



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**ONE HUNDRED SECOND GENERAL  
ASSEMBLY**

**62ND LEGISLATIVE DAY**

**TUESDAY, OCTOBER 19, 2021**

**11:54 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**62nd Legislative Day**

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**PERFUNCTORY SESSION  
11:54 O'CLOCK A.M.**

The Senate met in perfunctory session pursuant to the directive of the President.  
Pursuant to Senate Rule 2-5(c)2, the Secretary of the Senate conducted the perfunctory session.

**REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Hiring & Employment Monitoring Report - Third Quarter 2021, submitted by the the Office of the Executive Inspector General for the Agencies of the Governor.

Report to the Restore Illinois Collaborative Commission - October 15, 2021, submitted by the Department of Commerce and Economic Opportunity.

The foregoing reports were ordered received and placed on file with the Secretary's Office.

**LEGISLATIVE MEASURES FILED**

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

Amendment No. 2 to House Bill 307  
Amendment No. 2 to House Bill 3173  
Amendment No. 3 to House Bill 3173  
Amendment No. 2 to House Bill 3401  
Amendment No. 1 to House Bill 3702

The following Committee 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 1975

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

Amendment No. 1 to Senate Bill 145  
Amendment No. 2 to Senate Bill 145

**MESSAGES FROM THE PRESIDENT**

**OFFICE OF THE SENATE PRESIDENT  
DON HARMON  
STATE OF ILLINOIS**

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706  
217-782-2728

160 N. LASALLE ST., STE. 720  
CHICAGO, ILLINOIS 60601  
312-814-2075

October 18, 2021

Mr. Tim Anderson

[October 19, 2021]

Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 2-10 and HJR 52, the Senate will convene at 4:30 PM on Tuesday, October 19, 2021.

If you have any questions, please contact my Chief of Staff Jake Butcher.

Sincerely,  
s/Don Harmon  
Don Harmon  
Senate President

cc: Senate Republican Leader Dan McConchie

**OFFICE OF THE SENATE PRESIDENT  
DON HARMON  
STATE OF ILLINOIS**

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706  
217-782-2728

160 N. LASALLE ST., STE. 720  
CHICAGO, ILLINOIS 60601  
312-814-2075

October 19, 2021

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 2-10, I am scheduling a Perfunctory Session to convene on Wednesday, October 19, 2021.

Sincerely,  
s/Don Harmon  
Don Harmon  
Senate President

cc: Senate Republican Leader Dan McConchie

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 543**

Offered by Senator Koehler and all Senators:  
Mourns the death of Reverend Alphonso Lyons of Peoria.

**SENATE RESOLUTION NO. 544**

Offered by Senator Koehler and all Senators:  
Mourns the death of Sam Polk of Peoria.

[October 19, 2021]

**SENATE RESOLUTION NO. 546**

Offered by Senator Anderson and all Senators:  
Mourns the death of Charles Smith of Rock Island.

**SENATE RESOLUTION NO. 547**

Offered by Senator Anderson and all Senators:  
Mourns the death of Edwin "Connell" Watson of Milan.

**SENATE RESOLUTION NO. 548**

Offered by Senator Anderson and all Senators:  
Mourns the death of Kim Hubbard of Moline.

**SENATE RESOLUTION NO. 549**

Offered by Senator Anderson and all Senators:  
Mourns the death of Kenneth Batten of Rock Island.

**SENATE RESOLUTION NO. 550**

Offered by Senator Anderson and all Senators:  
Mourns the death of George Schlenker of Rock Island.

**SENATE RESOLUTION NO. 551**

Offered by Senator Anderson and all Senators:  
Mourns the death of Francis Urbaan Ballegeer of East Moline.

**SENATE RESOLUTION NO. 552**

Offered by Senator Connor and all Senators:  
Mourns the passing of Nicolas Morales of Joliet.

**SENATE RESOLUTION NO. 553**

Offered by Senator Anderson and all Senators:  
Mourns the death of Matthew W. "Matt" Williams of Moline.

**SENATE RESOLUTION NO. 554**

Offered by Senator Anderson and all Senators:  
Mourns the death of The Rev. Dr. Laurence Larson of Moline.

**SENATE RESOLUTION NO. 555**

Offered by Senator Anderson and all Senators:  
Mourns the death of Charles Fiser of Rock Island.

**SENATE RESOLUTION NO. 556**

Offered by Senator Bailey and all Senators:  
Mourns the passing of Elizabeth Ann Weidner of Dieterich.

**SENATE RESOLUTION NO. 557**

Offered by Senator Koehler and all Senators:  
Mourns the death of Mary L. Van Norman of Peoria.

**SENATE RESOLUTION NO. 558**

Offered by Senator Koehler and all Senators:  
Mourns the death of Gary Weber.

**SENATE RESOLUTION NO. 559**

Offered by Senator Koehler and all Senators:  
Mourns the death of Linda Millen of Peoria.

**SENATE RESOLUTION NO. 560**

Offered by Senator Koehler and all Senators:  
Mourns the death of Homer Gurtler of Peoria.

**SENATE RESOLUTION NO. 561**

Offered by Senator Koehler and all Senators:  
Mourns the passing of Thomas J. "Tom" Mikulecky of Peoria.

**SENATE RESOLUTION NO. 562**

Offered by Senator Koehler and all Senators:  
Mourns the passing of Jacqueline Louise "Jacquie" Nichols of New York City, formerly of Peoria.

**SENATE RESOLUTION NO. 563**

Offered by Senator Barickman and all Senators:  
Mourns the death of Elroy Pffingsten of Watseka.

**SENATE RESOLUTION NO. 564**

Offered by Senator Hunter and all Senators:  
Mourns the passing of Timuel Dixon Black Jr. of Chicago.

**SENATE RESOLUTION NO. 565**

Offered by Senator Stadelman and all Senators:  
Mourns the passing of James "Jim" DeVoe of Rockford.

By direction of the Secretary, the foregoing resolutions were referred to the Resolutions Consent Calendar.

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

**SENATE RESOLUTION NO. 545**

WHEREAS, Hinduism is the third largest religion in the world with more than one billion followers worldwide, six million in the United States, and over 250,000 in Illinois; and

WHEREAS, Illinois is proud of its rich cultural history and the many people who call our state home; and

WHEREAS, Illinois is home to a vibrant Hindu community that has established 38 temples in Illinois, with the largest being the Hindu Temple of Greater Chicago that hosts many significant cultural events for the community throughout the year; and

WHEREAS, Hindu Americans have made significant contributions across all fields, including science, education, medicine, law, politics, business, culture, sports, and more; and

WHEREAS, Hindu heritage, culture, traditions, and values have enriched our great state; and

WHEREAS, During the month of October 2021, the Hindu community across the State of Illinois and across our nation will collectively celebrate Hindu heritage; and

WHEREAS, Hindu Heritage Month provides an opportunity to focus on Hindu culture and its diverse spiritual traditions rooted in India; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we declare October of 2021 as Hindu Heritage Month in the State of Illinois and extend greetings and best wishes to all those observing October 2021 as Hindu Heritage Month.

[October 19, 2021]

## INTRODUCTION OF BILLS

**SENATE BILL NO. 2935.** Introduced by Senator Loughran Cappel, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2936.** Introduced by Senator Morrison, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2937.** Introduced by Senator Crowe, a bill for AN ACT concerning State government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2938.** Introduced by Senator Rose, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2939.** Introduced by Senator Connor, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2940.** Introduced by Senator T. Cullerton, a bill for AN ACT concerning electric vehicles.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2941.** Introduced by Senator Villanueva, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2942.** Introduced by Senator S. Turner, a bill for AN ACT concerning criminal law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2943.** Introduced by Senator Villa, a bill for AN ACT concerning education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

## APPOINTMENT MESSAGES

### **Appointment Message No. 1020255**

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.

[October 19, 2021]

Title of Office: Member

Agency or Other Body: Illinois International Port District Board

Start Date: October 15, 2021

End Date: June 1, 2022

Name: Michelle McClendon

Residence: 7342 S. Constance Ave., Chicago, IL 60649

Annual Compensation: \$20,000 per annum

Per diem: Not Applicable

Nominee's Senator: Senator Robert Peters

Most Recent Holder of Office: William Habel

Superseded Appointment Message: Not Applicable

**Appointment Message No. 1020256**

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

I, Michael Frerichs, 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: Executive Inspector General

Agency or Other Body: Office of the Illinois Treasurer

Start Date: October 16, 2021

End Date: June 30, 2023

Name: Chris Flynn

Residence: 306 Piazza Lane, Chatham, Illinois 62629

Annual Compensation: \$100,000

Per diem: Not Applicable

Nominee's Senator: Senator Steve McClure

Most Recent Holder of Office: Dennis Rendleman

Superseded Appointment Message: AM 101-485

**Appointment Message No. 1020257**

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

[October 19, 2021]



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: Assistant Secretary of Firearm Violence Prevention

Agency or Other Body: Illinois Department of Human Services

Start Date: October 18, 2021

End Date: January 16, 2023

Name: Christopher Patterson

Residence: 4659. S. Drexel Blvd., Chicago, IL 60653

Annual Compensation: \$152,983

Per diem: Not Applicable

Nominee's Senator: Senator Robert Peters

Most Recent Holder of Office: New Position

Superseded Appointment Message: Not Applicable

**Appointment Message No. 1020258**

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: Illinois State Police Merit Board

Start Date: October 18, 2021

End Date: March 15, 2027

Name: Karen McNaught

Residence: 9079 Old Indian Trail, Chatham, IL 62629

Annual Compensation: Expenses

Per diem: \$242

Nominee's Senator: Senator Steve McClure

Most Recent Holder of Office: Reeve Waud

Superseded Appointment Message: Not Applicable

**Appointment Message No. 1020259**

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: Illinois Finance Authority

Start Date: October 18, 2021

End Date: July 17, 2024

Name: Bradley Zeller

Residence: 1313 Franklin Alexander Rd., Alexander, IL 62601

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Steve McClure

Most Recent Holder of Office: Bradley Zeller

Superseded Appointment Message: Not Applicable

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

At the hour of 11:57 o'clock a.m., the perfunctory session stood at ease.

