SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED SECOND GENERAL ASSEMBLY

41ST LEGISLATIVE DAY

THURSDAY, MAY 13, 2021

1:21 O'CLOCK P.M.

NO. 41
[May 13, 2021]

SENATE
Daily Journal Index
41st Legislative Day

The Senate met pursuant to adjournment.
Senator Kimberly A. Lightford, Maywood, Illinois, presiding.
Silent prayer was observed by all members of the Senate.
Senator Belt led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, May 12, 2021, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Reporting Requirement of 50 ILCS 707/20 (Law Enforcement Camera Grant Act), submitted by the Richton Park Police Department.

The foregoing report was ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Floor amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 2 to House Bill 832

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 2 to Senate Bill 633
Amendment No. 2 to Senate Bill 1204
Amendment No. 1 to Senate Bill 1350

The following Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to House Bill 2568
Amendment No. 1 to House Bill 2589
Amendment No. 1 to House Bill 3587

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 297

Offered by Senator Anderson and all Senators:
Mourns the death of Robert Krueger.

SENATE RESOLUTION NO. 298

Offered by Senator Anderson and all Senators:
Mourns the passing of Charles Lee Curry.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Villanueva offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 296

WHEREAS, To protect the millions of Americans who live near roadways or live with a lung disease like asthma and to curb carbon pollution from the transportation sector, the U.S. Environmental Protection Agency must set a stronger clean truck standard; and

WHEREAS, Heavy-duty vehicles on the road release 45 percent of the U.S. transportation sector's nitrogen oxide (NOx) pollution, which creates ozone, the main ingredient in smog, and 57 percent of the transportation sector's fine particulate matter pollution; and

WHEREAS, Two-thirds of all Illinois residents live in areas that are designated by the U.S. Environmental Protection Agency as areas that fail to meet minimal air quality health standards for ozone under the provisions of the Clean Air Act; and

WHEREAS, Fine particulate matter is associated with an increased risk of premature death, hospitalization, and emergency room visits, and numerous respiratory and cardiovascular diseases are linked to ozone and fine particulate matter, such as asthma, decreased lung function, heart attacks, and lung cancer; and

WHEREAS, A 2020 study estimated that more than 20,000 people die prematurely every year in the United States as a result of the health burden from motor vehicle pollution on roads and highways; and

WHEREAS, Residents living near ports, railyards, warehouses, and busy roads are exposed to such high rates of heavy-duty vehicle pollution that experts have labeled these areas "diesel death zones" because asthma rates and cancer risks are so drastically elevated; and

WHEREAS, Living within just one third of a mile of a highway or close to ports, warehouse distribution centers, or other freight corridors is devastating for lung health and can lead to early death; and

WHEREAS, Low-income and communities of color comprise many of the residents in these regions, causing significant aggravated health problems and risks for these Americans; and

WHEREAS, In Illinois, transportation has recently overtaken fossil fueled power plants as the largest emitter of carbon dioxide, the largest contributing factor to global warming and climate damage; and

WHEREAS, Poor and minority communities bear much of the brunt of climate change in Illinois, including damage from flooding and excessive heat, in addition to already being burdened by air pollution; and

WHEREAS, Trucks and buses only account for 4 percent of vehicles on the road, and yet, they are responsible for nearly 25 percent of total transportation sector greenhouse gas emissions; emissions from trucks are the fastest growing source of greenhouse gases, and the number of truck miles traveled on the nation's roads is forecast to continue to grow significantly in the coming decades; and

WHEREAS, A strong clean truck standard will expand the market for new, advanced technologies and create jobs; and

WHEREAS, Over a quarter-million people were employed in the clean vehicle industry in 2019; and

WHEREAS, Electric trucks and buses, regardless of who owns them, can reduce electric bills for all customers by using the electric grid to charge when electricity demand is low; and

WHEREAS, Today, at least 70 electric truck and bus models are on the market, and manufacturers are expected to make many more new models commercially available over the next decade; and

WHEREAS, Electric vehicles are being produced in Illinois, and Rivian has a contract to produce 100,000 electric delivery vans within this decade at a factory in Normal; and

WHEREAS, Navistar International, headquartered in Lisle, is already manufacturing and selling electric school buses and has begun building a facility to manufacture and sell electric trucks as soon as 2022; and

WHEREAS, The Multi-State Medium and Heavy Duty Zero Emission Vehicle Memorandum of Understanding (MOU), organized by the Northeast States for Coordinated Air Use Management (NESCAUM), calls for 30 percent of new truck and bus sales to be zero-emission by 2030 and 100 percent zero-emission by 2050; and

WHEREAS, California, Connecticut, Colorado, Hawaii, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington, as well as the District of Columbia, have issued an MOU outlining a coordinated effort to expedite the deployment of zero emission medium and heavy-duty vehicles; and

WHEREAS, This multi-state initiative is vital for enabling the policies with regulations, and it fosters cost-effective vehicle electrification needed to achieve state climate commitments and air quality improvement goals; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Governor to sign the Multi-State Memorandum of Understanding calling for 30 percent of new truck and bus sales to be zero-emission by 2030 and 100 percent zero-emission by 2050.

REPORTS FROM STANDING COMMITTEES

Senator Landek, Chair of the Committee on State Government, to which was referred **House Bills Numbered 1726 and 1836**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator E. Jones III, Chair of the Committee on Licensed Activities, to which was referred **House Bills Numbered 2543, 2777 and 2864**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Castro, Chair of the Committee on Executive, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 667
Senate Amendment No. 3 to Senate Bill 818
Senate Amendment No. 4 to Senate Bill 2088

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Castro, Chair of the Committee on Executive, to which was referred **House Bills Numbered 9, 653, 1291, 1710, 2790, 2834 and 2894**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Ellman, Chair of the Committee on Financial Institutions, to which was referred **House Bills Numbered 11 and 1803**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hunter, Chair of the Committee on Revenue, to which was referred **House Bills Numbered 34, 227, 2365, 2614, 2826 and 3107**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Harris, Chair of the Committee on Insurance, to which was referred **Senate Bill No. 2158**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Harris, Chair of the Committee on Insurance, to which was referred **House Bills Numbered 1745, 1779, 1955, 1957 and 2653**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1092

A bill for AN ACT concerning criminal law.

Passed the House, May 12, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bill No. 1092** was taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 8

WHEREAS, Pent-up frustrations, including bad policing practices, a flawed justice system, unscrupulous consumer credit practices, poor or inadequate housing, high unemployment, voter suppression, and other culturally embedded forms of racial discrimination boiled over in many poor African American neighborhoods during the mid- to late-1960s, setting off riots that rampaged out of control from block to block; the burning, battering and ransacking of property and raging crowds created chaos in which some neighborhood residents and law enforcement operatives endured shockingly random injuries or deaths; and

WHEREAS, Many Americans blamed the riots on outside agitators or young Black men, who represented the largest and most visible group of rioters; however, the Kerner Commission turned those assumptions upside-down in March of 1968, declaring it was white racism, not Black anger, that turned the key that unlocked urban American turmoil; and

WHEREAS, As a result, The National Advisory Commission on Civil Disorders, known as the Kerner Commission after its chair, then-Governor Otto Kerner Jr. of Illinois, was formed; it was an

11-member Presidential Commission established by President Lyndon B. Johnson in Executive Order 11365 to investigate the causes of the 1967 race riots in the United States and to provide recommendations for the future; and

WHEREAS, The Kerner Commission found that poverty and institutional racism were driving inner city violence and proposed aggressive government spending to provide equal opportunities to African Americans; the report was rushed into print by Bantam Books, and the 708-page report became a best-seller, selling 740,000 copies in a few weeks; and

WHEREAS, To mark the 30th anniversary of the Kerner Report, the Eisenhower Foundation in 1998 sponsored two complementary reports, The Millennium Breach and Locked in the Poorhouse; The Millennium Breach, coauthored by former senator and commission member Fred R. Harris, found the racial divide had grown in the subsequent years with inner city unemployment at crisis levels; The Millennium Breach found that for most of the decade that followed the Kerner Report, the U.S. made progress on the principal fronts detailed in the report, which were race, poverty, and inner cities; then progress stopped and in some ways reversed, due to a series of economic shocks and trends and the government's own action and inaction; and

WHEREAS, African American poverty remains a critical issue today; in 1969, about one-third of Blacks lived below the poverty line; by 2016, that number had dropped to 22 percent as a significant number of African Americans moved into the middle class with a boost from 1960s legislation; however, the percentage of Blacks living in poverty is still more than twice as high as the percentage of whites; a lack of opportunity has been shown to increase drug abuse, unemployment, poverty, violence, and other negative factors within a community; and

WHEREAS, Blacks now have a louder voice in government, yet poverty and disenfranchisement remain; notwithstanding the Kerner Commission's optimism about potential change, there have been only scattered efforts over the last 50 years to end the United States' racial divide or to address the racial component of poverty in the U.S.; and

WHEREAS, Now more than ever, it is obvious that we need to rebuild these economies in urban areas which have been fostered by racial discrimination; to accomplish this, we can replicate a successful rebuilding plan from our country's history; and

WHEREAS, In the wake of World War II, Secretary of State George C. Marshall proposed a comprehensive plan to rebuild the economies and spirits of Western Europe in 1947; as part of this plan, the U.S. gave $13 billion in aid to 16 European nations; this aid included shipping food, staples, fuel, and machinery, rebuilding war-devastated regions, removing trade barriers, and investing in an industrial capacity; and

WHEREAS, Due to what became known as the Marshall Plan, European economies experienced unprecedented growth from 1948 to 1952, postwar poverty and starvation disappeared, and standards of living increased remarkably; and

WHEREAS, Former National Urban League President John Jacobs often spoke of the need for a new domestic Marshall Plan, championing the idea that we could rebuild urban areas in the U.S. the same way we rebuilt entire nations abroad; and

WHEREAS, African Americans in the City of Chicago are disproportionately affected by both the violence and the poverty in the city, particularly on the West and South sides; African Americans make up approximately a third of the city's population; despite this, they have consistently accounted for more than 70 percent of homicide victims for decades; due to pre-existing inequalities such as segregation, financial disparities, lack of access to a good education, lost wages, lost homes, lost inheritances, lack of access to testing and treatment, and other issues, the current COVID-19 pandemic has disproportionately hurt African Americans, especially in Chicago; and

WHEREAS, Across the nation and in our State, a comprehensive and targeted economic recovery plan is necessary to revitalize and to help elevate the African American population; this new plan must provide federal, state, local tax credits, and other enhancements to encourage businesses to relocate to these struggling communities in order to foster economic vitality; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the Illinois General Assembly and the United States Congress to explore a new, domestic investment plan to promote economic growth and recovery in targeted African American communities; and be it further

RESOLVED, That suitable copies of this resolution be sent to the Mayor of Chicago, the President of the Cook County Board, all members of the Chicago City Council, the Governor of Illinois, all members of the Illinois General Assembly, the President of the United States, the U.S. Senate Majority Leader, the U.S. Senate Minority Leader, the U.S. Speaker of the House, the U.S. House of Representatives Minority Leader, and all members of the Illinois Congressional Delegation.

Adopted by the House, April 23, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 8 was referred to the Committee on Assignments.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 13

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to those who have made a difference in their community and in Illinois; and

WHEREAS, Brooks Edwin Tonn was born on August 29, 2007, the beloved son of Nora (Keenan) and Robert Tonn; and

WHEREAS, Brooks Tonn grew up in Hinsdale, where he excelled in academics at school and in sports; he was always first to be on the field and was always ready for a pick-up game or to watch the others play; he was the pitcher on his beloved baseball team, the Hinsdale Red Dogs, and quarterback on his Hinsdale Falcons football team; he loved playing golf and swimming; and

WHEREAS, In December of 2016, Brooks Tonn was diagnosed with rhabdomyosarcoma, a rare form of childhood cancer; and

WHEREAS, Cancer did not stop Brooks Tonn's dedication to those around him or the sports he loved, especially baseball; and

WHEREAS, Brooks Tonn even timed his cancer treatments so he could attend school and play the sports he loved; and

WHEREAS, During the year of his medical treatments, Brooks Tonn, a lifelong baseball fan, played in 54 games for his cherished Red Dogs, the Hinsdale Little League, and the Hinsdale All Stars; and

WHEREAS, Brooks Tonn made sure that all kids were welcome in any game he played; and

WHEREAS, Brooks Tonn was introduced to Jason Garrett, the head coach of the Dallas Cowboys; after their first meeting, they became fast friends, and Garrett gave Brooks his personal phone number, so they could keep in touch through text; and

WHEREAS, Brooks Tonn was given the opportunity to fly to Dallas to meet the Dallas Cowboys and watch a private practice; he was presented with the game ball, which made him forget how much discomfort he felt from his treatments; and

WHEREAS, Anthony Rizzo of the Chicago Cubs, a survivor of cancer himself, visited Brooks Tonn and sat with him while he was receiving chemotherapy treatments; and

WHEREAS, Brooks Tonn lived by the motto "Have Courage and Be Kind," and his community rallied behind him and that belief; and

WHEREAS, From the day Brooks Tonn was diagnosed to his last moments, Reverend Wayne Watts was present, offering spiritual support for the entire family; and

WHEREAS, During his treatments, Brooks Tonn met many wonderful people who helped him and his family cope with the difficulties he faced on a daily basis; dozens of family members and friends joined together to offer a meal-prep service to his whole family for months, giving them the opportunity to focus on the fight they were facing; and

WHEREAS, Local newspapers published stories about Brooks Tonn while he was in the earlier stages of his treatment; through a friend, his story was shared with actress and director Lisa Varga, who interviewed Brooks and developed a documentary about his fight against cancer; and

WHEREAS, Brooks Tonn passed away peacefully on December 1, 2017 and is survived by his loving parents; he was the dear brother of Hunter, Griffin, and Scarlett; the cherished grandson of Nancy and William Brooks Keenan and Barbara and Donald Tonn; the cherished nephew of Betsy and Brian Moran, Bill and Denise Keenan, Trish and Patrick Kinsella, Dan and Tracey Keenan, Tom and Danielle Keenan, and Donald Jr. and Kari Tonn; the dearest cousin of Kate and Christian Arquilla, Finn Arquilla, Jack, Christopher, and Nora Moran, William IV and Hannah Keenan, Genevieve, Patrick Cass, and Colette Kinsella, Christopher, Lauren, Jane, and Ben Keenan, Patrick, Caroline, and Sean Keenan, Lindsey Kaplan-Herman, and Amanda Tonn; and

WHEREAS, Following Brooks Tonn's passing, more than 2,000 friends, family, dignitaries, and community members attended his memorial service and funeral; and

WHEREAS, The Brooks Strong Foundation was formed in memory of Brooks Tonn; and

WHEREAS, The Brooks Strong Foundation funds cutting-edge pediatric cancer research and provides scholarships to defray the cost of sports and extracurricular activities for families with kids going through cancer treatment; and

WHEREAS, The Hinsdale Little League has honored Brooks Tonn with the creation of the Brooks Tonn Award for the player on each team that demonstrates a commitment to teamwork, effort, and kindness; and

WHEREAS, Like a shooting star, Brooks Tonn's brilliant, shining glow, his smile, and his energy, lit up the lives of everyone who had the privilege of knowing him, but are gone too soon; just because he is no longer here, it does not mean he will be forgotten; his presence resonates through all who knew him and through the Brooks Strong Foundation; and

WHEREAS, Since the day of Brooks Tonn's passing, blue and yellow cups have adorned the 47th Street Bridge over Interstate 294 with his rallying cry "Brooks Strong"; and

WHEREAS, It is fitting that we provide a lasting honor to the memory of Brooks Tonn; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the 47th Street Bridge over Interstate 294 as the "Brooks Edwin Tonn Memorial Bridge"; and be it further

RESOLVED, That the Illinois Toll Highway Authority is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the "Brooks Edwin Tonn Memorial Bridge"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Brooks Tonn, the Illinois Toll Highway Authority, and the Brooks Strong Foundation.

