



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3708

Introduced 1/21/2022, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

20 ILCS 3305/7.5 new

Provides that the amendatory provisions may be referred to as the Small Business Equal Treatment Law. Amends the Illinois Emergency Management Agency Act. Contains the findings of the General Assembly. Provides that a business does not violate any proclamation issued by the Governor declaring that a disaster exists and may continue or resume operation if the business: (1) is required to cease or limit operation by order or rule of the Director of the Emergency Management Agency or the Agency itself and that is issued under the Act to prevent a threat to the public caused by a pandemic, epidemic, or bioterrorism event; and (2) complies with all safety precautions that the order or rule requires of businesses that are permitted to continue or resume operation under the order or rule. Provides that the amendatory provisions do not apply to an order or rule of the Director of the Agency or of the Agency itself that is issued under the Act and that is applicable only to a particular business or business location due to circumstances uniquely present at that particular business or business location. Effective immediately.

LRB102 23335 CPF 32501 b

1 AN ACT concerning State government.

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

4 Section 1. References to Act. This may be referred to as
5 the Small Business Equal Treatment Law.

6 Section 5. The Illinois Emergency Management Agency Act is
7 amended by adding Section 7.5 as follows:

8 (20 ILCS 3305/7.5 new)

9 Sec. 7.5. Equal treatment of small businesses.

10 (a) The General Assembly finds that in March 2020, and in
11 the following months of calendar year 2020, the people of the
12 State of Illinois faced a virus that causes a contagious
13 disease named COVID-19. The global pandemic caused by this
14 virus led to significant deaths, illnesses, and economic
15 disruption throughout Illinois. The Governor of Illinois
16 responded to the COVID-19 pandemic by issuing a series of
17 emergency executive orders, commencing with Executive Order
18 2020-3 and continued through following executive orders. These
19 executive orders were described as efforts to reduce contagion
20 and diminish the ability of the virus that causes COVID-19 to
21 pass from person to person within Illinois.

22 The General Assembly: (i) recognizes the need for

1 emergency management authority powers to deal with a disaster
2 of the magnitude such as that caused by COVID-19 in the year
3 2020; but on the other hand (ii) sharply opposes the use of
4 emergency management authority powers to draw distinctions
5 between small business and essential business.

6 (b) A business does not violate any proclamation issued by
7 the Governor declaring that a disaster exists and may continue
8 or resume operation if both of the following are true:

9 (1) The business is required to cease or limit
10 operation by order or rule of the Director of the Illinois
11 Emergency Management Agency or of the Agency itself and
12 that is issued under this Act to prevent a threat to the
13 public caused by a pandemic, epidemic, or bioterrorism
14 event.

15 (2) The business complies with all safety precautions
16 that the order or rule requires of businesses that are
17 permitted to continue or resume operation under the order
18 or rule.

19 (c) This Section does not apply to an order or rule of the
20 Director of the Illinois Emergency Management Agency or of the
21 Agency itself that is issued under this Act and that is
22 applicable only to a particular business or business location
23 due to circumstances uniquely present at that particular
24 business or business location.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.