**AT EASE**

At the hour of 12:20 o'clock p.m., the perfunctory session reconvened.

**REPORTS FROM COMMITTEE ON ASSIGNMENTS**

Senator Lightford, Chair of the Committee on Assignments, during its October 19, 2021 meeting, reported that the Committee recommends that **House Bill No. 3372** be re-referred from the Committee on State Government to the Committee on Assignments.

Senator Lightford, Chair of the Committee on Assignments, during its October 19, 2021 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Committee Amendment No. 2 to House Bill 1975.**

[October 19, 2021]

Education: **Floor Amendment No. 2 to House Bill 3173.**

Licensed Activities: **Committee Amendment No. 2 to Senate Bill 145; Floor Amendment No. 2 to House Bill 3401.**

Local Government: **Floor Amendment No. 1 to House Bill 3702.**

State Government: **Senate Resolution No. 545; Floor Amendment No. 2 to House Bill 307.**

Senator Lightford, Chair of the Committee on Assignments, during its October 19, 2021 meeting, to which was referred **House Bill No. 3372** on October 19, 2021, reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 3372** was returned to the order of third reading.

Pursuant to Senate Rule 3-8 (b-1), the following amendment will remain in the Committee on Assignments: **Committee Amendment No. 1 to Senate Bill 145.**

At the hour of 12:22 o'clock p.m., the perfunctory session stood adjourned.

**REGULAR SESSION  
4:53 O'CLOCK P.M.**

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

The Journal of Friday, January 29, 2021, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, February 3, 2021, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, February 9, 2021, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, February 17, 2021, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Friday, February 19, 2021, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, February 23, 2021, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

[October 19, 2021]

The Journal of Wednesday, February 24, 2021, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, February 25, 2021, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Friday, February 26, 2021, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Hunter moved that reading and approval of the Journals of Monday, September 13, 2021 and Wednesday, October 13, 2021, be postponed, pending arrival of the printed Journals.

The motion prevailed.

### PRESENTATION OF RESOLUTION

#### SENATE RESOLUTION NO. 566

Offered by Senator Anderson and all Senators:

Mourns the death of Clyde D. Meier Jr.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

### INTRODUCTION OF BILLS

**SENATE BILL NO. 2944.** Introduced by Senator D. Turner, a bill for AN ACT concerning public aid.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

### REPORTS FROM STANDING COMMITTEES

Senator Morrison, Chair of the Committee on Health, to which was referred **House Bill No. 692**, reported the same back with the recommendation that the bill do pass.

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

Senator Connor, Chair of the Committee on Criminal Law, to which was referred **House Bill No. 1975**, 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 T. Cullerton, Chair of the Committee on Veterans Affairs, to which was referred **House Bill No. 359**, reported the same back with the recommendation that the bill do pass.

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

### MOTION

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

The motion prevailed.

[October 19, 2021]

### POSTING NOTICES WAIVED

Senator Bennett moved to waive the six-day posting requirement on **Senate Resolution No. 545** so that the measure may be heard in the Committee on State Government that is scheduled to meet October 20, 2021.

The motion prevailed.

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Connor, **House Bill No. 106** 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. 277** 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. 370** 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. 594** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones III, **House Bill No. 642** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones III, **House Bill No. 2379** 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. 2778** was taken up, read by title a second time. Committee Amendment No. 1 was held in the Committee on Assignments. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Castro, **House Bill No. 3401** 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 3401

AMENDMENT NO. 1. Amend House Bill 3401 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Licensed Certified Professional Midwife Practice Act.

Section 5. Purpose. The practice of midwifery in out-of-hospital settings is hereby declared to affect the public health, safety, and welfare and to be subject to regulation in the public interest. The purpose of the Act is to protect and benefit the public by setting standards for the qualifications, education, training, and experience of those who seek to obtain licensure as a licensed certified professional midwife, including requirements to work in consultation with hospital based and privileged health care professionals to promote high standards of professional performance for those licensed to practice midwifery in out-of-hospital settings in this State, to promote a consultative and integrated maternity care delivery system in Illinois with agreed-upon consulting, transfer, and transport protocols in use by all health care professionals and licensed certified professional midwives across all health care settings to maximize client safety and positive outcomes, to support accredited education and training as a prerequisite to licensure, and to protect the public.

Section 10. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's licensure file as maintained by the Department.

"Antepartum" means before labor or childbirth.

"Board" means the Illinois Midwifery Board.

"Certified nurse midwife" means an individual licensed under the Nurse Practice Act as an advanced practice registered nurse and is certified as a nurse midwife.

"Client" means a childbearing individual or newborn for whom a licensed certified professional midwife provides services.

"Consultation" means the process by which a licensed certified professional midwife seeks the advice or opinion of another health care professional.

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

"Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's licensure file as maintained by the Department.

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

"Intrapartum" means during labor and delivery or childbirth.

"Licensed certified professional midwife" means a person who has successfully met the requirements under Section 45 of this Act.

"Low-risk" means a low-risk pregnancy where there is an absence of any preexisting maternal disease, significant disease arising from the pregnancy, or any condition likely to affect the pregnancy, including, but not limited to, those listed in Section 85.

"Midwife assistant" means a person, at least 18 years of age, who performs basic administrative, clerical, and supportive services under the supervision of a certified professional midwife, is educated to provide both basic and emergency care to newborns and mothers during labor, delivery, and immediately postpartum, and who maintains Neonatal Resuscitation Program provider status and cardiopulmonary resuscitation certification.

"Midwifery bridge certificate" means a certificate issued by the North American Registry of midwives that documents completion of accredited continuing education for certified professional midwives based upon identified areas to address education in emergency skills and other competencies set by the international confederation of midwives.

"Midwifery Education and Accreditation Council" or "MEAC" means the nationally recognized accrediting agency, or its successor, that establishes standards for the education of direct-entry midwives in the United States.

"National Association of Certified Professional Midwives" or "NACPM" means the professional organization, or its successor, that promotes the growth and development of the profession of certified professional midwives.

"North American Registry of Midwives" or "NARM" means the accredited international agency, or its successor organization, that has established and has continued to administer certification for the credentialing of certified professional midwives, including the administration of a national competency examination.

"Onset of care" means the initial prenatal visit upon an agreement between a licensed certified professional midwife and client to establish a midwife-client relationship, during which the licensed certified professional midwife may take a client's medical history, complete an exam, establish a client's record, or perform other services related to establishing care. "Onset of care" does not include an initial interview where information about the licensed certified professional midwife's practice is shared but no midwife-client relationship is established.

"Pediatric health care professional" means a licensed physician specializing in the care of children, a family practice physician, or an advanced practice registered nurse licensed under the Nurse Practice Act and certified as a Pediatric Nurse Practitioner or Family Nurse Practitioner.

"Physician" means a physician licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches.

"Postpartum period" means the first 6 weeks after delivery.

"Practice of midwifery" means providing the necessary supervision, care, and advice to a client during a low-risk pregnancy, labor, and the postpartum period, including the intended low-risk delivery of a child,

and providing normal newborn care. "Practice of midwifery" does not include the practice of medicine or nursing.

"Qualified midwife preceptor" means a licensed and experienced midwife or other health professional licensed in the State who participated in the clinical education of individuals enrolled in a midwifery education institution, program, or pathway accredited by the midwifery education accreditation council who meet the criteria for midwife preceptors by NARM or its successor organization.

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

"Supportive services" means simple routine medical tasks and procedures for which the midwife assistant or student midwife is appropriately trained.

Section 15. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of licensure; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department.

Section 20. Social security number on license application. In addition to any other information required to be contained in an application for licensure under this Act, every application for an original license under this Act shall include the applicant's social security number, which shall be retained in the agency's records pertaining to the license. For applicants without a social security number, an individual taxpayer identification number shall be provided instead of a social security number. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license. Every application for a renewal or restored license shall require the applicant's customer identification number.

Section 25. Exemptions.

(a) This Act does not prohibit a person licensed under any other Act in this State from engaging in the practice for which he or she is licensed or from delegating services as provided for under the Act.

(b) Nothing in this Act shall be construed to prohibit or require licensing under this Act with regard to:

(1) a traditional birth attendant practicing midwifery without a license if the traditional birth attendant has cultural, indigenous, or religious traditions that have historically included the attendance of traditional birth attendants at births and that birth attendant serves only the women and families in that distinct cultural, indigenous, or religious group;

(2) a student midwife practicing midwifery as part of his or her course of study in an accredited midwife institution, program, or pathway under the direction and supervision of a qualified midwife preceptor; and

(3) a midwife assistant performing within the scope of his or her responsibilities and duties as defined by rule under the supervision of a licensed certified professional midwife.