Adopted by the House, May 12, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 13 was referred to the Committee on Assignments.

APPOINTMENT MESSAGES

Appointment Message No. 1020163

To the Honorable Members of the Senate, One Hundred Second General Assembly:

I, JB Pritzker, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Prisoner Review Board

Start Date: May 17, 2021

End Date: January 18, 2027

Name: Jared Bohland

Residence: 2519 W. Macon St., Decatur, IL 62522

Annual Compensation: $87,947

Per diem: Not Applicable

Nominee's Senator: Senator Doris Turner

Most Recent Holder of Office: Kenneth Tupy

Superseded Appointment Message: Not Applicable

Appointment Message No. 1020164

To the Honorable Members of the Senate, One Hundred Second General Assembly:

I, JB Pritzker, Governor, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Lottery Control Board

Start Date: July 1, 2021

End Date: July 1, 2024

Name: Alejandra Garza

Residence: 2417 W. Lunt Ave., Apt. 2W, Chicago, IL 60645

Annual Compensation: Expenses

Per diem: $100 (maximum of $1,200 per annum)

Nominee's Senator: Senator Ram Villivalam

Most Recent Holder of Office: Alejandra Garza

Superseded Appointment Message: Not Applicable

Appointment Message No. 1020165

To the Honorable Members of the Senate, One Hundred Second General Assembly:

I, JB Pritzker, Governor, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: State Board of Elections

Start Date: July 1, 2021

End Date: June 30, 2025

Name: Ian Linnabary

Residence: 2118 Oaklawn Ave., Rockford, IL 61107

Annual Compensation: $38,473 per annum

Per diem: Not Applicable

Nominee's Senator: Senator Steve Stadelman

Most Recent Holder of Office: Ian Linnabary

Superseded Appointment Message: Not Applicable

Appointment Message No. 1020166

To the Honorable Members of the Senate, One Hundred Second General Assembly:

I, JB Pritzker, Governor, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: State Board of Elections

Start Date: July 1, 2021

End Date: June 30, 2025

Name: Catherine McCrory Rossmiller

Residence: 339 6th Ave., LaGrange, IL 60525

Annual Compensation: $38,473 per annum

Per diem: Not Applicable

Nominee's Senator: Senator Kimberly A. Lightford

Most Recent Holder of Office: Katherine O'Brien

Superseded Appointment Message: Not Applicable

Appointment Message No. 1020167

To the Honorable Members of the Senate, One Hundred Second General Assembly:

I, JB Pritzker, Governor, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: State Board of Elections

Start Date: July 1, 2021

End Date: June 30, 2025

Name: Rick S. Terven Sr.

Residence: 66 N. Fox Mill Ln., Springfield, IL 62712

Annual Compensation: $38,473 per annum

Per diem: Not Applicable

Nominee's Senator: Senator Steve McClure

Most Recent Holder of Office: Charles Scholz

Superseded Appointment Message: Not Applicable

Appointment Message No. 1020168

To the Honorable Members of the Senate, One Hundred Second General Assembly:

I, JB Pritzker, Governor, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: State Board of Elections

Start Date: July 1, 2021

End Date: June 30, 2025

Name: Casandra Watson

Residence: 8259 S. Carpenter St., Chicago, IL 60620

Annual Compensation: $38,473 per annum

Per diem: Not Applicable

Nominee's Senator: Senator Jacqueline Y. Collins

Most Recent Holder of Office: Casandra Watson

Superseded Appointment Message: Not Applicable

Appointment Message No. 1020169

To the Honorable Members of the Senate, One Hundred Second General Assembly:

I, JB Pritzker, am nominating and, having sought the advice of the Senate and by and with the consent of the Senate, appointing the following named individual to the office enumerated below. The consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Mid-Illinois Medical District

Start Date: July 1, 2021

End Date: June 30, 2026

Name: John Stremsterfer

Residence: 2149 South Glenwood Avenue, Springfield, Illinois 62704

Annual Compensation: Unsalaried

Per diem: Not Applicable

Nominee's Senator: Senator Steve McClure

Most Recent Holder of Office: John Stremsterfer

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Executive Appointments.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1092, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

MOTION

Senator Morrison moved that pursuant to Senate Rule 4-1(e), Senators Bryant, Ellman, Harris and Stewart be allowed to remotely participate and vote in today's session.

The motion prevailed.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Villanueva, **House Bill No. 25** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Human Rights, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 25

AMENDMENT NO. 1 . Amend House Bill 25 by replacing line 15 on page 5 through line 3 on page 6 with the following:

"(b) The Task Force shall consist of 7 members appointed by the Governor with the advice and consent of the Senate, in consultation with the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Attorney General, and the Secretary of Human Services.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator D. Turner, **House Bill No. 41** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 41

AMENDMENT NO. 1 . Amend House Bill 41 as follows:

on page 2, line 17, after "State", by inserting ", if any,"; and

on page 2, line 25, after "State", by inserting ", if any"; and

on page 13, line 22, after "State", by inserting ", if any,"; and

on page 14, line 4, after "State", by inserting ", if any".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cunningham, **House Bill No. 40** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connor, **House Bill No. 53** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 56** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Johnson, **House Bill No. 58** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fine, **House Bill No. 60** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Safety, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 60

AMENDMENT NO. 1 . Amend House Bill 60 on page, lines 10 through 12, by replacing "include a gymnastic training facility that derives all of its revenue from supervised instruction in the teaching of gymnastic skills." with "include a gymnastic training facility that only utilizes trampolines during the supervised instruction of gymnastic skills.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 102** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connor, **House Bill No. 115** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martwick, **House Bill No. 117** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **House Bill No. 118** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **House Bill No. 119** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Health, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 119

AMENDMENT NO. 1 . Amend House Bill 119 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Drug Reuse Opportunity Program Act.

Section 5. Definitions. In this Act:

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of 21 CFR 1308.

"Dispense" has the same meaning as defined in Section 3 of the Pharmacy Practice Act.

"Donor" means any person, including an individual member of the public, or any entity legally authorized to possess medicine, including, but not limited to, a wholesaler or distributor, third party logistic provider, pharmacy, dispenser, clinic, surgical or health center, detention and rehabilitation center, jail, prison laboratory, medical or pharmacy school, prescriber or other health care professional, long-term care facility, or healthcare facility. "Donor" includes government agencies and entities that are federally authorized to possess medicine, including, but not limited to, drug manufacturers, repackagers, relabelers, outsourcing facilities, health care facilities operated by the U.S. Department of Veterans Affairs, and prisons.

"Drug" means a prescription drug, over-the-counter drug, or supplies needed to administer a prescription or over-the-counter drug.

"Eligible patient" means an individual:

(1) with a prescription for the drug, if a prescription is required to dispense the drug, or who reports symptoms treated by the drug if the drug is over-the-counter; and

(2) who is registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements, if the registration is required to dispense the drug.

"Manufacturer" has the same meaning as defined in Section 15 of the Wholesale Drug Distribution Licensing Act.

"Pharmacist" means an individual licensed to engage in the practice of pharmacy under the Pharmacy Practice Act or licensed to engage in the practice of pharmacy in another state.

"Practitioner" means a person licensed in this State to dispense or administer drugs or who is licensed in another state as a person authorized to dispense or administer drugs.

"Prescription drug" means any prescribed drug that may be legally dispensed by a pharmacy. "Prescription drug" does not include a drug for the treatment of cancer that can only be dispensed to a patient registered with the drug manufacturer in accordance with the federal Food and Drug Administration's requirements.

"Priority patient" means an eligible patient who is an Illinois resident and who is indigent, uninsured, underinsured, or enrolled in a public health benefits program.

"Recipient" means any person or entity legally authorized to possess medicine with a license or permit in the state in which the person or entity is located, including, but not limited to, a wholesaler or distributor, reverse distributor, repackager, hospital, pharmacy, or clinic.

"Returns processor" has the same meaning as defined in paragraph (18) of 21 U.S.C. 360eee. "Returns processor" includes, but is not limited to, a reverse distributor.

"Unopened tamper-evident packaging" has the same meaning as defined in the United States Pharmacopeia (USP) General Chapter 659, Packaging and Storage Requirements, including, but not limited to, unopened unit-dose, multiple-dose, immediate, secondary, and tertiary packaging.

Section 10. Donating and receiving drugs. Notwithstanding any other law or rule, donors may donate drugs to recipients and recipients may receive donated drugs from donors. Recipients shall only dispense or administer drugs to eligible patients as described in Section 20, further donate drugs to another recipient as described in Section 30, or dispose of drugs as described in Section 35.

Section 15. Cost-free provision of drugs. Drugs donated for use under this Act are considered nonsaleable. When dispensing a drug to an eligible patient, the recipient must do so at no cost to the eligible patient, except that a uniform reasonable handling fee may be charged. The handling fee may not exceed the direct or indirect cost to the recipient of providing the drug. Charging the fee does not constitute reselling.

Section 20. Requirements for dispensing drugs; priority.

(a) A recipient may only dispense or administer a prescription drug or provide an over-the-counter drug:

(1) if the recipient is otherwise permitted by law to dispense or administer the drug;

(2) that meets the requirements in Section 25;

(3) that is repackaged into a new container or is in its original container with all previous patient information redacted or removed;

(4) that is properly labeled in accordance with the rules and regulations of the Board of Pharmacy;

(5) that has an expiration or beyond-use date brought forward from the donated prescription drug or over-the-counter drug that will not expire before the use by the eligible patient based on the prescribing practitioner's directions for use or, for over-the-counter medicine, on the package's label; and

(6) that is not adulterated or misbranded, as determined by a pharmacist or practitioner.

(b) Recipients shall, to the greatest extent practicable, dispense drugs received under this Act to priority patients.

Section 25. Requirements for accepting drugs. A drug received but not yet accepted into inventory shall be kept in a separate designated area. A drug may be accepted under this Act only if all of the following requirements are met:

(1) The drug is in unopened tamper-evident packaging or has been repackaged according to Section 30.

(2) The drug is not expired.

(3) The drug is not a controlled substance.

(4) The recipient maintains a written or electronic record of a donation made under this Act consisting of the name, strength, and quantity of each accepted drug and the name, address, and telephone number of the donor, unless a recipient is further donating to a recipient under common ownership or common control. Notwithstanding any other law or rule, no other record of a donation is required.

(5) The donor has removed or redacted any patient name and prescription number and any other patient identifying information on the drug or otherwise maintains patient confidentiality by executing a confidentiality agreement with the recipient according to all State and federal medical patient privacy laws, rules, or regulations.

(6) The drug has a method recognized by the United States Pharmacopeia to detect improper temperature variations if the drug requires temperature control other than room temperature storage.

Section 30. Donating and repackaging. Notwithstanding any other law or rule, a recipient may:

(1) further donate drugs to another recipient;

(2) repackage donated drugs as necessary for storage, dispensing, administration, or transfers in accordance with the following:

(A) repackaged medicine shall be labeled with the drug's name, strength, and expiration date, and shall be kept in a separate designated area until inspected and initialed by a pharmacist, practitioner, or a pharmacy technician; and

(B) if multiple packaged donated medicines with varied expiration dates are repackaged together, the shortest expiration date shall be used; and

(3) replenish a drug of the same drug name and strength previously dispensed or administered to an eligible patient in accordance with Section 340B of the federal Public Health Service Act.

Section 35. Disposition of drugs. A donated drug that does not meet the requirements of Section 25 must be disposed of by returning it to the donor, destroying it by an incinerator, medical waste hauler, or other lawful method, or transferring it to a returns processor. A record of disposal shall consist of the disposal method, the date of disposal, and the name and quantity of the drug disposed of. Notwithstanding any other law or rule, no other record of disposal shall be required.

Section 40. Participation not required. Nothing in this Act requires that a pharmacy or pharmacist be a recipient of drugs under this Act.

Section 45. Recordkeeping requirements. When performing any action associated with a program under this Act or otherwise processing a donated drug for tax, manufacturer, or other credit, a recipient shall be considered to be acting as a returns processor and shall comply with all recordkeeping requirements for nonsaleable returns under federal law.

Section 50. Change of ownership. A donation or other transfer of possession or control of a drug under this Act shall not be construed as a change of ownership unless it is specified as such by the recipient. If a record of the donation's transaction information or history is required, the history shall begin with the

donor of the drug, include all prior donations, and, if the drug was previously dispensed, only include drug information required to be on the patient label in accordance with the Board of Pharmacy's rules and regulations.

