

AN ACT concerning regulation.

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

Section 3. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7)

(Text of Section before amendment by P.A. 102-982)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order.

(b-5) Files, documents, and other data or databases

maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is

confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security

number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would

cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection

is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys, and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would

unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with

respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually

and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self-insurance ~~self-insurance~~ (including any intergovernmental risk management association or self-insurance ~~self-insurance~~ pool) claims, loss or risk management information, records, data, advice, or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to

be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary

by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation

districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impersonation or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

(nn) ~~(mm)~~ Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.

(oo) ~~(mm)~~ Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(pp) Reports described in subsection (e) of Section 16-15 of the Abortion Care Clinical Training Program Act.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20; 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-982)

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and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

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(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

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(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic crashes, traffic crash reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the

request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

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(f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption

provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a

privately held company may cause competitive harm.

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(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

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(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

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public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

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(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

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representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self-insurance ~~self-insurance~~ (including any intergovernmental risk management association or self-insurance ~~self-insurance~~ pool) claims, loss or risk management information, records, data, advice, or communications.

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examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

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(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

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security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

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the Cemetery Oversight Act, whichever is applicable.

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(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

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(ii) Records requested by persons committed to or detained by the Department of Human Services under the

Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

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(ll) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

(nn) ~~(mm)~~ Proprietary information submitted to the

Environmental Protection Agency under the Drug Take-Back Act.

(oo) ~~(mm)~~ Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(pp) Reports described in subsection (e) of Section 16-15 of the Abortion Care Clinical Training Program Act.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

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Section 5. The Illinois Insurance Code is amended by changing Section 356z.60 as follows:

(215 ILCS 5/356z.60)

Sec. 356z.60. Coverage for abortifacients, hormonal therapy, and human immunodeficiency virus pre-exposure prophylaxis and post-exposure prophylaxis.

(a) As used in this Section:

"Abortifacients" means any medication administered to terminate a pregnancy as prescribed or ordered by a health care professional.

"Health care professional" means a physician licensed to practice medicine in all of its branches, licensed advanced practice registered nurse, or physician assistant.

"Hormonal therapy medication" means hormonal treatment administered to treat gender dysphoria.

"Therapeutic equivalent version" means drugs, devices, or products that can be expected to have the same clinical effect and safety profile when administered to patients under the conditions specified in the labeling and that satisfy the following general criteria:

- (1) it is approved as safe and effective;
- (2) it is a pharmaceutical equivalent in that it:
 - (A) contains identical amounts of the same active drug ingredient in the same dosage form and route of

administration; and

(B) meets compendial or other applicable standards of strength, quality, purity, and identity;

(3) it is bioequivalent in that:

(A) it does not present a known or potential bioequivalence problem and it meets an acceptable in vitro standard; or

(B) if it does present such a known or potential problem, it is shown to meet an appropriate bioequivalence standard;

(4) it is adequately labeled; and

(5) it is manufactured in compliance with Current Good Manufacturing Practice regulations adopted by the United States Food and Drug Administration.

(b) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed in this State on or after January 1, 2024 shall provide coverage for all abortifacients, hormonal therapy medication, human immunodeficiency virus pre-exposure prophylaxis, and post-exposure prophylaxis drugs approved by the United States Food and Drug Administration, and follow-up services related to that coverage, including, but not limited to, management of side effects, medication self-management or adherence counseling, risk reduction strategies, and mental health counseling. This coverage shall include drugs approved by the United States Food and Drug Administration that are prescribed

or ordered for off-label use for the purposes described in this Section.

(c) The coverage required under subsection (b) is subject to the following conditions:

(1) If the United States Food and Drug Administration has approved one or more therapeutic equivalent versions of an abortifacient drug, a policy is not required to include all such therapeutic equivalent versions in its formulary so long as at least one is included and covered without cost sharing and in accordance with this Section.