(c) Nothing in this Act prevents a licensed certified professional midwife from assisting a health care professional, practicing within his or her scope of practice while providing antepartum, intrapartum, or postpartum care.

(d) Nothing in this Act abridges, limits, or changes in any way the rights of parents to deliver their baby where, when, how, and with whom they choose, regardless of licensure under this Act.

Section 30. Illinois Midwifery Board.

(a) There is created under the authority of the Department the Illinois Midwifery Board, which shall consist of 9 members appointed by the Secretary: 5 of whom shall be licensed certified professional midwives, with initial appointees having at least 3 years of experience in the practice of midwifery in an out-of-hospital setting, be certified by the North American Registry of Midwives, and meet the qualifications for licensure set forth in this Act; one of whom shall be an Illinois licensed physician who specializes in obstetrics; one of whom shall be a certified nurse midwife who provides home birth services; one of whom shall be a pediatric health care professional; and one of whom shall be a public member. Board members shall serve 4-year terms, except that in the case of initial appointments, terms shall be staggered as follows: 4 members shall serve for 4 years, 3 members shall serve for 3 years, and 2 members shall serve for 2 years. The Board shall annually elect a chairperson and vice chairperson. All board members must be

residents of this State. All board members, except for the public member, must be licensed in good standing and, at the time of appointment, actively engaged in their respective professions.

(b) Any appointment made to fill a vacancy shall be for the unexpired portion of the term. Appointments to fill vacancies shall be made in the same manner as original appointments. No Board member may be reappointed for a term that would cause his or her continuous service on the Board to exceed 10 years.

(c) Board membership must have a reasonable representation from different geographic areas of this State, if possible.

(d) The Secretary may solicit board recommendations from midwifery organizations.

(e) The members of the Board may be reimbursed for all legitimate, necessary, and authorized expenses incurred in attending the meetings of the Board.

(f) The Secretary may remove any member of the Board for misconduct, incapacity, or neglect of duty at any time prior to the expiration of his or her term.

(g) Five Board members shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(h) The Board may provide the Department with recommendations concerning the administration of this Act and may perform each of the following duties:

(1) Recommend to the Department the prescription and, from time to time, the revision of any rules that may be necessary to carry out the provisions of this Act, including those that are designed to protect the health, safety, and welfare of the public.

(2) Recommend changes to the medication formulary list as standards and drug availability change.

(3) Participate in disciplinary conferences and hearings.

(4) Make recommendations to the Department regarding disciplinary action taken against a licensee as provided under this Act.

(5) Recommend the approval, denial of approval, and withdrawal of approval of required education and continuing educational programs.

(i) Members of the Board shall be immune from suit in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board, except for willful or wanton misconduct.

Section 35. Powers and duties of the Department; rules.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts and shall exercise such other powers and duties necessary for effectuating the purposes of this Act.

(b) The Secretary shall adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act and for the payment of fees connected to this Act and may prescribe forms that shall be issued in connection with this Act.

Section 40. Use of title. No person may use the title "licensed midwife", describe or imply that he or she is a licensed midwife, or represent himself or herself as a licensed midwife unless the person is granted a license under this Act or is licensed as an advanced practice registered nurse with certification as a nurse midwife.

Section 45. Licensure.

(a) Each applicant who successfully meets the requirements of this Section is eligible for licensure as a certified professional midwife if the applicant:

(1) submits forms prescribed by the Department and accompanied by the required nonrefundable fee;

(2) is at least 21 years of age;

(3) has successfully completed a licensure examination approved by the Department;

(4) holds valid certified professional midwife certification granted by NARM or its successor organization;

(5) holds an active cardiopulmonary resuscitation certification;

(6) holds an active neonatal resuscitation provider status; and



(7) successfully completed a postsecondary midwifery education program through an institution, program, or pathway accredited by the Midwife Education and Accreditation Council, that has both academic and clinical practice incorporated throughout the curriculum.

(b) A midwife who is certified by NARM, but who has not completed a MEAC program, may apply for licensure if he or she:

(1) holds a valid certified professional midwife certification granted by NARM or its successor organization for at least 3 years;

(2) provides proof of completion of the midwifery bridge certificate granted by NARM and applies within one year of adoption of rules; and

(3) provides proof of paragraphs (1) through (6) required under subsection (a).

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 50. Endorsement. Upon payment of the required nonrefundable fee and submission of required documentation, the Department may, in its discretion, license as a certified professional midwife, an applicant who is a certified professional midwife licensed in another jurisdiction, if the requirements for licensure in that jurisdiction were, at the time of licensure, substantially equivalent to the requirements in force in this State on that date or equivalent to the requirements of this Act. Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 55. Expiration; renewal of licensure. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license during the month preceding the expiration date of the license by paying the required fee. It is the responsibility of the licensee to notify the Department in writing of a change of address required for the renewal of a license under this Act. Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

The Department may adopt rules for continuing education for licensed certified professional midwives licensed under this Act that require 20 hours of continuing education per 2-year license renewal cycle. The rules shall address variances in part or in whole for good cause, including without limitation, illness or hardship. The rules must ensure that licensees are given the opportunity to participate in programs sponsored by or through their State or national professional associations, hospitals, or other providers of continuing education. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department.

Any licensed certified professional midwife who has permitted his or her license to expire or who has had his or her license on inactive status may have the license restored by applying to the Department and filing proof acceptable to the Department of his or her fitness to have the license restored, and by paying the required fees. Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction.

If the licensed certified professional midwife has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of the license and shall establish procedures and requirements for such restoration.

However, any licensed certified professional midwife whose license expired while he or she was (1) in federal or State service on active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the license restored without paying any lapsed renewal fees if, within 2 years after termination of such service, training, or education, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been terminated.

Section 60. Inactive status. Any licensed certified professional midwife who notified the Department in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status

and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her intention to restore the license.

Any licensed certified professional midwife requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license, as provided in Section 55.

Any licensed certified professional midwife whose license is in an inactive status shall not practice in the State.

Any licensee who engages in practice while his or her license is lapsed or on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under Section 140.

#### Section 65. Informed consent.

(a) A licensed certified professional midwife shall, at an initial prenatal visit with a client, provide and disclose to the client orally and in writing all of the following information:

(1) the licensed certified professional midwife's experience and training;

(2) the licensed certified professional midwife holds an active CPR certification and an active neonatal resuscitation provider status;

(3) whether the licensed certified professional midwife has malpractice liability insurance coverage and the coverage limits of the policy;

(4) a protocol for the handling of both the patient's and the newborn's medical emergencies; this shall include, but not be limited to, obtaining transportation to a hospital particular to each client with identification of the appropriate hospital, providing a verbal report of the care provided to emergency services providers, and sending a copy of the client records with the client at the time of any transfer to a hospital, including obtaining a signed authorization to release the client's medical records to a health care professional or hospital in the event of such emergency transport;

(5) a statement informing the client that, in the event of an emergency or voluntary transfer or if subsequent care is required resulting from the acts or omissions of the licensed certified professional midwife, no liability for the acts or omissions of the licensed certified professional midwife are assignable to the receiving hospital, health care facility, physician, nurse, emergency personnel, or other medical professional rendering such care; the receiving hospital, health care facility, physician, nurse, emergency medical personnel, hospital, or other medical professional rendering care are responsible for their own acts and omissions;

(6) a statement outlining the emergency equipment, drugs, and personnel available to provide appropriate care in the home;

(7) the intent to provide at least one midwife assistant or student midwife during intrapartum and immediate postpartum care; and

(8) a recommendation that the client preregister with the nearest hospital and explain the benefits of preregistration.

(b) A licensed certified professional midwife shall, at an initial prenatal visit with a client, provide a copy of the written disclosures required under this Section to the client and obtain the client's signature and date of signature acknowledging that the client has been informed, orally and in writing, of the disclosures required.

#### Section 70. Scope of practice.

(a) A licensed certified professional midwife shall:

(1) offer each client routine prenatal care and testing in accordance with current American College of Obstetricians and Gynecologists guidelines;

(2) provide all clients with a plan for 24 hour on-call availability by a licensed certified professional midwife, certified nurse midwife, or licensed physician throughout pregnancy, intrapartum, and 6 weeks postpartum;

(3) provide clients with labor support, fetal monitoring, and routine assessment of vital signs once active labor is established;

(4) supervise delivery of infant and placenta, assess newborn and maternal well-being in immediate postpartum, and perform an Apgar score assessment;

(5) perform routine cord management and inspect for an appropriate number of vessels;

(6) inspect the placenta and membranes for completeness;

(7) inspect the perineum and vagina postpartum for lacerations and stabilize if necessary;

(8) observe the childbearing individual and newborn postpartum until stable condition is achieved, but in no event for less than 2 hours;

(9) instruct the childbearing individual, spouse, and other support persons, both verbally and in writing, of the special care and precautions for both the childbearing individual and newborn in the immediate postpartum period;

(10) reevaluate maternal and newborn well-being within 36 hours of delivery;

(11) notify a pediatric health care professional within 72 hours after delivery;

(12) use universal precautions with all biohazard materials;

(13) ensure that a birth certificate is accurately completed and filed in accordance with the Department of Public Health;

(14) offer to obtain and submit a blood sample in accordance with the recommendations for metabolic screening of the newborn;

(15) offer an injection of vitamin K for the newborn in accordance with the indication, dose, and administration route as authorized in subsection (b);

(16) within one week of delivery, offer a newborn hearing screening to every newborn or refer the parents to a facility with a newborn hearing screening program;

(17) within 2 hours of the birth, offer the administration of antibiotic ointment into the eyes of the newborn, in accordance with the Infant Eye Disease Act; and

(18) maintain adequate antenatal and perinatal records of each client and provide records to consulting licensed physicians and licensed certified nurse midwives, in accordance with regulations promulgated under the Health Insurance Portability and Accountability Act of 1996.