Section 55. Retention of records. All records required under this Act shall be retained in physical or electronic format and on or off the recipient's premises for a period of 6 years. Donors or recipients may contract with one another or a third party to create or maintain records on each other's behalf. An identifier, such as a serial number or bar code, may be used in place of any or all information required by a record or label pursuant to this Act if it allows for such information to be readily retrievable. Upon request by a State or federal regulatory agency, the identifier used for requested records shall be replaced with the original information. An identifier shall not be used on patient labels when dispensing or administering a drug.

Section 60. Authority. This Act supersedes any inconsistent law or rule for activities conducted under this Act.

Section 65. Immunity.

(a) Except as provided in subsection (b), no manufacturer, donor, or recipient shall be liable in any criminal or civil action, or be subject to professional discipline, for activities solely and directly attributable to donating, receiving, or dispensing drugs under this Act.

(b) The immunity provided in subsection (a) shall not apply:

(1) if it is shown that the act or omission was an unreasonable, willful, wanton, or reckless act;

(2) if it is shown that the person or entity knew or should have known that the donated drug was adulterated or misbranded; or

(3) to acts or omissions outside the scope of a program under this Act.

Section 90. The Pharmacy Practice Act is amended by changing Section 4 as follows:

(225 ILCS 85/4) (from Ch. 111, par. 4124)

(Section scheduled to be repealed on January 1, 2023)

Sec. 4. Exemptions. Nothing contained in any Section of this Act shall apply to, or in any manner interfere with:

(a) the lawful practice of any physician licensed to practice medicine in all of its branches, dentist, podiatric physician, veterinarian, or therapeutically or diagnostically certified optometrist within the limits of his or her license, or prevent him or her from supplying to his or her bona fide patients such drugs, medicines, or poisons as may seem to him appropriate;

(b) the sale of compressed gases;

(c) the sale of patent or proprietary medicines and household remedies when sold in original and unbroken packages only, if such patent or proprietary medicines and household remedies be properly and adequately labeled as to content and usage and generally considered and accepted as harmless and nonpoisonous when used according to the directions on the label, and also do not contain opium or coca leaves, or any compound, salt or derivative thereof, or any drug which, according to the latest editions of the following authoritative pharmaceutical treatises and standards, namely, The United States Pharmacopoeia/National Formulary (USP/NF), the United States Dispensatory, and the Accepted Dental Remedies of the Council of Dental Therapeutics of the American Dental Association or any or either of them, in use on the effective date of this Act, or according to the existing provisions of the Federal Food, Drug, and Cosmetic Act and Regulations of the Department of Health and Human Services, Food and Drug Administration, promulgated thereunder now in effect, is designated, described or considered as a narcotic, hypnotic, habit forming, dangerous, or poisonous drug;

(d) the sale of poultry and livestock remedies in original and unbroken packages only, labeled for poultry and livestock medication;

(e) the sale of poisonous substances or mixture of poisonous substances, in unbroken packages, for nonmedicinal use in the arts or industries or for insecticide purposes; provided, they are properly and adequately labeled as to content and such nonmedicinal usage, in conformity with the provisions of all applicable federal, state and local laws and regulations promulgated thereunder now in effect relating thereto and governing the same, and those which are required under such applicable laws and regulations to be labeled with the word "Poison", are also labeled with the word "Poison" printed

thereon in prominent type and the name of a readily obtainable antidote with directions for its administration;

(f) the delegation of limited prescriptive authority by a physician licensed to practice medicine in all its branches to a physician assistant under Section 7.5 of the Physician Assistant Practice Act of 1987. This delegated authority under Section 7.5 of the Physician Assistant Practice Act of 1987 may, but is not required to, include prescription of controlled substances, as defined in Article II of the Illinois Controlled Substances Act, in accordance with a written supervision agreement;

(g) the delegation of prescriptive authority by a physician licensed to practice medicine in all its branches or a licensed podiatric physician to an advanced practice registered nurse in accordance with a written collaborative agreement under Sections 65-35 and 65-40 of the Nurse Practice Act; ~~and~~

(g-5) the donation or acceptance, or the packaging, repackaging, or labeling, of drugs to the extent permitted under the Illinois Drug Reuse Opportunity Program Act; and

(h) the sale or distribution of dialysate or devices necessary to perform home peritoneal renal dialysis for patients with end-stage renal disease, provided that all of the following conditions are met:

(1) the dialysate, comprised of dextrose or icodextrin, or devices are approved or cleared by the federal Food and Drug Administration, as required by federal law;

(2) the dialysate or devices are lawfully held by a manufacturer or the manufacturer's agent, which is properly registered with the Board as a manufacturer, third-party logistics provider, or wholesaler;

(3) the dialysate or devices are held and delivered to the manufacturer or the manufacturer's agent in the original, sealed packaging from the manufacturing facility;

(4) the dialysate or devices are delivered only upon receipt of a physician's prescription by a licensed pharmacy in which the prescription is processed in accordance with provisions set forth in this Act, and the transmittal of an order from the licensed pharmacy to the manufacturer or the manufacturer's agent; and

(5) the manufacturer or the manufacturer's agent delivers the dialysate or devices directly to: (i) a patient with end-stage renal disease, or his or her designee, for the patient's self-administration of the dialysis therapy or (ii) a health care provider or institution for administration or delivery of the dialysis therapy to a patient with end-stage renal disease.

This paragraph (h) does not include any other drugs for peritoneal dialysis, except dialysate, as described in item (1) of this paragraph (h). All records of sales and distribution of dialysate to patients made pursuant to this paragraph (h) must be retained in accordance with Section 18 of this Act.

(Source: P.A. 100-218, eff. 8-18-17; 100-513, eff. 1-1-18; 100-863, eff. 8-14-18; 101-420, eff. 8-16-19.)

Section 95. The Wholesale Drug Distribution Licensing Act is amended by changing Section 15 as follows:

(225 ILCS 120/15) (from Ch. 111, par. 8301-15)

(Section scheduled to be repealed on January 1, 2023)

Sec. 15. Definitions. As used in this Act:

"Authentication" means the affirmative verification, before any wholesale distribution of a prescription drug occurs, that each transaction listed on the pedigree has occurred.

"Authorized distributor of record" means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between a wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in Section 1504 of the Internal Revenue Code, complies with the following:

(1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing the ongoing relationship; and

(2) The wholesale distributor is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.

"Blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing.

"Blood component" means that part of blood separated by physical or mechanical means.

"Board" means the State Board of Pharmacy of the Department of Professional Regulation.

"Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of the drugs to a group of chain or mail order

pharmacies that have the same common ownership and control. Notwithstanding any other provision of this Act, a chain pharmacy warehouse shall be considered part of the normal distribution channel.

"Co-licensed partner or product" means an instance where one or more parties have the right to engage in the manufacturing or marketing of a prescription drug, consistent with the FDA's implementation of the Prescription Drug Marketing Act.

"Department" means the Department of Financial and Professional Regulation.

"Drop shipment" means the sale of a prescription drug to a wholesale distributor by the manufacturer of the prescription drug or that manufacturer's co-licensed product partner, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor or by an authorized distributor of record that purchased the product directly from the manufacturer or one of these entities whereby the wholesale distributor or chain pharmacy warehouse takes title but not physical possession of such prescription drug and the wholesale distributor invoices the pharmacy, chain pharmacy warehouse, or other person authorized by law to dispense or administer such drug to a patient and the pharmacy, chain pharmacy warehouse, or other authorized person receives delivery of the prescription drug directly from the manufacturer, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor or from an authorized distributor of record that purchased the product directly from the manufacturer or one of these entities.

"Drug sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

"Facility" means a facility of a wholesale distributor where prescription drugs are stored, handled, repackaged, or offered for sale, or a facility of a third-party logistics provider where prescription drugs are stored or handled.

"FDA" means the United States Food and Drug Administration.

"Manufacturer" means a person licensed or approved by the FDA to engage in the manufacture of drugs or devices, consistent with the definition of "manufacturer" set forth in the FDA's regulations and guidances implementing the Prescription Drug Marketing Act. <u>"Manufacturer" does not include anyone who is engaged in the packaging, repackaging, or labeling of drugs only to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.</u>

"Manufacturer's exclusive distributor" means anyone who contracts with a manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug. A manufacturer's exclusive distributor must be licensed as a wholesale distributor under this Act and, in order to be considered part of the normal distribution channel, must also be an authorized distributor of record.

"Normal distribution channel" means a chain of custody for a prescription drug that goes, directly or by drop shipment, from (i) a manufacturer of the prescription drug, (ii) that manufacturer to that manufacturer's co-licensed partner, (iii) that manufacturer to that manufacturer's third party logistics provider, or (iv) that manufacturer to that manufacturer's exclusive distributor to:

(1) a pharmacy or to other designated persons authorized by law to dispense or administer the drug to a patient;

(2) a wholesale distributor to a pharmacy or other designated persons authorized by law to dispense or administer the drug to a patient;

(3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer the drug to a patient;

(4) a chain pharmacy warehouse to the chain pharmacy warehouse's intracompany pharmacy or other designated persons authorized by law to dispense or administer the drug to the patient;

(5) an authorized distributor of record to one other authorized distributor of record to an office-based health care practitioner authorized by law to dispense or administer the drug to the patient; or

(6) an authorized distributor to a pharmacy or other persons licensed to dispense or administer the drug.

"Pedigree" means a document or electronic file containing information that records each wholesale distribution of any given prescription drug from the point of origin to the final wholesale distribution point of any given prescription drug.

"Person" means and includes a natural person, partnership, association, corporation, or any other legal business entity.

"Pharmacy distributor" means any pharmacy licensed in this State or hospital pharmacy that is engaged in the delivery or distribution of prescription drugs either to any other pharmacy licensed in this State or to any other person or entity including, but not limited to, a wholesale drug distributor engaged in the delivery or distribution of prescription drugs who is involved in the actual, constructive, or attempted transfer of a drug in this State to other than the ultimate consumer except as otherwise provided for by law.

"Prescription drug" means any human drug, including any biological product (except for blood and blood components intended for transfusion or biological products that are also medical devices), required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and bulk drug substances subject to Section 503 of the Federal Food, Drug and Cosmetic Act.

"Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug, excluding that completed by the pharmacist responsible for dispensing the product to a patient.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Third-party logistics provider" means anyone who contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition.

"Wholesale distribution" means the distribution of prescription drugs to persons other than a consumer or patient, but does not include any of the following:

(1) Intracompany sales of prescription drugs, meaning (i) any transaction or transfer between any division, subsidiary, parent, or affiliated or related company under the common ownership and control of a corporate entity or (ii) any transaction or transfer between co-licensees of a co-licensed product.

(2) The sale, purchase, distribution, trade, or transfer of a prescription drug or offer to sell, purchase, distribute, trade, or transfer a prescription drug for emergency medical reasons.

(3) The distribution of prescription drug samples by manufacturers' representatives.

(4) Drug returns, when conducted by a hospital, health care entity, or charitable institution in accordance with federal regulation.

(5) The sale of minimal quantities of prescription drugs by licensed pharmacies to licensed practitioners for office use or other licensed pharmacies.

(6) The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription.

(7) The sale, transfer, merger, or consolidation of all or part of the business of a pharmacy or pharmacies from or with another pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets.

(8) The sale, purchase, distribution, trade, or transfer of a prescription drug from one authorized distributor of record to one additional authorized distributor of record when the manufacturer has stated in writing to the receiving authorized distributor of record that the manufacturer is unable to supply the prescription drug and the supplying authorized distributor of record states in writing that the prescription drug being supplied had until that time been exclusively in the normal distribution channel.

(9) The delivery of or the offer to deliver a prescription drug by a common carrier solely in the common carrier's usual course of business of transporting prescription drugs when the common carrier does not store, warehouse, or take legal ownership of the prescription drug.

(10) The sale or transfer from a retail pharmacy, mail order pharmacy, or chain pharmacy warehouse of expired, damaged, returned, or recalled prescription drugs to the original manufacturer, the originating wholesale distributor, or a third party returns processor.

(11) The donation of drugs to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

"Wholesale drug distributor" means anyone engaged in the wholesale distribution of prescription drugs into, out of, or within the State, including without limitation manufacturers; repackers; own label distributors; jobbers; private label distributors; brokers; warehouses, including manufacturers' and distributors' warehouses; manufacturer's exclusive distributors; and authorized distributors of record; drug wholesalers or distributors; independent wholesale drug traders; specialty wholesale distributors; and retail

pharmacies that conduct wholesale distribution; and chain pharmacy warehouses that conduct wholesale distribution. In order to be considered part of the normal distribution channel, a wholesale distributor must also be an authorized distributor of record.
(Source: P.A. 101-420, eff. 8-16-19.)

Section 100. The Senior Pharmaceutical Assistance Act is amended by changing Section 10 as follows:

(320 ILCS 50/10)

Sec. 10. Definitions. In this Act:

"Manufacturer" includes:

(1) An entity that is engaged in (a) the production, preparation, propagation, compounding, conversion, or processing of prescription drug products (i) directly or indirectly by extraction from substances of natural origin, (ii) independently by means of chemical synthesis, or (iii) by combination of extraction and chemical synthesis; or (b) the packaging, repackaging, labeling or re-labeling, or distribution of prescription drug products.

(2) The entity holding legal title to or possession of the national drug code number for the covered prescription drug.

The term does not include a wholesale distributor of drugs, drugstore chain organization, or retail pharmacy licensed by the State. The term also does not include anyone who is engaged in the packaging, repackaging, or labeling of drugs only to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

"Prescription drug" means a drug that may be dispensed only upon prescription by an authorized prescriber and that is approved for safety and effectiveness as a prescription drug under Section 505 or 507 of the Federal Food, Drug and Cosmetic Act.

"Senior citizen" or "senior" means a person 65 years of age or older.
(Source: P.A. 92-594, eff. 6-27-02.)

