



FIRST READING

COMMISSION ON GOVERNMENT FORECASTING AND ACCOUNTABILITY

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Major Bills Passed by the 103rd General Assembly

This issue of *First Reading* summarizes bills as they passed both houses in the spring session of the 103rd General Assembly’s first year, and reports on the Governor’s actions on them. A total of 567 bills passed both houses during that time. This issue summarizes 134 bills of general interest in 13 categories.

New laws extend sales and use tax exemptions for aircraft repair and ethanol; extend or increase income tax credits for historic preservation, angel investments, and electric vehicle facilities; raise state income tax distributions to local governments; increase the corporate franchise tax exemption; raise the fee for a certificate of title for most vehicles by \$10; and raise the state’s general obligation bond limit.

Lawmakers voted to require schools to offer full-day kindergarten statewide starting in 2027-28; forgo teacher performance assessments through August 31, 2025; increase the time that substitute teachers may fill a vacancy in an emergency; and require libraries, as a condition of getting state grants, to commit not to ban books.

New laws allow pharmacists to administer COVID-19 or flu vaccines, to patients 7 or older, without prescriptions; allow podiatrists to administer flu, COVID-19, and tetanus vaccines to adults; require institutional care facilities to allow residents to have support persons with them at any time, subject only to health protocols; and require any large music venue that serves liquor to have opioid antagonists and a person trained to administer them during concerts.

New laws bring higher Medicaid reimbursement rates, wage increases for direct service workers, higher benefit levels for some state assistance



programs, and authorization for the Department of Healthcare and Family Services to implement existing laws on Medicaid coverage of noncitizens.

Lawmakers also voted to limit the venues for constitutional challenges of state laws and orders to Sangamon and Cook Counties; ban campaign contributions by automated traffic law enforcement system vendors; and restrict suspension of local mass transit riding privileges.

Information on all bills of the 103rd General Assembly is available at the General Assembly’s website:

www.ilga.gov

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Appropriations & State Budget

The state's budget for fiscal year 2024 is \$193.5 billion—\$4.3 billion above the \$189.3 billion appropriated for FY 2023. General Funds appropriations rose 2.9%, from \$47.7 billion to \$49.1 billion.

All FY 2024 appropriations for capital and operations spending were approved in one act. The budget plan is based on assumed General Funds revenues of \$50.6 billion—notably less than the FY 2023 actual total of \$53.1 billion. The reasons for the lower assumption include less federal stimulus money, a reallocation in fund distributions by the Department of Revenue, and continued concern about a potential recession.

General Funds appropriations for K-12 education, including pension contributions, total \$16.8 billion (34.2% of General Funds appropriations); the share for higher education, including pension contributions, is \$4.5 billion (9.2% of the total). Appropriations for the five state pension funds and the Chicago teachers' pension fund total \$10.7 billion, including \$10.2 billion from the General Funds.

The FY 2024 budget implementation act made changes related to fund transfers, health, education, public safety, and administration.

More details on the FY 2024 budget—including revenue changes, budget implementation provisions, and appropriations—are in the FY 2024 Budget Summary from the Commission on Government Forecasting and Accountability. That report, available on the Commission's website, also has information on FY 2023 revenues, state employee numbers, group insurance, Medicaid, education funding, state pension systems, and state borrowing.

FY 2024 Appropriations and FY 2023 Supplemental Appropriations:

P.A. 103-6, enacted by S.B. 250 (Sims et al./Gordon-Booth)

FY 2024 Budget Implementation:

P.A. 103-8, enacted by H.B. 3817 (Gordon-Booth et al./Sims et al.)

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Business & Economic Development

New acts require automatic contract renewals to be clearly explained to customers; require data security measures at insurers; and ban discrimination in real estate transactions due to actual or perceived citizenship or immigration status. Bills that passed both houses will expand the application of building codes in Illinois; increase employment protections for day laborers and freelance workers; require studies of ways to reduce fossil fuel use, and authorize existing electric utilities to build high-voltage transmission lines; and require adult “vloggers” to put money in trust for minors appearing in their vlogs.

Automatic Contract Renewals.

Sellers of products or services under automatically renewing contracts must clearly disclose their renewal terms before contracts are signed, and give cancellation instructions that buyers can retain or access later. Consumers cannot be charged for automatic renewals without their consent. Cable and video providers, and insurers, are added to those exempt from the law (**P.A. 103-70**, enacted by S.B. 328, Glowiak Hilton – D.Turner – Stadelman et al./Hanson – Didech – Scherer – Guzzardi et al.).

Bereavement Leave. Employees who have worked at least 2 weeks for a business employing at least 50 persons can take unpaid leave, with reasonable notice and documentation, if their child dies by suicide or homicide. Leave can be up to 12 weeks at employers with at least 250 employees, or 6 weeks at employers with 50 to 249 employees. An employee may not be penalized for taking the leave. Violations can bring civil penalties of \$500 for a first or \$1,000 for a repeat offense (**P.A. 103-466**, enacted by S.B. 2034, Villa – Stadelman – Villanueva – Simmons – Hunter et al./West – Kifowit – LaPointe – Hanson – Benton et al.).

Building Code Applicability.

Starting in 2025, substantial improvements to commercial buildings in areas without building codes must be certified by inspectors qualified by the International Code Council or an equivalent nationally recognized organization as meeting the Capital Development Board’s standards. (New commercial buildings already must have such certification.) The same requirement will apply to any repair of a heavily damaged building, regardless of how significant the repair is. Local building codes must be at least as strict as codes published by the International Code Council (**P.A. 103-510**, enacted by S.B. 2368, Koehler – Morrison et al./G.Johnson – Stuart – Cabello – Benton et al.).

Day and Temporary Laborer

Protections. Before a day and temporary labor service agency sends workers where there is a strike, lockout, or other labor trouble, it must inform them in writing of the situation and their right to decline. Before assigning a worker to a site, an agency must ask about safety conditions there and train workers on any industry hazards they may

encounter. Day or temporary laborers assigned to a job for more than 90 days must get at least the pay, and equivalent benefits, of the lowest-paid regular employee doing similar work at the site. In addition to Department of Labor oversight, the Attorney General may ask a court to suspend or revoke an agency’s registration; and any organization that watches for compliance with worker protection laws, after sending a complaint to the Department of Labor and allowing time for the agency to correct alleged violations, may file a civil suit against it and receive part of any judgment. Maximum penalties for violations are increased (**P.A. 103-437**, enacted by H.B. 2862, Gonzalez – Mah – Avelar – Collins – Guzzardi et al./Peters – Villanueva – Simmons et al.).

Employment Verification.

Before taking action against an employee due to a discrepancy between the employee’s name or Social Security Number and the Social Security Administration’s records, the employer must allow the employee at least 30 days of unpaid leave to correct the problem. Employees may have

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counsel present at discussions about the discrepancy. If the discrepancy is remedied, the employee must be returned to the former position without loss of compensation, benefits, or future promotion opportunities (S.B. 1515, Cervantes – Villivalam – Villanueva et al./ Delgado – Jiménez – Ortiz – Guzzardi – Gonzalez et al.), **vetoed**.

Freelance Worker Protection.

Contracts between nonpublic employers and freelance workers (as defined) must be in writing if compensation is to exceed \$500 over 120 days. A freelance worker must be paid no later than 30 days after providing the contracted goods or services. Complaints can be filed with the Department of Labor. Freelance workers are entitled to civil damages for violations. The Department is to inform the public about this new act and report on it annually to the General Assembly (P.A. 103-417, enacted by H.B. 1122, Guzzardi – Ortiz – Evans – Harper/ Harmon – Cervantes – Castro – Villivalam – Peters et al.).

Immigration Status and Real Estate Transactions.

The prohibitions on discrimination in real estate transactions are extended to include discrimination due to actual or perceived citizenship or

immigration status (P.A. 103-232, enacted by S.B. 1817, Gillespie – Castro et al./Gong-Gershowitz – Mayfield et al.).

Insurance Coverage

Transfers. A process is created for an insurer to transfer some or all of its obligations under existing contracts to another insurer with Department of Insurance approval of the transfer plan. The plan must include, among other things, audited financial statements and annual and quarterly reports of both insurers; a description of how the transfer will be done; and an independent expert's opinion on how it will affect policyholders. If the Department approves a plan, it may be submitted to a court for a final decision (P.A. 103-75, enacted by S.B. 762, Cunningham/Jones – Morgan).

Insurer Data Security.

Starting in 2025, each licensed insurer with at least 50 employees must have an information security program that includes implementing data security measures, training staff on cybersecurity, and developing a plan to respond to a cybersecurity breach—and annually certify compliance with those requirements to the Department of Insurance. An actual or possible data breach at any insurer must be investigated promptly; measures must be taken to prevent further disclosures; and the insurer must send details to the Department promptly, and in any case within 3 days after

discovery. The Department can enforce these requirements. Compliance with some federal laws will count as compliance with this act (P.A. 103-142, enacted by H.B. 2130, Morgan – Keicher/Harris).

Pay Scale and Benefit

Information. Each employer with at least 15 employees must include the pay scale and benefits for a position in any job posting. An employer must inform current employees of an opportunity for promotion within 14 days after making an external job posting (excluding state government jobs exempt from competitive selection). Employers may not refuse to interview, hire, or promote applicants for asking about pay and benefits. A violator can be fined up to \$500 for a first, \$2,500 for a second, and \$10,000 for a third or further offense (P.A. 103-539, enacted by H.B. 3129, Canty – Moeller – Yang Rohr – Evans – Collins et al./Harmon – Gillespie – Villivalam – Villanueva – Peters et al.).

Power Studies; Transmission

Lines. The Illinois Power Agency is to study possible benefits of (1) a pilot program of wind-powered generation in Lake Michigan; (2) state-supported energy storage projects; and (3) a high-voltage, direct current transmission project. The Commerce Commission is to hold forums on potential thermal energy networks for buildings to reduce fossil fuel use. Reports on these

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Civil Law

Legislators voted to limit the venues for constitutional challenges to state laws and orders to Sangamon and Cook Counties. Other bills that passed both houses authorize damages for deceptive use of a donor's sperm or egg, or for "doxing"; prohibit deceptive statements by "limited services pregnancy centers"; and allow hotels to eject or deny service to unruly guests.

Assisted-Fertility Fraud.

A medical worker who uses reproductive material (such as sperm or an egg) from the worker's body for assisted reproduction without having the affected patient's informed written consent can be sued by the mother; her surviving spouse; an intended parent of the child; and/or each child born as a result. A donor of reproductive material may sue if the material was used without the donor's consent or contrary to such consent. A successful plaintiff can get compensatory or punitive damages or a statutory amount of \$50,000, plus the amount charged for fertility treatment. Such awards are exempt from Illinois Income Tax. Such a donor may bring suit for 8 years after the last of several events (including first discovery) occurs; other kinds of potential plaintiffs may bring suit for 20 years after those events (**P.A. 103-478**, enacted by S.B. 380, Koehler et al./Didech – Croke – Gong-Gershowitz – Avelar – Chung et al.).

Civil Remedy Under Federal Statutes.

Persons held to violate any of a number of federal laws that condition receipt of federal money on nondiscrimination can be held liable under a new Illinois act and required to pay at least \$4,000 plus the plaintiff's legal fees. This is a response to a 2022 case in which the U.S. Supreme Court held that receiving federal money does not

indicate consent to be sued for nonmonetary damages such as emotional distress (**P.A. 103-150**, enacted by H.B. 2248, Cassidy – Ammons et al./Peters et al.).

