



SENATE JOURNAL

STATE OF ILLINOIS

**ONE HUNDRED SECOND GENERAL
ASSEMBLY**

103RD LEGISLATIVE DAY

THURSDAY, MARCH 31, 2022

10:11 O'CLOCK A.M.

SENATE
Daily Journal Index
103rd Legislative Day

Action	Page(s)
Committee Meeting Announcements	123
Deadline Established.....	5
Introduction of Senate Bills No'd. 4201-4202	33
Joint Action Motion Filed.....	123
Legislative Measure Filed.....	4, 105
Legislative Measures Filed	121
Message from the President	4
Presentation of Senate Resolution No. 947.....	5
Presentation of Senate Resolution No. 948.....	105
Reports from Assignments Committee.....	120
Reports from Standing Committees.....	6
Reports Received	4

Bill Number	Legislative Action	Page(s)
SB 1104	Recalled - Amendment(s)	116
SB 1104	Third Reading	119
SR 0710	Adopted, as amended	122
SR 0828	Adopted, as amended	122
SR 0927	Adopted.....	123
SR 0947	Adopted.....	122
SR 0947	Committee on Assignments	5
HB 0861	Recalled – Amendment(s).....	90
HB 0861	Third Reading	91
HB 1167	Third Reading	110
HB 1780	Recalled – Amendment(s).....	91
HB 1780	Third Reading	92
HB 2775	Second Reading	75
HB 2991	Third Reading	92
HB 3124	Third Reading	108
HB 3296	Third Reading	93
HB 3573	Third Reading	93
HB 3850	Third Reading	110
HB 4073	Second Reading	7
HB 4126	Second Reading	10
HB 4242	Third Reading	121
HB 4243	Third Reading	111
HB 4256	Recalled – Amendment(s).....	112
HB 4256	Third Reading	113
HB 4284	Third Reading	94
HB 4304	Third Reading	94
HB 4322	Third Reading	114
HB 4388	Third Reading	95
HB 4408	Third Reading	95
HB 4461	Third Reading	96
HB 4462	Third Reading	105
HB 4489	Recalled – Amendment(s).....	107
HB 4489	Third Reading	107
HB 4501	Second Reading	33

HB 4556	Second Reading	12
HB 4559	Third Reading	96
HB 4580	Third Reading	97
HB 4677	Third Reading	108
HB 4715	Third Reading	97
HB 4740	Third Reading	98
HB 4741	Third Reading	98
HB 4769	Second Reading	40
HB 4785	Second Reading	13
HB 4818	Recalled – Amendment(s).....	99
HB 4818	Third Reading	99
HB 4926	Second Reading	13
HB 4929	Third Reading	100
HB 4941	Recalled – Amendment(s).....	100
HB 4941	Third Reading	101
HB 4973	Second Reading – Amendment(s)	13
HB 4988	Recalled – Amendment(s).....	101
HB 4988	Third Reading	103
HB 5026	Recalled – Amendment(s).....	79
HB 5026	Third Reading	80
HB 5047	Third Reading	103
HB 5049	Second Reading	106
HB 5064	Third Reading	81
HB 5078	Third Reading	81
HB 5093	Second Reading	12
HB 5127	Third Reading	104
HB 5142	Second Reading	13
HB 5167	Second Reading	40
HB 5175	Third Reading	82
HB 5184	Third Reading	82
HB 5192	Third Reading	83
HB 5194	Second Reading	12
HB 5220	Third Reading	114
HB 5225	Third Reading	115
HB 5254	Third Reading	83
HB 5265	Third Reading	115
HB 5295	Third Reading	84
HB 5304	Third Reading	84
HB 5316	Third Reading	85
HB 5318	Third Reading	85
HB 5385	Third Reading	86
HB 5400	Third Reading	86
HB 5418	Third Reading	87
HB 5439	Second Reading	106
HB 5447	Third Reading	87
HB 5465	Third Reading	116
HB 5496	Third Reading	88
HB 5525	Third Reading	88
HB 5532	Second Reading	13
HB 5549	Third Reading	89
HB 5575	Third Reading	90
HB 5576	Third Reading	109
HB 5581	Third Reading	109
HB 5585	Third Reading	89

The Senate met pursuant to adjournment.

Senator David Koehler, Peoria, Illinois, presiding.

Prayer by Chaplain Carla Matrisch, Director of Women's Ministries, Civil Servant Ministries, Chatham, Illinois.

Senator Johnson led the Senate in the Pledge of Allegiance.

Senator Glowiak Hilton moved that reading and approval of the Journal of Wednesday, March 30, 2022, be postponed, pending arrival of the printed Journal.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Equity and Racial Justice Act Progress Report March 2022, submitted by the Illinois State Board of Education.

All in Illinois: A Five-Year Strategy to Reduce Deep and Persistent Poverty, submitted by the Department of Human Services.

ERJA IDPH Progress Report, submitted by the Department of Public Health.

ERJA Report, submitted by the Department on Aging.

ERJA Report, submitted by the Department of Labor.

ERJA Reporting and Implementation March 2022, submitted by the Department of Central Management Services.

IDOA ERJA Report, submitted by the Department on Aging.

Semi Annual Activity Report March 2022, submitted by the Illinois State Toll Highway Authority.

SPMB Annual Report CY21, submitted by the Illinois State Police Merit Board.

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

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. 4 to House Bill 4281

MESSAGE 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

[March 31, 2022]

March 31, 2022

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the Senate Rule 2-10, I hereby extend the committee and third reading deadline to April 8, 2022 for the following bills:

HB 4772
HB 5013

Sincerely,
s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader Dan McConchie

PRESENTATION OF RESOLUTION

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

SENATE RESOLUTION NO. 947

WHEREAS, César Chávez was born to immigrant parents on March 31, 1927 on a farm near Yuma, Arizona; in the late 1930s, his family lost their farm and became migrant workers in California; he quit school after the 8th grade in order to help support his family by working in the fields full time; and

WHEREAS, From a young age, César Chávez encountered wretched migrant camps, corrupt labor contractors, meager wages for backbreaking work, and bitter racism; he later helped improve those conditions for millions of workers across the U.S.; and

WHEREAS, César Chávez was introduced to labor organizing in 1952 when community organizer Fred Ross recruited him to the Community Service Organization; he soon took the position of national director for the organization but resigned in 1962 to devote his time to organizing a union for farm workers; and

WHEREAS, Driven to improve the working conditions he experienced as a child, César Chávez co-founded the National Farm Workers Association in 1962, which would later become the United Farm Workers of America (UFW); and

WHEREAS, César Chávez's leadership and nonviolent tactics were utilized during the Delano, California grape strike, which began in September 1965; his fasts and the 340-mile march from Delano to Sacramento focused national attention on the problems of farm workers; the marchers wanted California to pass laws that would permit farm workers to organize into a union and allow collective bargaining agreements; and

WHEREAS, The first union contracts required rest periods, clean drinking water, hand washing stations, and protective clothing to prevent pesticide exposure; the contracts were signed in 1966 but were followed by more years of conflict; in 1968, César Chávez began a fast that lasted 25 days to protest the

[March 31, 2022]

increasing advocacy of violence within the union; on July 29, 1970, 26 Delano-area growers formally signed contracts recognizing the UFW, bringing peace to the vineyard; and

WHEREAS, After a hard-fought battle with the California state government and various growers, the United Farm Workers of America and César Chávez managed to pass the landmark Agricultural Labor Relations Act of 1975, which guaranteed California farm workers the right to organize and bargain with their employers; and

WHEREAS, César Chávez passed away in his sleep on April 23, 1993 after devoting his life to making a change for the working class by fighting for equal pay and better working conditions; and

WHEREAS, On August 8 1994, César Chávez posthumously received a Presidential Medal of Freedom from President Bill Clinton in recognition of the formidable and often violent oppositions he faced with dignity and nonviolence; and

WHEREAS, Today, the United Farm Workers of America continues its vigilant protection of its many union members; the UFW remains strong, a fact that would certainly make César Chávez proud; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we declare March 31, 2022 as "César Estrada Chávez Day" in the State of Illinois in order to commemorate his selfless fight to ensure the dignity of workers and their ability to unionize and collectively bargain in the United States; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of César Chávez as a symbol of our great esteem and respect.

REPORTS FROM STANDING COMMITTEES

Senator Joyce, Chair of the Committee on Agriculture, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 3118

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Bush, Chair of the Committee on Environment and Conservation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 4818

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Hastings, Chair of the Committee on Energy and Public Utilities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 4973

Senate Amendment No. 2 to House Bill 4973

Senate Amendment No. 2 to House Bill 4988

Senate Amendment No. 3 to House Bill 4988

Senate Amendment No. 2 to House Bill 5502

Senate Amendment No. 3 to House Bill 5502

[March 31, 2022]

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Connor, **House Bill No. 4073** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4073

AMENDMENT NO. 1. Amend House Bill 4073 by replacing everything after the enacting clause with the following:

"Section 5. The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 is amended by changing Section 5-10 as follows:

(225 ILCS 447/5-10)

(Section scheduled to be repealed on January 1, 2024)

Sec. 5-10. 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 license file, as maintained by the Department's licensure maintenance unit.

"Advertisement" means any public media, including printed or electronic material, that is published or displayed in a phone book, newspaper, magazine, pamphlet, newsletter, website, or other similar type of publication or electronic format that is intended to either attract business or merely provide contact information to the public for an agency or licensee. Advertisement shall not include a licensee's or an agency's letterhead, business cards, or other stationery used in routine business correspondence or customary name, address, and number type listings in a telephone directory.

"Alarm system" means any system, including an electronic access control system, a surveillance video system, a security video system, a burglar alarm system, a fire alarm system, or any other electronic system that activates an audible, visible, remote, or recorded signal that is designed for the protection or detection of intrusion, entry, theft, fire, vandalism, escape, or trespass, or other electronic systems designed for the protection of life by indicating the existence of an emergency situation. "Alarm system" also includes an emergency communication system and a mass notification system. "Alarm system" includes a battery-charged fence alarm as defined in this Section.

"Applicant" means a person or business applying for licensure, registration, or authorization under this Act. Any applicant or person who holds himself or herself out as an applicant is considered a licensee or registrant for the purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Armed employee" means a licensee or registered person who is employed by an agency licensed or an armed proprietary security force registered under this Act who carries a weapon while engaged in the performance of official duties within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment.