(2) If an individual's attending provider recommends a particular drug approved by the United States Food and Drug Administration based on a determination of medical necessity with respect to that individual, the plan or issuer must defer to the determination of the attending provider and must cover that service or item without cost sharing.

(3) If a drug is not covered, plans and issuers must have an easily accessible, transparent, and sufficiently expedient process that is not unduly burdensome on the individual or a provider or other individual acting as a patient's authorized representative to ensure coverage without cost sharing.

The conditions listed under this subsection (c) also apply to drugs prescribed for off-label use as abortifacients.

(d) Except as otherwise provided in this Section, a policy

subject to this Section shall not impose a deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage provided. The provisions of this subsection do not apply to coverage of procedures to the extent such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to the federal Internal Revenue Code, 26 U.S.C. 223.

(e) Except as otherwise authorized under this Section, a policy shall not impose any restrictions or delays on the coverage required under this Section.

(f) The coverage requirements in this Section for abortifacients do not, pursuant to 42 U.S.C. 18054(a)(6), apply to a multistate plan that does not provide coverage for abortion.

(g) If the Department concludes that enforcement of any coverage requirement of this Section for abortifacients may adversely affect the allocation of federal funds to this State, the Department may grant an exemption to that requirement, but only to the minimum extent necessary to ensure the continued receipt of federal funds.

(Source: P.A. 102-1117, eff. 1-13-23.)

Section 10. The Nurse Practice Act is amended by changing Sections 65-11 and 65-11.5 as follows:

(225 ILCS 65/65-11)

Sec. 65-11. Temporary permit for advanced practice registered nurses for health care.

(a) The Department may issue a temporary permit to an applicant who is licensed to practice as an advanced practice registered nurse in another state. The temporary permit will authorize the practice of providing health care to patients in this State, with a collaborating physician in this State, if all of the following apply:

(1) The Department determines that the applicant's services will improve the welfare of Illinois residents and non-residents requiring health care services.

(2) The applicant has obtained a graduate degree appropriate for national certification in a clinical advanced practice registered nursing specialty or a graduate degree or post-master's certificate from a graduate level program in a clinical advanced practice registered nursing specialty; the applicant has submitted verification of licensure status in good standing in the applicant's current state or territory of licensure; and the applicant can furnish the Department with a certified letter upon request from that jurisdiction attesting to the fact that the applicant has no pending action or violations against the applicant's license.

The Department will not consider an advanced practice registered nurse's license being revoked or otherwise disciplined by any state or territory based solely on the

advanced practice registered nurse providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service that is unlawful or prohibited in that state or territory, if the provision of, authorization of, or participation in that health care, medical service, or procedure related to any health care service is not unlawful or prohibited in this State.

(3) The applicant has sufficient training and possesses the appropriate core competencies to provide health care services, and is physically, mentally, and professionally capable of practicing as an advanced practice registered nurse with reasonable judgment, skill, and safety and in accordance with applicable standards of care.

(4) The applicant has met the written collaborative agreement requirements under Section 65-35.

(5) The applicant will be working pursuant to an agreement with a sponsoring licensed hospital, medical office, clinic, or other medical facility providing health care services. Such agreement shall be executed by an authorized representative of the licensed hospital, medical office, clinic, or other medical facility, certifying that the advanced practice registered nurse holds an active license and is in good standing in the state in which they are licensed. If an applicant for a

temporary permit has been previously disciplined by another jurisdiction, except as described in paragraph (2) of subsection (a), further review may be conducted pursuant to the Civil Administrative Code of Illinois and this Act. The application shall include the advanced practice registered nurse's name, contact information, state of licensure, and license number.

(6) Payment of a \$75 fee.

The sponsoring licensed hospital, medical office, clinic, or other medical facility engaged in the agreement with the applicant shall notify the Department should the applicant at any point leave or become separate from the sponsor.

The Department may adopt rules to carry out this Section.

(b) A temporary permit under this Section shall expire 2 years after the date of issuance. The temporary permit may be renewed for a \$45 fee for an additional 2 years. A holder of a temporary permit may only renew one time.