Court Files and Records—

Access. A new act adopts Illinois Supreme Court Rule 8's provisions on access to court documents, and encourages the Court to consider establishing a standard process for requesting access to restricted court files. Several terms describing types of court records in Illinois laws are defined by referring to definitions in Rule 8. Access to complaints or petitions, before they are served on defendants or respondents, under several Illinois acts is made subject to the section that adopts Rule 8 (**P.A. 103-166**, enacted by H.B. 2624, Syed – Costa Howard – Ladisch Douglass/Villivalam – Martwick et al.).

"Doxing" Civil Liability.

Intentionally publicizing private information on a person (including financial or personal identity information or intimate visual depictions), without the person's consent, with intent to harm or harass the person, and knowing that the act is likely to result in stalking or danger to the person, can be civilly redressed by damages and attorney's fees. If a suit for such "doxing" is found to have been brought without merit or in bad faith, the court may award attorney's fees and other reasonable costs

to the defendant. Courts may also issue injunctions against doxing. Constitutionally protected actions, and reporting or investigating crimes, will be exempt from suit under this act (**P.A. 103-439**, enacted by H.B. 2954, Gong-Gershowitz – Morgan – Slaughter – Tarver – Ugaste et al./Morrison – Fine – Feigenholtz – Edly-Allen et al.).

Firearm Industry Prohibited

Actions. Makers, distributors, and sellers of firearms and related products (including those made outside Illinois if they are possessed, and it was reasonably foreseeable that they would be possessed, in Illinois), and related entities, are prohibited from taking actions tending to endanger the public; allowing their products to be stolen or sold to "straw purchasers"; failing to comply with laws; or advertising or marketing their products for illegal paramilitary use or illegal possession or use by persons under 18. Violations will be handled under the Consumer Fraud and Deceptive Business Practices Act (**P.A. 103-559**, enacted by H.B. 218, Gong-Gershowitz – Buckner – Croke – Harper – B.Hernandez et al./Harmon – Morrison – Hunter – Harris et al.).

Health Facility Ownership

Changes. Notice of an application to change ownership of a health care facility must

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be sent to the Attorney General (added to others who already must get notice). The Attorney General is to be notified at least 30 days before two or more health facilities merge or contractually affiliate, or one buys the other(s). That requirement will not apply to a party that is outside Illinois unless it already gets at least \$10 million in revenue per year from Illinois patients. Individual medical practices are mostly exempt. The Attorney General can request details on the plan; it cannot take place until 30 days after the parties substantially comply. These provisions are to expire at the end of 2026 (P.A. 103-526, enacted by H.B. 2222, Gong-Gershowitz – Flowers – Robinson – Tarver et al./ Gillespie – Fine – Peters et al.).

Heating and Cooling in Buildings for Seniors. Rental housing, condominiums, and common interest community buildings where occupancy is limited to persons who are 55 or older must have their cooling systems operating in summer when heat indexes exceed 80 degrees, and must meet minimum temperature standards during the heating season. If there is no central cooling system, at least one common cooling place must be open when heat indexes exceed 80 degrees (P.A. 103-161, enacted by H.B. 2562, Huynh – Jiménez – Collins – Mah – Rashid et al./ Simmons – Ventura – Hunter).

Lodging Places and Unruly Guests. A “hotel” proprietor may eject or refuse service to a

person who causes or threatens destruction of hotel property or a public disturbance; seeks or uses hotel property for unlawful consumption of controlled substances or underage drinking; or violates laws or posted hotel rules. Partial exceptions apply if a severe weather warning is in effect, or the guest has a term lease (P.A. 103-147, enacted by H.B. 2220, Collins – Stephens – Lilly/A. Johnson).

Minors—Leaving Unsupervised. When considering whether a minor is neglected under the Juvenile Court Act, or abandoned under the Criminal Code of 2012, courts are to look at a large number of facts about the situation listed in this act, rather than considering the minor’s age almost exclusively. This act states that leaving a child under 14 alone at home is not always child neglect; the listed factors are to be considered regarding any minor who is allowed to stay at home or engage in typical childhood activities outside of home (P.A. 103-233, enacted by S.B. 1834, Sims – Feigenholtz/Slaughter – Flowers – Ammons – Collins – Harper et al.).

Pregnancy Center Statements. The Consumer Fraud and Deceptive Business Practices Act is amended to apply to “limited services pregnancy centers” that provide pregnancy-related services other than abortion and emergency contraception, if they are not affiliated with and do not make referrals to abortion or emergency contraception providers. False or deceptive statements or omissions of

material fact by such centers become violations of the Act (P.A. 103-270, enacted by S.B. 1909, Villanueva – Feigenholtz – Castro – Hunter – A. Johnson et al./Costa Howard – Avelar – G. Johnson – Cassidy – Collins et al.). (This act’s enforcement has been blocked by a temporary injunction in federal court.)

Sexting by Altered Image. The act on civil remedies for nonconsensual distribution of intimate images of a person is expanded to apply to distribution of images that are digitally altered or otherwise falsely depict intimate exposure or behavior. Juxtaposing an image with a political message will not put it within an exception for reporting on matters of public concern. The kinds of equitable relief available are expanded to include temporary restraining orders and temporary (added to permanent) injunctions (P.A. 103-294, enacted by H.B. 2123, Gong-Gershowitz – Welch – Syed – West – Cassidy et al./ Edly-Allen – A. Johnson – Stadelman – Morrison – Villa et al.).

Venue for Constitutional Claims Against State. Suits claiming that a state law, rule, or executive order violates the U.S. or Illinois Constitution may be brought only in Sangamon or Cook County. Disputes between the state and unions for its employees, and suits against pension funds, are exempted (P.A. 103-5, enacted by H.B. 3062, Hoffman – West et al./Harmon et al.).

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Criminal Law

A number of bills that passed both houses focused on juveniles, including setting standards for how long they may be kept separate from other juveniles in a juvenile facility; exempting them from some fees and fines that would apply to adults; and adding mitigating factors in juvenile sentencing. Additionally, law enforcement agencies are authorized to use drones in some situations; persons on parole may no longer be tested for drug use without a documented basis for reasonable suspicion of such use; and law enforcement agencies with gang databases must have policies restricting their use.

Animals and Humans. With exceptions for zoo staff, veterinarians, and movie and TV production crews in stated conditions, allowing members of the public to come near a bear or nonhuman primate without protective barriers will be a Class B misdemeanor (**P.A. 103-239**, enacted by S.B. 1883, Holmes et al./Mason – Carroll).

Confessions by Mentally Impaired Persons. Existing provisions stating a presumption against admissibility of confessions made by a minor, if based on deception by an officer, are expanded to apply to persons with a severe or profound intellectual disability as defined in this amendatory act (**P.A. 103-341**, enacted by H.B. 3253, Tarver et al./Ventura – Preston et al.).

Drone Use by Police. The Freedom from Drone Surveillance Act is amended to authorize law enforcement agencies to use drones for search and rescue; finding victims in emergencies; aiding inaccessible persons; inspecting building infrastructure for a local government; and surveilling routes of parades,

processions, concerts, and food festivals that are planned and have local government approval. Use of facial recognition software in such a drone is prohibited except in limited situations; no drone may carry a weapon. Information from law enforcement drones watching kinds of events just described must be destroyed within 24 hours, and information gathered in other ways within 30 days, excluding evidence needed for investigations or pending trials, and information for training use. Disclosure of information gathered by drones under exceptions to the Act's prohibitions is generally banned. Details on drone use under those exceptions must be reported annually to the Criminal Justice Information Authority. Each law enforcement agency using drones must have a policy for their use that includes sanctions for violating the Act; the Attorney General can take legal action against agencies violating the Act (**P.A. 103-101**, enacted by H.B. 3902, B.Hernandez – Cabello – Morgan – Didech – West et al./Holmes – Morrison – Castro – Rezin et al.).



First-Time Nonviolent Firearms Offenders. A pilot program allowing diversion from prosecution of persons under 21 who, for the first time, commit a nonviolent weapons possession or carrying offense that is a misdemeanor or Class 4 felony is expanded to all ages and made permanent. Some probation-type requirements on participants are relaxed; but they must still refrain from possessing firearms or other dangerous weapons, and from violating any criminal law (**P.A. 103-370**, enacted by S.B. 424, Villivalam – Peters et al./Olickal – Slaughter – Hanson – Benton).

Gang Database Use Restrictions. Each law enforcement agency that maintains or has access to a gang database must have policies restricting access to it to authorized employees or contractors, and barring use of information on gang membership or activity for

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Criminal Law

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employment, education, licensing, or housing—except use for law enforcement hiring, military screening, national security, and “other appropriate law enforcement purpose[s].” Inclusion of a person’s name in a gang database is not admissible in a criminal case (P.A. 103-185, enacted by H.B. 3322, Slaughter/Sims – Hunter – Simmons et al.).

Juvenile Confinement. A new act states several standards for determining how long a person under age 18 held in a county facility under authority of the local court, or a person under age 21 confined in a Department of Juvenile Justice facility, may be kept “separated from other . . . juveniles.” Those time limits range from 30 minutes if the juvenile poses a risk of self-harm only, to 7 days if the juvenile is in an “administrative hold” while temporarily at a different facility for interview, testimony, or treatment (P.A. 103-178, enacted by H.B. 3140, Ness – West – Ford/Sims – Hunter – Ventura et al.).

Juvenile Liability for Fees and Fines. Minors found by juvenile courts to be delinquent, addicted, or in need of supervision, or transferred before reaching age 18 to be tried as adults, and their parents, are exempted from a variety of kinds of fines, fees, and other charges applicable to persons in criminal, juvenile,

and some civil actions. Such amounts already imposed, but not yet collected, are forgiven. This exemption will not apply to restitution orders, or to assessments for minor offenses such as traffic and fish and game violations. Minors on probation will not be charged fees for supervision. Any community service required may not interfere with a minor’s school or school-related activities or work commitments. A minor’s parents will no longer have to pay fees of a guardian *ad litem* for the minor; and minors will not be charged for service of process or petitions to expunge records (P.A. 103-379, enacted by S.B. 1463, Peters – Simmons – Villanueva et al./Slaughter – Flowers – Mayfield – Collins – Ammons et al.).

Juvenile Trials and Sentencing. If a state’s attorney seeks transfer of a minor from juvenile court to criminal court, or designation of the proceeding as an extended jurisdiction juvenile prosecution, the list of factors the juvenile judge is to consider is expanded to include the minor’s involvement in the child welfare system; past outside pressure on the minor; and the minor’s role and degree of participation in the charged offense. If a person who was under 18 when committing a crime is criminally sentenced, added factors in mitigation are to be considered, including the minor’s suffering violence and involvement in the child welfare system, and a mental health evaluation. A finding by clear and convincing

evidence that the victim, in the last 3 years before the offense, committed any of several sex-related crimes against the charged minor can be a ground for transferring the minor for juvenile court sentencing; departing from statutory minimum, maximum, or increased sentences; or suspending any part of a sentence. The minimum 40-year sentence normally required for first-degree murder of a law enforcement or similar worker by a person who was under 18 at the time will not apply to a minor against whom the victim had committed such an offense in the last 3 years (P.A. 103-191, enacted by H.B. 3414, Jiménez – West – Cassidy – Ford – Slaughter et al./Simmons – Preston et al.).

Parole Conditions. Requirements on persons on parole or mandatory supervised release are changed as follows: They no longer may be tested for drug use without a documented basis for reasonable suspicion of such use, and the Prisoner Review Board may impose some kinds of requirements on their mode of living only after individualized assessments (which must include elements specified in this act). The kinds of educational attainments for which a person on release is to get a 90-day reduction in release period are expanded to include college degrees and career certificates, and the reduction is mandatory rather than permissive with

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Education

Elementary and Secondary

Lawmakers voted to require schools to offer full-day kindergarten statewide starting in the 2027-28 school year; eliminate teacher performance assessments through August 31, 2025; and increase the time that substitute teachers may fill a vacancy in an emergency. Schools are to submit data to the State Board of Education on bullying incidents; teach students about the dangers of fentanyl; and avoid pesticide application when children are present.

