308	104	<b>S.B.</b>	<b>Public Act</b>
234	55	2427	430	3317	474		<b>102-</b>
253	573	2454	435	3355	608	58	353
332	122	2521	596	3438	475	63	70
376	44	2553	597	3443	28	64	100
395	64	2595	579	3461	610	72	6
399	261	2620	442	3504	483	81	73
414	262	2621	175	3513	350	85	138
449	66	2653	443	3575	486	100	74
571	127	2746	583	3587	99	104	8
645	407	2777	10	3656	336	106	76
665	272	2784	580	3665	494	109	140
679	181	2864	450	3698	496	116	282
711	409	2877	5	3709	170	119	78
796	187	2878	174	3712	497	136	80
806	20	3004	603	3714	612	139	171
1063	168	3025	207	3739	613	147	142
						154	283

S.B.	Public Act 102-	S.B.	Public Act 102-	S.B.	Public Act 102-	S.B.	Public Act 102-
166	29	561	290	967	665	2017	16
167	81	564	411	968	306	2043	539
190	83	567	153	1079	308	2103	540
214	284	593	292	1087	159	2122	101
215	85	626	620	1089	310	2129	102
225	354	633	294	1096	34	2136	639
265	176	642	11	1575	337	2232	39
267	88	661	621	1596	235	2244	644
294	286	662	622	1638	214	2279	40
307	91	667	234	1646	525	2290	648
317	287	669	298	1690	330	2294	43
332	92	672	358	1730	223	2323	649
335	93	673	241	1765	225	2338	42
340	289	692	242	1791	333	2340	652
346	95	701	244	1842	527	2406	380
471	144	814	521	1847	36	2530	565
500	147	817	360	1854	530	2567	567
512	575	818	522	1879	369	2661	12
525	151	820	209	1920	631	2664	160
539	664	825	15	1965	334	2800	17
555	576	915	246	2007	633		

### Types of Actions Governor Can Take on Bills

The Illinois Constitution allows the Governor to make any of four kinds of vetoes: total, amendatory, item, or reduction. The following describes each kind of veto and legislative responses to it.

#### Total Veto

The Governor may reject an entire bill and return it to its house of origin. Overriding such a total veto requires the affirmative votes of at least three-fifths of the members elected to each house (71 in the House, 36 in the Senate). Unless a total veto is overridden, the bill dies.

#### Amendatory Veto

A Governor can return a bill “with specific recommendations for change” to its house of origin. Such an amendatorily vetoed bill is considered like a vetoed bill, except that each house can accept the Governor’s recommendations by vote of a mere constitutional majority (60 in the House and 30 in the Senate). Thus if a bill is amendatorily vetoed, the General Assembly can do any of three things to it: (1) override the veto by three-fifths vote in each house, enacting the bill as it originally passed the General Assembly; (2) accept the Governor’s recommendations and return the bill to the Governor for his certification that the acceptance conforms to his recommendations; or (3) do neither, in which case the bill dies.

#### Item and Reduction Vetoes

The Governor can remove line items, and/or reduce the amount of any line item, in an appropriation bill without vetoing the entire bill. The amounts not eliminated or reduced become law immediately when the Governor transmits his veto message. But the majorities needed to restore those amounts differ. If a line item is vetoed, a three-fifths majority in each house is needed to restore it. But if the item is merely reduced, it can be restored to its original amount by a mere constitutional majority in each house.



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## Social Services

*(continued from p. 31)*

be adjusted annually based on federal guidelines and available funding. Households with children under 6 are added to those to get priority application periods for LIHEAP.

DCEO is to report annually on funds collected for and distributed to utilities for PIP programs; the Illinois Commerce Commission will post the report on its website (P.A. 102-176, enacted by S.B. 265, Hastings-J.Collins-Belt-D.Turner et al.—B.Hernandez-Ammons-Rita-Ramirez-Ortiz et al.).

## Youth Psychiatric Treatment Reports.

DCFS is to add to its annual report on youth in care awaiting placement specified information on psychiatric hospitalizations of such youth, including those who remain in ERs more than 24 hours awaiting psychiatric hospital admission, and other information described in this new act. Such annual reports must be posted on the Department’s website, and will continue to be issued instead of ending in 2023 (P.A. 102-76, enacted by S.B. 106, Feigenholtz et al.—Ramirez-Kifowit-Ammons et al.).

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## First Reading

A publication of CGFA

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