Section 105. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 16 as follows:

(410 ILCS 620/16) (from Ch. 56 1/2, par. 516)

Sec. 16. (a) The Director is hereby authorized to promulgate regulations exempting from any labeling or packaging requirement of this Act drugs and devices which are (i), in accordance with the practice of the trade, to be processed, labeled or repacked in substantial quantities at establishments other than those where originally processed or packaged on condition that such drugs and devices are not adulterated or misbranded under the provisions of this Act upon removal from such processing, labeling or repacking establishment or (ii) packaged, repackaged, or labeled to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

(b) Drugs and device labeling or packaging exemptions adopted under the Federal Act and supplements thereto or revisions thereof shall apply to drugs and devices in Illinois except insofar as modified or rejected by regulations promulgated by the Director.

(c) A drug intended for use by man which (A) is a habit-forming drug to which Section 15 (d) applies; or (B) because of its toxicity or other potentiality for harmful effect or the method of its use or the collateral measures necessary to its use is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or (C) is limited by an approved application under Section 505 of the Federal Act or Section 17 of this Act to use under the professional supervision of a practitioner licensed by law to administer such drug, shall be dispensed only in accordance with the provisions of the "Illinois Controlled Substances Act". The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in a drug being misbranded while held for sale.

(d) Any drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug shall be exempt from the requirements of Section 15, except subsections (a), (k) and (l) and clauses (2) and (3) of subsection (i), and the packaging requirements of subsections (g), (h) and (q), if the drug bears a label containing the proprietary name or names, or if there is none, the established name or names of the drugs, the dosage and quantity, unless the prescribing practitioner, in the interest of the health of the patient, directs otherwise in writing, the name and address of the dispenser, the serial number and date of the prescription or of its filling, the name of the prescriber and, if stated in the prescription, the name of the patient, and the directions for use and the cautionary statements, if any,

contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of subsection (a) of this Section.

(e) The Director may by regulation remove drugs subject to Section 15 (d) and Section 17 from the requirements of subsection (c) of this Section when such requirements are not necessary for the protection of the public health.

(f) A drug which is subject to subsection (c) of this Section shall be deemed to be misbranded if at any time before dispensing its label fails to bear the statement "Caution: Federal Law Prohibits Dispensing Without Prescription" or "Caution: State Law Prohibits Dispensing Without Prescription". A drug to which subsection (c) of this Section does not apply shall be deemed to be misbranded if at any time prior to dispensing its label bears the caution statement quoted in the preceding sentence.

(g) Nothing in this Section shall be construed to relieve any person from any requirement prescribed by or under authority of law with respect to controlled substances now included or which may hereafter be included within the classifications of controlled substances cannabis as defined in applicable Federal laws relating to controlled substances or cannabis or the Cannabis Control Act.

(Source: P.A. 84-1308.)

Section 110. The Illinois Controlled Substances Act is amended by changing Section 102 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his or her addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

(1) a practitioner (or, in his or her presence, by his or her authorized agent),

(2) the patient or research subject pursuant to an order, or

(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, dispenser, prescriber, or practitioner. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes:

(i) 3[beta],17-dihydroxy-5a-androstane,

(ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

(iii) 5[alpha]-androstan-3,17-dione,

(iv) 1-androstenediol (3[beta], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

(v) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

(vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene),

(vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene),

(viii) 1-androstenedione ([5alpha]-androst-1-en-3,17-dione),

(ix) 4-androstenedione (androst-4-en-3,17-dione),

(x) 5-androstenedione (androst-5-en-3,17-dione),

(xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-hydroxyandrost-4-en-3-one),

(xii) boldenone (17[beta]-hydroxyandrost-

1,4,-diene-3-one),
(xiii) boldione (androsta-1,4-diene-3,17-dione),
(xiv) calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one),
(xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one),
(xvi) dehydrochloromethyltestosterone (4-chloro-17[beta]-hydroxy-17[alpha]-methyl-androst-1,4-dien-3-one),
(xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol)(a.k.a., madol),
(xviii) [delta]1-dihydrotestosterone (a.k.a. '1-testosterone') (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one),
(xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one),
(xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one),
(xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene),
(xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-1[beta],17[beta]-dihydroxyandrost-4-en-3-one),
(xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one),
(xxiv) furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan),
(xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,
(xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-4-en-3-one),
(xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-estr-4-en-3-one),
(xxviii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5-androstan-3-one),
(xxix) mesterolone (1amethyl-17[beta]-hydroxy-[5a]-androstan-3-one),
(xxx) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one),
(xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene),
(xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one),
(xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstane,
(xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5a-androstane,
(xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene),
(xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),
(xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one),
(xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one),
(xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one),

(xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-hydroxyestr-4-en-3-one),
(xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one)(a.k.a. '17-[alpha]-methyl-1-testosterone'),
(xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),
(xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-dihydroxyestr-4-ene),
(xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-dihydroxyestr-4-ene),
(xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-dihydroxyestr-5-ene),
(xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-dihydroxyestr-5-ene),
(xlvii) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione),
(xlviii) 19-nor-4-androstenedione (estr-4-en-3,17-dione),
(xlix) 19-nor-5-androstenedione (estr-5-en-3,17-dione),
(l) norbolethone (13[beta], 17a-diethyl-17[beta]-hydroxygon-4-en-3-one),
(li) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one),
(lii) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one),
(liii) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one),
(liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one),
(lv) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one),
(lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-(5[alpha]-androstan-3-one),
(lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-(5[alpha]-androst-2-eno[3,2-c]-pyrazole),
(lviii) stenbolone (17[beta]-hydroxy-2-methyl-(5[alpha]-androst-1-en-3-one),
(lix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone),
(lx) testosterone (17[beta]-hydroxyandrost-4-en-3-one),
(lxi) tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one),
(lxii) trenbolone (17[beta]-hydroxyestr-4,9, 11-trien-3-one).

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(d-5) "Clinical Director, Prescription Monitoring Program" means a Department of Human Services administrative employee licensed to either prescribe or dispense controlled substances who shall run the clinical aspects of the Department of Human Services Prescription Monitoring Program and its Prescription Information Library.

(d-10) "Compounding" means the preparation and mixing of components, excluding flavorings, (1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or (2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. "Compounding" includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if both of the following conditions are met: (i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means (i) a drug, substance, immediate precursor, or synthetic drug in the Schedules of Article II of this Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the Department through administrative rule. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in the Liquor Control Act of 1934 and the Tobacco Products Tax Act of 1995.

(f-5) "Controlled substance analog" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or

(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship. <u>"Deliver" or "delivery" does not include the donation of drugs to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.</u>

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) (Blank).

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Financial and Professional Regulation" means the Department of Financial and Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" means any drug that (i) causes an overall depression of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including but not limited to alcohol, cannabis and its active principles and their analogs, benzodiazepines and their analogs, barbiturates and their analogs, opioids (natural and synthetic) and their analogs, and chloral hydrate and similar sedative hypnotics.

(n) (Blank).

(o) "Director" means the Director of the Illinois State Police or his or her designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-3) "Electronic health record" or "EHR" means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

(t-4) "Emergency medical services personnel" has the meaning ascribed to it in the Emergency Medical Services (EMS) Systems Act.

(t-5) "Euthanasia agency" means an entity certified by the Department of Financial and Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his or her treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

(1) lack of consistency of prescriber-patient relationship,

(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,

(3) quantities beyond those normally prescribed,

(4) unusual dosages (recognizing that there may be clinical circumstances where more or less than the usual dose may be used legitimately),

(5) unusual geographic distances between patient, pharmacist and prescriber,

(6) consistent prescribing of habit-forming drugs.

(u-0.5) "Hallucinogen" means a drug that causes markedly altered sensory perception leading to hallucinations of any type.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(u-5) "Illinois State Police" means the State Police of the State of Illinois, or its successor agency.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his or her own use; ~~or~~

(2) by a practitioner, or his or her authorized agent under his or her supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale; or~~.~~

(3) the packaging, repackaging, or labeling of drugs only to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

(z-1) (Blank).

(z-5) "Medication shopping" means the conduct prohibited under subsection (a) of Section 314.5 of this Act.

(z-10) "Mid-level practitioner" means (i) a physician assistant who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches, in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, (ii) an advanced practice registered nurse who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches or by a podiatric physician, in accordance with Section 65-40 of the Nurse Practice Act, (iii) an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act, (iv) an animal euthanasia agency, or (v) a prescribing psychologist.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation; however the term "narcotic drug" does not include the isoquinoline alkaloids of opium;

(2) (blank);

(3) opium poppy and poppy straw;

(4) coca leaves, except coca leaves and extracts of coca leaves from which substantially all of the cocaine and ecgonine, and their isomers, derivatives and salts, have been removed;

(5) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(6) ecgonine, its derivatives, their salts, isomers, and salts of isomers;

(7) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs (1) through (6).

(bb) "Nurse" means a registered nurse licensed under the Nurse Practice Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(ee-5) "Oral dosage" means a tablet, capsule, elixir, or solution or other liquid form of medication intended for administration by mouth, but the term does not include a form of medication intended for buccal, sublingual, or transmucosal administration.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a license or certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act.

(ii-5) "Pharmacy shopping" means the conduct prohibited under subsection (b) of Section 314.5 of this Act.

(ii-10) "Physician" (except when the context otherwise requires) means a person licensed to practice medicine in all of its branches.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatric physician, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice registered nurse, licensed practical nurse, registered nurse, emergency medical services personnel, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance; the term does not mean a written prescription that is individually generated by machine or computer in the prescriber's office.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, optometrist, prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical Psychologist Licensing Act, podiatric physician, or veterinarian who issues a prescription, a physician assistant who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, an advanced practice registered nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act and in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section

65-35 of the Nurse Practice Act, an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05, or an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act.

(nn) "Prescription" means a written, facsimile, or oral order, or an electronic order that complies with applicable federal requirements, of a physician licensed to practice medicine in all its branches, dentist, podiatric physician or veterinarian for any controlled substance, of an optometrist in accordance with Section 15.1 of the Illinois Optometric Practice Act of 1987, of a prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical Psychologist Licensing Act, of a physician assistant for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, of an advanced practice registered nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05 when required by law, or of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act.

(nn-5) "Prescription Information Library" (PIL) means an electronic library that contains reported controlled substance data.

(nn-10) "Prescription Monitoring Program" (PMP) means the entity that collects, tracks, and stores reported data on controlled substances and select drugs pursuant to Section 316.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(qq-5) "Secretary" means, as the context requires, either the Secretary of the Department or the Secretary of the Department of Financial and Professional Regulation, and the Secretary's designated agents.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(rr-5) "Stimulant" means any drug that (i) causes an overall excitation of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including but not limited to amphetamines and their analogs, methylphenidate and its analogs, cocaine, and phencyclidine and its analogs.

(rr-10) "Synthetic drug" includes, but is not limited to, any synthetic cannabinoids or piperazines or any synthetic cathinones as provided for in Schedule I.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(Source: P.A. 99-78, eff. 7-20-15; 99-173, eff. 7-29-15; 99-371, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 100-280, eff. 1-1-18; 100-453, eff. 8-25-17; 100-513, eff. 1-1-18; 100-789, eff. 1-1-19; 100-863, eff. 8-14-18.)

Section 115. The Cannabis and Controlled Substances Tort Claims Act is amended by changing Section 3 as follows:

(740 ILCS 20/3) (from Ch. 70, par. 903)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

"Cannabis" includes marihuana, hashish, and other substances that are identified as including any parts of the plant Cannabis Sativa, whether growing or not, the seeds of that plant, the resin extracted from any part of that plant, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by

extraction, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. "Cannabis" does not include the mature stalks of that plant, fiber produced from those stalks, oil or cake made from the seeds of that plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks (except the extracted resin), fiber, oil or cake, or the sterilized seeds of that plant that are incapable of germination.

"Controlled substance" means a drug, substance, or immediate precursor in the Schedules of Article II of the Illinois Controlled Substances Act.

"Counterfeit substance" means a controlled substance or the container or labeling of a controlled substance that, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, device, or any likeness thereof of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of possession of a controlled substance or cannabis, with or without consideration, whether or not there is an agency relationship. "Deliver" or "delivery" does not include the donation of drugs to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that the term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his own use;

(2) by a practitioner or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(A) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(B) as an incident to lawful research, teaching or chemical analysis and not for sale; ~~or~~

(3) the preparation, compounding, packaging, or labeling of cannabis as an incident to lawful research, teaching, or chemical analysis and not for sale; or ~~.~~

(4) the packaging, repackaging, or labeling of drugs only to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

"Owner" means a person who has possession of or any interest whatsoever in the property involved.

"Person" means an individual, a corporation, a government, a governmental subdivision or agency, a business trust, an estate, a trust, a partnership or association, or any other entity.

"Production" means planting, cultivating, tending, or harvesting.

"Property" means real property, including things growing on, affixed to, and found in land, and tangible or intangible personal property, including rights, services, privileges, interests, claims, and securities.

(Source: P.A. 96-328, eff. 8-11-09.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Pacione-Zayas, **House Bill No. 51** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Loughran Cappel, **House Bill No. 122** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **House Bill No. 155** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 165** was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Energy and Public Utilities.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Wilcox, **House Bill No. 185** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Feigenholtz, **House Bill No. 214** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 214

AMENDMENT NO. 1 . Amend House Bill 214 by replacing everything after the enacting clause with the following:

"Section 5. The Vital Records Act is amended by changing Sections 1, 18, 20, and 21 as follows:

(410 ILCS 535/1) (from Ch. 111 1/2, par. 73-1)

Sec. 1. As used in this Act, unless the context otherwise requires:

(1) "Vital records" means records of births, deaths, fetal deaths, marriages, dissolution of marriages, and data related thereto.

(2) "System of vital records" includes the registration, collection, preservation, amendment, and certification of vital records, and activities related thereto.

(3) "Filing" means the presentation of a certificate, report, or other record provided for in this Act, of a birth, death, fetal death, adoption, marriage, or dissolution of marriage, for registration by the Office of Vital Records.

(4) "Registration" means the acceptance by the Office of Vital Records and the incorporation in its official records of certificates, reports, or other records provided for in this Act, of births, deaths, fetal deaths, adoptions, marriages, or dissolution of marriages.