Bullying Prevention. Schools' policies on bullying must include a requirement to tell parents or guardians of all students involved in an alleged incident of bullying (including threats, suggestions, or instances of self-harm due to bullying) within 24 hours (replacing "promptly") after becoming aware of them. The policies are to be based on a model to be developed by the State Board of Education by 2024. Schools must report data on verified allegations of bullying to the State Board annually. Non-identifying data on the number of bullying incidents must be provided upon request of a parent of a child enrolled in the district. Subject to appropriation, the State Board may make grants to schools to support anti-bullying programs (**P.A. 103-47**, enacted by H.B. 3425, Croke – Cassidy – Yang Rohr – Mason – Collins et al./Feigenholtz – Pacione-Zayas – Lightford – Simmons – A.Johnson et al.).

Fentanyl Education. Starting in the 2024-25 school year, every health course in grades 9 to 12 is to cover the dangers of fentanyl. Instruction is to include information on the drug, side effects and risk factors,

details about the process of lacing fentanyl with other drugs, how to detect fentanyl in drugs, and how to save someone from an overdose (**P.A. 103-365**, enacted by H.B. 3924, Yang Rohr – Ford – Gong-Gershowitz – Stava-Murray – Guzzardi et al./Ellman – D.Turner – Morrison et al.).

Full-Day Kindergarten.

Starting in 2027-28, every school board must establish a full-day kindergarten, and may additionally offer a half-day kindergarten. A district that did not already offer full-day kindergarten by October 1, 2022, and that has either low state funding or high capital funding needs, may apply for a 2-year extension of that deadline. A Full-Day Kindergarten Task Force is created to help plan and implement full-day kindergarten, including analyzing its costs in schools not already having it (**P.A. 103-410**, enacted by H.B. 2396, Canty – Welch – Avelar – Tarver – Kifowit et al./Lightford – D.Turner – A.Johnson – Preston – Bryant et al.).

Funds for Teacher Vacancies, Reading, Crisis Maps. Starting this fiscal year, the State Board



of Education is to have a 3-year pilot program to fund teacher hiring and retention, and strengthening of teacher pipelines in districts with the highest teacher vacancy rates.

Subject to appropriation, a new Imagination Library of Illinois Program will provide matching funds to Dolly Parton's Imagination Library for one age-appropriate book per month to each registered child from birth to age 5 in participating counties.

Eligible schools can apply to the State Board for grants to get crisis response mapping data and provide the data to local, state, and federal first responders for use in emergencies at schools (**P.A. 103-8**, enacted by H.B. 3817, Gordon-Booth et al./Sims et al.).

(Other provisions of this act are described in the Higher Education part of this article and in several other articles in this issue.)

Homelessness Training. At least every 2 years, school boards must train school personnel on homelessness.

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Education

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The training must include signs of homelessness and steps to take if a student is identified as homeless (P.A. 103-41, enacted by H.B. 3116, Stuart – Mussman et al./ Villa – A.Johnson – D.Turner et al.).

Literacy Plan. By January 31, 2024, the State Board of Education is to develop and adopt a comprehensive literacy plan for the state that includes guidance on screening tools, early intervention, and support for teachers, and then offer educators training on implementing it. The State Board is to consult with testing vendors about transitioning the content area license test for elementary educators to one covering bilingualism, oral language development, foundational literacy skills, and reading comprehension (P.A. 103-402, enacted by S.B. 2243, Lightford – Belt – Pacione-Zayas – Simmons – Loughran Cappel et al./Mayfield – Faver Dias – Ammons et al.).

Meal Funds. Subject to appropriation, schools that provide free meals to all students under the federal breakfast and lunch program can get state funding to supplement the federal meal reimbursement. If the state appropriation is insufficient, priority will go to schools with lower federal reimbursement rates (P.A. 103-532, enacted by H.B. 2471, West – Scherer et al./ Ellman – D.Turner et al.).

Pesticide Applications at Schools. Starting July 1, 2024, pesticide application on the grounds of a K-8 school in areas

where children are typically present, including paved surfaces, playgrounds, and playing fields, is prohibited on school days when students are attending (P.A. 103-496, enacted by S.B. 1772, Morrison et al./Hirschauer et al.).

Substitute Teachers. The 30-day limit on filling of a vacancy with a substitute teacher in an emergency is extended to 90 days or the end of the semester, whichever is longer, with regional office of education approval and training of the substitute teacher for the position. Emergencies are expanded to include times when vacancies are unfilled due to lack of qualified candidates. A district must continue actively seeking qualified candidates for positions filled by substitutes (P.A. 103-193, enacted by H.B. 3442, Crespo et al./Loughran Cappel – D.Turner – Fowler et al.).

Superintendents and Regional Offices. Starting July 1, 2023, each regional school superintendent gets the same salary (\$81,500) instead of salaries in three tiers based on region population. A ban on school superintendents' practicing any other profession is ended. Unused and unpaid sick leave at a regional office of education is eligible for service credit under the Illinois Municipal Retirement Fund (P.A. 103-110, enacted by S.B. 1924, Halpin – Lewis et al./ Yednock – Vella – Kifowit et al.).

Teacher Licensing. The requirement to pass a teacher performance assessment to get a teaching license is suspended through August 31, 2025. A new task force will evaluate potential performance-based and objective teacher performance assessments that could be implemented statewide, and report to the State Board and the General Assembly by August 1, 2024 (P.A. 103-488, enacted by S.B. 1488, Bennett – Murphy – Loughran Cappel – Pacione-Zayas – Wilcox et al./Stuart – Faver Dias – Yednock – Scherer – Costa Howard et al.).

Higher Education

Bills that passed both houses require public institutions of higher education to offer vending machines dispensing products such as prophylactics and emergency contraception; establish a scholarship program for students pursuing computer-related degrees; and require the Illinois Community College Board to create a program for students to become direct support professionals.

Community College Transfers. Each public university is to create a 4-year pilot program to admit community college transfer students. The universities are to guarantee admission to applicants who enrolled in a state community college after high school, earned 36 transferrable semester hours with a minimum GPA of 3.0, and satisfy the university's English language proficiency

requirement (**P.A. 103-205**, enacted by H.B. 3760, Stuart/Faraci – Halpin – Stadelman – Loughran Cappel et al.).

Direct Support Professional Training. The Illinois Community College Board is to create a program to prepare students to be direct support professionals with the Department of Human Services, and offer it to community colleges starting in 2026-27 (**P.A. 103-92**, enacted by S.B. 1558, Murphy – Morrison – Holmes – DeWitte – D.Turner et al./Moeller – Mussman – Gabel – Carroll et al.).

Hunger Grants. The Board of Higher Education is to establish a grant program to address student hunger at public universities. To be eligible, universities must meet requirements including establishing a hunger task force, allowing students to use SNAP benefits at campus stores, and providing access to a food pantry for students. Campuses serving primarily minority and low-income students, and with a high percentage of their students getting Pell Grants, will get priority (**P.A. 103-435**, enacted by H.B. 2528, Ammons – Chung – Collins et al./Faraci – Ventura et al.).

Licensure Exam Help. The Illinois Student Assistance Commission is to develop and implement free services to help college students prepare for professional licensure exams (**P.A. 103-8**, enacted by H.B. 3817, Gordon-Booth et al./Sims et al.).

(Other provisions of this act are described in the Elementary and Secondary section of this article, and in several other articles in this issue.)

Scholarships for Technology Students. Subject to appropriation, an Illinois Graduate and Retain Our Workforce (iGrow) Tech Scholarship Program for students seeking degrees in computer-related fields is authorized from 2024-25 to 2029-30. Recipients may receive up to full tuition, fees, and room and board (based on costs at a public institution) for up to 4 years. They must work in Illinois in their field for the greater of 1 year per year of assistance or 2 years, or repay all assistance (**P.A. 103-519**, enacted by H.B. 1378, Yang Rohr – Stuart – Nichols – Ammons et al./Cervantes – Porfirio – Villanueva – Pacione-Zayas – Castro et al.).

Wellness Kiosks. Each public institution of higher education must make at least one “wellness kiosk” available on each campus, containing one or more machines selling health products including prophylactics, menstrual cups, tampons, menstrual pads, pregnancy tests, nonprescription drugs, and reduced-price emergency contraception (**P.A. 103-465**, enacted by S.B. 1907, Villanueva – Edly-Allen et al./B.Hernandez – Gonzalez – Mayfield – Stuart et al.).

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Business & Economic Development

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topics are to be made by March 1, 2024. Utilities now owning electric transmission lines in Illinois may build new lines capable of carrying electricity at 100 kilovolts or more that are provided for in a transmission plan adopted in 2022 through 2024 by the Midcontinent Independent System Operator (MISO) (H.B. 3445, Walsh – DeLuca – Kifowit et al./Stadelman et al.), **amendatorily vetoed**.

“Vlogs” Featuring Minors. Adults who produce “vlogs” (video programs posted online for money) that include significant content featuring any persons under age 16 must keep detailed records on their participation, and set aside amounts of money specified in this act in trust for them. A minor’s involvement in making vlogs will not violate Illinois’ Child Labor Law (**P.A. 103-556**, enacted by S.B. 1782, Koehler – Holmes et al./Chung – Hanson et al.).

Austin A. Verthein
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Environment & Conservation

A new law requires underground natural gas storage facilities to have procedures for responding to leaks. Under bills that passed both houses, the Illinois Power Agency will procure some renewable energy credits from hydropower; architectural paint makers must establish collection and recycling plans for unused paint; and a statewide assessment will look at paper and package recycling needs in Illinois. Legislators also voted to create a committee to study how to use federal funds to Illinois for environmental justice.

Hydropower Projects. The Illinois Power Agency is to procure some of its renewable energy credits from hydropower. Projects to optimize existing hydropower facilities and use existing dams will get priority over building new dams. The Illinois Commerce Commission is to include in its renewable energy access plan recommendations on the impact of converting non-power dams to hydropower dams (**P.A. 103-380**, enacted by S.B. 1474, Ventura – Peters – Belt – Joyce et al./Hoffman).

Justice40 Oversight Committee. A Justice40 Oversight Committee will study environmental justice and make recommendations for using at least 40% of federal funds sent to Illinois for that purpose to benefit disadvantaged communities. It will have four legislative appointees, four state agency directors, and possibly other voting members. Reports are due June 30, 2024 and annually thereafter (**P.A. 103-313**, enacted by H.B. 2487, Lilly et al./Belt).

Natural Gas Leaks. The owner or operator of an underground natural gas storage facility must establish procedures for actions after a suspected leak, including testing gas and verifying its source. If a leak is verified within 1/4 mile of a facility, its owner or operator must offer accommodations to affected people; sample drinking water wells in affected areas and offer gas-water separators; install gas detection devices in affected properties; and do routine monitoring of affected areas (**P.A. 103-120**, enacted by H.B. 1190, Morgan et al./Faraci – Hastings et al.).

Paint Disposal. Makers of architectural paint sold at retail must submit for approval by the Illinois EPA plans to collect unwanted paint and recycle or dispose of it responsibly. A fee to cover the costs will be added to the price of paint. Burning architectural paint collected under such a plan is prohibited. Paint makers are to report annually to the EPA on the status of collections. Each paint maker, or organization representing



two or more makers, must pay the EPA \$10,000 with its plan submission and \$40,000 annually thereafter for administrative costs (**P.A. 103-372**, enacted by S.B. 836, Holmes – Stadelman – Fowler et al./Manley – Meier – Ugaste – Severin et al.).