(b) A licensed certified professional midwife may obtain and administer the following during the practice of midwifery:

(1) oxygen for the treatment of fetal distress;

(2) eye prophylactics, either 0.5% erythromycin ophthalmic ointment or 1% tetracycline ophthalmic ointment for the prevention of neonatal ophthalmia;

(3) oxytocin, pitocin, or misoprostol as a postpartum antihemorrhagic agent;

(4) methylergonovine or methergine for the treatment of postpartum hemorrhage;

(5) vitamin K for the prophylaxis of hemorrhagic disease of the newborn;

(6) Rho (D) immune globulin for the prevention of Rho (D) sensitization in Rho (D) negative individuals;

(7) intravenous fluids for maternal stabilization, including lactated Ringer's solution, or with 5% dextrose unless unavailable or impractical, in which case 0.09% sodium chloride may be administered;

(8) administer antibiotics as prophylactic for GBS in accordance with current ACOG protocols as provided by Department rule;

(9) ibuprofen for postpartum pain relief;

(10) lidocaine injection as a local anesthetic for perineal repair; and

(11) sterile water subcutaneous injections as a non-pharmaceutical form of pain relief during the first and second stages of labor.

The Department may approve by rule additional medications, agents, or procedures based upon updated evidence-based obstetrical guidelines or based upon limited availability of standard medications or agents.

(c) A licensed certified professional midwife shall plan for at least 2 licensed certified professional midwives or a licensed certified professional midwife and a midwife assistant or student midwife to be present at all out-of-hospital births.

#### Section 75. Consultation and referral.

(a) A licensed certified professional midwife shall consult with a licensed physician or a certified nurse midwife providing obstetrical care whenever there are significant deviations, including abnormal laboratory results, relative to a client's pregnancy or to a neonate. If a referral to a physician or certified nurse midwife is needed, the licensed certified professional midwife shall refer the client to a physician or certified nurse midwife and, if possible, remain in consultation with the physician until resolution of the concern. Consultation does not preclude the possibility of an out-of-hospital birth. It is appropriate for the licensed certified professional midwife to maintain care of the client to the greatest degree possible, in

accordance with the client's wishes, during the pregnancy and, if possible, during labor, birth, and the postpartum period.

(b) A licensed certified professional midwife shall consult with a licensed physician or a certified nurse midwife with regard to any childbearing individual who presents with or develops the following risk factors or presents with or develops other risk factors that, in the judgment of the licensed certified professional midwife, warrant consultation:

(1) Antepartum:

(A) pregnancy induced hypertension, as evidenced by a blood pressure of 140/90 on 2 occasions greater than 6 hours apart;

(B) persistent, severe headaches, epigastric pain, or visual disturbances;

(C) persistent symptoms of urinary tract infection;

(D) significant vaginal bleeding before the onset of labor not associated with uncomplicated spontaneous abortion;

(E) rupture of membranes prior to the 37th week gestation;

(F) noted abnormal decrease in or cessation of fetal movement;

(G) anemia resistant to supplemental therapy;

(H) fever of 102 degrees Fahrenheit or 39 degrees Celsius or greater for more than 24 hours;

(I) non-vertex presentation after 38 weeks gestation;

(J) hyperemesis or significant dehydration;

(K) isoimmunization, Rh-negative sensitized, positive titers, or any other positive antibody titer, which may have a detrimental effect on the childbearing individual or fetus;

(L) elevated blood glucose levels unresponsive to dietary management;

(M) positive HIV antibody test;

(N) primary genital herpes infection in pregnancy;

(O) symptoms of malnutrition or anorexia or protracted weight loss or failure to gain weight;

(P) suspected deep vein thrombosis;

(Q) documented placental anomaly or previa;

(R) documented low-lying placenta in a childbearing individual with history of previous cesarean delivery;

(S) labor prior to the 37th week of gestation;

(T) history of prior uterine incision;

(U) lie other than vertex at term;

(V) multiple gestation;

(W) known fetal anomalies that may be affected by the site of birth;

(X) marked abnormal fetal heart tones;

(Y) abnormal non-stress test or abnormal biophysical profile;

(Z) marked or severe polyhydramnios or oligohydramnios;

(AA) evidence of intrauterine growth restriction;

(BB) significant abnormal ultrasound findings; or

(CC) gestation beyond 42 weeks by reliable confirmed dates;

(2) Intrapartum:

(A) rise in blood pressure above baseline, more than 30/15 points or greater than 140/90;

(B) persistent, severe headaches, epigastric pain or visual disturbances;

(C) significant proteinuria or ketonuria;

(D) fever over 100.6 degrees Fahrenheit or 38 degrees Celsius in absence of environmental factors;

(E) ruptured membranes without onset of established labor after 18 hours;

(F) significant bleeding prior to delivery or any abnormal bleeding, with or without abdominal pain or evidence of placental abruption;

(G) lie not compatible with spontaneous vaginal delivery or unstable fetal lie;

(H) failure to progress after 5 hours of active labor or following 2 hours of active second stage labor;

(I) signs or symptoms of maternal infection;

(J) active genital herpes at onset of labor;

(K) fetal heart tones with non-reassuring patterns;  
 (L) signs or symptoms of fetal distress;  
 (M) thick meconium or frank bleeding with birth not imminent; or  
 (N) client or licensed certified professional midwife desires physician consultation or transfer;

(3) Postpartum:

(A) failure to void within 6 hours of birth;  
 (B) signs or symptoms of maternal shock;  
 (C) fever of 102 degrees Fahrenheit or 39 degrees Celsius and unresponsive to therapy for 12 hours;  
 (D) abnormal lochia or signs or symptoms of uterine sepsis;  
 (E) suspected deep vein thrombosis; or  
 (F) signs of clinically significant depression.

(c) A licensed certified professional midwife shall consult with a licensed physician or certified nurse midwife with regard to any neonate who is born with or develops the following risk factors:

(1) Apgar score of 6 or less at 5 minutes without significant improvement by 10 minutes;  
 (2) persistent grunting respirations or retractions;  
 (3) persistent cardiac irregularities;  
 (4) persistent central cyanosis or pallor;  
 (5) persistent lethargy or poor muscle tone;  
 (6) abnormal cry;  
 (7) birth weight less than 2,300 grams;  
 (8) jitteriness or seizures;  
 (9) jaundice occurring before 24 hours or outside of normal range;  
 (10) failure to urinate within 24 hours of birth;  
 (11) failure to pass meconium within 48 hours of birth;  
 (12) edema;  
 (13) prolonged temperature instability;  
 (14) significant signs or symptoms of infection;  
 (15) significant clinical evidence of glycemic instability;  
 (16) abnormal, bulging, or depressed fontanel;  
 (17) significant clinical evidence of prematurity;  
 (18) medically significant congenital anomalies;  
 (19) significant or suspected birth injury;  
 (20) persistent inability to suck;  
 (21) diminished consciousness;  
 (22) clinically significant abnormalities in vital signs, muscle tone, or behavior;  
 (23) clinically significant color abnormality, cyanotic, or pale or abnormal perfusion;  
 (24) abdominal distension or projectile vomiting; or  
 (25) signs of clinically significant dehydration or failure to thrive.

(d) Consultation with a health care professional does not establish a formal relationship with the client. Consultation does not establish a formal relationship between a licensed certified professional midwife and another health care professional.

#### Section 80. Transfer.

(a) Transport via private vehicle is an acceptable method of transport if it is the most expedient and safest method for accessing medical services. The licensed certified professional midwife shall initiate immediate transport according to the licensed certified professional midwife's emergency plan, provide emergency stabilization until emergency medical services arrive or transfer is completed, accompany the client or follow the client to a hospital in a timely fashion, and provide pertinent information to the receiving facility and complete an emergency transport record.

(b) A licensed certified professional midwife must establish a written protocol for the handling of both the patient's and newborn's medical emergencies, including transportation to a hospital, particular to each client, with identification of the appropriate hospital. A verbal report of the care provided must be provided to emergency services providers and a copy of the client records shall be sent with the client at the time of

any transfer to a hospital, including obtaining a signed authorization to release the client's medical records to a health care professional or hospital in the event of such emergency.

Section 85. Prohibited practices.