"Armed proprietary security force" means a security force made up of one or more armed individuals employed by a commercial or industrial operation or by a financial institution as security officers for the protection of persons or property.

"Battery-charged fence alarm" means an alarm system and ancillary components or equipment attached to such a system, including, but not limited to, a fence that is connected to battery-operated energizer which is intended to periodically deliver voltage impulses to the fence and battery charging device used exclusively to charge the battery. A "battery-charged fence alarm":

(1) interfaces with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon a business or law enforcement agency in response to an intrusion or burglary;

(2) is located on property that is not designated by a municipality or county for residential use;

(3) has an energizer that is driven by a commercial storage battery that is not more than 12 volts of direct current;

(4) produces an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission Standard 60335.2.76, Current Edition;

(5) is completely surrounded by a nonelectric perimeter fence or wall that is not less than 5 feet in height;

(6) is not more than the higher of:

(A) ten feet in height; or

(B) two feet higher than the height of the nonelectric perimeter fence or wall; and

(7) is marked with conspicuous warning signs that are located on the battery-charged fence at not more than 40-foot intervals and that reads: "WARNING—ELECTRIC FENCE".

"Board" means the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Board.

"Branch office" means a business location removed from the place of business for which an agency license has been issued, including, but not limited to, locations where active employee records that are required to be maintained under this Act are kept, where prospective new employees are processed, or where members of the public are invited in to transact business. A branch office does not include an office or other facility located on the property of an existing client that is utilized solely for the benefit of that client and is not owned or leased by the agency.

"Canine handler" means a person who uses or handles a trained dog to protect persons or property or to conduct investigations.

"Canine handler authorization card" means a card issued by the Department that authorizes the holder to use or handle a trained dog to protect persons or property or to conduct investigations during the performance of his or her duties as specified in this Act.

"Canine trainer" means a person who acts as a dog trainer for the purpose of training dogs to protect persons or property or to conduct investigations.

"Canine trainer authorization card" means a card issued by the Department that authorizes the holder to train a dog to protect persons or property or to conduct investigations during the performance of his or her duties as specified in this Act.

"Canine training facility" means a facility operated by a licensed private detective agency or private security contractor agency wherein dogs are trained for the purposes of protecting persons or property or to conduct investigations.

"Corporation" means an artificial person or legal entity created by or under the authority of the laws of a state, including without limitation a corporation, limited liability company, or any other legal entity.

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

"Emergency communication system" means any system that communicates information about emergencies, including but not limited to fire, terrorist activities, shootings, other dangerous situations, accidents, and natural disasters.

"Employee" means a person who works for a person or agency that has the right to control the details of the work performed and is not dependent upon whether or not federal or state payroll taxes are withheld.

"Fingerprint vendor" means a person that offers, advertises, or provides services to fingerprint individuals, through electronic or other means, for the purpose of providing fingerprint images and associated demographic data to the Illinois State Police for processing fingerprint based criminal history record information inquiries.

"Fingerprint vendor agency" means a person, firm, corporation, or other legal entity that engages in the fingerprint vendor business and employs, in addition to the fingerprint vendor licensee-in-charge, at least one other person in conducting that business.

"Fingerprint vendor licensee-in-charge" means a person who has been designated by a fingerprint vendor agency to be the licensee-in-charge of an agency who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Fire alarm system" means any system that is activated by an automatic or manual device in the detection of smoke, heat, or fire that activates an audible, visible, or remote signal requiring a response.

"Firearm control card" means a card issued by the Department that authorizes the holder, who has complied with the training and other requirements of this Act, to carry a weapon during the performance of his or her duties as specified in this Act.

"Firm" means an unincorporated business entity, including but not limited to proprietorships and partnerships.

"Licensee" means a person or business licensed under this Act. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Locksmith" means a person who engages in a business or holds himself out to the public as providing a service that includes, but is not limited to, the servicing, installing, originating first keys, re-coding, repairing, maintaining, manipulating, or bypassing of a mechanical or electronic locking device, access control or video surveillance system at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.

"Locksmith agency" means a person, firm, corporation, or other legal entity that engages in the locksmith business and employs, in addition to the locksmith licensee-in-charge, at least one other person in conducting such business.

"Locksmith licensee-in-charge" means a person who has been designated by agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Mass notification system" means any system that is used to provide information and instructions to people in a building or other space using voice communications, including visible signals, text, graphics, tactile, or other communication methods.

"Peace officer" or "police officer" means a person who, by virtue of office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses. Officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal laws are considered peace officers.

"Permanent employee registration card" means a card issued by the Department to an individual who has applied to the Department and meets the requirements for employment by a licensed agency under this Act.

"Person" means a natural person.

"Private alarm contractor" means a person who engages in a business that individually or through others undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to sell, install, design, monitor, maintain, test, inspect, alter, repair, replace, or service alarm and other security-related systems or parts thereof, including fire alarm systems, at protected premises or premises to be protected or responds to alarm systems at a protected premises on an emergency basis and not as a full-time security officer. "Private alarm contractor" does not include a person, firm, or corporation that manufactures or sells alarm systems only from its place of business and does not sell, install, monitor, maintain, alter, repair, replace, service, or respond to alarm systems at protected premises or premises to be protected.

"Private alarm contractor agency" means a person, corporation, or other entity that engages in the private alarm contracting business and employs, in addition to the private alarm contractor-in-charge, at least one other person in conducting such business.

"Private alarm contractor licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Private detective" means any person who by any means, including, but not limited to, manual, canine odor detection, or electronic methods, engages in the business of, accepts employment to furnish, or agrees to make or makes investigations for a fee or other consideration to obtain information relating to:

(1) Crimes or wrongs done or threatened against the United States, any state or territory of the United States, or any local government of a state or territory.

(2) The identity, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person, firm, or other entity by any means, manual or electronic.

(3) The location, disposition, or recovery of lost or stolen property.

(4) The cause, origin, or responsibility for fires, accidents, or injuries to individuals or real or personal property.

(5) The truth or falsity of any statement or representation.

(6) Securing evidence to be used before any court, board, or investigating body.

(7) The protection of individuals from bodily harm or death (bodyguard functions).

(8) Service of process in criminal and civil proceedings.

"Private detective agency" means a person, firm, corporation, or other legal entity that engages in the private detective business and employs, in addition to the licensee-in-charge, one or more persons in conducting such business.

"Private detective licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Private security contractor" means a person who engages in the business of providing a private security officer, watchman, patrol, guard dog, canine odor detection, or a similar service by any other title or name on a contractual basis for another person, firm, corporation, or other entity for a fee or other consideration and performing one or more of the following functions:

(1) The prevention or detection of intrusion, entry, theft, vandalism, abuse, fire, or trespass on private or governmental property.

(2) The prevention, observation, or detection of any unauthorized activity on private or governmental property.

(3) The protection of persons authorized to be on the premises of the person, firm, or other entity for which the security contractor contractually provides security services.

(4) The prevention of the misappropriation or concealment of goods, money, bonds, stocks, notes, documents, or papers.

(5) The control, regulation, or direction of the movement of the public for the time specifically required for the protection of property owned or controlled by the client.

(6) The protection of individuals from bodily harm or death (bodyguard functions).

"Private security contractor agency" means a person, firm, corporation, or other legal entity that engages in the private security contractor business and that employs, in addition to the licensee-in-charge, one or more persons in conducting such business.

"Private security contractor licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Public member" means a person who is not a licensee or related to a licensee, or who is not an employer or employee of a licensee. The term "related to" shall be determined by the rules of the Department.

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

(Source: P.A. 102-152, eff. 1-1-22; 102-538, eff. 8-20-21; revised 10-26-21.)".

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

On motion of Senator Cunningham, **House Bill No. 4126** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4126

AMENDMENT NO. 1 . Amend House Bill 4126 by replacing everything after the enacting clause with the following:

"Section 5. The Invest in Kids Act is amended by changing Section 40 as follows:

(35 ILCS 40/40)

(Section scheduled to be repealed on January 1, 2025)

[March 31, 2022]

Sec. 40. Scholarship granting organization responsibilities.

(a) Before granting a scholarship for an academic year, all scholarship granting organizations shall assess and document each student's eligibility for the academic year.

(b) A scholarship granting organization shall grant scholarships only to eligible students.

(c) A scholarship granting organization shall allow an eligible student to attend any qualified school of the student's choosing, subject to the availability of funds.

(d) In granting scholarships, beginning in the 2022-2023 school year and for each school year thereafter, a scholarship granting organization shall give priority to eligible students who received a scholarship from a scholarship granting organization during the previous school year. Second priority shall be given to the following priority groups:

(1) ~~(blank); eligible students who received a scholarship from a scholarship granting organization during the previous school year;~~

(2) eligible students who are members of a household whose previous year's total annual income does not exceed 185% of the federal poverty level;

(3) eligible students who reside within a focus district; and

(4) eligible students who are siblings of students currently receiving a scholarship.

(d-5) A scholarship granting organization shall begin granting scholarships no later than February 1 preceding the school year for which the scholarship is sought. ~~Each~~ The priority group groups identified in subsection (d) of this Section shall be eligible to receive scholarships on a first-come, first-served basis until ~~the~~ the April 1 immediately preceding the school year for which the scholarship is sought starting with the first priority group identified in subsection (d) of this Section. Applications for scholarships for eligible students meeting the qualifications of one or more priority groups that are received before April 1 must be either approved or denied within 10 business days after receipt. Beginning April 1, all eligible students shall be eligible to receive scholarships without regard to the priority groups identified in subsection (d) of this Section.