Recycling Needs Assessment. The Illinois EPA is to select a consultant for a statewide assessment of recycling of packaging and paper products in the state, including current capacity, costs of increasing recycling rates, and what is needed to achieve higher rates. By the end of 2025, the assessment will be given to a Statewide Recycling Needs Assessment Advisory Council, appointed by the EPA, for consideration and changes. The EPA is to issue a final needs assessment by May 1, 2026 (**P.A. 103-383**, enacted by S.B. 1555, Koehler/Avelar et al.).

*Derek Hurley
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Health & Safety

New laws allow pharmacists to administer COVID-19 or flu vaccines, to patients 7 or older, without prescriptions; require institutional care facilities to allow residents to have support persons with them at any time, subject only to health protocols; and require any large music venue that serves liquor to have opioid antagonists and a person trained to administer them during concerts. Lawmakers also voted to prohibit large increases in prices of essential generic drugs; move the Illinois Health Benefits Exchange from the federal platform to a state-based exchange by 2026; increase regulation of health insurance premiums; mandate payment for several kinds of screening or therapy under health plans; and extend restrictions on public smoking to apply to e-cigarettes.

All-Gender Restrooms. Any multiple-occupancy restroom may be designated for use by persons of any gender. If so, it must have the following: sign(s) not indicating a specific gender, and listing required components that the restroom contains; locking stall doors and floor-to-ceiling dividers; a small covered trash can in each stall; at least one vending device for menstrual supplies; and at least one baby diaper changing station. It may not have urinals. If an all-gender restroom is near a multiple-occupancy restroom for one gender, that restroom must be converted also (**P.A. 103-518**, enacted by H.B. 1286, Stuart – Stava-Murray – Gong-Gershowitz – Collins – Avelar et al./C.Villanueva – Pacione-Zayas – Jones et al.).

Alternative Proteins Study. An Alternative Protein Innovation Task Force will examine the potential for alternative proteins made from plant-based products but sharing sensory characteristics with meat and dairy. The study is to address economic benefits; environmental effects; effects on

food resilience, individual and public health, and food security; and ways to foster this emerging industry. The Task Force is to report to the General Assembly by the end of 2023 (**P.A. 103-543**, enacted by H.B. 3710, Collins – Ammons et al./Hunter – Morrison et al.).

Animal Testing. Toxicological testing of substances on cats and dogs is restricted to these purposes: medical research; testing of drugs and pesticides for which a federal agency has not authorized alternative test methods; compliance with a requirement to test under the Toxic Substances Control Act; and testing a product intended to benefit cats or dogs. Violation is punishable by a fine of up to \$5,000 per animal per day, costs, and prosecution fees (**P.A. 103-238**, enacted by S.B. 1882, Holmes et al./Moeller – Avelar – Collins – Hanson et al.).

Bottle Filling Stations. Starting July 1, 2026, if the Illinois Plumbing Code requires a drinking fountain in any new construction, there must also

be one bottle filling station for each drinking fountain, or a combined bottle filling station and fountain (**P.A. 103-223**, enacted by S.B. 1715, Glowiak Hilton – Morrison – Edly-Allen – A.Johnson et al./Ladisich Douglass – Benton – Mason et al.).

Drug Prices. If a drug is an “essential off-patent or generic drug” (one for which exclusive marketing rights have expired; that is identified by the federal government or World Health Organization as essential; and that is actively made and marketed in the U.S. by not more than three drugmakers), a manufacturer or wholesale distributor may not make an “unconscionable” increase in its price that (1) causes the wholesale cost for a 30-day supply to exceed \$20; (2) constitutes a wholesale cost increase of at least 30% in the last year, 50% in the last 3 years, or 75% in the last 5 years; and (3) “is otherwise excessive and unduly burdens consumers” Increases due to higher costs for production or to expand access, and increases by wholesale distributors due to manufacturers’ price increases, are excluded. The Attorney General may investigate alleged violations, by methods including subpoenas, and seek civil penalties up to \$10,000 per day for an adjudicated violation (**P.A. 103-367**, enacted by H.B. 3957, Syed – Welch – Guzzardi – Ammons – Manley et al./Koehler – Ventura – D.Turner – Rezin – A.Johnson et al.).

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Electronic Cigarettes. Use of e-cigarettes in public places is restricted in the same ways as cigarettes under the Smoke Free Illinois Act (**P.A. 103-272**, enacted by H.B. 1540, Lilly – Evans – Moeller – Mah – Stephens et al./Morrison et al.).

Emergency Room Treatment. A hospital may not delay treating a patient in an emergency room to inquire about insurance status or payment method (**P.A. 103-213**, enacted by H.B. 3955, Lilly/Hunter – Morrison).

Fentanyl Test Strips may be sold by pharmacists and retailers without prescription, and distributed without charge at county health department facilities. Such strips are not illegal drug paraphernalia (**P.A. 103-336**, enacted by H.B. 3203, McCombie – Rosenthal – Ford – Kifowit et al./S. Turner – Martwick – Hunter et al.).

Food Date Labeling. The Department of Agriculture is to promote use by food processors and retailers of labels with “BEST if Used by” and “USE by” dates, in lieu of “sell by” dates directed at consumers. The Department may use nonstate public and private donations to educate consumers on those dates’ meaning (**P.A. 103-208**, enacted by H.B. 3849, Nichols et al./Ventura et al.).

Grocery Store Aid. Subject to appropriation, the Department

of Commerce and Economic Opportunity (DCEO) is to give grants and other financial help to independent grocery stores, grocery cooperatives, and grocery stores owned by local governments. Priority may be based on poverty rates, geographic diversity, local ownership, access to area grocery stores, and other factors chosen by DCEO. DCEO is also to offer technical assistance to ensure the viability of grantees and other small, independent grocery stores. DCEO is to study food insecurity in food deserts and report by the end of 2024. Grocery stores that got financial assistance as described above in the 10 years before applying to be High Impact Businesses may be so designated, qualifying them for several tax reductions (**P.A. 103-561**, enacted by S.B. 850, Belt – Hunter – Fowler – Joyce – Pacione-Zayas et al./Canty – Gordon-Booth – Hoffman – West – Ortiz et al.).

Health Benefits Exchange. The Illinois Health Benefits Exchange will leave the federal platform and become a state-based exchange by 2026. The Department of Insurance can require that all individual and small group plans be available on the Exchange for comparison, but not that they can be bought only through it. The Department may charge an assessment on premiums of policies in the Exchange to support its oversight. It is to coordinate operations of the Exchange with state Medicaid. An advisory committee will

advise the Department on implementing and operating the new Exchange (**P.A. 103-103**, enacted by H.B. 579, Gabel – Morgan – E.Hernandez – Moeller – Ford et al./Gillespie – Sims – Koehler – Morrison et al.).

Health Coverage Mandates. Group and individual health plans, managed care plans, state employee group insurance, self-insured counties and municipalities, school employee health insurance plans, HMOs, limited health service organizations, voluntary health service plans (all starting in 2025) and Medicaid (starting in 2024) must pay for (1) preventive liver disease screening for people aged 35-64 at high risk of liver disease (**P.A. 103-84**, enacted by S.B. 1282, Simmons – Preston/Huynh – Carroll – Mayfield – Jiménez – Ladisch Douglass et al.) and (2) compression sleeves needed to prevent or mitigate lymphedema (**P.A. 103-91**, enacted by S.B. 1527, Ellman – Murphy et al./Gill – Nichols – Mason – Ford – Moeller et al.). Starting in 2025, all such providers that cover prescription drugs must cover at least one form of vaginal estrogen when medically necessary (**P.A. 103-420**, enacted by H.B. 1565, Stuart et al./Loughran Cappel). Starting in 2025, all such providers except Medicaid must cover medically necessary home saliva cancer screening every 24 months for patients who (1) are asymptomatic but at high risk of a disease being tested for, or (2) have symptoms

of the disease tested for at a physical exam (**P.A. 103-445**, enacted by H.B. 3202, Sanalidro – Hoffman – Benton et al./Lewis – Edly-Allen et al.). All such providers except managed care plans, limited health services organizations, and Medicaid must cover, without cost sharing, (1) items and services with “A” or “B” ratings from the U.S. Preventive Services Task Force; (2) vaccines recommended by the CDC; and (3) preventive care and screenings for women and children supported by the Health Resources and Services Administration (**P.A. 103-551**, enacted by S.B. 1561, Villanueva – Hunter – Murphy et al./Cassidy – Lilly – Jiménez – Canty – Costa Howard et al.). Starting in 2025, all such providers except HMOs, limited health service organizations, voluntary health service plans, and Medicaid must pay for an annual mental health prevention and wellness visit, lasting up to 60 minutes, for children and adults. Subject to appropriation, IDPH will offer a public education campaign on the importance of mental health and wellness (**P.A. 103-535**, enacted by H.B. 2847, LaPointe – Lilly – West – Collins – Kifowit et al./Fine – Ventura – A.Johnson et al.).

Starting in 2024, group and individual health plans, managed care plans, and HMOs cannot deny coverage for medically necessary reconstructive services to restore physical appearance after damage from trauma.

Medicaid is also to cover such services (**P.A. 103-123**, enacted by H.B. 1384, Cassidy et al./Loughran Cappel et al.). Group and individual health plans and managed care plans covering radiation oncology must also cover medically necessary proton beam therapy for cancer starting in 2025. Managed care organizations serving Medicaid recipients must cover proton beam therapy (**P.A. 103-325**, enacted by H.B. 2799, Hammond – Carroll – Hauter et al./Koehler – Lewis – Ellman et al.). Starting in 2025, group and individual health policies must cover therapy, diagnostic testing, and equipment to improve the quality of life of children with diseases involving neuromuscular, neurological, or cognitive impairment (**P.A. 103-458**, enacted by H.B. 3809, DeLuca/Joyce et al.). Starting in 2024, the state employees’ group insurance program is to cover (1) diagnosis and treatment of infertility, and (2) all types of injectable medicines prescribed on- or off-label to improve glucose levels or weight loss for use by adults diagnosed with prediabetes, gestational diabetes, or obesity who participate in a lifestyle management plan under their health plan (**P.A. 103-8**, enacted by H.B. 3817, Gordon-Booth et al./Sims et al.).

Health Insurance Rate Review. Starting in plan years 2025 and 2026, the process for health insurers’ rate filings will change. The Department of Insurance is to post on its website all individual and

small group accident and health insurers’ rate filings and summaries—including justification for any requested rate change—opening a 30-day public comment period. After it, the Department is to approve, disapprove, or modify a rate filing within 60 days. Unreasonable rate increases or inadequate rates are to be modified or disapproved. Filings on which no decision is issued in 60 days will be deemed approved. A company whose rate is modified or disapproved can request a hearing. An automatic approval process is also implemented for filings submitted by large employer group accident and health insurers, if the Department does not respond within a set time. These provisions will also apply to HMOs; some may apply to limited health services organizations.

The Department is to report to the Governor and General Assembly annually starting in May 2026 on health insurance coverage, affordability, and cost trends (**P.A. 103-106**, enacted by H.B. 2296, Gabel – Morgan – Syed – Moeller – Collins et al./Fine – Gillespie – Hunter et al.).

Home Care Regulation.

Would-be providers of continuing care at home must register with and be certified by IDPH. Each applicant must submit a financial plan and copies of its proposed service agreement and of all proposed advertisements

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Health & Safety

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and promotional materials. Registration will last 2 years. IDPH will set minimum standards for providers of at-home continuing care, including background checks for workers and standards for when and how service agreements may be terminated (**P.A. 103-332**, enacted by H.B. 3060, Olickal – Syed et al./K.Villa et al.).