(a) A licensed certified professional midwife may not do any of the following:

- (1) administer prescription pharmacological agents intended to induce or augment labor;
- (2) administer prescription pharmacological agents to provide pain management;
- (3) use vacuum extractors or forceps;
- (4) prescribe medications;
- (5) provide out-of-hospital care to a childbearing individual who has had a previous cesarean section;
- (6) perform abortions or surgical procedures, including, but not limited to, cesarean sections and circumcisions, except for an emergency episiotomy;
- (7) knowingly accept responsibility for prenatal or intrapartum care of a client with any of the following risk factors:
  - (A) chronic significant maternal cardiac, pulmonary, renal, or hepatic disease;
  - (B) malignant disease in an active phase;
  - (C) significant hematological disorders, coagulopathies, or pulmonary embolism;
  - (D) insulin requiring diabetes mellitus;
  - (E) known maternal congenital abnormalities affecting childbirth;
  - (F) confirmed isoimmunization, Rh disease with positive titer;
  - (G) active tuberculosis;
  - (H) active syphilis or gonorrhea;
  - (I) active genital herpes infection 2 weeks prior to labor or in labor;
  - (J) pelvic or uterine abnormalities affecting normal vaginal births, including tumors and malformations;
  - (K) alcoholism or alcohol abuse;
  - (L) drug addiction or abuse; or
  - (M) confirmed AIDS status.

(b) A licensed certified professional midwife shall not administer Schedule II through IV controlled substances. Subject to a prescription by a health care professional, Schedule V controlled substances may be administered by licensed certified professional midwives.

Section 90. Annual Reports.

(a) A licensed certified professional midwife shall annually report to the Department of Public Health, by no later than March 31 of each year, in a manner specified by the Department of Public Health, the following information regarding cases in which the licensed certified professional midwife assisted during the previous calendar year when the intended place of birth at the onset of care was an out-of-hospital setting:

- (1) the total number of patients served at the onset of care;
- (2) the number, by county, of live births attended;
- (3) the number, by county, of cases of fetal demise, infant deaths, and maternal deaths attended at the discovery of the demise or death;
- (4) the number of women whose care was transferred to another health care professional during the antepartum period and the reason for transfer;
- (5) the number, reason for, and outcome of each nonemergency hospital transfer during the intrapartum or postpartum period;
- (6) the number, reason for, and outcome of each urgent or emergency transport of an expectant childbearing individual in the antepartum period;
- (7) the number, reason for, and outcome of each urgent or emergency transport of an infant or childbearing individual during the intrapartum or immediate postpartum period;
- (8) the number of planned out-of-hospital births at the onset of labor and the number of births completed in an out-of-hospital setting;
- (9) a brief description of any complications resulting in the morbidity or mortality of a childbearing individual or a neonate; and
- (10) any other information required by rule by the Department of Public Health.

(b) The Board shall maintain the confidentiality of any report under subsection (d).

(c) Notwithstanding any other provision of law, a licensed certified professional midwife shall be subject to the same reporting requirements as other health care professionals who provide care to individuals.

(d) Reports are confidential under Section 180 of this Act.

#### Section 95. Vicarious liability.

(a) Consultation with a physician or advanced practice registered nurse does not alone create a physician-patient or advanced practice registered nurse-patient relationship or any other relationship with the physician or advanced practice registered nurse. The informed consent shall specifically state that the licensed certified professional midwife and any consulting physician or advanced practice registered nurse are not employees, partners, associates, agents, or principals of one another. The licensed certified professional midwife shall inform the patient that he or she is independently licensed and practicing midwifery and in that regard is solely responsible for the services he or she provides.

(b) Nothing in this Act is intended to expand or limit the malpractice liability of physicians, advanced practice registered nurses, licensed certified professional midwives, or other health care professionals, hospitals, or other health care institutions beyond the limits existing in current Illinois statutory and common law; however, no physician, nurse, emergency medical personnel, hospital, or other health care institution shall be liable for any act or omission resulting from the provision of services by any licensed certified professional midwife, even if the physician, nurse, emergency medical personnel, hospital, or other health care institution has consulted with or accepted a referral from the licensed certified professional midwife. The physician, nurse, licensed certified professional midwife, emergency medical personnel, hospital, or other health care institution providing care are responsible for their own acts and omissions.

#### Section 100. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action with regard to any license issued under this Act as the Department may deem proper, including the issuance of fines not to exceed \$10,000 for each violation, for any one or combination of the following causes:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act, or the rules adopted under this Act.

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States that is: (i) a felony; or (ii) a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining licenses.

(5) Professional incompetence.

(6) Aiding or assisting another person in violating any provision of this Act or its rules.

(7) Failing, within 60 days, to provide information in response to a written request made by the Department.

(8) Engaging in dishonorable, unethical, or unprofessional conduct, as defined by rule, of a character likely to deceive, defraud, or harm the public.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a midwife's inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Section.

(11) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered. Nothing in this paragraph affects any bona fide independent contractor or employment arrangements, including provisions for compensation, health insurance, pension, or other employment benefits, with persons or entities authorized under this Act for the provision of services within the scope of the licensee's practice under this Act.

(12) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

- (13) Abandonment of a patient.
- (14) Willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with state agencies or departments.
- (15) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.
- (16) Physical illness, or mental illness or impairment that results in the inability to practice the profession with reasonable judgment, skill, or safety, including, but not limited to, deterioration through the aging process or loss of motor skill.
- (17) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.
- (18) Gross negligence resulting in permanent injury or death of a patient.
- (19) Employment of fraud, deception, or any unlawful means in applying for or securing a license as a licensed certified profession midwife.
- (20) Immoral conduct in the commission of any act, including sexual abuse, sexual misconduct, or sexual exploitation related to the licensee's practice.
- (21) Violation of the Health Care Worker Self-Referral Act.
- (22) Practicing under a false or assumed name, except as provided by law.
- (23) Making a false or misleading statement regarding his or her skill or the efficacy or value of the medicine, treatment, or remedy prescribed by him or her in the course of treatment.
- (24) Allowing another person to use his or her license to practice.
- (25) Prescribing, selling, administering, distributing, giving, or self-administering a drug classified as a controlled substance for purposes other than medically-accepted therapeutic purposes.
- (26) Promotion of the sale of drugs, devices, appliances, or goods provided for a patient in a manner to exploit the patient for financial gain.
- (27) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.
- (28) Violating State or federal laws, rules, or regulations relating to controlled substances or other legend drugs or ephedra as defined in the Ephedra Prohibition Act.
- (29) Failure to establish and maintain records of patient care and treatment as required by law.
- (30) Attempting to subvert or cheat on the examination of the North American Registry of Midwives or its successor agency.
- (31) Willfully or negligently violating the confidentiality between licensed certified profession midwives and patient, except as required by law.
- (32) Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act.
- (33) Being named as an abuser in a verified report by the Department on Aging under the Adult Protective Services Act and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.
- (34) Failure to report to the Department an adverse final action taken against him or her by another licensing jurisdiction of the United States or a foreign state or country, a peer review body, a health care institution, a professional society or association, a governmental agency, a law enforcement agency, or a court.
- (35) Failure to provide copies of records of patient care or treatment, except as required by law.
- (36) Failure of a licensee to report to the Department surrender by the licensee of a license or authorization to practice in another state or jurisdiction or current surrender by the licensee of membership professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action under this Section.
- (37) Failing, within 90 days, to provide a response to a request for information in response to a written request made by the Department by certified or registered mail or by email to the email address of record.
- (38) Failure to supervise a midwife assistant or student midwife including, but not limited to, allowing a midwife assistant or student midwife to exceed their scope.



(40) Failure to adequately inform a patient about their malpractice liability insurance coverage and the policy limits of the coverage.

(41) Failure to submit an annual report to Department of Public Health.

(42) Failure to disclose active cardiopulmonary resuscitation certification or neonatal resuscitation provider status to clients.

(43) Engaging in one of the prohibited practices provided for in Section 85 of this Act.

(b) The Department may, without a hearing, refuse to issue or renew or may suspend the license of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until the requirements of any such tax Act are satisfied.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, including a substance abuse or sexual offender evaluation, as required by and at the expense of the Department.

The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed.

The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning the mental or physical examination of the licensee or applicant. No information, report, record, or other documents in any way related to the examination shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation.

The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. However, that physician shall be present only to observe and may not interfere in any way with the examination.

Failure of an individual to submit to a mental or physical examination, when ordered, shall result in an automatic suspension of his or her license until the individual submits to the examination.

If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

Section 105. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or the Criminal Code of 2012. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 110. Restoration of license. At any time after the successful completion of a term of probation, suspension, or revocation of any license, the Department may restore it to the licensee, unless after an investigation and a hearing, the Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring his or her license. No person whose license has been revoked as authorized in this Act may apply for restoration of that license until provided for in the Civil Administrative Code of Illinois.

A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a person restoring his or her license from suspension or revocation must comply with the requirements for restoration of a nonrenewed license as set forth in Section 20 and any related rules adopted.

Section 115. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the license to the Department. If the licensee fails to do so, the Department shall have the right to seize the license.

Section 120. Temporary suspension of license. The Secretary may temporarily suspend the license of a certified professional midwife without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 125, if the Secretary finds that evidence in his or her possession indicates that continuation in practice would constitute an imminent danger to the public. If the Secretary suspends, temporarily, the license without a hearing, a hearing by the Department must be held within 30 days after such suspension has occurred, and concluded without appreciable delay.

Section 125. Rehearing. If the Secretary is satisfied that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license, the Secretary may order a rehearing by the same or another hearing officer or Board.