(e) Except as provided in subsection (e-5) of this Section, scholarships shall not exceed the lesser of (i) the statewide average operational expense per student among public schools or (ii) the necessary costs and fees for attendance at the qualified school. A qualified school may set a lower maximum scholarship amount for eligible students whose family income falls within paragraphs (2) and (3) of this subsection (e); that amount may not exceed the necessary costs and fees for attendance at the qualified school and is subject to the limitations on average scholarship amounts set forth in paragraphs (2) and (3) of this subsection, as applicable. The qualified school shall notify the scholarship granting organization of its necessary costs and fees as well as any maximum scholarship amount set by the school. Scholarships shall be prorated as follows:

(1) for eligible students whose household income is less than 185% of the federal poverty level, the scholarship shall be 100% of the amount determined pursuant to this subsection (e) and subsection (e-5) of this Section;

(2) for eligible students whose household income is 185% or more of the federal poverty level but less than 250% of the federal poverty level, the average of scholarships shall be 75% of the amount determined pursuant to this subsection (e) and subsection (e-5) of this Section; and

(3) for eligible students whose household income is 250% or more of the federal poverty level, the average of scholarships shall be 50% of the amount determined pursuant to this subsection (e) and subsection (e-5) of this Section.

(e-5) The statewide average operational expense per student among public schools shall be multiplied by the following factors:

(1) for students determined eligible to receive services under the federal Individuals with Disabilities Education Act, 2;

(2) for students who are English learners, as defined in subsection (d) of Section 14C-2 of the School Code, 1.2; and

(3) for students who are gifted and talented children, as defined in Section 14A-20 of the School Code, 1.1.

(f) A scholarship granting organization shall distribute scholarship payments to the participating school where the student is enrolled.

(g) For the 2018-2019 school year through the 2021-2022 school year, each scholarship granting organization shall expend no less than 75% of the qualified contributions received during the calendar year

in which the qualified contributions were received. No more than 25% of the qualified contributions may be carried forward to the following calendar year.

(h) For the 2022-2023 school year, each scholarship granting organization shall expend all qualified contributions received during the calendar year in which the qualified contributions were received. No qualified contributions may be carried forward to the following calendar year.

(i) A scholarship granting organization shall allow an eligible student to transfer a scholarship during a school year to any other participating school of the custodian's choice. Such scholarships shall be prorated.

(j) With the prior approval of the Department, a scholarship granting organization may transfer funds to another scholarship granting organization if additional funds are required to meet scholarship demands at the receiving scholarship granting organization. All transferred funds must be deposited by the receiving scholarship granting organization into its scholarship accounts. All transferred amounts received by any scholarship granting organization must be separately disclosed to the Department.

(k) If the approval of a scholarship granting organization is revoked as provided in Section 20 of this Act or the scholarship granting organization is dissolved, all remaining qualified contributions of the scholarship granting organization shall be transferred to another scholarship granting organization. All transferred funds must be deposited by the receiving scholarship granting organization into its scholarship accounts.

(l) Scholarship granting organizations shall make reasonable efforts to advertise the availability of scholarships to eligible students.

(Source: P.A. 100-465, eff. 8-31-17.)

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

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

On motion of Senator Cunningham, **House Bill No. 5093** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator D. Turner, **House Bill No. 5194** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peters, **House Bill No. 4556** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4556

AMENDMENT NO. 1. Amend House Bill 4556 on page 5, by replacing lines 5 through 22 with the following:

"(410 ILCS 710/10 new)

Sec. 10. Dispensing of drug adulterant testing supplies. A pharmacist, physician, advanced practice registered nurse, or physician assistant, or the pharmacist's, physician's, advanced practice registered nurse's, or physician assistant's designee, may dispense drug adulterant testing supplies to any person. Any drug adulterant testing supplies dispensed under this Section must be stored at a licensed pharmacy, hospital, clinic, or other health care facility or at the medical office of a physician, advanced practice registered nurse, or physician assistant and in a manner that limits access to the drug adulterant testing supplies to pharmacists, physicians, advanced practice registered nurses, or physician assistants employed at the pharmacy, hospital, clinic, or other health care facility or medical office and any persons designated by the pharmacist, physician, advanced practice registered nurse, or physician assistant. Drug adulterant testing supplies dispensed at a retail store containing a pharmacy under this Section may be dispensed only from the pharmacy department of the retail store. No quantity of drug adulterant testing supplies greater than necessary to conduct 5 assays of substances suspected of containing adulterants shall be dispensed in any single transaction.

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

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

On motion of Senator Stadelman, **House Bill No. 5532** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **House Bill No. 5142** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martwick, **House Bill No. 4785** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martwick, **House Bill No. 4926** 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. 4973** having been printed, was taken up and read by title a second time.

Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4973

AMENDMENT NO. 1. Amend House Bill 4973 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Sections 16-115, 16-115B, 16-115C, 19-110, and 19-120 as follows:

(220 ILCS 5/16-115)

Sec. 16-115. Certification of alternative retail electric suppliers.

(a) Any alternative retail electric supplier must obtain a certificate of service authority from the Commission in accordance with this Section before serving any retail customer or other user located in this State. An alternative retail electric supplier may request, and the Commission may grant, a certificate of service authority for the entire State or for a specified geographic area of the State. A certificate granted pursuant to this Section is not property, and the grant of a certificate to an entity does not create a property interest in the certificate. This Section does not diminish the existing rights of a certificate holder to notice and hearing as proscribed by the Illinois Administrative Procedure Act and in rules adopted by the Commission.

(b) An alternative retail electric supplier seeking a certificate of service authority shall file with the Commission a verified application containing information showing that the applicant meets the requirements of this Section. The alternative retail electric supplier shall publish notice of its application in the official State newspaper within 10 days following the date of its filing. No later than 45 days after a complete ~~the~~ application is properly filed with the Commission, and such notice is published, the Commission shall issue its order granting or denying the application.

(c) An application for a certificate of service authority shall identify the area or areas in which the applicant intends to offer service and the types of services it intends to offer. Applicants that seek to serve residential or small commercial retail customers within a geographic area that is smaller than an electric utility's service area shall submit evidence demonstrating that the designation of this smaller area does not violate Section 16-115A. An applicant that seeks to serve residential or small commercial retail customers may state in its application for certification any limitations that will be imposed on the number of customers or maximum load to be served.

(d) The Commission shall grant the application for a certificate of service authority if it makes the findings set forth in this subsection based on the verified application and such other information as the applicant may submit:

(1) That the applicant possesses sufficient technical, financial, and managerial resources and abilities to provide the service for which it seeks a certificate of service authority. In determining the level of technical, financial, and managerial resources and abilities which the applicant must

demonstrate, the Commission shall consider (i) the characteristics, including the size and financial sophistication, of the customers that the applicant seeks to serve, and (ii) whether the applicant seeks to provide electric power and energy using property, plant, and equipment which it owns, controls, and operates;

(2) That the applicant will comply with all applicable federal, State, regional, and industry rules, policies, practices, and procedures for the use, operation, and maintenance of the safety, integrity, and reliability, of the interconnected electric transmission system;

(3) That the applicant will only provide service to retail customers in an electric utility's service area that are eligible to take delivery services under this Act;

(4) That the applicant will comply with such informational or reporting requirements as the Commission may by rule establish and provide the information required by Section 16-112. Any data related to contracts for the purchase and sale of electric power and energy shall be made available for review by the Staff of the Commission on a confidential and proprietary basis and only to the extent and for the purposes which the Commission determines are reasonably necessary in order to carry out the purposes of this Act;

(5) That the applicant will procure renewable energy resources in accordance with Section 16-115D of this Act, and will source electricity from clean coal facilities, as defined in Section 1-10 of the Illinois Power Agency Act, in amounts at least equal to the percentages set forth in subsections (c) and (d) of Section 1-75 of the Illinois Power Agency Act. For purposes of this Section:

(i) (blank);

(ii) (blank);

(iii) the required sourcing of electricity generated by clean coal facilities, other than the initial clean coal facility, shall be limited to the amount of electricity that can be procured or sourced at a price at or below the benchmarks approved by the Commission each year in accordance with item (1) of subsection (c) and items (1) and (5) of subsection (d) of Section 1-75 of the Illinois Power Agency Act;

(iv) all alternative retail electric suppliers shall execute a sourcing agreement to source electricity from the initial clean coal facility, on the terms set forth in paragraphs (3) and (4) of subsection (d) of Section 1-75 of the Illinois Power Agency Act, except that in lieu of the requirements in subparagraphs (A)(v), (B)(i), (C)(v), and (C)(vi) of paragraph (3) of that subsection (d), the applicant shall execute one or more of the following:

(1) if the sourcing agreement is a power purchase agreement, a contract with the initial clean coal facility to purchase in each hour an amount of electricity equal to all clean coal energy made available from the initial clean coal facility during such hour, which the utilities are not required to procure under the terms of subsection (d) of Section 1-75 of the Illinois Power Agency Act, multiplied by a fraction, the numerator of which is the alternative retail electric supplier's retail market sales of electricity (expressed in kilowatthours sold) in the State during the prior calendar month and the denominator of which is the total sales of electricity (expressed in kilowatthours sold) in the State by alternative retail electric suppliers during such prior month that are subject to the requirements of this paragraph (5) of subsection (d) of this Section and subsection (d) of Section 1-75 of the Illinois Power Agency Act plus the total sales of electricity (expressed in kilowatthours sold) by utilities outside of their service areas during such prior month, pursuant to subsection (c) of Section 16-116 of this Act; or

(2) if the sourcing agreement is a contract for differences, a contract with the initial clean coal facility in each hour with respect to an amount of electricity equal to all clean coal energy made available from the initial clean coal facility during such hour, which the utilities are not required to procure under the terms of subsection (d) of Section 1-75 of the Illinois Power Agency Act, multiplied by a fraction, the numerator of which is the alternative retail electric supplier's retail market sales of electricity (expressed in kilowatthours sold) in the State during the prior calendar month and the denominator of which is the total sales of electricity (expressed in kilowatthours sold) in the State by alternative retail electric suppliers during such prior month that are subject to the requirements of this paragraph (5) of subsection (d) of this Section and subsection (d) of Section 1-75 of the Illinois Power Agency Act plus the total sales of electricity (expressed

in kilowatthours sold) by utilities outside of their service areas during such prior month, pursuant to subsection (c) of Section 16-116 of this Act;