(c) The temporary permit shall only permit the holder to practice as an advanced practice registered nurse with a collaborating physician who provides health care services at the location or locations specified on the permit or via telehealth.

(d) An application for the temporary permit shall be made to the Department, in writing, on forms prescribed by the Department, and shall be accompanied by a non-refundable fee of \$75. The Department shall grant or deny an applicant a

temporary permit within 60 days of receipt of a completed application. The Department shall notify the applicant of any deficiencies in the applicant's application materials requiring corrections in a timely manner.

(e) An applicant for temporary permit may be requested to appear before the Board to respond to questions concerning the applicant's qualifications to receive the permit. An applicant's refusal to appear before the Board of Nursing may be grounds for denial of the application by the Department.

(f) The Secretary may summarily cancel any temporary permit issued pursuant to this Section, without a hearing, if the Secretary finds that evidence in his or her possession indicates that a permit holder's continuation in practice would constitute an imminent danger to the public or violate any provision of this Act or its rules.

If the Secretary summarily cancels a temporary permit issued pursuant to this Section or Act, the permit holder may petition the Department for a hearing in accordance with the provisions of Section 70-125 to restore his or her permit, unless the permit holder has exceeded his or her renewal limit.

(g) In addition to terminating any temporary permit issued pursuant to this Section or Act, the Department may issue a monetary penalty not to exceed \$10,000 upon the temporary permit holder and may notify any state in which the temporary permit holder has been issued a permit that his or her Illinois

permit has been terminated and the reasons for the termination. The monetary penalty shall be paid within 60 days after the effective date of the order imposing the penalty. The order shall constitute a judgment and may be filed, and execution had thereon in the same manner as any judgment from any court of record. It is the intent of the General Assembly that a permit issued pursuant to this Section shall be considered a privilege and not a property right.

(h) While working in Illinois, all temporary permit holders are subject to all statutory and regulatory requirements of this Act in the same manner as a licensee. Failure to adhere to all statutory and regulatory requirements may result in revocation or other discipline of the temporary permit.

(i) If the Department becomes aware of a violation occurring at the facility licensed by the Department of Public Health, ~~licensed hospital, medical office, clinic, or other medical facility, or via telehealth service,~~ the Department shall notify the Department of Public Health.

(j) The Department may adopt emergency rules pursuant to this Section. The General Assembly finds that the adoption of rules to implement a temporary permit for health care services is deemed an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 102-1117, eff. 1-13-23.)

(225 ILCS 65/65-11.5)

Sec. 65-11.5. Temporary permit for full practice advanced practice registered nurses for health care.

(a) The Department may issue a full practice advanced practice registered nurse temporary permit to an applicant who is licensed to practice as an advanced practice registered nurse in another state. The temporary permit will authorize the practice of providing health care to patients in this State if all of the following apply:

(1) The Department determines that the applicant's services will improve the welfare of Illinois residents and non-residents requiring health care services.

(2) The applicant has obtained a graduate degree appropriate for national certification in a clinical advanced practice registered nursing specialty or a graduate degree or post-master's certificate from a graduate level program in a clinical advanced practice registered nursing specialty; the applicant is certified as a nurse practitioner, nurse midwife, or clinical nurse specialist; the applicant has submitted verification of licensure status in good standing in the applicant's current state or territory of licensure; and the applicant can furnish the Department with a certified letter upon request from that jurisdiction attesting to the fact that the applicant has no pending action or violations against the applicant's license.

The Department shall not consider an advanced practice registered nurse's license being revoked or otherwise disciplined by any state or territory for the provision of, authorization of, or participation in any health care, medical service, or procedure related to an abortion on the basis that such health care, medical service, or procedure related to an abortion is unlawful or prohibited in that state or territory, if the provision of, authorization of, or participation in that health care, medical service, or procedure related to an abortion is not unlawful or prohibited in this State.