Section 130. Administrative review; certification of record.

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the Administrative Review Law, and all rules adopted pursuant thereto. "Administrative decision" has the same meaning as used in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of this State, venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in court is grounds for dismissal of the action. During the pendency and hearing of any and all judicial proceedings incident to the disciplinary action, the sanctions imposed upon the accused by the Department because of acts or omissions related to the delivery of direct patient care as specified in the

Department's final administrative decision, shall, as a matter of public policy, remain in full force and effect in order to protect the public pending final resolution of any of the proceedings.

Section 135. Injunction.

(a) If any person violates any provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General, or the State's Attorney of any county in which the action is brought, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person shall practice as a certified professional midwife or hold himself or herself out as a licensed certified professional midwife without being licensed under the provisions of this Act, then any licensed certified professional midwife, any interested party, or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a).

(c) If, in the opinion of the Department, any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him or her. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued forthwith.

Section 140. Investigation; notice; hearing. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license under this Act. The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the applicant or licensee in writing of any charges made and the time and place for a hearing of the charges, direct him or her to file his or her written answer under oath within 20 days after the service and inform the applicant or licensee that failure to answer will result in a default being entered against the applicant or licensee. As a result of the default, such may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of his or her practice, as the Department may deem proper taken with regard thereto. Written or electronic notice may be served by personal delivery, email, or mail to the applicant or licensee at his or her address of record or email address of record. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to the defense thereto. The Department may continue such hearing from time to time. In case the applicant or licensee, after receiving notice, fails to file an answer, his or her license may in the discretion of the Secretary, having received first the recommendation of the Board, be suspended, revoked, placed on probationary status, or the Secretary may take whatever disciplinary action as he or she may deem proper, including limiting the scope, nature, or extent of such person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

Section 145. Hearing report. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding of whether the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary.

The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order or refusal or for the granting of a license or permit. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

Section 150. Hearing officer. Notwithstanding the provisions of Section 140, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in this State to serve as the hearing officer in any action for refusal to issue or renew, or for discipline of, a license. The hearing officer shall have full

authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board shall have 60 days after receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law, and recommendations to the Secretary. If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof.

Section 155. Motion for rehearing. In any case involving the refusal to issue, renew, or discipline of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Secretary may enter an order in accordance with recommendations of the Board except as provided in Section 145 or 150. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 160. Certification of records by Department. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

Section 165. Violation. Any person who is found to have knowingly violated any provision of this Act is guilty of a Class A misdemeanor. On conviction of a second or subsequent offense the violator shall be guilty of a Class 4 felony.

Section 170. Fees.

(a) Fees collected for the administration of this Act shall be set by the Department by rule. All fees are nonrefundable.

(b) All moneys collected under this Act by the Department shall be deposited in the General Professions Dedicated Fund.

Section 175. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

Section 180. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department shall not disclose the information to anyone other than law enforcement officials, regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal

complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

Section 185. The Regulatory Sunset Act is amended by changing Section 4.37 as follows:  
(5 ILCS 80/4.37)

Sec. 4.37. Acts and Articles repealed on January 1, 2027. The following are repealed on January 1, 2027:

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

The Boiler and Pressure Vessel Repairer Regulation Act.

The Marriage and Family Therapy Licensing Act.

The Licensed Certified Professional Midwife Practice Act.

(Source: P.A. 99-572, eff. 7-15-16; 99-909, eff. 12-16-16; 99-910, eff. 12-16-16; 99-911, eff. 12-16-16; 100-201, eff. 8-18-17; 100-372, eff. 8-25-17.)

Section 999. Effective date. This Act takes effect on January 1, 2022."

Floor Amendment No. 2 was held in the Committee on Licensed Activities earlier today.

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

On motion of Senator Johnson, **House Bill No. 3702** was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Local Government earlier today.

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

On motion of Senator Harmon, **House Bill No. 1539** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Cullerton, **House Bill No. 359** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 692** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bennett, **House Bill No. 1975** was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Assignments.

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

#### **AMENDMENT NO. 2 TO HOUSE BILL 1975**

AMENDMENT NO. 2. Amend House Bill 1975 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as Faith's Law.

Section 5. The School Code is amended by adding Sections 2-3.188 and 22-85.5 and by changing Sections 21B-45 and 27A-5 as follows:

(105 ILCS 5/2-3.188 new)

Sec. 2-3.188. Resource guide.

(a) By July 1, 2023, the State Board of Education, in consultation with relevant stakeholders, as needed, shall develop and maintain a resource guide that shall be made available on the State Board's Internet website. The resource guide shall provide guidance for pupils, parents or guardians, and teachers about sexual abuse response and prevention resources available in their community. The resource guide shall, at a minimum, provide all of the following information:

(1) Contact information, the location, and a list of the services provided by or available through accredited children's advocacy centers.

(2) Contact information and a list of the services offered by organizations that provide medical evaluations and treatment to victims of child sexual abuse.

(3) Contact information and a list of the services offered by organizations that provide mental health evaluations and services to victims and the families of victims of child sexual abuse.

(4) Contact information of organizations that offer legal assistance to and provide advocacy on behalf of victims of child sexual abuse.

(b) At the beginning of the school year, each school district, charter school, or nonpublic school shall notify the parents or guardians of enrolled students of the availability of the resource guide. Each school district, charter school, or nonpublic school shall furnish the resource guide to a student's parent or guardian at the request of the parent or guardian and may also make the resource guide available on its Internet website.

(c) The State Board of Education shall periodically review the information contained in the resource guide and update the information as necessary.

(105 ILCS 5/21B-45)

Sec. 21B-45. Professional Educator License renewal.

(a) Individuals holding a Professional Educator License are required to complete the licensure renewal requirements as specified in this Section, unless otherwise provided in this Code.

Individuals holding a Professional Educator License shall meet the renewal requirements set forth in this Section, unless otherwise provided in this Code. If an individual holds a license endorsed in more than one area that has different renewal requirements, that individual shall follow the renewal requirements for the position for which he or she spends the majority of his or her time working.

(b) All Professional Educator Licenses not renewed as provided in this Section shall lapse on September 1 of that year. Notwithstanding any other provisions of this Section, if a license holder's electronic mail address is available, the State Board of Education shall send him or her notification electronically that his or her license will lapse if not renewed, to be sent no more than 6 months prior to the license lapsing. Lapsed licenses may be immediately reinstated upon (i) payment by the applicant of a \$500 penalty to the State Board of Education or (ii) the demonstration of proficiency by completing 9 semester hours of coursework from a regionally accredited institution of higher education in the content area that most aligns with one or more of the educator's endorsement areas. Any and all back fees, including without limitation registration fees owed from the time of expiration of the license until the date of reinstatement, shall be paid and kept in accordance with the provisions in Article 3 of this Code concerning an institute fund and the provisions in Article 21B of this Code concerning fees and requirements for registration. Licenses not registered in accordance with Section 21B-40 of this Code shall lapse after a period of 6 months from the expiration of the last year of registration or on January 1 of the fiscal year following initial issuance of the license. An unregistered license is invalid after September 1 for employment and performance of services in an Illinois public or State-operated school or cooperative and in a charter school. Any license or endorsement may be voluntarily surrendered by the license holder. A voluntarily surrendered license shall be treated as a revoked license. An Educator License with Stipulations with only a paraprofessional endorsement does not lapse.

(c) From July 1, 2013 through June 30, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee with an administrative endorsement who is working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, per fiscal year.

(c-5) All licenses issued by the State Board of Education under this Article that expire on June 30, 2020 and have not been renewed by the end of the 2020 renewal period shall be extended for one year and shall expire on June 30, 2021.

(d) Beginning July 1, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee may create a professional development plan each year. The plan shall address one or more of the endorsements that are required of his or her educator position if the licensee is employed and performing services in an Illinois public or State-operated school or cooperative. If the licensee is employed in a charter school, the plan shall address that endorsement or those endorsements most closely related to his or her educator position. Licensees employed and performing services in any other Illinois schools may participate in the renewal requirements by adhering to the same process.

Except as otherwise provided in this Section, the licensee's professional development activities shall align with one or more of the following criteria:

(1) activities are of a type that engage participants over a sustained period of time allowing for analysis, discovery, and application as they relate to student learning, social or emotional achievement, or well-being;

(2) professional development aligns to the licensee's performance;

(3) outcomes for the activities must relate to student growth or district improvement;

(4) activities align to State-approved standards; and

(5) higher education coursework.

(e) For each renewal cycle, each professional educator licensee shall engage in professional development activities. Prior to renewal, the licensee shall enter electronically into the Educator Licensure Information System (ELIS) the name, date, and location of the activity, the number of professional development hours, and the provider's name. The following provisions shall apply concerning professional development activities:

(1) Each licensee shall complete a total of 120 hours of professional development per 5-year renewal cycle in order to renew the license, except as otherwise provided in this Section.

(2) Beginning with his or her first full 5-year cycle, any licensee with an administrative endorsement who is not working in a position requiring such endorsement is not required to complete Illinois Administrators' Academy courses, as described in Article 2 of this Code. Such licensees must complete one Illinois Administrators' Academy course within one year after returning to a position that requires the administrative endorsement.