(v) if, in any year after the first year of commercial operation, the owner of the clean coal facility fails to demonstrate to the Commission that the initial clean coal facility captured and sequestered at least 50% of the total carbon emissions that the facility would otherwise emit or that sequestration of emissions from prior years has failed, resulting in the release of carbon into the atmosphere, the owner of the facility must offset excess emissions. Any such carbon offsets must be permanent, additional, verifiable, real, located within the State of Illinois, and legally and practicably enforceable. The costs of any such offsets that are not recoverable shall not exceed \$15,000,000 ~~\$15 million~~ in any given year. No costs of any such purchases of carbon offsets may be recovered from an alternative retail electric supplier or its customers. All carbon offsets purchased for this purpose and any carbon emission credits associated with sequestration of carbon from the facility must be permanently retired. The initial clean coal facility shall not forfeit its designation as a clean coal facility if the facility fails to fully comply with the applicable carbon sequestration requirements in any given year, provided the requisite offsets are purchased. However, the Attorney General, on behalf of the People of the State of Illinois, may specifically enforce the facility's sequestration requirement and the other terms of this contract provision. Compliance with the sequestration requirements and offset purchase requirements that apply to the initial clean coal facility shall be reviewed annually by an independent expert retained by the owner of the initial clean coal facility, with the advance written approval of the Attorney General;

(vi) The Commission shall, after notice and hearing, revoke the certification of any alternative retail electric supplier that fails to execute a sourcing agreement with the initial clean coal facility as required by item (5) of subsection (d) of this Section. The sourcing agreements with this initial clean coal facility shall be subject to both approval of the initial clean coal facility by the General Assembly and satisfaction of the requirements of item (4) of subsection (d) of Section 1-75 of the Illinois Power Agency Act, and shall be executed within 90 days after any such approval by the General Assembly. The Commission shall not accept an application for certification from an alternative retail electric supplier that has lost certification under this subsection (d), or any corporate affiliate thereof, for at least one year from the date of revocation;

(6) With respect to an applicant that seeks to serve residential or small commercial retail customers, that the area to be served by the applicant and any limitations it proposes on the number of customers or maximum amount of load to be served meet the provisions of Section 16-115A, provided, that the Commission can extend the time for considering such a certificate request by up to 90 days, and can schedule hearings on such a request;

(7) That the applicant meets the requirements of subsection (a) of Section 16-128;

(8) That the applicant discloses whether the applicant is the subject of any lawsuit filed in a court of law or formal complaint filed with a regulatory agency alleging fraud, deception, or unfair marketing practices or other similar allegations and, if the applicant is the subject of such lawsuit or formal complaint, the applicant shall identify the name, case number, and jurisdiction of each lawsuit or complaint, and that the applicant is capable of fulfilling its obligations as an alternative retail electric supplier in Illinois notwithstanding any lawsuit or complaint. For the purpose of this item (8), "formal complaint" includes only those complaints that seek a binding determination from a State or federal regulatory body;

(9) That the applicant shall at all times remain in compliance ~~continue to comply~~ with requirements for certification stated in this Section and as the Commission may establish by rule;

(10) That the applicant shall execute and maintain a license or permit bond issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois. The amount of the bond shall equal \$30,000 if the applicant seeks to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more, \$150,000 if the applicant seeks to serve only nonresidential ~~non-residential~~ retail customers with annual electrical consumption greater than 15,000 kilowatt-hours kWh, or \$500,000 if the applicant seeks to serve all eligible customers. Applicants shall be required to submit an additional \$500,000 bond if the applicant intends to market to residential customers using in-person solicitations. The bonds bond shall be conditioned upon the full and faithful performance of all duties and

obligations of the applicant as an alternative retail electric supplier, ~~and~~ shall be valid for a period of not less than one year, and may be drawn upon in whole or in part to satisfy any penalties imposed, and finally adjudicated, by the Commission pursuant to Section 16-115B for a violation of the applicant's duties or obligations, except that the total amount of claims and penalties against the bond shall not exceed the penal sum of the bond and shall not include any consequential or punitive damage. The cost of the bond shall be paid by the applicant. The applicant shall file a copy of this bond, with a notarized verification page from the issuer, as part of its application for certification under 83 Ill. Adm. Code 451; and

(11) That the applicant will comply with all other applicable laws and regulations.

(d-3) The Commission may deny with prejudice an application in which the applicant fails to provide the Commission with information sufficient for the Commission to grant the application.

(d-5) (Blank).

(e) A retail customer that owns a cogeneration or self-generation facility and that seeks certification only to provide electric power and energy from such facility to retail customers at separate locations which customers are both (i) owned by, or a subsidiary or other corporate affiliate of, such applicant and (ii) eligible for delivery services, shall be granted a certificate of service authority upon filing an application and notifying the Commission that it has entered into an agreement with the relevant electric utilities pursuant to Section 16-118. Provided, however, that if the retail customer owning such cogeneration or self-generation facility would not be charged a transition charge due to the exemption provided under subsection (f) of Section 16-108 prior to the certification, and the retail customers at separate locations are taking delivery services in conjunction with purchasing power and energy from the facility, the retail customer on whose premises the facility is located shall not thereafter be required to pay transition charges on the power and energy that such retail customer takes from the facility.

(f) The Commission shall have the authority to promulgate rules and regulations to carry out the provisions of this Section. On or before May 1, 1999, the Commission shall adopt a rule or rules applicable to the certification of those alternative retail electric suppliers that seek to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more which shall provide for (i) expedited and streamlined procedures for certification of such alternative retail electric suppliers and (ii) specific criteria which, if met by any such alternative retail electric supplier, shall constitute the demonstration of technical, financial and managerial resources and abilities to provide service required by paragraph (1) of subsection (d) (H) of this Section, such as a requirement to post a bond or letter of credit, from a responsible surety or financial institution, of sufficient size for the nature and scope of the services to be provided; demonstration of adequate insurance for the scope and nature of the services to be provided; and experience in providing similar services in other jurisdictions.

(g) An alternative retail electric supplier may seek confidential treatment for the following information by filing an affidavit with the Commission so long as the affidavit meets the requirements in this subsection (g):

(1) the total annual kilowatt-hours delivered and sold by an alternative retail electric supplier to retail customers within each utility service territory and the total annual kilowatt-hours delivered and sold by an alternative retail electric supplier to retail customers in all utility service territories in the preceding calendar year as required by 83 Ill. Adm. Code 451.770;

(2) the total peak demand supplied by an alternative retail electric supplier during the previous year in each utility service territory as required by 83 Ill. Adm. Code 465.40;

(3) a good faith estimate of the amount an alternative retail electric supplier expects to be obliged to pay the utility under single billing tariffs during the next 12 months and the amount of any bond or letter of credit used to demonstrate an alternative retail electric supplier's credit worthiness to provide single billing services pursuant to 83 Ill. Adm. Code 451.510(a) and (b).

The affidavit must be filed contemporaneously with the information for which confidential treatment is sought and must clearly state that the affiant seeks confidential treatment pursuant to this subsection (g) and the information for which confidential treatment is sought must be clearly identified on the confidential version of the document filed with the Commission. The affidavit must be accompanied by a "confidential" and a "public" version of the document or documents containing the information for which confidential treatment is sought.

If the alternative retail electric supplier has met the affidavit requirements of this subsection (g), then the Commission shall afford confidential treatment to the information identified in the affidavit for a period of 2 years after the date the affidavit is received by the Commission.

Nothing in this subsection (g) prevents an alternative retail electric supplier from filing a petition with the Commission seeking confidential treatment for information beyond that identified in this subsection (g) or for information contained in other reports or documents filed with the Commission other than annual rate reports.

Nothing in this subsection (g) prevents the Commission, on its own motion, or any party from filing a formal petition with the Commission seeking to reconsider the conferring of confidential status on an item of information afforded confidential treatment pursuant to this subsection (g).

The Commission, on its own motion, may at any time initiate a docketed proceeding to investigate the continued applicability of this subsection (g) to the information contained in items (i), (ii), and (iii) of this subsection (g). If, at the end of such investigation, the Commission determines that a particular item of information should no longer be eligible for the affidavit-based process outlined in this subsection (g), the Commission may enter an order to remove that item from the list of items eligible for the process set forth in this subsection (g). Notwithstanding any such order, in the event the Commission makes such a determination, nothing in this subsection (g) prevents an alternative retail electric supplier desiring confidential treatment for such information from filing a formal petition with the Commission seeking confidential treatment for such information.

(Source: P.A. 101-590, eff. 1-1-20.)

(220 ILCS 5/16-115B)

Sec. 16-115B. Commission oversight of services provided by alternative retail electric suppliers.

(a) The Commission shall have jurisdiction in accordance with the provisions of Article X of this Act to entertain and dispose of any complaint made by the Commission, on its own motion, or by any person or corporation, chamber of commerce, board of trade, or any industrial, commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation against any alternative retail electric supplier alleging (i) that the alternative retail electric supplier has violated or is in nonconformance with any applicable provisions of Section 16-115 through Section 16-115A; (ii) that the alternative retail electric supplier violated rules adopted by the Commission to govern the sales, marketing, or operations of retail electric suppliers; (iii) that an alternative retail electric supplier serving any residential and small commercial customers ~~retail customers having maximum demands of less than one megawatt~~ has failed to provide service in accordance with the terms of its contract or contracts with such customer or customers; (iii) that the alternative retail electric supplier has violated or is in nonconformance ~~non-conformance~~ with the delivery services tariff of, or any of its agreements relating to delivery services with, the electric utility, municipal system, or electric cooperative providing delivery services; or (iv) that the alternative retail electric supplier has violated or failed to comply with the requirements of Sections 8-201 through 8-207, 8-301, 8-505, or 8-507 of this Act as made applicable to alternative retail electric suppliers.

(b) The Commission shall have authority, after such administrative notice as is required by the Illinois Administrative Procedure Act and after an administrative hearing held on complaint or on the Commission's own motion:

(1) To order an alternative retail electric supplier to cease and desist, or correct, any violation of or nonconformance ~~non-conformance~~ with the provisions of Section 16-115 or 16-115A or any violation or nonconformance over which the Commission has jurisdiction under subsection (a) of Section 16-115B;

(2) To impose financial penalties for violations of or nonconformances ~~non-conformances~~ with the provisions of Section 16-115 or 16-115A, not to exceed ~~(4)~~ \$10,000 per occurrence, and for any violations or nonconformances that continue after the Commission issues a cease and desist order, up to an additional ~~or (ii)~~ \$30,000 for each day the violations or nonconformances continue ~~per day for those violations or non-conformances which continue after the Commission issues a cease and desist order~~; and

(3) To alter, modify, revoke, or suspend the certificate of service authority of an alternative retail electric supplier for substantial or repeated violations of or nonconformances ~~non-conformances~~ with the provisions of Section 16-115 or 16-115A.