Hospitals' Financial Screening of Patients. Hospitals must screen all uninsured patients who agree to it for eligibility for any public health insurance program or hospital financial assistance, and provide application information to eligible patients. A hospital submitting an annual community benefits plan report must include the number of uninsured patients who decline or fail to respond to screening and their five most common reasons for declining. If a patient declines to apply for a public health insurance program due to concern for immigration-related consequences, the hospital may refer the patient to a free, unbiased resource to address concerns and aid in the application. The time patients have to set up a payment plan before the hospital may pursue collection action is extended from 30 to 90 days after discharge (**P.A. 103-323**, enacted by H.B. 2719, Avelar – Moeller – Collins – W.Davis – Guzzardi et al./Peters – Villa – Pacione-Zayas – Cervantes – D.Turner et al.).

Institutionalized Patient Support Persons. A resident of a nursing home, assisted or community living facility, mental health or developmental disability center, hospice, or veterans' home, or the resident's "representative," can designate a primary and a secondary essential support person to have access to the resident despite general visitation restrictions. The Illinois Department of Public Health (IDPH) must issue a statewide policy for resident visitation that incorporates essential support persons. In a public health emergency, IDPH will state requirements for access to residents, incorporating their need for essential support. The requirements must address arrangements for regular in-person and virtual visits, and unlimited indoor visiting of a resident who is near death; safety protocols for visitors; and allowing essential support persons to be with residents if they comply with safety protocols. The Office of State Long Term Care Ombudsman is to investigate complaints and help residents exercise their right to essential support persons (**P.A. 103-261**, enacted by S.B. 2322, Tracy – Lewis – McConchie et al./ Meier – Haas et al.).

Insulin Prices. Starting July 1, 2025, an insurer that covers prescription drugs containing insulin must limit an insured's total price for a 30-day supply of an oral drug containing insulin to \$35 (formerly \$100). The Department of

Central Management Services is to offer a program allowing patients to buy prescription drugs containing insulin at participating pharmacies at a discounted price after a rebate (**P.A. 103-429**, enacted by H.B. 2189, Ladisch Douglass – Collins – Guzzardi – Yang Rohr – Flowers et al./Murphy – Stadelman – Sims – Faraci et al.).

Newborn Screening. Within 6 months after screening and testing development milestones are met, all newborns are to be screened for metachromatic leukodystrophy. A fee may be charged for the screening. Subject to appropriation and federal approval, Medicaid will reimburse hospitals for screening costs for covered persons (**P.A. 103-368**, enacted by S.B. 67, Fine et al./Moeller – Hammond – Ness et al.).

Opioid Antagonists at Concerts. Music venues having liquor licenses and capacities over 1,000 must have opioid antagonists on site, and a staff member trained to administer them, during concerts. Anyone administering an opioid antagonist in such circumstances will not be liable for civil damages except for willful misconduct (**P.A. 103-20**, enacted by H.B. 1557, Williams – Ford – Nichols et al./Villa – Stadelman et al.).

Pharmacy Practice; Additional Medical Practitioners. Starting in 2025, a group or individual health plan or managed care

plan must cover services provided by pharmacists in its provider network that would be covered if provided by physicians, advanced practice registered nurses, or physician assistants. Pharmacists, and pharmacy techs and supervised student pharmacists who are trained and acting under their supervision, may (1) administer COVID-19 or flu vaccine to patients 7 or older, without a prescription or standing order but after getting training; (2) order and administer COVID-19 drugs; and (3) order and administer tests and screening for COVID-19, flu, and health conditions identified by a statewide public health emergency.

Physicians licensed in Illinois to practice medicine in all its branches may delegate any tasks they are authorized to perform to certified graduates of foreign medical schools who have passed Steps 1-3 of the U.S. Medical Licensing Exam, are licensed in another country but not in any U.S. state, and are supervised on-site by the Illinois-licensed physicians. Temporary out-of-state permits and temporary reinstatement permits, issued in the COVID-19 pandemic to healthcare professionals who then applied for permanent licenses or reinstatement by May 11, 2023 (or up to 60 days later if the Secretary of Financial and Professional Regulation extended the date), remain valid until the applications are denied or May 11, 2024, whichever comes first.

During a statewide public health emergency, IDPH site visits to healthcare facilities are required only to the extent feasible (**P.A. 103-1**, enacted by H.B. 559, Morgan et al./Glowiak Hilton et al.).

Religious Dietary Options. If the State Board of Education can obtain one or more statewide contracts for the provision of prepackaged meals meeting religious dietary restrictions to school districts, the districts must offer religious dietary, including halal and kosher, options. University of Illinois hospitals, and state penal institutions, are to offer religious dietary options upon reasonable advance notice (H.B. 3643, Rashid – Morgan – Syed – Yang Rohr – Olickal et al./Villivalam), **vetoed**.

Utility Shutoffs. Utilities (formerly only those with over 100,000 residential customers) may not stop gas or electric service that is the only source of air cooling due to nonpayment when the National Weather Service forecasts a high temperature of at least 90° (formerly 95°), or issues an excessive heat watch or warning, or heat advisory, applying to the area for the next day, or for a holiday or weekend immediately after that day (**P.A. 103-19**, enacted by H.B. 1541, Delgado – Ammons – Smith – Kelly – Ladisch Douglass et al./Hunter – D. Turner – Belt et al.).

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Criminal Law

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the Board. If the Board denies early discharge, it must list things the person must do to get early discharge, and must consider a renewed request after the person does them. Parole officers must inform released persons of the schedule of sanctions for violations; meet each released person at least every 6 months; and make a recommendation regarding discharge to the Department of Corrections and the Board (**P.A. 103-271**, enacted by S.B. 423, Cunningham et al./Gordon-Booth – Windhorst – Collins – Ortiz – Lilly et al.).

Post-Prison Re-entry. A Department of Corrections resident scheduled for release within 12 months may be transferred to the sheriff of the county of residence before conviction, to participate in a re-entry program if that county has such a program and the sheriff consents (**P.A. 103-203**, enacted by H.B. 3755, Hanson – Cassidy et al./Holmes).

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Local Government

New laws require libraries, as a condition of getting state grants, to commit not to ban books, and require local governments to pay police or firefighters their regular pay for up to 1 year after they contract, on duty, illnesses that are subjects of public health emergencies. Under other bills that passed both houses, a gubernatorial appointee will oversee mental health services for law enforcement officers; municipalities and schools may use the design-build method for construction; and noncitizens may be police officers.

Banning Books. To be eligible for state grants, libraries must either adopt the American Library Association’s Library Bill of Rights or develop a written statement prohibiting the banning of books or other materials (**P.A. 103-100**, enacted by H.B. 2789, Stava-Murray – Hirschauer – Ammons – Collins – Cassidy et al./Murphy – Faraci – Simmons – Hunter et al.).

Compensation During Public Health Emergency. If a state, county, or municipal official declares a disaster or emergency due to a public illness, local governments (except Chicago and Cook County) must pay full-time law enforcement officers and firefighters (including those performing paramedic duties) who contract the illness on duty and cannot work anywhere, at their regular rate for up to 1 year without using sick leave, compensatory time, vacation, or pension service credits. Workers’ compensation or other employment benefits that would otherwise be due to such employees will revert to their

employer during that time (**P.A. 103-63**, enacted by S.B. 214, Villivalam – A.Johnson/Didech – Kelly – Ugaste – Cabello et al.).

Design-Build Projects. Municipalities and school districts may use the design-build method for construction projects, with one entity as the designer and contractor, if selection and reporting requirements are met (**P.A. 103-491**, enacted by S.B. 1570, Lightford – Ventura – McConchie et al./DeLuca – Smith – Hanson – McLaughlin – J.Davis et al.).

Law Enforcement Mental Health. A Statewide PTSD Mental Health Coordinator position is created within the Illinois Law Enforcement Training Standards Board, to be appointed by the Governor to a 4-year term. The Coordinator will work with police academies and agencies to ensure that law enforcement officers get mental health services and training, and compile a list of medical professionals who have a strong working



knowledge of law enforcement challenges and offer evidence-based trauma treatment. The Coordinator will advise the Board on development and implementation of mental health training and programs for law enforcement (**P.A. 103-382**, enacted by S.B. 1543, Cunningham – Lewis et al./Rita – Benton – Yednock – Kelly – Stuart et al.).

Noncitizen Law Enforcement Officers. Noncitizens who are authorized to work in the U.S.—or for whom immigration action has been deferred under the federal Deferred Action for Childhood Arrivals process—and who are authorized to possess firearms may serve as police officers or sheriff’s deputies (**P.A. 103-357**, enacted by H.B. 3751, B.Hernandez – Guerrero-Cuellar – Cabello – Mayfield – Vella et al./Edly-Allen – Villa – Castro et al.).

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Professions & Occupations

New laws allow podiatrists to administer flu, COVID-19, and tetanus vaccines to adults, and require professional license revocation for anyone failing to get required workers' compensation insurance. Lawmakers also voted to set up a task force to study the EMT shortage; allow a person with a felony conviction to get an occupational gaming license for a position not involved in patron gaming activities; and allow occupational therapists to treat patients without physician referrals.

EMT Recruitment and Retention. A 23-member task force will address Illinois' EMT and paramedic shortage by reviewing the impact it is having and actions the state can take; barriers to training, recruitment, and retention; federal funding opportunities; testing methods and pass rates; and other issues. The task force will meet at least six times and make a final report to the General Assembly and Governor by January 1, 2024. New pilot programs expand tasks emergency medical responders can do and ways that ambulances may be used for interfacility transports. An EMT may work for another system for up to 2 weeks at a time (**P.A. 103-547**, enacted by S.B. 761, Lightford – Anderson – Rose – D.Turner et al./Collins – W.Davis – Frese – Jacobs – Manley et al.).

Gaming Licenses and Felony Convictions. The Illinois Gaming Board may issue occupational licenses for positions not involved with gaming by patrons despite an applicant's previous felony convictions or convictions for crimes involving dishonesty or moral turpitude. The Board is

to consider several facts, such as the time elapsed since the conviction and the numbers and types of convictions, when deciding whether to issue a license (**P.A. 103-550**, enacted by S.B. 1462, Peters – Castro – Preston et al./Buckner – Rita – Didech – Cassidy – Williams et al.).

Occupational Therapy. The Illinois Occupational Therapy Practice Act is extended to 2029, with several changes to its regulatory provisions. Notably, occupational therapists and their assistants may treat patients without physician referrals, but must refer a patient to a physician if the patient does not improve by the sooner of 10 visits or 15 business days; returns to the therapist within 30 days after being discharged from occupational therapy for a chronic disease that has not been diagnosed by a physician; or has a medical condition determined to be outside the occupational therapist's scope. The scope of occupational therapy is expanded, as are the reasons why licensees may be disciplined (**P.A. 103-251**, enacted by S.B. 2057, Belt/Morgan).

Podiatric Physicians and Vaccines. A podiatric physician with proper training (including how to address contraindications and adverse reactions) may administer influenza, COVID-19, and tetanus vaccines to a patient who is at least 18 (**P.A. 103-74**, enacted by S.B. 759, Morrison/Mah).

Workers' Compensation and Professional Licenses. The Department of Financial and Professional Regulation (DFPR) is to suspend or revoke the professional license of anyone who fails to (1) get required workers' compensation insurance or (2) fully pay or fulfill a workers' compensation-related fine, penalty, or settlement. Reinstatement can occur if the Department of Insurance or Workers' Compensation Commission notifies DFPR that the violation is corrected (**P.A. 103-26**, enacted by H.B. 2145, Evans et al./N.Harris et al.).