(3) Any licensee with an administrative endorsement who is working in a position requiring such endorsement or an individual with a Teacher Leader endorsement serving in an administrative capacity at least 50% of the day shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, each fiscal year in addition to 100 hours of professional development per 5-year renewal cycle in accordance with this Code.

(4) Any licensee holding a current National Board for Professional Teaching Standards (NBPTS) master teacher designation shall complete a total of 60 hours of professional development per 5-year renewal cycle in order to renew the license.

(5) Licensees working in a position that does not require educator licensure or working in a position for less than 50% for any particular year are considered to be exempt and shall be required to pay only the registration fee in order to renew and maintain the validity of the license.

(6) Licensees who are retired and qualify for benefits from a State of Illinois retirement system shall notify the State Board of Education using ELIS, and the license shall be maintained in retired status. For any renewal cycle in which a licensee retires during the renewal cycle, the licensee must complete professional development activities on a prorated basis depending on the number of years during the renewal cycle the educator held an active license. If a licensee retires during a renewal cycle, the licensee must notify the State Board of Education using ELIS that the licensee wishes to maintain the license in retired status and must show proof of completion of professional development activities on a prorated basis for all years of that renewal cycle for which the license was active. An individual with a license in retired status shall not be required to complete professional development activities or pay registration fees until returning to a position that requires educator licensure. Upon returning to work in a position that requires the Professional Educator License, the licensee shall immediately pay a registration fee and complete renewal requirements for that year. A license in retired status cannot lapse. Beginning on January 6, 2017 (the effective date of Public Act 99-920) through December 31, 2017, any licensee who has retired and whose license has lapsed for failure to renew as provided in this Section may reinstate that license and maintain it in retired status upon providing proof to the State Board of Education using ELIS that the licensee is retired and is not working in a position that requires a Professional Educator License.

(7) For any renewal cycle in which professional development hours were required, but not fulfilled, the licensee shall complete any missed hours to total the minimum professional development hours required in this Section prior to September 1 of that year. Professional development hours used to fulfill the minimum required hours for a renewal cycle may be used for only one renewal cycle. For any fiscal year or renewal cycle in which an Illinois Administrators' Academy course was required but not completed, the licensee shall complete any missed Illinois Administrators' Academy courses prior to September 1 of that year. The licensee may complete all deficient hours and Illinois Administrators' Academy courses while continuing to work in a position that requires that license until September 1 of that year.

(8) Any licensee who has not fulfilled the professional development renewal requirements set forth in this Section at the end of any 5-year renewal cycle is ineligible to register his or her license and may submit an appeal to the State Superintendent of Education for reinstatement of the license.

(9) If professional development opportunities were unavailable to a licensee, proof that opportunities were unavailable and request for an extension of time beyond August 31 to complete the renewal requirements may be submitted from April 1 through June 30 of that year to the State Educator Preparation and Licensure Board. If an extension is approved, the license shall remain valid during the extension period.

(10) Individuals who hold exempt licenses prior to December 27, 2013 (the effective date of Public Act 98-610) shall commence the annual renewal process with the first scheduled registration due after December 27, 2013 (the effective date of Public Act 98-610).

(11) Notwithstanding any other provision of this subsection (e), if a licensee earns more than the required number of professional development hours during a renewal cycle, then the licensee may carry over any hours earned from April 1 through June 30 of the last year of the renewal cycle. Any hours carried over in this manner must be applied to the next renewal cycle. Illinois Administrators' Academy courses or hours earned in those courses may not be carried over.

(f) At the time of renewal, each licensee shall respond to the required questions under penalty of perjury.

(f-5) The State Board of Education shall conduct random audits of licensees to verify a licensee's fulfillment of the professional development hours required under this Section. Upon completion of a random audit, if it is determined by the State Board of Education that the licensee did not complete the required number of professional development hours or did not provide sufficient proof of completion, the licensee shall be notified that his or her license has lapsed. A license that has lapsed under this subsection may be reinstated as provided in subsection (b).

(g) The following entities shall be designated as approved to provide professional development activities for the renewal of Professional Educator Licenses:

(1) The State Board of Education.

(2) Regional offices of education and intermediate service centers.

(3) Illinois professional associations representing the following groups that are approved by the State Superintendent of Education:

(A) school administrators;

(B) principals;

(C) school business officials;

(D) teachers, including special education teachers;

(E) school boards;

(F) school districts;

(G) parents; and

(H) school service personnel.

(4) Regionally accredited institutions of higher education that offer Illinois-approved educator preparation programs and public community colleges subject to the Public Community College Act.

(5) Illinois public school districts, charter schools authorized under Article 27A of this Code, and joint educational programs authorized under Article 10 of this Code for the purposes of providing career and technical education or special education services.

(6) A not-for-profit organization that, as of December 31, 2014 (the effective date of Public Act 98-1147), has had or has a grant from or a contract with the State Board of Education to provide professional development services in the area of English Learning to Illinois school districts, teachers, or administrators.

(7) State agencies, State boards, and State commissions.

(8) Museums as defined in Section 10 of the Museum Disposition of Property Act.

(h) Approved providers under subsection (g) of this Section shall make available professional development opportunities that satisfy at least one of the following:

(1) increase the knowledge and skills of school and district leaders who guide continuous professional development;

(2) improve the learning of students;

(3) organize adults into learning communities whose goals are aligned with those of the school and district;



- (4) deepen educator's content knowledge;
- (5) provide educators with research-based instructional strategies to assist students in meeting rigorous academic standards;
- (6) prepare educators to appropriately use various types of classroom assessments;
- (7) use learning strategies appropriate to the intended goals;
- (8) provide educators with the knowledge and skills to collaborate;
- (9) prepare educators to apply research to decision making; ~~or~~
- (10) provide educators with training on inclusive practices in the classroom that examines instructional and behavioral strategies that improve academic and social-emotional outcomes for all students, with or without disabilities, in a general education setting; ~~or~~
- (11) beginning on July 1, 2022, provide educators with training on the physical and mental health needs of students, student safety, educator ethics, professional conduct, and other topics that address the well-being of students and improve the academic and social-emotional outcomes of students.

(i) Approved providers under subsection (g) of this Section shall do the following:

- (1) align professional development activities to the State-approved national standards for professional learning;
- (2) meet the professional development criteria for Illinois licensure renewal;
- (3) produce a rationale for the activity that explains how it aligns to State standards and identify the assessment for determining the expected impact on student learning or school improvement;
- (4) maintain original documentation for completion of activities;
- (5) provide license holders with evidence of completion of activities;
- (6) request an Illinois Educator Identification Number (IEIN) for each educator during each professional development activity; and
- (7) beginning on July 1, 2019, register annually with the State Board of Education prior to offering any professional development opportunities in the current fiscal year.

(j) The State Board of Education shall conduct annual audits of a subset of approved providers, except for school districts, which shall be audited by regional offices of education and intermediate service centers. The State Board of Education shall ensure that each approved provider, except for a school district, is audited at least once every 5 years. The State Board of Education may conduct more frequent audits of providers if evidence suggests the requirements of this Section or administrative rules are not being met.

(1) (Blank).

(2) Approved providers shall comply with the requirements in subsections (h) and (i) of this Section by annually submitting data to the State Board of Education demonstrating how the professional development activities impacted one or more of the following:

- (A) educator and student growth in regards to content knowledge or skills, or both;
- (B) educator and student social and emotional growth; or
- (C) alignment to district or school improvement plans.

(3) The State Superintendent of Education shall review the annual data collected by the State Board of Education, regional offices of education, and intermediate service centers in audits to determine if the approved provider has met the criteria and should continue to be an approved provider or if further action should be taken as provided in rules.

(k) Registration fees shall be paid for the next renewal cycle between April 1 and June 30 in the last year of each 5-year renewal cycle using ELIS. If all required professional development hours for the renewal cycle have been completed and entered by the licensee, the licensee shall pay the registration fees for the next cycle using a form of credit or debit card.

(l) Any professional educator licensee endorsed for school support personnel who is employed and performing services in Illinois public schools and who holds an active and current professional license issued by the Department of Financial and Professional Regulation or a national certification board, as approved by the State Board of Education, related to the endorsement areas on the Professional Educator License shall be deemed to have satisfied the continuing professional development requirements provided for in this Section. Such individuals shall be required to pay only registration fees to renew the Professional Educator License. An individual who does not hold a license issued by the Department of Financial and Professional Regulation shall complete professional development requirements for the renewal of a Professional Educator License provided for in this Section.

(m) Appeals to the State Educator Preparation and Licensure Board must be made within 30 days after receipt of notice from the State Superintendent of Education that a license will not be renewed based upon failure to complete the requirements of this Section. A licensee may appeal that decision to the State Educator Preparation and Licensure Board in a manner prescribed by rule.

(1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested, to the State Board of Education.

(2) The State Educator Preparation and Licensure Board shall review each appeal regarding renewal of a license within 90 days after receiving the appeal in order to determine whether the licensee has met the requirements of this Section. The State Educator Preparation and Licensure Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of the following:

(A) the regional superintendent of education's rationale for recommending nonrenewal of the license, if applicable;

(B) any evidence submitted to the State Superintendent along with the individual's electronic statement of assurance for renewal; and

(C) the State Superintendent's rationale for nonrenewal of the license.

(3) The State Educator Preparation and Licensure Board shall notify the licensee of its decision regarding license renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision. Upon receipt of notification of renewal, the licensee, using ELIS, shall pay the applicable registration fee for the next cycle using a form of credit or debit card.