(c) In addition to other powers and authority granted to it under this Act, the Commission may require an alternative retail electric supplier to enter into a compliance plan. If the Commission comes into possession of information causing it to conclude that an alternative retail electric supplier is violating this Act or the Commission's rules, the Commission may, after notice and hearing, enter an order directing the alternative retail electric supplier to implement practices, procedures, oversight, or other measures or refrain from practices, conduct, or activities that the Commission finds is necessary or reasonable to ensure the

alternative retail electric supplier's compliance with this Act and the Commission's rules. Failure by an alternative retail electric supplier to implement or comply with a Commission-ordered compliance plan is a violation of this Section. The Commission, in its discretion, may order a compliance plan under such circumstances as it considers warranted and is not required to order a compliance plan prior to taking other enforcement action against an alternative retail electric supplier. Nothing in this subsection (c) shall be interpreted to limit the authority or right of the Attorney General.

(Source: P.A. 101-590, eff. 1-1-20.)

(220 ILCS 5/16-115C)

Sec. 16-115C. Licensure of agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties.

(a) The purpose of this Section is to adopt licensing and code of conduct rules in a competitive retail electricity market to protect Illinois consumers from unfair or deceptive acts or practices and to provide persons acting as agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties with notice of the illegality of those acts or practices.

(a-5) All third-party sales representatives engaged in the marketing of retail electricity supply must, prior to the customer signing a contract, disclose that they are not employed by the electric utility operating in the applicable service territory.

(b) For purposes of this Section, "agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties" means any person or entity that attempts to procure on behalf of or sell retail electric service to an electric customer in the State. "Agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties" does not include the Illinois Power Agency or any of its employees, any entity licensed as an alternative retail electric supplier pursuant to 83 Ill. Adm. Code 451 offering retail electric service on its own behalf, any person acting exclusively on behalf of a single alternative retail electric supplier on condition that exclusivity is disclosed to any third party contracted in such agent capacity, any person acting exclusively on behalf of a retail electric supplier on condition that exclusivity is disclosed to any third party contracted in such agent capacity, any person or entity representing a municipal power agency, as defined in Section 11-119.1-3 of the Illinois Municipal Code, or any person or entity that is attempting to procure on behalf of or sell retail electric service to a third party that has aggregate billing demand of all of its affiliated electric service accounts in Illinois of greater than 1,500 kilowatts ~~kW~~.

(c) No person or entity shall act as an agent, broker, or consultant engaged in the procurement or sale of retail electricity supply for third parties unless that person or entity is licensed by the Commission under this Section or is offering services on their own behalf under 83 Ill. Adm. Code 451. A license granted pursuant to this Section is not property, and the grant of a license to an entity does not create a property interest in the license.

(d) The Commission shall create requirements for licensure as an agent, broker, or consultant engaged in the procurement or sale of retail electricity supply for third parties, which shall include all of the following criteria:

- (1) Technical competence.
- (2) Managerial competence.
- (3) Financial responsibility, including the posting of an appropriate performance bond.
- (4) Annual reporting requirements.

(e) Any person or entity required to be licensed under this Section must:

(1) disclose in plain language in writing to all persons it solicits (i) before July 1, 2011, the total anticipated remuneration to be paid to it by any third party over the period of the proposed underlying customer contract and (ii) on or after July 1, 2011, the total price per kilowatt-hour, and the total anticipated cost, inclusive of all fees or commissions received by the licensee, to be paid by the customer over the period of the proposed underlying customer contract;

(2) disclose, if applicable, to all customers, prior to the customer signing a contract, the fact that they will be receiving compensation from the supplier;

(3) not hold itself out as independent or unaffiliated with any supplier, or both, or use words reasonably calculated to give that impression, unless the person offering service under this Section has no contractual relationship with any retail electricity supplier or its affiliates regarding retail electric service in Illinois;

(4) not utilize false, misleading, materially inaccurate, defamatory, or otherwise deceptive language or materials in the soliciting or providing of its services;

(5) maintain copies of all marketing materials disseminated to third parties for a period of not less than 3 years;

(6) not present electricity pricing information in a manner that favors one supplier over another, unless a valid pricing comparison is made utilizing all relevant costs and terms; and

(7) comply with the requirements of Sections 2EE, 2FF, 2GG, and 2HH of the Consumer Fraud and Deceptive Business Practices Act.

(f) Any person or entity licensed under this Section shall file with the Commission all of the following information no later than March of each year:

(1) A verified report detailing any and all contractual relationships that it has with certified electricity suppliers in the State regarding retail electric service in Illinois.

(2) A verified report detailing the distribution of its customers with the various certified electricity suppliers in Illinois during the prior calendar year. A report under this Section shall not be required to contain customer-identifying information.

A public redacted version of the verified report may be submitted to the Commission along with a proprietary version. The public redacted version may redact from the verified report the name or names of every certified electricity supplier contained in the report to protect against disclosure of competitively sensitive market share information. The information shall be afforded proprietary treatment for 2 years after the date of the filing of the verified report.

(3) A verified statement of any changes to the original licensure qualifications and notice of continuing compliance with all requirements.

(g) The Commission shall have jurisdiction over disciplinary proceedings and complaints, including on the Commission's own motion, for violations of this Section. The findings of a violation of this Section by the Commission shall result in discipline on a progressive a progressive disciplinary scale. For a first violation, the Commission may, in its discretion, suspend the license of the person or entity so disciplined for a period of no less than one month. For a second violation within a 5-year period, the Commission shall suspend the license of for the person or entity so disciplined for a period of not less than 6 months. For a third or subsequent violation within a 5-year period, the Commission shall suspend the license of the disciplined person for a period of not less than 2 years. Notwithstanding the minimum progressive suspensions, the Commission shall have authority, in its discretion, to impose whatever reasonable disciplinary measures it deems appropriate for any violation, including, but not limited to, terminating the license of the person or entity.

(h) This Section shall not apply to a retail customer that operates or manages either directly or indirectly any facilities, equipment, or property used or contemplated to be used to distribute electric power or energy if that retail customer is a political subdivision or public institution of higher education of this State, or any corporation, company, limited liability company, association, joint-stock company or association, firm, partnership, or individual, or their lessees, trusts, or receivers appointed by any court whatsoever that are owned or controlled by the political subdivision, public institution of higher education, or operated by any of its lessees or operating agents.

(Source: P.A. 95-679, eff. 10-11-07; 96-1385, eff. 7-29-10.)

(220 ILCS 5/19-110)

Sec. 19-110. Certification of alternative gas suppliers.

(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential or small commercial customers and only to the extent such alternative gas suppliers provide services to residential or small commercial customers.

(b) An alternative gas supplier must obtain a certificate of service authority from the Commission in accordance with this Section before serving any customer or other user located in this State. An alternative gas supplier may request, and the Commission may grant, a certificate of service authority for the entire State or for a specified geographic area of the State. A certificate granted pursuant to this Section is not property, and the grant of a certificate to an entity does not create a property interest in the certificate. This Section does not diminish the existing rights of a certificate holder to notice and hearing as proscribed by the Illinois Administrative Procedure Act and in rules adopted by the Commission. A person, corporation, or other entity acting as an alternative gas supplier on the effective date of this amendatory Act of the 92nd General Assembly shall have 180 days from the effective date of this amendatory Act of the 92nd General Assembly to comply with the requirements of this Section in order to continue to operate as an alternative gas supplier.

(c) An alternative gas supplier seeking a certificate of service authority shall file with the Commission a verified application containing information showing that the applicant meets the requirements of this Section. The alternative gas supplier shall publish notice of its application in the official State newspaper within 10 days following the date of its filing. No later than 45 days after a complete ~~the~~ application is properly filed with the Commission, and such notice is published, the Commission shall issue its order granting or denying the application.

(d) An application for a certificate of service authority shall identify the area or areas in which the applicant intends to offer service and the types of services it intends to offer. Applicants that seek to serve residential or small commercial customers within a geographic area that is smaller than a gas utility's service area shall submit evidence demonstrating that the designation of this smaller area does not violate Section 19-115. An applicant may state in its application for certification any limitations that will be imposed on the number of customers or maximum load to be served. The applicant shall submit as part of its application a statement indicating:

(1) Whether the applicant has been denied a natural gas supplier license in any state in the United States.

(2) Whether the applicant has had a natural gas supplier license suspended or revoked by any state in the United States.

(3) Where, if any, other natural gas supplier license applications are pending in the United States.

(4) Whether the applicant is the subject of any lawsuits filed in a court of law or formal complaints filed with a regulatory agency alleging fraud, deception, or unfair marketing practices, or other similar allegations, identifying the name, case number, and jurisdiction of each such lawsuit or complaint.

For the purposes of this subsection (d), formal complaints include only those complaints that seek a binding determination from a state or federal regulatory body.

(e) The Commission shall grant the application for a certificate of service authority if it makes the findings set forth in this subsection based on the verified application and such other information as the applicant may submit.

(1) That the applicant possesses sufficient technical, financial, and managerial resources and abilities to provide the service for which it seeks a certificate of service authority. In determining the level of technical, financial, and managerial resources and abilities which the applicant must demonstrate, the Commission shall consider:

(A) the characteristics, including the size and financial sophistication of the customers that the applicant seeks to serve;

(B) whether the applicant seeks to provide gas using property, plant, and equipment that it owns, controls, or operates; and

(C) the applicant's commitment of resources to the management of sales and marketing staff, through affirmative managerial policies, independent audits, technology, hands-on field monitoring and training, and, in the case of applicants who will have sales personnel or sales agents within the State of Illinois, the applicant's managerial presence within the State.

(2) That the applicant will comply with all applicable federal, State, regional, and industry rules, policies, practices, and procedures for the use, operation, and maintenance of the safety, integrity, and reliability of the gas transmission system.

(3) That the applicant will comply with such informational or reporting requirements as the Commission may by rule establish.