(5) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which after such separation breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(6) "Fetal death" means death prior to the complete expulsion or extraction from the uterus of a product of human conception, irrespective of the duration of pregnancy, and which is not due to an abortion as defined in Section 1-10 of the Reproductive Health Act. The death is indicated by the fact that after such separation the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(7) "Dead body" means a lifeless human body or parts of such body or bones thereof from the state of which it may reasonably be concluded that death has occurred.

(8) "Final disposition" means the burial, cremation, or other disposition of a dead human body or fetus or parts thereof.

(9) "Physician" means a person licensed to practice medicine in Illinois or any other state.

(10) "Institution" means any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary care to 2 or more unrelated individuals, or to which persons are committed by law.

(11) "Department" means the Department of Public Health of the State of Illinois.

(12) "Director" means the Director of the Illinois Department of Public Health.

(13) "Licensed health care professional" means a person licensed to practice as a physician, advanced practice registered nurse, or physician assistant in Illinois or any other state.

(14) "Licensed mental health professional" means a person who is licensed or registered to provide mental health services by the Department of Financial and Professional Regulation or a board of registration duly authorized to register or grant licenses to persons engaged in the practice of providing mental health services in Illinois or any other state.

(15) "Intersex condition" means a condition in which a person is born with a reproductive or sexual anatomy or chromosome pattern that does not fit typical definitions of male or female.

(16) "Homeless person" means an individual who meets the definition of "homeless" under Section 103 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) or an individual residing in any of the living situations described in 42 U.S.C. 11434a(2).

(17) "Advanced practice registered nurse" means: (i) an advanced practice registered nurse with full practice authority; or (ii) an advanced practice registered nurse with a collaborative agreement with a physician who has delegated the completion of death certificates.

(18) "Certifying health care professional" means a physician or advanced practice registered nurse.

(Source: P.A. 100-360, eff. 1-1-18; 100-506, eff. 1-1-18; 100-863, eff. 8-14-18; 101-13, eff. 6-12-19.)

(410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

Sec. 18. (1) Each death which occurs in this State shall be registered by filing a death certificate with the local registrar of the district in which the death occurred or the body was found, within 7 days after such death (within 5 days if the death occurs prior to January 1, 1989) and prior to cremation or removal of the body from the State, except when death is subject to investigation by the coroner or medical examiner.

(a) For the purposes of this Section, if the place of death is unknown, a death certificate shall be filed in the registration district in which a dead body is found, which shall be considered the place of death.

(b) When a death occurs on a moving conveyance, the place where the body is first removed from the conveyance shall be considered the place of death and a death certificate shall be filed in the registration district in which such place is located.

(c) The funeral director who first assumes custody of a dead body shall be responsible for filing a completed death certificate. He or she shall obtain the personal data from the next of kin or the best qualified person or source available; he or she shall enter on the certificate the name, relationship, and address of the ~~his~~ informant; he or she shall enter the date, place, and method of final disposition; he or she shall affix his or her own signature and enter his or her address; and shall present the certificate to the person responsible for completing the medical certification of cause of death. The person responsible for completing the medical certification of cause of death must note the presence of methicillin-resistant staphylococcus aureus, clostridium difficile, or vancomycin-resistant enterococci if it is a contributing factor to or the cause of death. Additional multi-drug resistant organisms (MDROs) may be added to this list by the Department by rule.

(2) The medical certification shall be completed and signed within 48 hours after death by the certifying health care professional who, within 12 months prior to the date of the patient's death, was treating or managing treatment ~~physician in charge~~ of the patient's ~~care for the~~ illness or condition which resulted in death, except when death is subject to the coroner's or medical examiner's investigation. In the absence of the certifying health care professional ~~physician~~ or with his or her approval, the medical certificate may be completed and signed by his or her associate physician or advanced practice registered nurse, the chief medical officer of the institution in which death occurred, or by the physician who performed an autopsy upon the decedent.

(3) When a death occurs without medical attendance, or when it is otherwise subject to the coroner's or medical examiner's investigation, the coroner or medical examiner shall be responsible for the completion of a coroner's or medical examiner's certificate of death and shall sign the medical certification within 48 hours after death, except as provided by regulation in special problem cases. If the decedent was under the age of 18 years at the time of his or her death, and the death was due to injuries suffered as a result of a motor vehicle backing over a child, or if the death occurred due to the power window of a motor vehicle, the coroner or medical examiner must send a copy of the medical certification, with information documenting that the death was due to a vehicle backing over the child or that the death was caused by a power window of a vehicle, to the Department of Children and Family Services. The Department of Children and Family Services shall (i) collect this information for use by Child Death Review Teams and (ii) compile and maintain this information as part of its Annual Child Death Review Team Report to the General Assembly.

(3.5) The medical certification of cause of death shall expressly provide an opportunity for the person completing the certification to indicate that the death was caused in whole or in part by a dementia-related disease, Parkinson's Disease, or Parkinson-Dementia Complex.

(4) When the deceased was a veteran of any war of the United States, the funeral director shall prepare a "Certificate of Burial of U. S. War Veteran", as prescribed and furnished by the Illinois Department of Veterans' Affairs, and submit such certificate to the Illinois Department of Veterans' Affairs monthly.

(5) When a death is presumed to have occurred in this State but the body cannot be located, a death certificate may be prepared by the State Registrar upon receipt of an order of a court of competent jurisdiction which includes the finding of facts required to complete the death certificate. Such death

certificate shall be marked "Presumptive" and shall show on its face the date of the registration and shall identify the court and the date of the judgment.

(Source: P.A. 96-1000, eff. 7-2-10; 97-376, eff. 8-15-11.)

(410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

Sec. 20. Fetal death; place of registration.

(1) Each fetal death which occurs in this State after a gestation period of 20 completed weeks (and when the mother elects in writing to arrange for the burial or cremation of the fetus under Section 11.4 of the Hospital Licensing Act) or more shall be registered with the local or subregistrar of the district in which the delivery occurred within 7 days after the delivery and before removal of the fetus from the State, except as provided by regulation in special problem cases.

(a) For the purposes of this Section, if the place of fetal death is unknown, a fetal death certificate shall be filed in the registration district in which a dead fetus is found, which shall be considered the place of fetal death.

(b) When a fetal death occurs on a moving conveyance, the city, village, township, or road district in which the fetus is first removed from the conveyance shall be considered the place of delivery and a fetal death certificate shall be filed in the registration district in which the place is located.

(c) The funeral director or person acting as such who first assumes custody of a fetus shall file the certificate. The personal data shall be obtained from the best qualified person or source available. The name, relationship, and address of the informant shall be entered on the certificate. The date, place, and method of final disposition of the fetus shall be recorded over the personal signature and address of the funeral director responsible for the disposition. The certificate shall be presented to the person responsible for completing the medical certification of the cause of death.

(2) The medical certification shall be completed and signed within 24 hours after delivery by the certifying health care professional ~~physician~~ in attendance at or after delivery, except when investigation is required under Division 3-3 of Article 3 of the Counties Code and except as provided by regulation in special problem cases.

(3) When a fetal death occurs without medical attendance upon the mother at or after the delivery, or when investigation is required under Division 3-3 of Article 3 of the Counties Code, the coroner shall be responsible for the completion of the fetal death certificate and shall sign the medical certification within 24 hours after the delivery or the finding of the fetus, except as provided by regulation in special problem cases.

(Source: P.A. 92-348, eff. 1-1-02.)

(410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

Sec. 21. (1) The funeral director or person acting as such who first assumes custody of a dead body or fetus shall make a written report to the registrar of the district in which death occurred or in which the body or fetus was found within 24 hours after taking custody of the body or fetus on a form prescribed and furnished by the State Registrar and in accordance with the rules promulgated by the State Registrar. Except as specified in paragraph (2) of this Section, the written report shall serve as a permit to transport, bury, or entomb the body or fetus within this State, provided that the funeral director or person acting as such shall certify that the certifying health care professional who, within 12 months prior to the date of the patient's death, was treating or managing treatment ~~physician in charge~~ of the patient's ~~care for the~~ illness or condition which resulted in death has been contacted and has affirmatively stated that he or she will sign the medical certificate of death or the fetal death certificate. If a funeral director fails to file written reports under this Section in a timely manner, the local registrar may suspend the funeral director's privilege of filing written reports by mail. In a county with a population greater than 3,000,000, if a funeral director or person acting as such inters or entombs a dead body without having previously certified that the certifying health care professional who, within 12 months prior to the date of the patient's death, was treating or managing treatment ~~physician in charge~~ of the patient's ~~care for the~~ illness or condition that resulted in death has been contacted and has affirmatively stated that he or she will sign the medical certificate of death, then that funeral director or person acting as such is responsible for payment of the specific costs incurred by the county medical examiner in disinterring and reinterring or reentombing the dead body.

(2) The written report as specified in paragraph (1) of this Section shall not serve as a permit to:

(a) Remove body or fetus from this State;

(b) Cremate the body or fetus; or

(c) Make disposal of any body or fetus in any manner when death is subject to the coroner's or medical examiner's investigation.

(3) In accordance with the provisions of paragraph (2) of this Section the funeral director or person acting as such who first assumes custody of a dead body or fetus shall obtain a permit for disposition of such dead human body prior to final disposition or removal from the State of the body or fetus. Such permit shall be issued by the registrar of the district where death occurred or the body or fetus was found. No such permit shall be issued until a properly completed certificate of death has been filed with the registrar. The registrar shall insure the issuance of a permit for disposition within an expedited period of time to accommodate Sunday or holiday burials of decedents whose time of death and religious tenets or beliefs necessitate Sunday or holiday burials.

(4) A permit which accompanies a dead body or fetus brought into this State shall be authority for final disposition of the body or fetus in this State, except in municipalities where local ordinance requires the issuance of a local permit prior to disposition.

(5) A permit for disposition of a dead human body shall be required prior to disinterment of a dead body or fetus, and when the disinterred body is to be shipped by a common carrier. Such permit shall be issued to a licensed funeral director or person acting as such, upon proper application, by the local registrar of the district in which disinterment is to be made. In the case of disinterment, proper application shall include a statement providing the name and address of any surviving spouse of the deceased, or, if none, any surviving children of the deceased, or if no surviving spouse or children, a parent, brother, or sister of the deceased. The application shall indicate whether the applicant is one of these parties and, if so, whether the applicant is a surviving spouse or a surviving child. Prior to the issuance of a permit for disinterment, the local registrar shall, by certified mail, notify the surviving spouse, unless he or she is the applicant, or if there is no surviving spouse, all surviving children except for the applicant, of the application for the permit. The person or persons notified shall have 30 days from the mailing of the notice to object by obtaining an injunction enjoining the issuance of the permit. After the 30-day period has expired, the local registrar shall issue the permit unless he or she has been enjoined from doing so or there are other statutory grounds for refusal. The notice to the spouse or surviving children shall inform the person or persons being notified of the right to seek an injunction within 30 days. Notwithstanding any other provision of this subsection (5), a court may order issuance of a permit for disinterment without notice or prior to the expiration of the 30-day period where the petition is made by an agency of any governmental unit and good cause is shown for disinterment without notice or for the early order. Nothing in this subsection (5) limits the authority of the City of Chicago to acquire property or otherwise exercise its powers under the O'Hare Modernization Act or requires that City, or any person acting on behalf of that City, to obtain a permit under this subsection (5) when exercising powers under the O'Hare Modernization Act. The Illinois Department of Transportation, and any person acting on its behalf under a public-private agreement entered into in accordance with the Public-Private Agreements for the South Suburban Airport Act, is exempt from this subsection (5), provided that the Illinois Department of Transportation, or any such person, takes reasonable steps to comply with the provisions of this subsection (5) so long as compliance does not interfere with the design, development, operation, or maintenance of the South Suburban Airport or the exercise of their powers under the Public-Private Agreements for the South Suburban Airport Act.

(Source: P.A. 98-109, eff. 7-25-13.)

Section 99. Effective date. This Act takes effect January 1, 2022.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Belt, **House Bill No. 226** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Belt, **House Bill No. 270** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 270

AMENDMENT NO. 1 . Amend House Bill 270 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Highway Code is amended by changing Section 4-220 as follows:
(605 ILCS 5/4-220)
Sec. 4-220. Bicycle and pedestrian ways.
(a) Bicycle and pedestrian ways shall be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into State plans and programs.
(b) In or within one mile of a municipality with a population of over 1,000 people, and subject to the Department's option in subsection (e), the Department shall establish and solely fund ~~an urban area,~~ bicycle and pedestrian ways ~~shall be established~~ in conjunction with the construction, reconstruction, or other change of any State transportation facility except:
(1) in pavement resurfacing projects that do not widen the existing traveled way or do not provide stabilized shoulders; ~~or~~
(2) where approved by the Secretary of Transportation based upon documented safety issues, excessive cost, or absence of need; or ~~.~~
(3) where the municipality passes a resolution stating that a bicycle or pedestrian way does not fit within its development plan.
(c) Bicycle and pedestrian ways may be included in pavement resurfacing projects when local support is evident or the bicycling and walking accommodations can be added within the overall scope of the original roadwork.
(d) The Department shall establish design and construction standards for bicycle and pedestrian ways. Beginning July 1, 2007, this Section shall apply to planning and training purposes only. Beginning July 1, 2008, this Section shall apply to construction projects.
(e) If programmed funds identified in Section 2705-615 of the Department of Transportation Law are not expended for 5 years, the Department has the option to use those funds to pay the cost of bicycle and pedestrian ways in roadway projects affected by this Section.
(Source: P.A. 95-665, eff. 10-10-07.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Loughran Cappel, **House Bill No. 282** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **House Bill No. 290** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Belt, **House Bill No. 310** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Murphy, **House Bill No. 332** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Loughran Cappel, **House Bill No. 343** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 351** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connor, **House Bill No. 365** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Anderson, **House Bill No. 381** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 395** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **House Bill No. 399** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 399

AMENDMENT NO. 1 . Amend House Bill 399, on page 2, line 16 and 17, by replacing, "A representative from the Municipal Planning Organization." with "A representative from the Chicago Metropolitan Agency for Planning."; and

on page 2, directly after line 21, insert the following:

"(19) A representative of the Region 1 Planning Council.