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Revenue

New laws extend sales and use tax exemptions for aircraft repair and ethanol; extend or increase income tax credits for historic preservation, angel investments, and electric vehicle facilities; raise state income tax distributions to local governments; and increase the corporate franchise tax exemption. Other bills that passed both houses authorize an income tax credit for “clean hydrogen”; reduce interest rates on late property tax payments in Cook County; and establish new property tax exemptions for World War II veterans and spouses of police officers or rescue workers who died in the line of duty.

“Clean Hydrogen” Credit.

In tax years 2027 and 2028, an income tax credit of \$1 per kilogram of qualifying hydrogen used by a taxpayer in the preceding year will be offered. To qualify, hydrogen use must receive the federal “clean hydrogen” tax credit. A higher credit will be offered for qualifying use in communities whose residents were historically excluded from economic opportunities. No more than \$10 million of credits may be granted per year. By April 2028, the Illinois EPA must report on impacts in 2026 and 2027 of Illinois hydrogen production and use on emissions of greenhouse gases and other pollutants (**P.A. 103-268**, enacted by H.B. 2204, Costa Howard – Nichols – Kifowit – Yednock – Andrade et al./Koehler – Ventura – Rezin – Hunter et al.).

Local Government Revenues; Corporate Franchise Tax Exemption.

Starting August 1, 2023, the state income tax distribution to the Local Government Distributive Fund rises from 6.16% to 6.47% of receipts from individual taxpayers; the distribution from corporate receipts is unchanged.

Starting in 2024, the corporate franchise tax exemption for each domestic corporation rises from \$1,000 to \$5,000.

Subject to appropriation, under a pilot program the Department of Revenue will reimburse eligible taxing districts in FYs 2024 through 2028 for revenue forgone due to homestead exemptions of veterans with disabilities. A taxing district is eligible if it is at least partly in a county containing a military base, and exemptions reduce the equalized assessed value of all taxable property in the district by more than 2.5% compared to 2 years before. Reimbursements will be based on the amount of each district’s exemptions and its property tax rate; total reimbursements in a year may not exceed \$15 million or the amount appropriated for the program (**P.A. 103-8**, enacted by H.B. 3817, Gordon-Booth et al./Sims et al.).

(Other provisions of this act are described in other articles in this issue.)

Lottery Games. From 2024 through 2026, a new joint special instant scratch-off game will be used to fund the eight

existing special causes plus two added ones: the United Negro College Fund Illinois and the Illinois DREAM Fund Commission. Revenue from the joint ticket will be divided equally among the 10 causes. An Illinois Lottery Special Instant Scratch-off Task Force will study the joint ticket’s impact on revenue and recommend whether to expand it (**P.A. 103-381**, enacted by S.B. 1508, Hunter – Edly-Allen – Stadelman et al./E.Hernandez – Didech – Buckner – Collins – Avelar et al.).

Property Tax Delinquencies.

In Cook County after tax year 2022, the interest rate on late property tax payments is halved to 0.75% per month and the interest rate added to forfeited property is reduced from 12% per year to 0.75% per month.

Tax liens unsold due to lack of bidders are to be forfeited to the county instead of the state. If a county buys a forfeited property and assigns the tax certificate to a different party, the assigned certificate will be void if no tax deed is recorded within 4 years afterward unless a court extends that time. The requirement to hold a scavenger sale at least every other year is eliminated.

Some circumstances in which a sale in error may be declared are limited. If a county collector or court determines that a sale in error occurred, the government entity responsible for the sale must be notified and must determine whether to update its assessment books.

The period to redeem residential property of up to 6 units or farm property, sold for back taxes, is extended from 2 years to 2½ years; the 6-month period for other kinds of property is doubled to 1 year. The penalty bid is reduced from 12% per penalty period to 0.75% per month for property sold for taxes after 2023 (**P.A. 103-555**, enacted by S.B. 1675, Villanueva – Stadelman – Koehler – Cunningham – Peters et al./Buckner – Smith – Rashid et al.).

Property Tax Exemptions, Etc. Starting in tax year 2023, the qualified residence of any World War II veteran of the U.S. armed forces is fully exempt from property tax. Starting in tax year 2024, half the EAV of the qualified residence of the surviving spouse of a police officer or rescue worker who died in the line of duty is exempt. Parts of a residence used commercially will not qualify for exemption. In Cook County and other counties authorizing it, qualified residences built after 2019 by a municipality and sold to a private homeowner are eligible for partial homestead exemption for 10 years. In Cook County, real property of a licensed

nursing home or specialized mental health facility may not be assessed at a higher level than residential property.

A valuation and assessment process is created for qualifying nonprofit facilities collecting wastewater for two or more localities. Municipalities (added to park districts) may levy property tax to fund aquariums or museums in public parks (H.B. 2507, Kifowit – Benton – G.Johnson – Scherer – Gill et al./Villanueva et al.), **amendatorily vetoed**.

Tax Credit and Exemption Changes. *Sales tax.* The state sales and use tax exemption for materials incorporated into aircraft during repair or maintenance is extended 5 years through 2029. Starting in 2024, the exemption will extend to supplies used on aircraft engines (not currently covered).

In 2024 through 2028, state sales and use tax will apply to only 90% of sale prices of gasohol blends containing 15% ethanol, and 80% for gasohol blends having 20% to 50% ethanol. The sales and use tax exemption on majority-blended ethanol fuel (containing 51% to 83% ethanol) is extended through 2028.

Starting in 2024, electrical power generating equipment used primarily for production agriculture will be exempt from state sales and use tax.

Income tax. The state income tax credit for qualified historic preservation costs is extended 5 years through 2028. Up to \$25 million per year in credits may be allocated from 2024 to 2028.

Starting in 2024, an increased angel investment income tax credit will be offered for investments in businesses owned by minorities, women, or people with disabilities, and businesses in counties of up to 250,000. Up to \$15 million per year in credits can be allocated among those types of businesses.

Income tax credits under the New Markets Development Program are reauthorized through fiscal year 2031.

An additional Reimagining Energy and Vehicles (REV) tax credit is offered until June of 2024 to an applicant investing at least \$500 million to convert or expand a facility to build electric vehicles or their components, or renewable energy equipment, keeping at least 800 jobs in Illinois. The credit may be up to 75% of the added income tax attributable to the workers kept employed (100% in some areas of the state) for up to 15 years.

In 2023 through 2027, emergency workers who volunteer at least 9 months of the year are eligible for a \$500 income tax credit per person. Fire departments must certify names of eligible persons to the State Fire Marshal.

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Social Services

New laws bring higher Medicaid reimbursement rates, wage increases for direct service workers, higher benefit levels for some state assistance programs, and authorization for the Department of Healthcare and Family Services to implement existing laws on Medicaid coverage of noncitizens. Under other bills that passed both houses, a new state office will try to reduce homelessness; Medicaid will cover mental health and substance use disorder treatment delivered remotely; and a children's behavioral health services team will find appropriate services and residential treatment for children prioritized by participating state agencies.

Affordable Housing Living Standards. Applicants for funds to provide affordable housing must agree to minimum quality standards, including permanent air conditioning available when the heat index exceeds 80 degrees; heat registering at least 62 degrees at night and 68 degrees in the day during winter months; openable windows; laundry machines in senior housing; and prompt responses to tenant requests (**P.A. 103-248**, enacted by S.B. 2013, Simmons – Hunter – Peters – Sims et al./Cassidy – Smith – Mah – Guzzardi et al.).

Children's Behavioral Health. A new Interagency Children's Behavioral Health Services Team, led by a Children's Behavioral Health Transformation Officer, will find appropriate services and residential treatment for children prioritized by each participating agency (the Departments of Children and Family Services, Human Services, Healthcare and Family Services, Juvenile Justice, and Public Health, and the State Board of Education). The Team is to meet regularly to review cases and determine whether a participating agency has

residential placements available for children needing them. The Department of Children and Family Services will issue rules requiring residential providers to submit data on capacity, staffing, and occupancy to help determine state need and placement availability.

The Department of Human Services' Youth and Community Services Program is to establish licensed temporary emergency placements for youth in crisis as defined by the Team. The Department is also to create a Care Portal to provide information for families with children having complex behavioral health needs. The existing Community and Residential Services Authority will work directly to help such families find resources. The State Board of Education, in consultation with the Team, is to make recommendations on implementing mental health screenings for students (**P.A. 103-546**, enacted by S.B. 724, Feigenholtz – Villa – Fine – Loughran Cappel – Simmons et al./LaPointe – Lilly – Costa Howard – Collins et al.).

Cooperative Housing. Subject to appropriation, the Illinois Housing Development Authority may make grants from a new Cooperative Housing Fund to public or private nonprofit entities to develop cooperative apartment housing for residents with incomes up to the median in their locality. Up to \$5 million per fiscal year may be awarded (**P.A. 103-89**, enacted by S.B. 1484, Simmons – Hunter et al./N.Hernandez – Jiménez – Cassidy – Mah – Collins et al.).

Direct Support Wage Increases; Child Care Support. For community-based providers serving persons with intellectual or developmental disabilities, reimbursement rates for services delivered after 2023 are to be raised to provide a \$2.50 hourly increase to all direct support professionals and all other frontline personnel not subject to wage increases based on Bureau of Labor Statistics (BLS) data and working in residential and community day services settings. Wages of all other non-executive direct care staff are to match the BLS average wage. These changes are subject to federal approval.

Subject to appropriation, by October 1, 2024 the Department of Human Services is to create a Smart Start Child Care Workforce Compensation Program to provide financial support to licensed day-care centers and homes.

Maximum Temporary Assistance for Needy Families (TANF) benefit levels are to rise from the current 30% to at least 35% of the Department of Health and Human Services' Federal Poverty Guidelines based on family size this October, and each October thereafter be adjusted to be at least 35% of then-current Guidelines.

The income limit for eligibility for the state's child care assistance program rises in July 2023 from 200% of the federal poverty level to 225% (**P.A. 103-8**, enacted by H.B. 3817, Gordon-Booth et al./Sims et al.).

(Other provisions of this act are described in other articles in this issue.)

Food Banks. A new Illinois Farm to Food Bank Program is created in the Department of Human Services to get surplus food from Illinois farmers to food banks and other emergency food providers, and (subject to appropriation) make grants to help providers obtain, transport, and store the food. An advisory council will support the program (**P.A. 103-412**, enacted by H.B. 2879, Harper – Meyers-Martin – Benton – Ammons et al./Holmes – Hunter et al.).

Home Visits to Young Families. The Department of Human Services is to make grants to community organizations to implement a home visiting program for those expecting or parenting young children. An advisory committee chosen by the Department will support and make recommendations for the program (**P.A. 103-498**, enacted by S.B. 1794, Harmon – Villivalam – Aquino – Lightford – Villa et al./Ortiz – Benton – Huynh – Mah).

Homelessness Prevention. An Office to Prevent and End Homelessness is created in the Department of Human Services, led by a State Homelessness Chief Officer. The Chief Officer will also chair a new Interagency Task Force on Homelessness and co-chair a new Community Advisory Council on Homelessness. The goals are to reduce homelessness and unnecessary institutionalization (**P.A. 103-269**, enacted by H.B. 2831, LaPointe – Ammons – Avelar – Collins et al./A.Johnson – Edly-Allen et al.).

Medicaid Rate and Coverage Increases. Subject to federal approval, the state is to increase Medicaid reimbursement rates in 2024 for hospitals, federally qualified health centers, substance use disorder treatment providers, specialized mental health rehabilitation facilities, developmental disability facilities serving medically complex patients, and adult day services. Rates

for homemaker services are to provide a minimum \$17 hourly wage for direct service workers. Medicaid recipients in nursing homes will have \$60 monthly personal needs allowances.