(4) That the area to be served by the applicant and any limitations it proposes on the number of customers or maximum amount of load to be served meet the provisions of Section 19-115, provided, that if the applicant seeks to serve an area smaller than the service area of a gas utility or proposes other limitations on the number of customers or maximum amount of load to be served, the Commission can extend the time for considering such a certificate request by up to 90 days, and can schedule hearings on such a request.

(5) That the applicant shall continue to comply with requirements for certification stated in this Section.

(6) That the applicant shall execute and maintain a license or permit bond issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois. The amount of the bond shall equal \$150,000 if the applicant seeks to

serve only nonresidential retail customers or \$500,000 if the applicant seeks to serve all eligible customers. Applicants shall be required to submit an additional \$500,000 bond if the applicant intends to market to residential customers using in-person solicitations. The bonds bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an alternative retail gas supplier, ~~and~~ shall be valid for a period of not less than one year, and may be drawn up to satisfy any penalties imposed and finally adjudicated, by the Commission pursuant to Section 19-120 for a violation of the applicant's duties or obligations, except that the total amount of claims and penalties against the bond shall not exceed the penal sum of the bond and shall not include any consequential or punitive damage. The cost of the bond shall be paid by the applicant. The applicant shall file a copy of this bond, with a notarized verification page from the issuer, as part of its application for certification under 83 Ill. Adm. Code 551.

(7) That the applicant will comply with all other applicable laws and rules.

(e-5) The Commission may deny with prejudice an application in which the applicant fails to provide the Commission with information sufficient for the Commission to grant the application.

(f) The Commission can extend the time for considering such a certificate request by up to 90 days, and can schedule hearings on such a request if:

(1) a party to the application proceeding has formally requested that the Commission hold hearings in a pleading that alleges that one or more of the allegations or certifications in the application is false or misleading; or

(2) other facts or circumstances exist that will necessitate additional time or evidence in order to determine whether a certificate should be issued.

(g) The Commission shall have the authority to promulgate rules to carry out the provisions of this Section. Within 30 days after the effective date of this amendatory Act of the 92nd General Assembly, the Commission shall adopt an emergency rule or rules applicable to the certification of those gas suppliers that seek to serve residential customers. Within 180 days of the effective date of this amendatory Act of the 92nd General Assembly, the Commission shall adopt rules that specify criteria which, if met by any such alternative gas supplier, shall constitute the demonstration of technical, financial, and managerial resources and abilities to provide service required by ~~paragraph item~~ (1) of subsection (e) of this Section, such as a requirement to post a bond or letter of credit, from a responsible surety or financial institution, of sufficient size for the nature and scope of the services to be provided, demonstration of adequate insurance for the scope and nature of the services to be provided, and experience in providing similar services in other jurisdictions.

(h) The Commission may deny with prejudice any application that repeatedly fails to include the attachments, documentation, and affidavits required by the application form or that ~~repeatedly~~ fails to provide any other information required by this Section.

(i) An alternative gas supplier may seek confidential treatment for the reporting to the Commission of its total annual dekatherms delivered and sold by it to residential and small commercial customers by utility service territory during the preceding year via the filing of an affidavit with the Commission so long as the affidavit meets the requirements of this subsection (i). The affidavit must be filed contemporaneously with the information for which confidential treatment is sought and must clearly state that the affiant seeks confidential treatment pursuant to this subsection (i) and the information for which confidential treatment is sought must be clearly identified on the confidential version of the document filed with the Commission. The affidavit must be accompanied by both a "confidential" and a "public" version of the document or documents containing the information for which confidential treatment is sought.

If the alternative gas supplier has met the affidavit requirements of this subsection (i), then the Commission shall afford confidential treatment to the information identified in the affidavit for a period of 2 years after the date the affidavit is received by the Commission.

Nothing in this subsection (i) prevents an alternative gas supplier from filing a petition with the Commission seeking confidential treatment for information beyond that identified in this subsection (i) or for information contained in other reports or documents filed with the Commission other than annual rate reports.

Nothing in this subsection (i) prevents the Commission, on its own motion, or any party from filing a formal petition with the Commission seeking to reconsider the conferring of confidential status pursuant to this subsection (i).

The Commission, on its own motion, may at any time initiate a docketed proceeding to investigate the continued applicability of this affidavit-based process for seeking confidential treatment. If, at the end of

such investigation, the Commission determines that this affidavit-based process for seeking confidential treatment for the information is no longer necessary, the Commission may enter an order to that effect. Notwithstanding any such order, in the event the Commission makes such a determination, nothing in this subsection (i) prevents an alternative gas supplier desiring confidential treatment for such information from filing a formal petition with the Commission seeking confidential treatment for such information.

(Source: P.A. 101-590, eff. 1-1-20.)

(220 ILCS 5/19-120)

Sec. 19-120. Commission oversight of services provided by gas suppliers.

(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential or small commercial customers and only to the extent such alternative gas suppliers provide services to residential or small commercial customers.

(b) The Commission shall have jurisdiction in accordance with the provisions of Article X of this Act either to investigate on its own motion in order to determine whether or to entertain and dispose of any complaint by any person or corporation, chamber of commerce, board of trade, or any industrial, commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation against any alternative gas supplier alleging that:

(1) the alternative gas supplier has violated or is in nonconformance with any applicable provisions of Section 19-110, 19-111, 19-112, or Section 19-115;

(1.5) that the alternative retail gas supplier violated any rule adopted by the Commission to govern the sales, marketing, or operations of retail gas suppliers;

(2) an alternative gas supplier has failed to provide service in accordance with the terms of its contract or contracts with a customer or customers;

(3) the alternative gas supplier has violated or is in nonconformance with the transportation services tariff of, or any of its agreements relating to transportation services with, the gas utility or municipal system providing transportation services; or

(4) the alternative gas supplier has violated or failed to comply with the requirements of Sections 8-201 through 8-207, 8-301, 8-505, or 8-507 of this Act as made applicable to alternative gas suppliers.

(c) The Commission shall have authority after such administrative notice as is required by the Illinois Administrative Procedure Act and after an administrative hearing held on complaint or on the Commission's own motion to order any or all of the following remedies, penalties, or forms of relief:

(1) order an alternative gas supplier to cease and desist, or correct, any violation of or nonconformance with the provisions of Section 19-110, 19-111, 19-112, or 19-115, or any violation or nonconformance over which the Commission has jurisdiction under subsection (a) of Section 19-120;

(2) impose financial penalties for violations of or nonconformances with the provisions of Section 19-110, 19-111, 19-112, or 19-115, not to exceed ~~(+) \$10,000~~ (+) \$10,000 per occurrence, and for any violations or nonconformances that continue after the Commission issues a cease and desist order, up to an additional ~~or (ii) \$30,000 for each day the violations or nonconformances continue per day for those violations or nonconformances which continue after the Commission issues a cease and desist order;~~ and

(3) alter, modify, revoke, or suspend the certificate of service authority of an alternative gas supplier for substantial or repeated violations of or nonconformances with the provisions of Section 19-110, 19-111, 19-112, or 19-115.

(d) Nothing in this Act shall be construed to limit, restrict, or mitigate in any way the power and authority of the State's Attorneys or the Attorney General under the Consumer Fraud and Deceptive Business Practices Act.

(e) In addition to other powers and authority granted to it under this Act, the Commission may require an alternative gas supplier to enter into a compliance plan. If the Commission comes into possession of information causing it to conclude that an alternative gas supplier is violating this Act or the Commission's rules, the Commission may, after notice and hearing, enter an order directing the alternative gas supplier to implement practices, procedures, oversight, or other measures or refrain from practices, conduct, or activities as the Commission finds is necessary or reasonable to ensure the alternative gas supplier's compliance with this Act and the Commission's rules. Failure by an alternative gas supplier to implement or comply with a Commission-ordered compliance plan is a violation of this Section. The Commission, in its discretion, may order a compliance plan under such circumstances as it considers warranted and is not required to order a compliance plan prior to taking other enforcement action against an alternative retail gas

supplier. Nothing in this subsection (e) shall be interpreted to limit the authority or right of the Attorney General.

(Source: P.A. 101-590, eff. 1-1-20.)

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Sections 2EE and 2DDD as follows:

(815 ILCS 505/2EE)

Sec. 2EE. Alternative retail electric supplier selection.

(a) An alternative retail electric supplier shall not submit or execute a change in a consumer's selection of a provider of electric service unless and until:

(i) the alternative retail electric supplier first discloses all material terms and conditions of the offer to the consumer;

(ii) if the consumer is a small commercial retail customer as that term is defined in subsection (c) of this Section or a residential consumer, the alternative retail electric supplier discloses the utility electric supply price to compare, which shall be the sum of the electric supply charge and the transmission services charge, and shall not include the purchased electricity adjustment, applicable at the time the offer is made to the consumer;

(iii) if the consumer is a small commercial retail customer as that term is defined in subsection (c) of this Section or a residential consumer, the alternative retail electric provider discloses the following statement:

"(Name of the alternative retail electric supplier) is not the same entity as your electric delivery company. You are not required to enroll with (name of alternative retail electric supplier). As of (effective date), the electric supply price to compare is currently (price in cents per kilowatt hour). The electric utility electric supply price will expire on (expiration date). The utility electric supply price to compare does not include the purchased electricity adjustment factor. For more information go to the Illinois Commerce Commission's free website at www.pluginillinois.org".

If applicable, the statement shall include the following statement:

"The purchased electricity adjustment factor may range between +.5 cents and -.5 cents per kilowatt hour.";

(iv) the alternative retail electric supplier has obtained the consumer's express agreement to accept the offer after the disclosure of all material terms and conditions of the offer; and

(v) the alternative retail electric supplier has confirmed the request for a change in accordance with one of the following procedures:

(A) The new alternative retail electric supplier has obtained the consumer's written or electronically signed authorization in a form that meets the following requirements:

(1) An alternative retail electric supplier shall obtain any necessary written or electronically signed authorization from a consumer for a change in electric service by using a letter of agency as specified in this Section. Any letter of agency that does not conform with this Section is invalid.

(2) The letter of agency shall be a separate document (an easily separable document containing only the authorization language described in subparagraph (5)) whose sole purpose is to authorize an electric service provider change. The letter of agency must be signed and dated by the consumer requesting the electric service provider change.

(3) The letter of agency shall not be combined with inducements of any kind on the same document.

