

1 AN ACT concerning employment.

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

4 Section 5. The Illinois Freedom to Work Act is amended by  
5 changing Section 10 as follows:

6 (820 ILCS 90/10)

7 Sec. 10. Prohibiting covenants not to compete and  
8 covenants not to solicit.

9 (a) No employer shall enter into a covenant not to compete  
10 with any employee unless the employee's actual or expected  
11 annualized rate of earnings exceeds \$75,000 per year. This  
12 amount shall increase to \$80,000 per year beginning on January  
13 1, 2027, \$85,000 per year beginning on January 1, 2032, and  
14 \$90,000 per year beginning on January 1, 2037. A covenant not  
15 to compete entered into in violation of this subsection is  
16 void and unenforceable.

17 (b) No employer shall enter into a covenant not to solicit  
18 with any employee unless the employee's actual or expected  
19 annualized rate of earnings exceeds \$45,000 per year. This  
20 amount shall increase to \$47,500 per year beginning on January  
21 1, 2027, \$50,000 per year beginning on January 1, 2032, and  
22 \$52,500 per year beginning on January 1, 2037. A covenant not  
23 to solicit entered into in violation of this subsection is

1 void and unenforceable.

2 (c) No employer shall enter into a covenant not to compete  
3 or a covenant not to solicit with any employee who an employer  
4 terminates or furloughs or lays off as the result of business  
5 circumstances or governmental orders related to the COVID-19  
6 pandemic or under circumstances that are similar to the  
7 COVID-19 pandemic, unless enforcement of the covenant not to  
8 compete includes compensation equivalent to the employee's  
9 base salary at the time of termination for the period of  
10 enforcement minus compensation earned through subsequent  
11 employment during the period of enforcement. A covenant not to  
12 compete or a covenant not to solicit entered into in violation  
13 of this subsection is void and unenforceable.

14 (d) A covenant not to compete is void and illegal with  
15 respect to individuals covered by a collective bargaining  
16 agreement under the Illinois Public Labor Relations Act or the  
17 Illinois Educational Labor Relations Act and individuals  
18 employed in construction. This subsection (d) does not apply  
19 to construction employees who primarily perform management,  
20 engineering or architectural, design, or sales functions for  
21 the employer or who are shareholders, partners, or owners in  
22 any capacity of the employer.

23 (e) Any covenant not to compete or covenant not to solicit  
24 entered into after the effective date of this amendatory Act  
25 of the 103rd General Assembly shall not be enforceable with  
26 respect to the provision of mental health services to veterans

1 and first responders by any licensed mental health  
2 professional in this State if the enforcement of the covenant  
3 not to compete or covenant not to solicit would result in an  
4 undue burden on veterans or first responders seeking mental  
5 health services.

6 For the purpose of this subsection:

7 "First responders" means emergency medical services  
8 personnel, as defined in the Emergency Medical Services (EMS)  
9 Systems Act, firefighters, and law enforcement officers.

10 "Licensed mental health professional" means a person who  
11 is licensed or registered to provide mental health services by  
12 the Department of Financial and Professional Regulation or a  
13 board of registration duly authorized to register or grant  
14 licenses to persons engaged in the practice of providing  
15 mental health services in Illinois.

16 (Source: P.A. 102-358, eff. 1-1-22.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.