(3) The applicant has sufficient training and possesses the appropriate core competencies to provide health care services, and is physically, mentally, and professionally capable of practicing as an advanced practice registered nurse with reasonable judgment, skill, and safety and in accordance with applicable standards of care.

(4) The applicant will be working pursuant to an agreement with a sponsoring licensed hospital, medical office, clinic, or other medical facility providing health care services. Such agreement shall be executed by an authorized representative of the licensed hospital, medical office, clinic, or other medical facility, certifying that the advanced practice registered nurse holds an active license and is in good standing in the

state in which they are licensed. If an applicant for a temporary permit has been previously disciplined by another jurisdiction, except as described in paragraph (2) of subsection (a), further review may be conducted pursuant to the Civil Administrative Code of Illinois and this Act. The application shall include the advanced practice registered nurse's name, contact information, state of licensure, and license number.

(5) Payment of a \$75 fee.

The sponsoring licensed hospital, medical office, clinic, or other medical facility engaged in the agreement with the applicant shall notify the Department should the applicant at any point leave or become separate from the sponsor.

The Department may adopt rules to carry out this Section.

(b) A temporary permit under this Section shall expire 2 years after the date of issuance. The temporary permit may be renewed for a \$45 fee for an additional 2 years. A holder of a temporary permit may only renew one time.

(c) The temporary permit shall only permit the holder to practice as a full practice advanced practice registered nurse within the scope of providing health care services at the location or locations specified on the permit or via telehealth service.

(d) An application for the temporary permit shall be made to the Department, in writing, on forms prescribed by the Department, and shall be accompanied by a non-refundable fee

of \$75.

(e) An applicant for temporary permit may be requested to appear before the Board to respond to questions concerning the applicant's qualifications to receive the permit. An applicant's refusal to appear before the Board of Nursing may be grounds for denial of the application by the Department.

(f) The Secretary may summarily cancel any temporary permit issued pursuant to this Section, without a hearing, if the Secretary finds that evidence in his or her possession indicates that a permit holder's continuation in practice would constitute an imminent danger to the public or violate any provision of this Act or its rules.

If the Secretary summarily cancels a temporary permit issued pursuant to this Section or Act, the permit holder may petition the Department for a hearing in accordance with the provisions of Section 70-125 of this Act to restore his or her permit, unless the permit holder has exceeded his or her renewal limit.

(g) In addition to terminating any temporary permit issued pursuant to this Section or Act, the Department may issue a monetary penalty not to exceed \$10,000 upon the temporary permit holder and may notify any state in which the temporary permit holder has been issued a permit that his or her Illinois permit has been terminated and the reasons for the termination. The monetary penalty shall be paid within 60 days after the effective date of the order imposing the penalty.

The order shall constitute a judgment and may be filed, and execution had thereon in the same manner as any judgment from any court of record. It is the intent of the General Assembly that a permit issued pursuant to this Section shall be considered a privilege and not a property right.

(h) While working in Illinois, all temporary permit holders are subject to all statutory and regulatory requirements of this Act in the same manner as a licensee. Failure to adhere to all statutory and regulatory requirements may result in revocation or other discipline of the temporary permit.

(i) If the Department becomes aware of a violation occurring at the facility licensed by the Department of Public Health, ~~licensed hospital, medical office, clinic, or other medical facility, or via telehealth service,~~ the Department shall notify the Department of Public Health.

(j) The Department may adopt emergency rules pursuant to this Section. The General Assembly finds that the adoption of rules to implement a temporary permit for health care services is deemed an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 102-1117, eff. 1-13-23.)

Section 15. The Pharmacy Practice Act is amended by changing Section 43.5 as follows:

(225 ILCS 85/43.5)

(Section scheduled to be repealed on January 1, 2028)

Sec. 43.5. HIV prophylaxis. In accordance with a standing order by a physician licensed to practice medicine in all its branches or the medical director of a county or local health department or a standing order by the Department of Public Health, a pharmacist may provide patients with prophylaxis drugs for human immunodeficiency virus pre-exposure prophylaxis or post-exposure prophylaxis.