(n) The State Board of Education may adopt rules as may be necessary to implement this Section.

(Source: P.A. 100-13, eff. 7-1-17; 100-339, eff. 8-25-17; 100-596, eff. 7-1-18; 100-863, eff. 8-14-18; 101-85, eff. 1-1-20; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20.)

(105 ILCS 5/22-85.5 new)

Sec. 22-85.5. Sexual misconduct in schools.

(a) This Section applies beginning on July 1, 2022.

(b) The General Assembly finds that:

(1) the success of students in school relies on safe learning environments and healthy relationships with school personnel;

(2) it is important for staff to maintain a professional relationship with students at all times and to define staff-student boundaries to protect students from sexual misconduct by staff and staff from the appearance of impropriety;

(3) many breaches of staff-student boundaries do not rise to the level of criminal behavior but do pose a potential risk to student safety;

(4) repeated violations of staff-student boundaries can indicate the grooming of a student for sexual abuse;

(5) it is necessary to uphold the State Board of Education's Code of Ethics for Illinois Educators and for each school district, charter school, or nonpublic school to have an employee code of professional conduct policy;

(6) each school district, charter school, or nonpublic school must have the ability to discipline educators for breaches of its employee code of professional conduct policy;

(7) each school district, charter school, or nonpublic school must have the ability to know if any of its educators have violated professional staff-student boundaries in previous employment; and

(8) as bystanders, educators may have knowledge of concerning behaviors that no one else is aware of, so they need adequate training on sexual abuse, the employee code of professional conduct policy, and federal and State reporting requirements.

(c) In this Section, "sexual misconduct" means any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee or agent of the school district, charter school, or nonpublic school with direct contact with a student that is directed toward or with a student to establish a romantic or sexual relationship with the student. Such an act includes, but is not limited to, any of the following:

(1) A sexual or romantic invitation.

(2) Dating or soliciting a date.

(3) Engaging in sexualized or romantic dialog.

(4) Making sexually suggestive comments that are directed toward or with a student.

(5) Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.

(6) A sexual, indecent, romantic, or erotic contact with the student.

(d) To prevent sexual misconduct with students, each school district, charter school, or nonpublic school shall develop an employee code of professional conduct policy that addresses all of the following:

(1) Incorporates the Code of Ethics for Illinois Educators.

(2) Incorporates the definition of "sexual misconduct" in this Section.

(3) Identifies the expectations for employees and agents of the school district, charter school, or nonpublic school regarding how to maintain a professional relationship with students, including the expectations for staff-student boundaries, recognizing the age and developmental level of the students served, and establishes guidelines for all of the following situations:

(A) Transporting a student.

(B) Taking or possessing a photo or a video of a student.

(C) Meeting with a student or contacting a student outside of the employee's or agent's professional role.

(4) References the employee reporting requirements required under the Abused and Neglected Child Reporting Act and under Title IX of the federal Education Amendments of 1972.

(5) References required employee training that is related to child abuse and educator ethics that are applicable under State and federal law.

(e) The employee code of professional conduct policy must be posted on the website, if any, of each school district, charter school, or nonpublic school and must be included in any staff, student, or parent handbook provided by the school district, charter school, or nonpublic, nonsectarian elementary or secondary school.

(f) A violation of the employee code of professional conduct policy may subject an employee to disciplinary action up to and including dismissal from employment. Failure to report a violation of the employee code of professional conduct policy may subject an employee to disciplinary action up to and including dismissal from employment.

(105 ILCS 5/27A-5)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. No later than January 1, 2021 (one year after the effective date of Public Act 101-291), a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and

responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

- (1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;
- (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;
- (3) the Local Governmental and Governmental Employees Tort Immunity Act;
- (4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;
- (5) the Abused and Neglected Child Reporting Act;
- (5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;
- (6) the Illinois School Student Records Act;
- (7) Section 10-17a of this Code regarding school report cards;
- (8) the P-20 Longitudinal Education Data System Act;
- (9) Section 27-23.7 of this Code regarding bullying prevention;
- (10) Section 2-3.162 of this Code regarding student discipline reporting;
- (11) Sections 22-80 and 27-8.1 of this Code;

- (12) Sections 10-20.60 and 34-18.53 of this Code;
- (13) Sections 10-20.63 and 34-18.56 of this Code;
- (14) Section 26-18 of this Code;
- (15) Section 22-30 of this Code;
- (16) Sections 24-12 and 34-85 of this Code;
- (17) the Seizure Smart School Act; ~~and~~
- (18) Section 2-3.64a-10 of this Code; ~~and~~
- (19) Section 2-3.188 of this Code; and
- (20) Section 22-85.5 of this Code.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the State Board or Commission, then the charter school is its own local education agency.

(Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff. 3-8-21.)

Section 10. The Abused and Neglected Child Reporting Act is amended by changing Section 3 as follows:

(325 ILCS 5/3) (from Ch. 23, par. 2053)

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

"Adult resident" means any person between 18 and 22 years of age who resides in any facility licensed by the Department under the Child Care Act of 1969. For purposes of this Act, the criteria set forth in the definitions of "abused child" and "neglected child" shall be used in determining whether an adult resident is abused or neglected.

"Agency" means a child care facility licensed under Section 2.05 or Section 2.06 of the Child Care Act of 1969 and includes a transitional living program that accepts children and adult residents for placement who are in the guardianship of the Department.

"Blatant disregard" means an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. With respect to a person working at an agency in his or her professional capacity with a child or adult resident, "blatant disregard" includes a failure by the person to perform job responsibilities intended to protect the child's or adult resident's health, physical well-being, or welfare, and, when viewed in light of the surrounding circumstances, evidence exists that would cause a reasonable person to believe that the child was neglected. With respect to an agency, "blatant disregard" includes a failure to implement practices that ensure the health, physical well-being, or welfare of the children and adult residents residing in the facility.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Department" means Department of Children and Family Services.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 2012 or in the Wrongs to Children Act, and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon such child;

(e) inflicts excessive corporal punishment or, in the case of a person working for an agency who is prohibited from using corporal punishment, inflicts corporal punishment upon a child or adult resident with whom the person is working in his or her professional capacity;

(f) commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 2012, against the child;

(g) causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act in violation of Article IV of the Illinois Controlled Substances Act or in violation of the Methamphetamine Control and Community Protection Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription; ~~or~~

(h) commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons as defined in Section 10-9 of the Criminal Code of 2012 against the child; or

(i) commits the offense of grooming, as defined in Section 11-25 of the Criminal Code of 2012, against the child.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is subjected to an environment which is injurious insofar as (i) the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare and (ii) the likely harm to the child is the result of a blatant disregard of parent, caretaker, or agency responsibilities; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987 and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child

has been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

"Child Protective Service Unit" means certain specialized State employees of the Department assigned by the Director to perform the duties and responsibilities as provided under Section 7.2 of this Act.

"Near fatality" means an act that, as certified by a physician, places the child in serious or critical condition, including acts of great bodily harm inflicted upon children under 13 years of age, and as otherwise defined by Department rule.

"Great bodily harm" includes bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private profit or not for profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, including any person that is the custodian of a child under 18 years of age who commits or allows to be committed, against the child, the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as provided in Section 10-9 of the Criminal Code of 2012, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated for such custody by the Department, subject to review by the Court, including a licensed foster home, group home, or other institution; but such place shall not be a jail or other place for the detention of criminal or juvenile offenders.

"An unfounded report" means any report made under this Act for which it is determined after an investigation that no credible evidence of abuse or neglect exists.

"An indicated report" means a report made under this Act if an investigation determines that credible evidence of the alleged abuse or neglect exists.

"An undetermined report" means any report made under this Act in which it was not possible to initiate or complete an investigation on the basis of information provided to the Department.

"Subject of report" means any child reported to the central register of child abuse and neglect established under Section 7.7 of this Act as an alleged victim of child abuse or neglect and the parent or guardian of the alleged victim or other person responsible for the alleged victim's welfare who is named in the report or added to the report as an alleged perpetrator of child abuse or neglect.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Member of the clergy" means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs.

(Source: P.A. 99-350, eff. 6-1-16; 100-733, eff. 1-1-19.)

Section 15. The Criminal Code of 2012 is amended by changing Section 11-25 as follows:

(720 ILCS 5/11-25)

Sec. 11-25. Grooming.

(a) A person commits grooming when he or she knowingly uses a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission, performs an act in person or by conduct through a third party, or uses written communication to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense as defined in Section 2 of the Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child. As used in this Section, "child" means a person under 17 years of age.

(b) Sentence. Grooming is a Class 4 felony.  
(Source: P.A. 100-428, eff. 1-1-18.)

Section 99. Effective date. This Section and Sections 5 and 10 take effect upon becoming law."

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

**PRESENTATION OF RESOLUTION**

**SENATE RESOLUTION NO. 567**

Offered by Senator Morrison and all Senators:  
Mourns the death of Elaine L. Rundle-Schwark of Springfield.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

**LEGISLATIVE MEASURE 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 359

At the hour of 5:08 o'clock p.m., the Chair announced that the Senate stands adjourned until Wednesday, October 20, 2021, at 12:00 o'clock p.m., or until the call of the President.