Medicaid will cover telehealth services for patients with intellectual and developmental disabilities, and cognitive assessment and care planning services for people with cognitive impairment.

The Department of Healthcare and Family Services is to develop a plan for regular collection of cost reports from substance use disorder providers, behavioral health providers, and ground ambulance providers to help determine the effectiveness of Illinois' Medicaid rates. It is also to report on access to treatment services and recovery supports for persons diagnosed with substance use disorders.

Standards are established for pharmacy audits, including providing the pharmacy a list of prescriptions to be audited; auditing no more than 100 prescriptions per audit; not compensating auditors based on amount recouped; and allowing pharmacies to provide documentation to address discrepancies.

Starting in 2025, international medical graduate physicians may apply for limited licenses; a path to full licensure for them will be developed.

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State Government & Pensions

New laws raise the state's general obligation bond limit; give some police officers and firefighters retroactive disability benefits for COVID-19; and require records of the Departments of Correction and of Juvenile Justice to be digitized if funds are appropriated. Other bills that passed both houses allow 16- and 17-year-olds to preregister to vote; establish a commission to study whether to replace the current state flag; and remove some restrictions on public-private partnerships for transportation projects.

Artificial Intelligence Task Force. A Generative AI and Natural Language Processing Task Force consisting of legislative appointees, state agency representatives, and AI and cybersecurity experts, among others, will hold at least five public meetings statewide and study how generative AI may affect society. The Task Force is to recommend laws, model policies, and potential benefits for AI, issuing a final report to the Governor and General Assembly by the end of 2024 (P.A. 103-451, enacted by H.B. 3563, Rashid et al./Peters – Preston et al.).

Bond Authorizations. The state's general obligation bond authority rises by \$165 million, to \$79.441 billion, to fund capital facilities and water resource and antipollution activities. The Build Illinois bond authorization is increased by \$535 million, for public infrastructure, economic development, and other projects (P.A. 103-7, enacted by H.B. 3551, Hoffman/Harmon – Sims).

Chicago Pensions. Benefits under Chicago's Municipal Employees', Officers', and Officials' pension fund are officially restored to their amounts before P.A. 98-641,

which was held unconstitutional (P.A. 103-443, enacted by H.B. 3161, Collins/Hunter.).

Community Land Trusts. A Community Land Trust Task Force is created in the Illinois Housing Development Authority, with members from the executive and legislative branches and people knowledgeable about housing issues. It is to study topics including current Illinois use of community land trusts; their potential uses to promote affordable housing; and how they could make home ownership attainable in marginalized communities. A final report to the Governor and General Assembly is due by the end of 2024 (P.A. 103-250, enacted by S.B. 2037, Harmon – Cervantes – Simmons – Hunter – Gillespie et al./Guzzardi – Flowers – Rashid).

Cook County Pension Fund Changes. A mechanism is created to raise the Cook County employees' and officers' pension fund to full funding by 2047. The county can make employer contributions to the fund from any source (formerly only property taxes). An actuary will annually report on the fund's assets and liabilities, and set minimum

county contributions to the fund. Starting in 2024, the limit on Tier 2 members' salaries taken into account for pension purposes will be that year's Social Security contribution and benefit base (\$160,200 in 2023). Reciprocal service cannot increase that maximum. Any member (formerly only those who had at least 25 years' service and were serving in 1993) may buy credit for up to 2 years of military service (P.A. 103-529, enacted by H.B. 2352, Evans – Kifowit – Collins – Nichols – du Buclet et al./Martwick et al.).

Corrections Records. Subject to appropriation, the Departments of Corrections and of Juvenile Justice are to make digital copies of all their paper records, in stages by record type, by July 2027. If funds are appropriated, the Departments of Corrections and of Innovation and Technology are to study ways to do that, and effects on those agencies of doing it, by January 1, 2024 (P.A. 103-71, enacted by S.B. 422, Ventura – Preston – Belt/Slaughter).

Duty Disability Benefits for COVID-19. Any Chicago police officer or firefighter who became disabled due to

COVID-19 from March 9, 2020 through June 30, 2021 is rebuttably presumed to have contracted it on duty. The duty disability benefit will be 75% of salary at the time of disability, and apply retroactively to those previously denied such benefits (**P.A. 103-2**, enacted by H.B. 3162, Hoffman- Buckner – Hammond – Stephens – Kifowit et al./Cunningham – Belt – Loughran Cappel – Fowler – Hunter et al.).

E-Books Through Libraries.

The State Librarian (Secretary of State) may negotiate with publishers of e-books and e-audiobooks to help libraries buy licenses to make them available to the public; make grants to support their acquisition; and collect fees for related services (**P.A. 103-267**, enacted by S.B. 2419, Murphy et al./Syed et al.).

Elections. New task forces will study the possibilities of ranked-choice voting, and of a system in which voters both receive and return ballots electronically. The 2024 general election will be a state holiday and schools will be available as polling places. Qualified 16- and 17-year-olds may preregister to vote and become registered at 18.

Within 1 day after receiving a vote-by-mail or early ballot, or rejecting a vote-by-mail ballot, the election authority must notify the State Board of Elections electronically of the voter's name and identifying information for inclusion in the statewide voter registration

list. The Board is to update that information at least daily and make it available to political committees. By January 2024, other elements of the statewide voter registration list must be updated monthly.

Chicago and Cook County must have at least two voting centers open to voters regardless of precinct. The one place of that type already required in each jurisdiction must offer curbside voting.

In an election contest, on motion of the election authority or any party, the court must (formerly may) require a contestant to deposit security for the costs of the contest, to be returned if it succeeds. A contestant may no longer amend the contest petition by changing which precincts are to be counted.

A seat will be added on the Metropolitan Pier and Exposition Board on December 15, 2023 and filled by mayoral appointment. The Governor and mayor may not appoint persons to the Board in the last 45 days of their terms, unless they were re-elected.

The deadline for drawing districts for electing the Chicago school board is postponed from July 1, 2023 to April 1, 2024 (**P.A. 103-467**, enacted by S.B. 2123, Morrison et al./Stuart – West – Lilly – Rashid et al.).

Flag Commission. An Illinois Flag Commission is established to develop new state flag designs and

make recommendations to the General Assembly on whether to replace the existing flag. It will consist of the Secretary of State, State School Superintendent, Illinois State Museum board chair, 3 persons appointed by the Governor, and 16 members appointed by legislative leaders. It is to offer 10 proposed designs by September 1, 2024, and develop a review and selection process incorporating input from young people and allowing residents to vote, reporting by December 3, 2024 (**P.A. 103-513**, enacted by S.B. 1818, D.Turner – Koehler – Edly-Allen – A.Johnson et al./Buckner – Didech – Vella).

Native American Remains

Return. State archaeological and paleontological resources will be managed by the Department of Natural Resources (formerly the Illinois State Museum). Before issuing a permit to excavate near a grave that is over 100 years old and may be Native American, the Department must consult with the tribes geographically and culturally affiliated with that land. Native American remains, unregistered graves, grave markers, and grave artifacts are deemed the property of the Native American nations geographically and culturally affiliated with Illinois. The Department is to maintain such property until tribal consultation occurs and tribes make final decisions for return or other arrangements. With tribal consent, the Department may create burial sites for

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State Government

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reburial of remains on land it owns, which may not be used by the public. Violators of these provisions, in addition to suffering criminal penalties and having their excavation devices forfeited, must make restitution (P.A. 103-446, enacted by H.B. 3413, Walker – Hammond – West – Kifowit et al./Harmon – Koehler – Simmons – Edly-Allen – Stoller et al.).

Nuclear Power. A ban on starting new nuclear power plants in Illinois after September 11, 1987 would end; any new nuclear reactor in Illinois would be a federally defined “advanced nuclear reactor” (S.B. 76, Rezin – Koehler – Joyce – Ellman – Bryant et al./Yednock – Walker – Evans – Manley – Benton et al.), **vetoed**.

Pension Benefits; State Building Assessments. A survivor’s annuity for an eligible survivor of a Tier 2 General Assembly Retirement System participant, who died in service before 2023, will be calculated like a Tier 1 survivor’s annuity.

Under the Teachers’ Retirement System, for 6 months after June 7, 2023, a member or retiree may have creditable service and earnings in the last fiscal year of employment disregarded in determining the effective date of retirement and retirement benefit, if that employment lasted less than 10 days and brought less than \$2,500 in creditable earnings, and the last fiscal year

of employment was between 2017 and 2023.

Subject to appropriation, the Capital Development Board will contract for a mechanical insulation energy and safety assessment of 50 state-owned buildings by July of 2025 as a pilot project. Findings are to include any measures needed to bring insulation up to code; projected costs and energy savings; and public health concerns found in the assessment (P.A. 103-8, enacted by H.B. 3817, Gordon-Booth et al./Sims et al.).

(Other provisions of this act are summarized in several other articles.)

Procurement. Exempt contracts. Under a joint purchasing agreement with other governments, a state agency may make a sole-source contract with a nonprofit agency serving persons with significant disabilities.

Veteran-owned small businesses with gross annual sales under \$150 million (formerly \$75 million) can qualify for a set-aside contract.

Procurements to support artistic or musical services at the Illinois and DuQuoin State Fairgrounds are exempt from the Illinois Procurement Code.

Procurement methods. For any contract made after 2023, the Capital Development Board will determine whether the “single prime” procurement method

may be used after considering whether it will increase participation by firms owned by minorities, women, persons with disabilities, and veterans; whether it will save the state money; its suitability for the project; and whether the project will comply with the state’s underrepresented business and equal employment laws. The chief procurement officer will review the Board’s determination before deciding whether to approve its use.

Public-private partnerships. All units of local government (added to the Department of Transportation and Toll Highway Authority) may use public-private partnerships for transportation projects. They may solicit proposals from private entities, and are to evaluate unsolicited proposals for projects meeting standards for consideration. The Department or Tollway Authority need not give other public agencies an opportunity to develop a project before starting private procurement. A ban on using public-private agreements to improve existing tollways is removed.

Requirements on vendors. Each year from June 1, 2024 through June 30, 2028, any corporation contracting with the state must send the Commission on Equity and Inclusion a list of its professional services suppliers by category, including percentages of owners and employees in each category who are women or minorities.

In 2024 through 2028, a contractor on public works will need a bond only if the work costs over \$150,000 (up from \$50,000), or \$500,000 for the Department of Transportation and Tollway Authority. Starting in 2029, bonds will be required on all projects costing over \$50,000.

The threshold for bids and contracts at which a vendor must register with the State Board of Elections and comply with restrictions on political contributions is changed from \$50,000 per year to a total of \$50,000 in pending bids and current contracts (H.B. 2878, Hoffman – Tarver – Cabello – Flowers – Smith et al./Castro – Holmes – Villivalam et al.), **amendatorily vetoed**.

Single-Use Plastics at State Agencies. Starting July 1, 2024, state agencies must record their purchases of single-use plastic disposable foodware that are less than \$2,000 or otherwise not in writing, and set goals to reduce its use. Starting in 2025, state agencies may not buy and use disposable food service containers made at least in part of polystyrene foam. Starting at each state vendor’s first contract renewal after 2025, it will be subject to that prohibition at sites owned or leased by the state (P.A. 103-470, enacted by S.B. 58, Fine – Morrison et al./Gong-Gershowitz et al.).

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Research Analyst

Revenue

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The standard income tax exemption is set at \$2,425 in 2023. (From 2013 through 2022 it was \$2,050 as adjusted for inflation since 2011.) For 2024 through 2028 it will again be \$2,050 adjusted for inflation since 2011.