A pharmacist may provide initial assessment and dispensing of prophylaxis drugs for human immunodeficiency virus pre-exposure prophylaxis or post-exposure prophylaxis. If a patient's HIV test results are reactive, the pharmacist shall refer the patient to an appropriate health care professional or clinic. If the patient's HIV test results are nonreactive, the pharmacist may initiate human immunodeficiency virus pre-exposure prophylaxis or post-exposure prophylaxis to eligible patients.

The standing order must be consistent with the current version of the guidelines of the Centers for Disease Control and Prevention, guidelines of the United States Preventive Services Task Force, or generally recognized evidence-based clinical guidelines.

A pharmacist must communicate the services provided under this Section to the patient and the patient's primary health care provider or other health care professional or clinic, if

known. If there is no primary health care provider provided by the patient, then the pharmacist shall give the patient a list of primary health care providers, other health care professionals, and clinics in the area.

The services provided under this Section shall be appropriately documented and retained in a confidential manner consistent with State HIV confidentiality requirements.

The services provided under this Section shall take place in a private manner.

A pharmacist shall complete an educational training program accredited by the Accreditation Council for Pharmacy Education and approved by the Department that is related to the initiation, dispensing, or administration of drugs, laboratory tests, assessments, referrals, and consultations for human immunodeficiency virus pre-exposure prophylaxis and human immunodeficiency virus post-exposure prophylaxis.

(Source: P.A. 102-1051, eff. 1-1-23.)

Section 20. The Physician Assistant Practice Act of 1987 is amended by changing Section 9.7 as follows:

(225 ILCS 95/9.7)

Sec. 9.7. Temporary permit for health care.

(a) The Department may issue a temporary permit to an applicant who is licensed to practice as a physician assistant in another state. The temporary permit will authorize the

practice of providing health care to patients in this State, with a collaborating physician in this State, if all of the following apply:

(1) The Department determines that the applicant's services will improve the welfare of Illinois residents and non-residents requiring health care services.

(2) The applicant has obtained certification by the National Commission on Certification of Physician Assistants or its successor agency; the applicant has submitted verification of licensure status in good standing in the applicant's current state or territory of licensure; and the applicant can furnish the Department with a certified letter upon request from that jurisdiction attesting to the fact that the applicant has no pending action or violations against the applicant's license.

The Department will not consider a physician assistant's license being revoked or otherwise disciplined by any state or territory based solely on the physician providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service that is unlawful or prohibited in that state or territory, if the provision of, authorization of, or participation in that health care service, medical service, or procedure related to any health care service is not unlawful or prohibited in this State.

(3) The applicant has sufficient training and possesses the appropriate core competencies to provide health care services, and is physically, mentally, and professionally capable of practicing as a physician assistant with reasonable judgment, skill, and safety and in accordance with applicable standards of care.

(4) The applicant has met the written collaborative agreement requirements under subsection (a) of Section 7.5.

(5) The applicant will be working pursuant to an agreement with a sponsoring licensed hospital, medical office, clinic, or other medical facility providing health care services. Such agreement shall be executed by an authorized representative of the licensed hospital, medical office, clinic, or other medical facility, certifying that the physician assistant holds an active license and is in good standing in the state in which they are licensed. If an applicant for a temporary permit has been previously disciplined by another jurisdiction, except as described in paragraph (2) of subsection (a), further review may be conducted pursuant to the Civil Administrative Code of Illinois and this Act. The application shall include the physician assistant's name, contact information, state of licensure, and license number.

(6) Payment of a \$75 fee.

The sponsoring licensed hospital, medical office, clinic, or other medical facility engaged in the agreement with the applicant shall notify the Department should the applicant at any point leave or become separate from the sponsor.

The Department may adopt rules to carry out this Section.