(20) A representative of the McLean County Regional Planning Commission.

(21) A representative of the East-West Gateway Council of Governments.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Crowe, **House Bill No. 410** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Castro, **House Bill No. 449** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fine, **House Bill No. 452** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 550** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fine, **House Bill No. 574** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 588** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 590** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 592** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **House Bill No. 605** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 633** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **House Bill No. 641** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Higher Education, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 641

AMENDMENT NO. 1 . Amend House Bill 641 by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by adding Section 120 as follows:
(110 ILCS 305/120 new)
Sec. 120. Availability of menstrual hygiene products.
(a) In this Section, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.
(b) The Board of Trustees shall make menstrual hygiene products available, at no cost to students, in the bathrooms of facilities or portions of facilities that (i) are owned or leased by the Board or over which the Board has care, custody, and control and (ii) are used for student instruction or administrative purposes.

Section 10. The Southern Illinois University Management Act is amended by adding Section 100 as follows:
(110 ILCS 520/100 new)
Sec. 100. Availability of menstrual hygiene products.
(a) In this Section, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.
(b) The Board shall make menstrual hygiene products available, at no cost to students, in the bathrooms of facilities or portions of facilities that (i) are owned or leased by the Board or over which the Board has care, custody, and control and (ii) are used for student instruction or administrative purposes.

Section 15. The Chicago State University Law is amended by adding Section 5-210 as follows:
(110 ILCS 660/5-210 new)
Sec. 5-210. Availability of menstrual hygiene products.
(a) In this Section, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.
(b) The Board shall make menstrual hygiene products available, at no cost to students, in the bathrooms of facilities or portions of facilities that (i) are owned or leased by the Board or over which the Board has care, custody, and control and (ii) are used for student instruction or administrative purposes.

Section 20. The Eastern Illinois University Law is amended by adding Section 10-210 as follows:
(110 ILCS 665/10-210 new)
Sec. 10-210. Availability of menstrual hygiene products.
(a) In this Section, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.
(b) The Board shall make menstrual hygiene products available, at no cost to students, in the bathrooms of facilities or portions of facilities that (i) are owned or leased by the Board or over which the Board has care, custody, and control and (ii) are used for student instruction or administrative purposes.

Section 25. The Governors State University Law is amended by adding Section 15-210 as follows:
(110 ILCS 670/15-210 new)
Sec. 15-210. Availability of menstrual hygiene products.
(a) In this Section, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.
(b) The Board shall make menstrual hygiene products available, at no cost to students, in the bathrooms of facilities or portions of facilities that (i) are owned or leased by the Board or over which the Board has care, custody, and control and (ii) are used for student instruction or administrative purposes.

Section 30. The Illinois State University Law is amended by adding Section 20-215 as follows:
(110 ILCS 675/20-215 new)
Sec. 20-215. Availability of menstrual hygiene products.
(a) In this Section, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

(b) The Board shall make menstrual hygiene products available, at no cost to students, in the bathrooms of facilities or portions of facilities that (i) are owned or leased by the Board or over which the Board has care, custody, and control and (ii) are used for student instruction or administrative purposes.

Section 35. The Northeastern Illinois University Law is amended by adding Section 25-210 as follows:

(110 ILCS 680/25-210 new)

Sec. 25-210. Availability of menstrual hygiene products.

(a) In this Section, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

(b) The Board shall make menstrual hygiene products available, at no cost to students, in the bathrooms of facilities or portions of facilities that (i) are owned or leased by the Board or over which the Board has care, custody, and control and (ii) are used for student instruction or administrative purposes.

Section 40. The Northern Illinois University Law is amended by adding Section 30-220 as follows:

(110 ILCS 685/30-220 new)

Sec. 30-220. Availability of menstrual hygiene products.

(a) In this Section, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

(b) The Board shall make menstrual hygiene products available, at no cost to students, in the bathrooms of facilities or portions of facilities that (i) are owned or leased by the Board or over which the Board has care, custody, and control and (ii) are used for student instruction or administrative purposes.

Section 45. The Western Illinois University Law is amended by adding Section 35-215 as follows:

(110 ILCS 690/35-215 new)

Sec. 35-215. Availability of menstrual hygiene products.

(a) In this Section, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

(b) The Board shall make menstrual hygiene products available, at no cost to students, in the bathrooms of facilities or portions of facilities that (i) are owned or leased by the Board or over which the Board has care, custody, and control and (ii) are used for student instruction or administrative purposes.

Section 50. The Public Community College Act is amended by adding Section 3-29.14 as follows:

(110 ILCS 805/3-29.14 new)

Sec. 3-29.14. Availability of menstrual hygiene products.

(a) In this Section, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

(b) Each board shall make menstrual hygiene products available, at no cost to students, in the bathrooms of facilities or portions of facilities that (i) are owned or leased by the board or over which the board has care, custody, and control and (ii) are used for student instruction or administrative purposes.

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Johnson, **House Bill No. 644** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 644

AMENDMENT NO. 1 . Amend House Bill 644 on page 5, immediately below line 3, by inserting the following:

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Simmons, **House Bill No. 648** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator S. Turner, **House Bill No. 656** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 691** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hastings, **House Bill No. 704** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fine, **House Bill No. 706** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 711** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Tracy, **House Bill No. 713** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment and Conservation, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 713

AMENDMENT NO. 1 . Amend House Bill 713 by replacing everything after the enacting clause with the following:

"Section 5. The Radon Industry Licensing Act is amended by changing Section 27 as follows:

(420 ILCS 44/27)

Sec. 27. Approval of radon sampling and measurement devices for radon contractors. No person shall sell a device in this State to a radon contractor for use in licensed activities to detect the presence of radon or radon progeny in the indoor atmosphere without prior approval of the device from the Agency. All electronic radon detection devices sold to radon contractors for use in a licensed activity in this State must be calibrated to ensure the accuracy and precision of their measurements of radon and radon progeny.

(Source: P.A. 96-195, eff. 8-10-09.)

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Fine, **House Bill No. 714** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Van Pelt, **House Bill No. 738** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Feigenholtz, **House Bill No. 739** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ellman, **House Bill No. 741** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **House Bill No. 809** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connor, **House Bill No. 836** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villanueva, **House Bill No. 1158** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crowe, **House Bill No. 1162** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Cullerton, **House Bill No. 1290** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 1290

AMENDMENT NO. 1 . Amend House Bill 1290 on page 1, line 14, after "conditions", by inserting "if only".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cunningham, **House Bill No. 1428** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harris, **House Bill No. 1725** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **House Bill No. 1742** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 1746** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Gillespie, **House Bill No. 1776** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martwick, **House Bill No. 1777** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Joyce, **House Bill No. 1785** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ellman, **House Bill No. 1802** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Van Pelt, **House Bill No. 1805** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Cullerton, **House Bill No. 1815** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stewart, **House Bill No. 1916** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Anderson, **House Bill No. 1932** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ellman, **House Bill No. 1934** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McClure, **House Bill No. 1966** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fine, **House Bill No. 2394** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **House Bill No. 2400** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 2425** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 2433** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 2449** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Glowiak Hilton, **House Bill No. 2454** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stewart, **House Bill No. 2548** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Belt, **House Bill No. 2643** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 2795** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 2950** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fine, **House Bill No. 3025** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Gillespie, **House Bill No. 3069** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 3099** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Cullerton, **House Bill No. 3147** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Gillespie, **House Bill No. 3175** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stewart, **House Bill No. 3855** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 12** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peters, **House Bill No. 15** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 121** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Human Rights, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 121

AMENDMENT NO. 1 . Amend House Bill 121 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Human Rights Act is amended by changing Sections 1-102, 2-101, 2-102, 2-104, and 6-101 as follows:

(775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

Sec. 1-102. Declaration of Policy. It is the public policy of this State:

(A) Freedom from Unlawful Discrimination. To secure for all individuals within Illinois the freedom from discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

(B) Freedom from Sexual Harassment-Employment and Elementary, Secondary, and Higher Education. To prevent sexual harassment in employment and sexual harassment in elementary, secondary, and higher education.

(C) Freedom from Discrimination Based on Citizenship Status-Employment. To prevent discrimination based on citizenship status in employment.

(C-5) Freedom from Discrimination Based on Work Authorization Status-Employment. To prevent discrimination based on the specific status or term of status that accompanies a legal work authorization.

(D) Freedom from Discrimination Based on Familial Status-Real Estate Transactions. To prevent discrimination based on familial status in real estate transactions.

(E) Public Health, Welfare and Safety. To promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity, in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State.

(F) Implementation of Constitutional Guarantees. To secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970.

(G) Equal Opportunity, Affirmative Action. To establish Equal Opportunity and Affirmative Action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of State government and in their relations with the public.

(H) Unfounded Charges. To protect citizens of this State against unfounded charges of unlawful discrimination, sexual harassment in employment and sexual harassment in elementary, secondary, and higher education, and discrimination based on citizenship status or work authorization status in employment. (Source: P.A. 98-1050, eff. 1-1-15.)

(775 ILCS 5/2-101)

Sec. 2-101. Definitions. The following definitions are applicable strictly in the context of this Article.

(A) Employee.

(1) "Employee" includes:

(a) Any individual performing services for remuneration within this State for an employer;

(b) An apprentice;

(c) An applicant for any apprenticeship.

For purposes of subsection (D) of Section 2-102 of this Act, "employee" also includes an unpaid intern. An unpaid intern is a person who performs work for an employer under the following circumstances:

(i) the employer is not committed to hiring the person performing the work at the conclusion of the intern's tenure;

(ii) the employer and the person performing the work agree that the person is not entitled to wages for the work performed; and

(iii) the work performed:

(I) supplements training given in an educational environment that may enhance the employability of the intern;

(II) provides experience for the benefit of the person performing the work;

(III) does not displace regular employees;

(IV) is performed under the close supervision of existing staff; and

(V) provides no immediate advantage to the employer providing the training and may occasionally impede the operations of the employer.

(2) "Employee" does not include:

(a) (Blank);

(b) Individuals employed by persons who are not "employers" as defined by this Act;

(c) Elected public officials or the members of their immediate personal staffs;

(d) Principal administrative officers of the State or of any political subdivision, municipal corporation or other governmental unit or agency;

(e) A person in a vocational rehabilitation facility certified under federal law who has been designated an evaluee, trainee, or work activity client.

(B) Employer.

(1) "Employer" includes:

(a) Any person employing one or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation;

(b) Any person employing one or more employees when a complainant alleges civil rights violation due to unlawful discrimination based upon his or her physical or mental disability unrelated to ability, pregnancy, or sexual harassment;

(c) The State and any political subdivision, municipal corporation or other governmental unit or agency, without regard to the number of employees;

(d) Any party to a public contract without regard to the number of employees;

(e) A joint apprenticeship or training committee without regard to the number of employees.

(2) "Employer" does not include any place of worship, religious corporation, association, educational institution, society, or non-profit nursing institution conducted by and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a recognized church or religious denomination with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such place of worship, corporation, association, educational institution, society or non-profit nursing institution of its activities.

(C) Employment Agency. "Employment Agency" includes both public and private employment agencies and any person, labor organization, or labor union having a hiring hall or hiring office regularly undertaking, with or without compensation, to procure opportunities to work, or to procure, recruit, refer or place employees.

(D) Labor Organization. "Labor Organization" includes any organization, labor union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or apprenticeships or applications for

apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

(E) Sexual Harassment. "Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

(E-1) Harassment. "Harassment" means any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, ~~or~~ citizenship status, or work authorization status that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

(F) Religion. "Religion" with respect to employers includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(G) Public Employer. "Public employer" means the State, an agency or department thereof, unit of local government, school district, instrumentality or political subdivision.

(H) Public Employee. "Public employee" means an employee of the State, agency or department thereof, unit of local government, school district, instrumentality or political subdivision. "Public employee" does not include public officers or employees of the General Assembly or agencies thereof.

(I) Public Officer. "Public officer" means a person who is elected to office pursuant to the Constitution or a statute or ordinance, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by the Constitution or a statute or ordinance, to discharge a public duty for the State, agency or department thereof, unit of local government, school district, instrumentality or political subdivision.

(J) Eligible Bidder. "Eligible bidder" means a person who, prior to contract award or prior to bid opening for State contracts for construction or construction-related services, has filed with the Department a properly completed, sworn and currently valid employer report form, pursuant to the Department's regulations. The provisions of this Article relating to eligible bidders apply only to bids on contracts with the State and its departments, agencies, boards, and commissions, and the provisions do not apply to bids on contracts with units of local government or school districts.

(K) Citizenship Status. "Citizenship status" means the status of being:

(1) a born U.S. citizen;

(2) a naturalized U.S. citizen;

(3) a U.S. national; or

(4) a person born outside the United States and not a U.S. citizen who is not an unauthorized alien and who is protected from discrimination under the provisions of Section 1324b of Title 8 of the United States Code, as now or hereafter amended.

(L) Work Authorization Status. "Work authorization status" means the status of being a person born outside of the United States, and not a U.S. citizen, who is authorized by the federal government to work in the United States.

(Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 1-1-20; 101-430, eff. 7-1-20; revised 8-4-20.)

(775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

Sec. 2-102. Civil rights violations - employment. It is a civil rights violation:

(A) Employers. For any employer to refuse to hire, to segregate, to engage in harassment as defined in subsection (E-1) of Section 2-101, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination, ~~or~~ citizenship status, or work authorization status. An employer is responsible for harassment by the employer's

nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

(A-5) Language. For an employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.

For the purposes of this subdivision (A-5), "language" means a person's native tongue, such as Polish, Spanish, or Chinese. "Language" does not include such things as slang, jargon, profanity, or vulgarity.

(A-10) Harassment of nonemployees. For any employer, employment agency, or labor organization to engage in harassment of nonemployees in the workplace. An employer is responsible for harassment of nonemployees by the employer's nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures. For the purposes of this subdivision (A-10), "nonemployee" means a person who is not otherwise an employee of the employer and is directly performing services for the employer pursuant to a contract with that employer. "Nonemployee" includes contractors and consultants. This subdivision applies to harassment occurring on or after the effective date of this amendatory Act of the 101st General Assembly.