Other: Booking intermediaries that charge service fees or take reservations for unregistered parking garage operators must register with the Department of Revenue and collect the parking excise tax.

The state hotel tax will not apply to rentals to an organization chartered by Congress to provide disaster relief during relief missions.

The Department of Commerce and Economic Opportunity may certify two new pilot River Edge Redevelopment Zones, in Joliet and Kankakee.

A facility built to produce cultured animal cell food can be designated a High Impact Business (P.A. 103-9, enacted by S.B. 1963, Villanueva – Sims et al./Tarver – Burke).

Sarah E. Barlow
Senior Research Analyst

Social Services

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The Department of Healthcare and Family Services is authorized to adopt emergency rules to implement existing laws on Medicaid coverage of noncitizens (P.A. 103-102, enacted by S.B. 1298, Gillespie – Hunter et al./Gabel).

Mental Health Grants.

Subject to appropriation, the Department of Human Services is to create a Cultural Empowerment Program, making grants to community providers to train faith-based organizations in how to help people with mental and behavioral health problems and link them to community mental health resources. The grants are to go to communities underserved by mental and behavioral health providers (P.A. 103-355, enacted by H.B. 3698, Lilly – Nichols/Hunter).

Telehealth for Behavioral Health.

Medicaid will cover mental health and substance use disorder treatment delivered remotely, with cost-sharing no higher than for an in-person visit. No in-person visit before a telehealth visit may be required, nor may patients be required to show hardship from in-person consultation (P.A. 103-243, enacted by S.B. 1913, Fine – Gillespie – D. Turner – Belt – Hunter et al./Ladisch Douglass – Avelar – Canty – LaPointe et al.).

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Transportation

New laws require electric vehicle charging capacity in new home construction; raise the fee for a certificate of title for most vehicles by \$10; and create a pilot program for warning devices near underpasses. Lawmakers also voted to help police find stolen vehicles and their occupants who are hijacked or kidnapped; ban campaign contributions by automated traffic law enforcement system vendors; and restrict suspension of local mass transit riding privileges.



Ambulance Driving Safety.

A driver must be trained on topics including proper use of warning lights and sirens before operating an ambulance or rescue vehicle contrary to motor vehicle laws. A trained driver may drive past a red light or stop sign if lights and sirens are properly used and the driver slows as necessary for safety (P.A. 103-484, enacted by S.B. 1251, A.Johnson et al./Mayfield et al.).

Electric Vehicle (EV)

Charging. Each new residential building for 1 to 4 families must have at least one EV-capable parking space for each unit that has dedicated parking. All parking spaces in new multifamily residential buildings must be EV-capable (affordable housing projects can have fewer). Approval and ownership of EV charging units in rental housing, and condominiums and other common-interest communities, will also be governed by this act (P.A. 103-53, enacted by S.B. 40, Feigenholtz – Ventura et al./Gabel et al.).

Motorcycle Driver Exam.

Persons under 18 no longer must take the Secretary of

State’s motorcycle driver’s exam to get motorcycling licenses (P.A. 103-162, enacted by H.B. 2582, Fritts – Syed – Sanalidro – McCombie – Manley et al./D.Turner – Anderson – Bennett et al.).

Red-Light, Speeding, and Railroad Crossing Camera Systems.

No vendor of these enforcement systems to counties or municipalities may contribute to a campaign committee of any political candidate, nor may anyone with an ownership interest or distributive share exceeding 7.5% in such a vendor; executive of such a vendor; or spouse, minor child, or other immediate family member living with any such person. Legislators, and municipal and county officers and employees, may not take jobs, or get compensation or fees, from such vendors during or for 2 years after their service (for red-light enforcement, this applies only in the northeastern Illinois and Metro-East counties). The Illinois Department of Transportation (IDOT) may revoke approval of the system of a county or municipality if one of its officers or employees is charged with bribery, official

misconduct, or a similar crime related to the system.

Only a municipality or county has authority to issue citations based on automated enforcement—not the vendor. A county or municipality may not change the yellow-light interval at an intersection within 6 months before installing an automated enforcement system there (or thereafter). Each county or municipality that has such a system must do a statistical analysis of its effects on crashes every 2 years (P.A. 103-364, enacted by H.B. 3903, Rita – Delgado et al./Murphy – Hunter – Aquino – Villanueva – Preston et al.).

Ridesharing Regulation and Liability.

The act regulating ridesharing services is extended to September 2028. Ridesharing drivers and companies can be regulated as common carriers starting next January (P.A. 103-527, enacted by H.B. 2231, Gong-Gershowitz – Delgado – Tarver – Hoffman – Stava-Murray et al./Martwick – Belt – Peters – Villivalam – D.Turner et al.).

Stolen Vehicle Recovery. Each maker of vehicles sold in Illinois is to have a phone line staffed at all times to help law enforcement agencies and 911 call centers find vehicles involved in theft, hijacking, or kidnapping if their owners consent; warrants or court orders are issued; or law enforcement officers certify that location information is needed to prevent death or great bodily harm due to hijacking or kidnapping. An exception to the Freedom From Location Surveillance Act is created for law enforcement investigation of vehicular hijacking. The Cook County Sheriff, with other law enforcement agencies, is to establish a vehicle theft hotline for interaction with vehicle makers and vehicle location vendors (**P.A. 103-300**, enacted by H.B. 2245, Moylan – Manley – Didech – DeLuca – Carroll et al./Hastings – Preston – Bryant – Tracy et al.).

Title Fees; IDOT Engineer Bonuses. The fee for a certificate of title for a vehicle, except all-terrain vehicles, off-highway motorcycles, motor homes, and van campers, rose from \$155 to \$165 on July 1, 2023. IDOT is to pay “after-tax” bonuses of \$15,000 per year for up to 4 years to up to 50 engineers it hires after June 2024, after they serve at least 4 years. To qualify, an engineer must be repaying student loans for study at an Illinois college or university (**P.A. 103-8**, enacted by H.B. 3817, Gordon-Booth et al./Sims et al.).

(Other provisions of this act are described in other articles in this issue.)

Traffic App. IDOT is to create a mobile application to inform motorists of traffic conditions, including accidents, construction zones, lane closures, and weather conditions (**P.A. 103-217**, enacted by S.B. 1526, Ellman/N.Hernandez – Jiménez – Ortiz – Ammons – West et al.).

Traffic Fatalities Task Force. A Zero Traffic Fatalities Task Force, with four state agency heads and nine gubernatorial appointees, will recommend policies to reduce traffic deaths. It will study the process for setting speed limits and whether alternatives should be considered, along with engineering recommendations to improve vehicular, pedestrian, and bicycle safety, and is to report to the General Assembly by January 2025 (**P.A. 103-295**, enacted by H.B. 2131, Huynh – Benton – B.Hernandez – Jiménez – Cabello et al./Simmons – D.Turner et al.).

Transit Rider Suspensions; Reduced Fares. A local mass transit district, the CTA or the RTA, may suspend rider privileges only if a rider’s conduct puts transit employees or passengers in fear for their safety, or constitutes public indecency. Written notice must be provided to each suspended

rider; each transit board is to create a process to oversee appeals.

The RTA is to issue at least 25,000 preloaded mass transit cards, worth \$20 each, to domestic violence and sexual assault service providers to be distributed to their clients.

The CTA is to work with Chicago to offer reduced fares to participants in youth employment or internship programs. The RTA is to study and report the impacts of current reduced-fare programs and their potential expansion.

Starting July 1, 2026, the RTA and CTA may buy only zero-emission buses, unless they are unavailable; funding is unavailable; or charging stations are unavailable (**P.A. 103-281**, enacted by H.B. 1342, Buckner – Delgado – Morgan – Hanson et al./Villivalam – Simmons et al.).

Underpass Warnings. IDOT is to create a pilot program of early warning devices for bridges and viaducts. A motorist who damages such a device can be fined up to \$1,000 (**P.A. 103-99**, enacted by S.B. 1653, Ventura – Hastings – Preston/Syed – Cauty – Mussman – Benton).

*Derek Hurley
Research Analyst*

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 2023 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 103- | H.B. | Public Act 103- | H.B. | Public Act 103- | H.B. | Public Act 103- |
|------|--------------------|------|--------------------|------|--------------------|------|--------------------|
| 218 | 559 | 2231 | 527 | 2954 | 439 | 3698 | 355 |
| 559 | 1 | 2245 | 300 | 3060 | 332 | 3710 | 543 |
| 579 | 103 | 2248 | 150 | 3062 | 5 | 3751 | 357 |
| 1122 | 417 | 2296 | 106 | 3116 | 41 | 3755 | 203 |
| 1190 | 120 | 2352 | 529 | 3129 | 539 | 3760 | 205 |
| 1286 | 518 | 2396 | 410 | 3140 | 178 | 3809 | 458 |
| 1342 | 281 | 2471 | 532 | 3161 | 443 | 3817 | 8 |
| 1378 | 519 | 2487 | 313 | 3162 | 2 | 3849 | 208 |
| 1384 | 123 | 2507 | AV | 3202 | 445 | 3902 | 101 |
| 1540 | 272 | 2528 | 435 | 3203 | 336 | 3903 | 364 |
| 1541 | 19 | 2562 | 161 | 3253 | 341 | 3924 | 365 |
| 1557 | 20 | 2582 | 162 | 3322 | 185 | 3955 | 213 |
| 1565 | 420 | 2624 | 166 | 3413 | 446 | 3957 | 367 |
| 2123 | 294 | 2719 | 323 | 3414 | 191 | | |
| 2130 | 142 | 2789 | 100 | 3425 | 47 | | |
| 2131 | 295 | 2799 | 325 | 3442 | 193 | | |
| 2145 | 26 | 2831 | 269 | 3445 | AV | | |
| 2189 | 429 | 2847 | 535 | 3551 | 7 | | |
| 2204 | 268 | 2862 | 437 | 3563 | 451 | | |
| 2220 | 147 | 2878 | AV | 3643 | V | | |
| 2222 | 526 | 2879 | 412 | | | | |

| S.B. | Public Act | S.B. | Public Act | S.B. | Public Act | S.B. | Public Act |
|------|------------|------|------------|------|------------|------|------------|
| | 103- | | 103- | | 103- | | 103- |
| 40 | 53 | 850 | 561 | 1561 | 551 | 1924 | 110 |
| 58 | 470 | 1251 | 484 | 1570 | 491 | 1963 | 9 |
| 67 | 368 | 1282 | 84 | 1653 | 99 | 2013 | 248 |
| 76 | V | 1298 | 102 | 1675 | 555 | 2034 | 466 |
| 214 | 63 | 1462 | 550 | 1715 | 223 | 2037 | 250 |
| 250 | 6 (IV) | 1463 | 379 | 1772 | 496 | 2057 | 251 |
| 328 | 70 | 1474 | 380 | 1782 | 556 | 2123 | 467 |
| 380 | 478 | 1484 | 89 | 1794 | 498 | 2243 | 402 |
| 422 | 71 | 1488 | 488 | 1817 | 232 | 2322 | 261 |
| 423 | 271 | 1508 | 381 | 1818 | 513 | 2368 | 510 |
| 424 | 370 | 1515 | V | 1834 | 233 | 2419 | 267 |
| 724 | 546 | 1526 | 217 | 1882 | 238 | | |
| 759 | 74 | 1527 | 91 | 1883 | 239 | | |
| 761 | 547 | 1543 | 382 | 1907 | 465 | | |
| 762 | 75 | 1555 | 383 | 1909 | 270 | | |
| 836 | 372 | 1558 | 92 | 1913 | 243 | | |

Types of Actions the 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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RETURN SERVICE REQUESTED

Veto Session

October
24, 25, 26

November
7, 8, 9

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