(b) A temporary permit under this Section shall expire 2 years after the date of issuance. The temporary permit may be renewed for a \$45 fee for an additional 2 years. A holder of a temporary permit may only renew one time.

(c) The temporary permit shall only permit the holder to practice as a physician assistant with a collaborating physician who provides health care services with the sponsor specified on the permit.

(d) An application for the temporary permit shall be made to the Department, in writing, on forms prescribed by the Department, and shall be accompanied by a non-refundable fee of \$75. The Department shall grant or deny an applicant a temporary permit within 60 days of receipt of a completed application. The Department shall notify the applicant of any deficiencies in the applicant's application materials requiring corrections in a timely manner.

(e) An applicant for a temporary permit may be requested to appear before the Board to respond to questions concerning the applicant's qualifications to receive the permit. An applicant's refusal to appear before the Board may be grounds for denial of the application by the Department.

(f) The Secretary may summarily cancel any temporary permit issued pursuant to this Section, without a hearing, if the Secretary finds that evidence in his or her possession indicates that a permit holder's continuation in practice would constitute an imminent danger to the public or violate any provision of this Act or its rules. If the Secretary summarily cancels a temporary permit issued pursuant to this Section or Act, the permit holder may petition the Department for a hearing in accordance with the provisions of Section 22.11 to restore his or her permit, unless the permit holder has exceeded his or her renewal limit.

(g) In addition to terminating any temporary permit issued pursuant to this Section or Act, the Department may issue a monetary penalty not to exceed \$10,000 upon the temporary permit holder and may notify any state in which the temporary permit holder has been issued a permit that his or her Illinois permit has been terminated and the reasons for that termination. The monetary penalty shall be paid within 60 days after the effective date of the order imposing the penalty. The order shall constitute a judgment and may be filed, and execution had thereon in the same manner as any judgment from any court of record. It is the intent of the General Assembly that a permit issued pursuant to this Section shall be considered a privilege and not a property right.

(h) While working in Illinois, all temporary permit holders are subject to all statutory and regulatory

requirements of this Act in the same manner as a licensee. Failure to adhere to all statutory and regulatory requirements may result in revocation or other discipline of the temporary permit.

(i) If the Department becomes aware of a violation occurring at the facility licensed by the Department of Public Health, ~~licensed hospital, medical office, clinic, or other medical facility, or occurring via telehealth services~~, the Department shall notify the Department of Public Health.

(j) The Department may adopt emergency rules pursuant to this Section. The General Assembly finds that the adoption of rules to implement a temporary permit for health care services is deemed an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 102-1117, eff. 1-13-23.)

Section 25. The Abortion Care Clinical Training Program Act is amended by changing Section 16-15 as follows:

(410 ILCS 185/16-15)

Sec. 16-15. Program administration and reporting.

(a) Subject to appropriation to the Fund, the Department shall contract with at least one coordinating organization to administer the Program. The Department shall use the Fund to contract with the coordinating organization.

(b) A coordinating organization contracted by the

Department to administer the Program shall:

(1) submit an annual report to the Department regarding Program performance, including the number of participants enrolled, the demographics of Program participants, the number of participants who successfully complete the Program, the outcome of successful Program participants, and the level of involvement of the participants in providing abortion and other forms of reproductive health care in Illinois; and

(2) meet any other requirements established by the Department that are not inconsistent with this Act.

(c) The Department shall release the name of any coordinating organization it coordinates with and any entity receiving funds to assist in the implementation of this Program through the coordinating organization. The Department shall not release the name of any individual person or health care professional administering services through or participating in the Program. The Department shall, by rule, establish procedures to ensure that sensitive Program information, including any personal information and information that, if released, could endanger the life or physical safety of program participants, remains confidential.

(d) Any coordinating organization or other entity receiving funds to implement this Program is subject to the requirements of the Grant Accountability and Transparency Act.

(e) All reports received by the Department in accordance

with this Section shall be treated as confidential and exempt from the Freedom of Information Act.

(Source: P.A. 102-1117, eff. 1-13-23.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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