(B) Employment agency. For any employment agency to fail or refuse to classify properly, accept applications and register for employment referral or apprenticeship referral, refer for employment, or refer for apprenticeship on the basis of unlawful discrimination, ~~or~~ citizenship status, or work authorization status or to accept from any person any job order, requisition or request for referral of applicants for employment or apprenticeship which makes or has the effect of making unlawful discrimination or discrimination on the basis of citizenship status or work authorization status a condition of referral.

(C) Labor organization. For any labor organization to limit, segregate or classify its membership, or to limit employment opportunities, selection and training for apprenticeship in any trade or craft, or otherwise to take, or fail to take, any action which affects adversely any person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeships, or wages, tenure, hours of employment or apprenticeship conditions on the basis of unlawful discrimination, ~~or~~ citizenship status, or work authorization status.

(D) Sexual harassment. For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

(D-5) Sexual harassment of nonemployees. For any employer, employee, agent of any employer, employment agency, or labor organization to engage in sexual harassment of nonemployees in the workplace. An employer is responsible for sexual harassment of nonemployees by the employer's nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures. For the purposes of this subdivision (D-5), "nonemployee" means a person who is not otherwise an employee of the employer and is directly performing services for the employer pursuant to a contract with that employer. "Nonemployee" includes contractors and consultants. This subdivision applies to sexual harassment occurring on or after the effective date of this amendatory Act of the 101st General Assembly.

(E) Public employers. For any public employer to refuse to permit a public employee under its jurisdiction who takes time off from work in order to practice his or her religious beliefs to engage in work, during hours other than such employee's regular working hours, consistent with the operational needs of the employer and in order to compensate for work time lost for such religious reasons. Any employee who elects such deferred work shall be compensated at the wage rate which he or she would have earned during the originally scheduled work period. The employer may require that an employee who plans to take time off from work in order to practice his or her religious beliefs provide the employer with a notice of his or her intention to be absent from work not exceeding 5 days prior to the date of absence.

(E-5) Religious discrimination. For any employer to impose upon a person as a condition of obtaining or retaining employment, including opportunities for promotion, advancement, or transfer, any terms or conditions that would require such person to violate or forgo a sincerely held practice of

his or her religion including, but not limited to, the wearing of any attire, clothing, or facial hair in accordance with the requirements of his or her religion, unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business.

Nothing in this Section prohibits an employer from enacting a dress code or grooming policy that may include restrictions on attire, clothing, or facial hair to maintain workplace safety or food sanitation.

(F) Training and apprenticeship programs. For any employer, employment agency or labor organization to discriminate against a person on the basis of age in the selection, referral for or conduct of apprenticeship or training programs.

(G) Immigration-related practices.

(1) for an employer to request for purposes of satisfying the requirements of Section 1324a(b) of Title 8 of the United States Code, as now or hereafter amended, more or different documents than are required under such Section or to refuse to honor documents tendered that on their face reasonably appear to be genuine or to refuse to honor work authorization based upon the specific status or term of status that accompanies the authorization to work; or

(2) for an employer participating in the E-Verify Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot Programs for Employment Eligibility Confirmation (enacted by PL 104-208, div. C title IV, subtitle A) to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment without following the procedures under the E-Verify Program.

(H) (Blank).

(I) Pregnancy. For an employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth. Women affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, regardless of the source of the inability to work or employment classification or status.

(J) Pregnancy; reasonable accommodations.

(1) If after a job applicant or employee, including a part-time, full-time, or probationary employee, requests a reasonable accommodation, for an employer to not make reasonable accommodations for any medical or common condition of a job applicant or employee related to pregnancy or childbirth, unless the employer can demonstrate that the accommodation would impose an undue hardship on the ordinary operation of the business of the employer. The employer may request documentation from the employee's health care provider concerning the need for the requested reasonable accommodation or accommodations to the same extent documentation is requested for conditions related to disability if the employer's request for documentation is job-related and consistent with business necessity. The employer may require only the medical justification for the requested accommodation or accommodations, a description of the reasonable accommodation or accommodations medically advisable, the date the reasonable accommodation or accommodations became medically advisable, and the probable duration of the reasonable accommodation or accommodations. It is the duty of the individual seeking a reasonable accommodation or accommodations to submit to the employer any documentation that is requested in accordance with this paragraph. Notwithstanding the provisions of this paragraph, the employer may require documentation by the employee's health care provider to determine compliance with other laws. The employee and employer shall engage in a timely, good faith, and meaningful exchange to determine effective reasonable accommodations.

(2) For an employer to deny employment opportunities or benefits to or take adverse action against an otherwise qualified job applicant or employee, including a part-time, full-time, or probationary employee, if the denial or adverse action is based on the need of the employer

to make reasonable accommodations to the known medical or common conditions related to the pregnancy or childbirth of the applicant or employee.

(3) For an employer to require a job applicant or employee, including a part-time, full-time, or probationary employee, affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to accept an accommodation when the applicant or employee did not request an accommodation and the applicant or employee chooses not to accept the employer's accommodation.

(4) For an employer to require an employee, including a part-time, full-time, or probationary employee, to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided to the known medical or common conditions related to the pregnancy or childbirth of an employee. No employer shall fail or refuse to reinstate the employee affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other applicable service credits upon her signifying her intent to return or when her need for reasonable accommodation ceases, unless the employer can demonstrate that the accommodation would impose an undue hardship on the ordinary operation of the business of the employer.

For the purposes of this subdivision (J), "reasonable accommodations" means reasonable modifications or adjustments to the job application process or work environment, or to the manner or circumstances under which the position desired or held is customarily performed, that enable an applicant or employee affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to be considered for the position the applicant desires or to perform the essential functions of that position, and may include, but is not limited to: more frequent or longer bathroom breaks, breaks for increased water intake, and breaks for periodic rest; private non-bathroom space for expressing breast milk and breastfeeding; seating; assistance with manual labor; light duty; temporary transfer to a less strenuous or hazardous position; the provision of an accessible worksite; acquisition or modification of equipment; job restructuring; a part-time or modified work schedule; appropriate adjustment or modifications of examinations, training materials, or policies; reassignment to a vacant position; time off to recover from conditions related to childbirth; and leave necessitated by pregnancy, childbirth, or medical or common conditions resulting from pregnancy or childbirth.

For the purposes of this subdivision (J), "undue hardship" means an action that is prohibitively expensive or disruptive when considered in light of the following factors: (i) the nature and cost of the accommodation needed; (ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at the facility, the effect on expenses and resources, or the impact otherwise of the accommodation upon the operation of the facility; (iii) the overall financial resources of the employer, the overall size of the business of the employer with respect to the number of its employees, and the number, type, and location of its facilities; and (iv) the type of operation or operations of the employer, including the composition, structure, and functions of the workforce of the employer, the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer. The employer has the burden of proving undue hardship. The fact that the employer provides or would be required to provide a similar accommodation to similarly situated employees creates a rebuttable presumption that the accommodation does not impose an undue hardship on the employer.

No employer is required by this subdivision (J) to create additional employment that the employer would not otherwise have created, unless the employer does so or would do so for other classes of employees who need accommodation. The employer is not required to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees who need it.

(K) Notice.

(1) For an employer to fail to post or keep posted in a conspicuous location on the premises of the employer where notices to employees are customarily posted, or fail to include in any employee handbook information concerning an employee's rights under this Article, a notice, to be prepared or approved by the Department, summarizing the requirements of this Article and information pertaining to the filing of a charge, including the right to be free from

unlawful discrimination, the right to be free from sexual harassment, and the right to certain reasonable accommodations. The Department shall make the documents required under this paragraph available for retrieval from the Department's website.

(2) Upon notification of a violation of paragraph (1) of this subdivision (K), the Department may launch a preliminary investigation. If the Department finds a violation, the Department may issue a notice to show cause giving the employer 30 days to correct the violation. If the violation is not corrected, the Department may initiate a charge of a civil rights violation.

(Source: P.A. 100-100, eff. 8-11-17; 100-588, eff. 6-8-18; 101-221, eff. 1-1-20.)

(775 ILCS 5/2-104) (from Ch. 68, par. 2-104)

Sec. 2-104. Exemptions.

(A) Nothing contained in this Act shall prohibit an employer, employment agency, or labor organization from:

(1) Bona Fide Qualification. Hiring or selecting between persons for bona fide occupational qualifications or any reason except those civil-rights violations specifically identified in this Article.

(2) Veterans. Giving preferential treatment to veterans and their relatives as required by the laws or regulations of the United States or this State or a unit of local government, or pursuant to a private employer's voluntary veterans' preference employment policy authorized by the Veterans Preference in Private Employment Act.

(3) Unfavorable Discharge From Military Service.

(a) Using unfavorable discharge from military service as a valid employment criterion when authorized by federal law or regulation or when a position of employment involves the exercise of fiduciary responsibilities as defined by rules and regulations which the Department shall adopt; or

(b) Participating in a bona fide recruiting incentive program, sponsored by a branch of the United States Armed Forces, a reserve component of the United States Armed Forces, or any National Guard or Naval Militia, where participation in the program is limited by the sponsoring branch based upon the service member's discharge status.

(4) Ability Tests. Giving or acting upon the results of any professionally developed ability test provided that such test, its administration, or action upon the results, is not used as a subterfuge for or does not have the effect of unlawful discrimination.

(5) Merit and Retirement Systems.

(a) Applying different standards of compensation, or different terms, conditions or privileges of employment pursuant to a merit or retirement system provided that such system or its administration is not used as a subterfuge for or does not have the effect of unlawful discrimination.

(b) Effecting compulsory retirement of any employee who has attained 65 years of age and who, for the 2-year period immediately preceding retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans of the employer of such employee, which equals, in the aggregate, at least $44,000. If any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits) or if the employees contribute to any such plan or make rollover contributions, the retirement benefit shall be adjusted in accordance with regulations prescribed by the Department, so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made.

(c) Until January 1, 1994, effecting compulsory retirement of any employee who has attained 70 years of age, and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education as defined by Section 1201(a) of the Higher Education Act of 1965.

(6) Training and Apprenticeship programs. Establishing an educational requirement as a prerequisite to selection for a training or apprenticeship program, provided such requirement does not operate to discriminate on the basis of any prohibited classification except age.

(7) Police and Firefighter/Paramedic Retirement. Imposing a mandatory retirement age for firefighters/paramedics or law enforcement officers and discharging or retiring such individuals

pursuant to the mandatory retirement age if such action is taken pursuant to a bona fide retirement plan provided that the law enforcement officer or firefighter/paramedic has attained:

(a) the age of retirement in effect under applicable State or local law on March 3, 1983; or

(b) if the applicable State or local law was enacted after the date of enactment of the federal Age Discrimination in Employment Act Amendments of 1996 (P.L. 104-208), the age of retirement in effect on the date of such discharge under such law.

This paragraph (7) shall not apply with respect to any cause of action arising under the Illinois Human Rights Act as in effect prior to the effective date of this amendatory Act of 1997.

(8) Police and Firefighter/Paramedic Appointment. Failing or refusing to hire any individual because of such individual's age if such action is taken with respect to the employment of an individual as a firefighter/paramedic or as a law enforcement officer and the individual has attained:

(a) the age of hiring or appointment in effect under applicable State or local law on March 3, 1983; or

(b) the age of hiring in effect on the date of such failure or refusal to hire under applicable State or local law enacted after the date of enactment of the federal Age Discrimination in Employment Act Amendments of 1996 (P.L. 104-208).

As used in paragraph (7) or (8):

"Firefighter/paramedic" means an employee, the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, or to provide emergency medical services, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

"Law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of criminal offenses, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

(9) Citizenship Status. Making legitimate distinctions based on citizenship status if specifically authorized or required by State or federal law.

(B) With respect to any employee who is subject to a collective bargaining agreement:

(a) which is in effect on June 30, 1986,

(b) which terminates after January 1, 1987,

(c) any provision of which was entered into by a labor organization as defined by Section 6(d)(4) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)), and

(d) which contains any provision that would be superseded by Public Act 85-748,

Public Act 85-748 shall not apply until the termination of such collective bargaining agreement or January 1, 1990, whichever occurs first.

(C)(1) For purposes of this Act, the term "disability" shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when an employer acts on the basis of such use.

(2) Paragraph (1) shall not apply where an employee or applicant for employment:

(a) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(b) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(c) is erroneously regarded as engaging in such use, but is not engaging in such use.

It shall not be a violation of this Act for an employer to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subparagraph (a) or (b) is no longer engaging in the illegal use of drugs.

(3) An employer:

(a) may prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;

(b) may require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;

(c) may require that employees behave in conformance with the requirements established under the federal Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) and the Drug Free Workplace Act;

(d) may hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that such employer holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee; and

(e) may, with respect to federal regulations regarding alcohol and the illegal use of drugs, require that:

(i) employees comply with the standards established in such regulations of the United States Department of Defense, if the employees of the employer are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in such positions (as defined in the regulations of the Department of Defense);

(ii) employees comply with the standards established in such regulations of the Nuclear Regulatory Commission, if the employees of the employer are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in such positions (as defined in the regulations of the Nuclear Regulatory Commission); and

(iii) employees comply with the standards established in such regulations of the United States Department of Transportation, if the employees of the employer are employed in a transportation industry subject to such regulations, including complying with such regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in such positions (as defined in the regulations of the United States Department of Transportation).

(4) For purposes of this Act, a test to determine the illegal use of drugs shall not be considered a medical examination. Nothing in this Act shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

(5) Nothing in this Act shall be construed to encourage, prohibit, restrict, or authorize the otherwise lawful exercise by an employer subject to the jurisdiction of the United States Department of Transportation of authority to:

(a) test employees of such employer in, and applicants for, positions involving safety-sensitive duties for the illegal use of drugs and for on-duty impairment by alcohol; and

(b) remove such persons who test positive for illegal use of drugs and on-duty impairment by alcohol pursuant to subparagraph (a) from safety-sensitive duties in implementing paragraph (3).

(D) Nothing contained in this Act shall require an employer to sponsor, either monetarily or otherwise, any applicant or employee to obtain or modify work authorization status, unless otherwise required by federal law.