(4) Notwithstanding subparagraphs (1) and (2), the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in subparagraph (5) and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the face of the check, a notice that the consumer is authorizing an electric service provider change by signing the check. The letter of agency language also shall be placed near the signature line on the back of the check.

(5) At a minimum, the letter of agency must be printed with a print of sufficient size to be clearly legible, and must contain clear and unambiguous language that confirms:

- (i) The consumer's billing name and address;
- (ii) The decision to change the electric service provider from the current provider to the prospective provider;
- (iii) The terms, conditions, and nature of the service to be provided to the consumer must be clearly and conspicuously disclosed, in writing, and an alternative retail electric supplier must directly establish the rates for the service contracted for by the consumer; and
- (iv) That the consumer understand that any alternative retail electric supplier selection the consumer chooses may involve a charge to the consumer for changing the consumer's electric service provider.

(6) Letters of agency shall not suggest or require that a consumer take some action in order to retain the consumer's current electric service provider.

(7) If any portion of a letter of agency is translated into another language, then all portions of the letter of agency must be translated into that language.

(B) An appropriately qualified independent third party has obtained, in accordance with the procedures set forth in this subsection (b), the consumer's oral authorization to change electric suppliers that confirms and includes appropriate verification data. The independent third party (i) must not be owned, managed, controlled, or directed by the supplier or the supplier's marketing agent; (ii) must not have any financial incentive to confirm supplier change requests for the supplier or the supplier's marketing agent; and (iii) must operate in a location physically separate from the supplier or the supplier's marketing agent.

Automated third-party verification systems and 3-way conference calls may be used for verification purposes so long as the other requirements of this subsection (b) are satisfied.

A supplier or supplier's sales representative initiating a 3-way conference call or a call through an automated verification system must drop off the call once the 3-way connection has been established.

All third-party verification methods shall elicit, at a minimum, the following information: (i) the identity of the consumer; (ii) confirmation that the person on the call is the account holder, has been specifically and explicitly authorized by the account holder, or possesses lawful authority to make the supplier change; (iii) confirmation that the person on the call wants to make the supplier change; (iv) the names of the suppliers affected by the change; (v) the service address of the supply to be switched; and (vi) the price of the service to be supplied and the material terms and conditions of the service being offered, including whether any early termination fees apply. Third-party verifiers may not market the supplier's services by providing additional information, including information regarding procedures to block or otherwise freeze an account against further changes.

All third-party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. Submitting suppliers shall maintain and preserve audio records of verification of subscriber authorization for a minimum period of 2 years after obtaining the verification. Automated systems must provide consumers with an option to speak with a live person at any time during the call. Each disclosure made during the third-party verification must be made individually to obtain clear acknowledgment of each disclosure. The alternative retail electric supplier must be in a location where he or she cannot hear the customer while the third-party verification is conducted. The alternative retail electric supplier shall not contact the customer after the third-party verification for a period of 24 hours unless the customer initiates the contact.

(C) When a consumer initiates the call to the prospective alternative retail electric supplier, in order to enroll the consumer as a customer, the prospective alternative retail electric supplier must, with the consent of the customer, make a date-stamped, time-stamped audio recording that elicits, at a minimum, the following information:

- (1) the identity of the customer;
- (2) confirmation that the person on the call is authorized to make the supplier change;

- (3) confirmation that the person on the call wants to make the supplier change;
- (4) the names of the suppliers affected by the change;
- (5) the service address of the supply to be switched; and
- (6) the price of the service to be supplied and the material terms and conditions of the service being offered, including whether any early termination fees apply.

Submitting suppliers shall maintain and preserve the audio records containing the information set forth above for a minimum period of 2 years.

(b)(1) An alternative retail electric supplier shall not utilize the name of a public utility in any manner that is deceptive or misleading, including, but not limited to, implying or otherwise leading a consumer to believe that an alternative retail electric supplier is soliciting on behalf of or is an agent of a utility. An alternative retail electric supplier shall not utilize the name, or any other identifying insignia, graphics, or wording that has been used at any time to represent a public utility company or its services, to identify, label, or define any of its electric power and energy service offers. An alternative retail electric supplier may state the name of a public electric utility in order to accurately describe the electric utility service territories in which the supplier is currently offering an electric power and energy service. An alternative retail electric supplier that is the affiliate of an Illinois public utility and that was doing business in Illinois providing alternative retail electric service on January 1, 2016 may continue to use that public utility's name, logo, identifying insignia, graphics, or wording in its business operations occurring outside the service territory of the public utility with which it is affiliated.

(2) An alternative retail electric supplier shall not state or otherwise imply that the alternative retail electric supplier is employed by, representing, endorsed by, or acting on behalf of a utility or utility program, a consumer group or consumer group program, or a governmental body, unless the alternative retail electric supplier has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements.

(c) An alternative retail electric supplier shall not submit or execute a change in a consumer's selection of a provider of electric service unless the alternative retail electric supplier complies with the following requirements of this subsection (c). It is a violation of this Section for an alternative retail electric supplier to fail to comply with this subsection (c). The requirements of this subsection (c) shall only apply to residential and small commercial retail customers. For purposes of this subsection (c) only, "small commercial retail customer" has the meaning given to that term in Section 16-102 of the Public Utilities Act.

(1) During a solicitation an alternative retail electric supplier shall state that he or she represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission and that he or she is not employed by, representing, endorsed by, or acting on behalf of, a utility, or a utility program, a consumer group or consumer group program, or a governmental body, unless the alternative retail electric supplier has entered into a contractual arrangement with the governmental body and has been authorized with the governmental body to make the statements.

(2) Alternative retail electric suppliers who engage in in-person solicitation for the purpose of selling electric power and energy service offered by the alternative retail electric supplier shall display identification on an outer garment. This identification shall be visible at all times and prominently display the following: (i) the alternative retail electric supplier agent's full name in reasonable size font; (ii) an agent identification number; (iii) a photograph of the alternative retail electric supplier agent; and (iv) the trade name and logo of the alternative retail electric supplier the agent is representing. If the agent is selling electric power and energy services from multiple alternative retail electric suppliers to the consumer, the identification shall display the trade name and logo of the agent, broker, or consultant entity as that entity is defined in Section 16-115C of the Public Utilities Act. An alternative retail electric supplier shall leave the premises at the consumer's, owner's, or occupant's request. A copy of the Uniform Disclosure Statement described in 83 Ill. Adm. Code 412.115 and 412.Appendix A is to be left with the consumer, at the conclusion of the visit unless the consumer refuses to accept a copy. An alternative retail electric supplier may provide the Uniform Disclosure Statement electronically instead of in paper form to a consumer upon that customer's request. The alternative retail electric supplier shall also offer to the consumer, at the time of the initiation of the solicitation, a business card or other material that lists the agent's name, identification number and title, and the alternative retail electric supplier's name and contact information, including phone number. The alternative retail electric supplier shall not conduct any in-person solicitations of consumers at any building or premises where any sign, notice, or declaration of any description

whatsoever is posted that prohibits sales, marketing, or solicitations. The alternative retail electric supplier shall obtain consent to enter multi-unit residential dwellings. Consent obtained to enter a multi-unit dwelling from one prospective customer or occupant of the dwelling shall not constitute consent to market to any other prospective consumers without separate consent.

(3) An alternative retail electric supplier who contacts consumers by telephone for the purpose of selling electric power and energy service shall provide the agent's name and identification number. Any telemarketing solicitations that lead to a telephone enrollment of a consumer must be recorded and retained for a minimum of 2 years. All telemarketing calls of consumers that do not lead to a telephone enrollment, but last at least 2 minutes, shall be recorded and retained for a minimum of 6 months.

(4) During an inbound enrollment call, an alternative retail electric supplier shall state that he or she represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission. All inbound enrollment calls that lead to an enrollment shall be recorded, and the recordings shall be retained for a minimum of 2 years. An inbound enrollment call that does not lead to an enrollment, but lasts at least 2 minutes, shall be retained for a minimum of 6 months. The alternative retail electric supplier shall send the Uniform Disclosure Statement and contract to the customer within 3 business days after the electric utility's confirmation to the alternative retail electric supplier of an accepted enrollment.

(5) If a direct mail solicitation to a consumer includes a written letter of agency, it shall include the Uniform Disclosure Statement described in 83 Ill. Adm. Code 412.115 and 412.Appendix A. The Uniform Disclosure Statement shall be provided on a separate page from the other marketing materials included in the direct mail solicitation. If a written letter of agency is being used to authorize a consumer's enrollment, the written letter of agency shall comply with this Section. A copy of the contract must be sent to consumer within 3 business days after the electric utility's confirmation to the alternative retail electric supplier of an accepted enrollment.

(6) Online Solicitation.

(A) Each alternative retail electric supplier offering electric power and energy service to consumers online shall clearly and conspicuously make all disclosures for any services offered through online enrollment before requiring the consumer to enter any personal information other than zip code, electric utility service territory, or type of service sought.

(B) Notwithstanding any requirements in this Section to the contrary, an alternative retail electric supplier may secure consent from the consumer to obtain customer-specific billing and usage information for the sole purpose of determining and pricing a product through a letter of agency or method approved through an Illinois Commerce Commission docket before making all disclosure for services offered through online enrollment. It is a violation of this Act for an alternative retail electric supplier to use a consumer's utility account number to execute or change a consumer's enrollment unless the consumer expressly consents to that enrollment as required by law.

(C) The enrollment website of the alternative retail electric supplier shall, at a minimum, include: (i) disclosure of all material terms and conditions of the offer; (ii) a statement that electronic acceptance of the terms and conditions is an agreement to initiate service and begin enrollment; (iii) a statement that the consumer shall review the contract or contact the current supplier to learn if any early termination fees are applicable; and (iv) an email address and toll-free phone number of the alternative retail electric supplier where the customer can express a decision to rescind the contract.