(Source: P.A. 99-152, eff. 1-1-16, 99-165, eff. 7-28-15; 99-642, eff. 7-28-16.)

(775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

Sec. 6-101. Additional Civil Rights Violations. It is a civil rights violation for a person, or for 2 ~~two~~ or more persons to conspire, to:

(A) Retaliation. Retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination, sexual harassment in employment or sexual harassment in elementary, secondary, and higher education, or discrimination based on citizenship status or work authorization status in employment, because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act, or because he or she has requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by this Act;

(B) Aiding and Abetting; Coercion. Aid, abet, compel or coerce a person to commit any violation of this Act;

(C) Interference. Wilfully interfere with the performance of a duty or the exercise of a power by the Commission or one of its members or representatives or the Department or one of its officers or employees.

Definitions. For the purposes of this Section, "sexual harassment", ~~and~~ "citizenship status", and "work authorization status" shall have the same meaning as defined in Section 2-101 of this Act.

(Source: P.A. 97-333, eff. 8-12-11; 98-1050, eff. 1-1-15.)

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Peters, **House Bill No. 161** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 169** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ellman, **House Bill No. 368** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Gillespie, **House Bill No. 571** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 709** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Glowiak Hilton, **House Bill No. 814** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 848** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peters, **House Bill No. 1063** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sims, **House Bill No. 1068** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 3655** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 3698** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sims, **House Bill No. 374** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sims, **House Bill No. 665** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sims, **House Bill No. 835** having been printed, was taken up, read by title a second time and ordered to a third reading.

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3702

A bill for AN ACT concerning local government.
Passed the House, May 13, 2021.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bill No. 3702** was taken up, ordered printed and placed on first reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3702, sponsored by Senator Cunningham, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Rose, **House Bill No. 2584** was taken up, read by title a second time and ordered to a third reading.

At the hour of 2:23 o'clock p.m., Senator Cunningham, presiding.

SENATE BILL RECALLED

On motion of Senator Belt, **Senate Bill No. 2088** was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 1 and 2 were withdrawn by the sponsor.

Floor Amendment No. 3 was held in the Committee on Assignments.

Senator Belt offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 2088

AMENDMENT NO. 4 . Amend Senate Bill 2088, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 22-90 and 2-3.64a-10 as follows:

(105 ILCS 5/2-3.64a-10)

Sec. 2-3.64a-10. Kindergarten assessment.

(a) For the purposes of this Section, "kindergarten" includes both full-day and half-day kindergarten programs.

(b) Beginning no later than the 2021-2022 school year, the State Board of Education shall annually assess all public school students entering kindergarten using a common assessment tool, unless the State Board determines that a student is otherwise exempt. The common assessment tool must assess multiple developmental domains, including literacy, language, mathematics, and social and emotional development. The assessment must be valid, reliable, and developmentally appropriate to formatively assess a child's development and readiness for kindergarten.

(c) Results from the assessment may be used by the school to understand the child's development and readiness for kindergarten, to tailor instruction, and to measure the child's progress over time. Assessment results may also be used to identify a need for the professional development of teachers and early childhood educators and to inform State-level and district-level policies and resource allocation.

The school shall make the assessment results available to the child's parent or guardian.

The assessment results may not be used (i) to prevent a child from enrolling in kindergarten or (ii) as the sole measure used in determining the grade promotion or retention of a student.

(d) On an annual basis, the State Board shall report publicly, at a minimum, data from the assessment for the State overall and for each school district. The State Board's report must disaggregate data by race and ethnicity, household income, students who are English learners, and students who have an individualized education program.

(e) The State Superintendent of Education shall appoint a committee of no more than 21 members, including ~~consisting of~~ parents, teachers, school administrators, assessment experts, ~~and~~ regional superintendents of schools, state policy advocates, early childhood administrators, and other stakeholders, to review, on an ongoing basis, the content and design of the assessment, the collective results of the assessment as measured against kindergarten-readiness standards, and other issues involving the assessment as identified by the committee.

The committee shall make periodic recommendations to the State Superintendent of Education and the General Assembly concerning the assessments.

(f) The State Board may adopt rules to implement and administer this Section.

(Source: P.A. 101-654, eff. 3-8-21.)

(105 ILCS 5/22-90)

(Section scheduled to be repealed on February 1, 2023)

Sec. 22-90. Whole Child Task Force.

(a) The General Assembly makes all of the following findings:

(1) The COVID-19 pandemic has exposed systemic inequities in American society. Students, educators, and families throughout this State have been deeply affected by the pandemic, and the impact of the pandemic will be felt for years to come. The negative consequences of the pandemic have impacted students and communities differently along the lines of race, income, language, and special needs. However, students in this State faced significant unmet physical health, mental health, and social and emotional needs even prior to the pandemic.

(2) The path to recovery requires a commitment from adults in this State to address our students cultural, physical, emotional, and mental health needs and to provide them with stronger and increased systemic support and intervention.

(3) It is well documented that trauma and toxic stress diminish a child's ability to thrive. Forms of childhood trauma and toxic stress include adverse childhood experiences, systemic racism, poverty, food and housing insecurity, and gender-based violence. The COVID-19 pandemic has exacerbated these issues and brought them into focus.

(4) It is estimated that, overall, approximately 40% of children in this State have experienced at least one adverse childhood experience and approximately 10% have experienced 3 or more adverse childhood experiences. However, the number of adverse childhood experiences is higher for Black and Hispanic children who are growing up in poverty. The COVID-19 pandemic has amplified the number of students who have experienced childhood trauma. Also, the COVID-19 pandemic has highlighted preexisting inequities in school disciplinary practices that disproportionately impact Black and Brown students. Research shows, for example, that girls of color are disproportionately impacted by trauma, adversity, and abuse, and instead of receiving the care and trauma-informed support they may need, many Black girls in particular face disproportionately harsh disciplinary measures.

(5) The cumulative effects of trauma and toxic stress adversely impact the physical health of students, as well as their ability to learn, form relationships, and self-regulate. If left unaddressed, these effects increase a student's risk for depression, alcoholism, anxiety, asthma, smoking, and suicide, all of which are risks that disproportionately affect Black youth and may lead to a host of medical diseases as an adult. Access to infant and early childhood mental health services is critical to ensure the social and emotional well-being of this State's youngest children, particularly those children who have experienced trauma.

(6) Although this State enacted measures through Public Act 100-105 to address the high rate of early care and preschool expulsions of infants, toddlers, and preschoolers and the disproportionately higher rate of expulsion for Black and Hispanic children, a recent study found a wide variation in the awareness, understanding, and compliance with the law by providers of early childhood care. Further work is needed to implement the law, which includes providing training to early childhood care providers to increase their understanding of the law, increasing the availability and access to infant and early childhood mental health services, and building aligned data collection systems to better understand expulsion rates and to allow for accurate reporting as required by the law.

(7) Many educators and schools in this State have embraced and implemented evidenced-based restorative justice and trauma-responsive and culturally relevant practices and interventions. However, the use of these interventions on students is often isolated or is implemented occasionally and only if the school has the appropriate leadership, resources, and partners available to engage seriously in this

work. It would be malpractice to deny our students access to these practices and interventions, especially in the aftermath of a once-in-a-century pandemic.

(b) The Whole Child Task Force is created for the purpose of establishing an equitable, inclusive, safe, and supportive environment in all schools for every student in this State. The task force shall have all of the following goals, which means key steps have to be taken to ensure that every child in every school in this State has access to teachers, social workers, school leaders, support personnel, and others who have been trained in evidenced-based interventions and restorative practices:

(1) To create a common definition of a trauma-responsive school, a trauma-responsive district, and a trauma-responsive community.

(2) To outline the training and resources required to create and sustain a system of support for trauma-responsive schools, districts, and communities and to identify this State's role in that work, including recommendations concerning options for redirecting resources from school resource officers to classroom-based support.

(3) To identify or develop a process to conduct an analysis of the organizations that provide training in restorative practices, implicit bias, anti-racism, and trauma-responsive systems, mental health services, and social and emotional services to schools.

(4) To provide recommendations concerning the key data to be collected and reported to ensure that this State has a full and accurate understanding of the progress toward ensuring that all schools, including programs and providers of care to pre-kindergarten children, employ restorative, anti-racist, and trauma-responsive strategies and practices. The data collected must include information relating to the availability of trauma responsive support structures in schools as well as disciplinary practices employed on students in person or through other means, including during remote or blended learning. It should also include information on the use of, and funding for, school resource officers and other similar police personnel in school programs.

(5) To recommend an implementation timeline, including the key roles, responsibilities, and resources to advance this State toward a system in which every school, district, and community is progressing toward becoming trauma-responsive.

(6) To seek input and feedback from stakeholders, including parents, students, and educators, who reflect the diversity of this State.

(7) To recommend legislation, policies, and practices to prevent learning loss in students during periods of suspension and expulsion, including, but not limited to, remote instruction.

(c) Members of the Whole Child Task Force shall be appointed by the State Superintendent of Education. Members of this task force must represent the diversity of this State and possess the expertise needed to perform the work required to meet the goals of the task force set forth under subsection (a). Members of the task force shall include all of the following:

(1) One member of a statewide professional teachers' organization.

(2) One member of another statewide professional teachers' organization.

(3) One member who represents a school district serving a community with a population of 500,000 or more.

(4) One member of a statewide organization representing social workers.

(5) One member of an organization that has specific expertise in trauma-responsive school practices and experience in supporting schools in developing trauma-responsive and restorative practices.

(6) One member of another organization that has specific expertise in trauma-responsive school practices and experience in supporting schools in developing trauma-responsive and restorative practices.

(7) One member of a statewide organization that represents school administrators.

(8) One member of a statewide policy organization that works to build a healthy public education system that prepares all students for a successful college, career, and civic life.

(9) One member of a statewide organization that brings teachers together to identify and address issues critical to student success.

(10) One member of the General Assembly recommended by the President of the Senate.

(11) One member of the General Assembly recommended by the Speaker of the House of Representatives.

(12) One member of the General Assembly recommended by the Minority Leader of the Senate.

(13) One member of the General Assembly recommended by the Minority Leader of the House of Representatives.

(14) One member of a civil rights organization that works actively on issues regarding student support.

(15) One administrator from a school district that has actively worked to develop a system of student support that uses a trauma-informed lens.

(16) One educator from a school district that has actively worked to develop a system of student support that uses a trauma-informed lens.

(17) One member of a youth-led organization.

(18) One member of an organization that has demonstrated expertise in restorative practices.

(19) One member of a coalition of mental health and school practitioners who assist schools in developing and implementing trauma-informed and restorative strategies and systems.

(20) One member of an organization whose mission is to promote the safety, health, and economic success of children, youth, and families in this State.

(21) One member who works or has worked as a restorative justice coach or disciplinarian.

(22) One member who works or has worked as a social worker.

(23) One member of the State Board of Education.

(24) One member who represents a statewide principals' organization.

(25) One member who represents a statewide organization of school boards.

(26) One member who has expertise in pre-kindergarten education.

(27) One member who represents a school social worker association.

(28) One member who represents an organization that represents school districts in both the south suburbs and collar counties.

(29) One member who is a licensed clinical psychologist who (A) has a doctor of philosophy in the field of clinical psychology and has an appointment at an independent free-standing children's hospital located in Chicago, (B) serves as associate professor at a medical school located in Chicago, and (C) serves as the clinical director of a coalition of voluntary collaboration of organizations that are committed to applying a trauma lens to their efforts on behalf of families and children in the State.

(30) One member who represents a west suburban school district.

(d) The Whole Child Task Force shall meet at the call of the State Superintendent of Education or his or her designee, who shall serve as ~~as~~ the chairperson. The State Board of Education shall provide administrative and other support to the task force. Members of the task force shall serve without compensation.

(e) The Whole Child Task Force shall submit a report of its findings and recommendations to the General Assembly, the Illinois Legislative Black Caucus, the State Board of Education, and the Governor on or before February 1, 2022. Upon submitting its report, the task force is dissolved.

(f) This Section is repealed on February 1, 2023.

(Source: P.A. 101-654, eff. 3-8-21.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Belt, **Senate Bill No. 2088** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson Feigenholtz Loughran Cappel Stewart

Aquino	Fine	Martwick	Stoller
Bailey	Fowler	McClure	Syverson
Barickman	Gillespie	McConchie	Tracy
Belt	Glowiak Hilton	Morrison	Turner, D.
Bryant	Harris	Muñoz	Turner, S.
Bush	Hastings	Murphy	Van Pelt
Castro	Holmes	Pacione-Zayas	Villa
Collins	Hunter	Peters	Villanueva
Connor	Johnson	Plummer	Villivalam
Crowe	Jones, E.	Rezin	Wilcox
Cullerton, T.	Joyce	Rose	Mr. President
Cunningham	Koehler	Simmons	
Curran	Landek	Sims	
DeWitte	Lightford	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Villivalam, **Senate Bill No. 2460** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	Martwick	Stoller
Aquino	Fine	McClure	Syverson
Bailey	Fowler	McConchie	Tracy
Barickman	Gillespie	Morrison	Turner, D.
Belt	Glowiak Hilton	Muñoz	Turner, S.
Bryant	Harris	Murphy	Van Pelt
Bush	Hastings	Pacione-Zayas	Villa
Castro	Holmes	Peters	Villanueva
Collins	Hunter	Plummer	Villivalam
Connor	Johnson	Rezin	Wilcox
Crowe	Jones, E.	Rose	Mr. President
Cullerton, T.	Joyce	Simmons	
Cunningham	Koehler	Sims	
Curran	Lightford	Stadelman	
DeWitte	Loughran Cappel	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

LEGISLATIVE MEASURES FILED

The following Floor amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to House Bill 2365

The following Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to House Bill 2109
Amendment No. 1 to House Bill 2521
Amendment No. 1 to House Bill 2748
Amendment No. 1 to House Bill 3277
Amendment No. 1 to House Bill 3404
Amendment No. 1 to House Bill 3437
Amendment No. 1 to House Bill 3739
Amendment No. 1 to House Bill 3850

At the hour of 2:41 o'clock p.m., the Chair announced that the Senate stands adjourned until Friday, May 14, 2021, at 12:00 o'clock p.m., or until the call of the President.