(7)(A) Beginning January 1, 2020, an alternative retail electric supplier shall not sell or offer to sell any products or services to a consumer pursuant to a contract in which the contract automatically renews, unless an alternative retail electric supplier provides to the consumer at the outset of the offer, in addition to other disclosures required by law, a separate written statement titled "Automatic Contract Renewal" that clearly and conspicuously discloses in bold lettering in at least 12-point font the terms and conditions of the automatic contract renewal provision, including: (i) the estimated bill cycle on which the initial contract term expires and a statement that it could be later based on when the utility accepts the initial enrollment; (ii) the estimated bill cycle on which the new contract term begins and a statement that it will immediately follow the last billing cycle of the current term; (iii) the procedure to terminate the contract before the new contract term applies; and (iv) the cancellation procedure. If the alternative retail electric supplier sells or offers to sell the products or services to a

consumer during an in-person solicitation or telemarketing solicitation, the disclosures described in this subparagraph (A) shall also be made to the consumer verbally during the solicitation. Nothing in this subparagraph (A) shall be construed to apply to contracts entered into before January 1, 2020.

(B) At least 30 days before, but not more than 60 days prior, to the end of the initial contract term, in any and all contracts that automatically renew after the initial term, the alternative retail electric supplier shall send, in addition to other disclosures required by law, a separate written notice of the contract renewal to the consumer that clearly and conspicuously discloses the following:

(i) a statement printed or visible from the outside of the envelope or in the subject line of the email, if the customer has agreed to receive official documents by email, that states "Contract Renewal Notice";

(ii) a statement in bold lettering, in at least 12-point font, that the contract will automatically renew unless the customer cancels it;

(iii) the billing cycle in which service under the current term will expire;

(iv) the billing cycle in which service under the new term will begin;

(v) the process and options available to the consumer to reject the new contract terms;

(vi) the cancellation process if the consumer's contract automatically renews before the consumer rejects the new contract terms;

(vii) the terms and conditions of the new contract term;

(viii) for a fixed rate contract, a side-by-side comparison of the current price and the new price; for a variable rate contract or time-of-use product in which the first month's renewal price can be determined, a side-by-side comparison of the current price and the price for the first month of the new variable or time-of-use price; or for a variable or time-of-use contract based on a publicly available index, a side-by-side comparison of the current formula and the new formula; and

(ix) the phone number and Internet email address to submit a consumer inquiry or complaint to the Illinois Commerce Commission and the Office of the Attorney General.

(C) An alternative retail electric supplier shall not automatically renew a consumer's enrollment after the current term of the contract expires when the current term of the contract provides that the consumer will be charged a fixed rate and the renewed contract provides that the consumer will be charged a variable rate, unless: (i) the alternative retail electric supplier complies with subparagraphs (A) and (B); and (ii) the customer expressly consents to the contract renewal in writing or by electronic signature at least 30 days, but no more than 60 days, before the contract expires.

(D) This paragraph (7) does not apply to customers enrolled in a municipal aggregation program pursuant to Section 1-92 of the Illinois Power Agency Act.

(8) All in-person and telephone solicitations shall be conducted in, translated into, and provided in a language in which the consumer subject to the marketing or solicitation is able to understand and communicate. An alternative retail electric supplier shall terminate a solicitation if the consumer subject to the marketing or communication is unable to understand and communicate in the language in which the marketing or solicitation is being conducted. An alternative retail electric supplier shall comply with Section 2N of this Act.

(9) Beginning January 1, 2020, consumers shall have the right to terminate their contract with the alternative retail electric supplier at any time without any termination fees or penalties.

(10) An alternative retail electric supplier shall not submit a change to a customer's electric service provider in violation of Section 16-115E of the Public Utilities Act.

(d) ~~(e)~~ Complaints may be filed with the Illinois Commerce Commission under this Section by a consumer whose electric service has been provided by an alternative retail electric supplier in a manner not in compliance with this Section or by the Illinois Commerce Commission on its own motion when it appears to the Commission that an alternative retail electric supplier has provided service in a manner not in compliance with this Section. If, after notice and hearing, the Commission finds that an alternative retail electric supplier has violated this Section, the Commission may in its discretion do any one or more of the following:

(1) Require the violating alternative retail electric supplier to refund to the consumer charges collected in excess of those that would have been charged by the consumer's authorized electric service provider.

(2) Require the violating alternative retail electric supplier to pay to the consumer's authorized electric service provider the amount the authorized electric service provider would have collected for the electric service. The Commission is authorized to reduce this payment by any amount already paid by the violating alternative retail electric supplier to the consumer's authorized provider for electric service.

(3) Require the violating alternative retail electric supplier to pay a fine of up to \$10,000 ~~\$1,000~~ into the Public Utility Fund for each ~~repeated and intentional~~ violation of this Section.

(4) Issue a cease and desist order.

(5) For a pattern of violation of this Section or for ~~violations that continue after intentionally violating~~ a cease and desist order, revoke the violating alternative retail electric supplier's certificate of service authority.

~~(c)~~ ~~(d)~~ For purposes of this Section:

"Electric service provider" shall have the meaning given that phrase in Section 6.5 of the Attorney General Act.

"Alternative retail electric supplier" has the meaning given to that term in Section 16-102 of the Public Utilities Act.

(Source: P.A. 101-590, eff. 1-1-20.)

(815 ILCS 505/2DDD)

Sec. 2DDD. Alternative gas suppliers.

(a) Definitions.

(1) "Alternative gas supplier" has the same meaning as in Section 19-105 of the Public Utilities Act.

(2) "Gas utility" has the same meaning as in Section 19-105 of the Public Utilities Act.

(b) It is an unfair or deceptive act or practice within the meaning of Section 2 of this Act for any person to violate any provision of this Section.

(c) Solicitation.

(1) An alternative gas supplier shall not utilize the name of a public utility in any manner that is deceptive or misleading, including, but not limited to, implying or otherwise leading a customer to believe that an alternative gas supplier is soliciting on behalf of or is an agent of a utility. An alternative gas supplier shall not utilize the name, or any other identifying insignia, graphics, or wording, that has been used at any time to represent a public utility company or its services or to identify, label, or define any of its natural gas supply offers and shall not misrepresent the affiliation of any alternative supplier with the gas utility, governmental bodies, or consumer groups.

(2) If any sales solicitation, agreement, contract, or verification is translated into another language and provided to a customer, all of the documents must be provided to the customer in that other language.

(2.3) An alternative gas supplier shall state that it represents an independent seller of gas certified by the Illinois Commerce Commission and that he or she is not employed by, representing, endorsed by, or acting on behalf of a utility, or a utility program.

(2.5) All in-person and telephone solicitations shall be conducted in, translated into, and provided in a language in which the consumer subject to the marketing or solicitation is able to understand and communicate. An alternative gas supplier shall terminate a solicitation if the consumer subject to the marketing or communication is unable to understand and communicate in the language in which the marketing or solicitation is being conducted. An alternative gas supplier shall comply with Section 2N of this Act.

(3) An alternative gas supplier shall clearly and conspicuously disclose the following information to all customers:

(A) the prices, terms, and conditions of the products and services being sold to the customer;

(B) where the solicitation occurs in person, including through door-to-door solicitation, the salesperson's name;

(C) the alternative gas supplier's contact information, including the address, phone number, and website;

(D) contact information for the Illinois Commerce Commission, including the toll-free number for consumer complaints and website;

(E) a statement of the customer's right to rescind the offer within 10 business days of the date on the utility's notice confirming the customer's decision to switch suppliers, as well as phone numbers for the supplier and utility that the consumer may use to rescind the contract;

(F) the amount of the early termination fee, if any; and

(G) the utility gas supply cost rates per therm price available from the Illinois Commerce Commission website applicable at the time the alternative gas supplier is offering or selling the products or services to the customer and shall disclose the following statement:

"(Name of the alternative gas supplier) is not the same entity as your gas delivery company. You are not required to enroll with (name of alternative retail gas supplier). Beginning on (effective date), the utility gas supply cost rate per therm is (cost). The utility gas supply cost will expire on (expiration date). For more information go to the Illinois Commerce Commission's free website at www.icc.illinois.gov/ags/consumereducation.aspx."

(4) Except as provided in paragraph (5) of this subsection (c), an alternative gas supplier shall send the information described in paragraph (3) of this subsection (c) to all customers within one business day of the authorization of a switch.

(5) An alternative gas supplier engaging in door-to-door solicitation of consumers shall provide the information described in paragraph (3) of this subsection (c) during all door-to-door solicitations that result in a customer deciding to switch his or her supplier.

(d) Customer Authorization. An alternative gas supplier shall not submit or execute a change in a customer's selection of a natural gas provider unless and until: (i) the alternative gas supplier first discloses all material terms and conditions of the offer to the customer; (ii) the alternative gas supplier has obtained the customer's express agreement to accept the offer after the disclosure of all material terms and conditions of the offer; and (iii) the alternative gas supplier has confirmed the request for a change in accordance with one of the following procedures:

(1) The alternative gas supplier has obtained the customer's written or electronically signed authorization in a form that meets the following requirements:

(A) An alternative gas supplier shall obtain any necessary written or electronically signed authorization from a customer for a change in natural gas service by using a letter of agency as specified in this Section. Any letter of agency that does not conform with this Section is invalid.

(B) The letter of agency shall be a separate document (or an easily separable document containing only the authorization language described in item (E) of this paragraph (1)) whose sole purpose is to authorize a natural gas provider change. The letter of agency must be signed and dated by the customer requesting the natural gas provider change.

(C) The letter of agency shall not be combined with inducements of any kind on the same document.

(D) Notwithstanding items (A) and (B) of this paragraph (1), the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in item (E) of this paragraph (1) and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold face type on the face of the check, a notice that the consumer is authorizing a natural gas provider change by signing the check. The letter of agency language also shall be placed near the signature line on the back of the check.

(E) At a minimum, the letter of agency must be printed with a print of sufficient size to be clearly legible, and must contain clear and unambiguous language that confirms:

(i) the customer's billing name and address;

(ii) the decision to change the natural gas provider from the current provider to the prospective alternative gas supplier;

(iii) the terms, conditions, and nature of the service to be provided to the customer, including, but not limited to, the rates for the service contracted for by the customer; and

(iv) that the customer understands that any natural gas provider selection the customer chooses may involve a charge to the customer for changing the customer's natural gas provider.

(F) Letters of agency shall not suggest or require that a customer take some action in order to retain the customer's current natural gas provider.

(G) If any portion of a letter of agency is translated into another language, then all portions of the letter of agency must be translated into that language.

(2) An appropriately qualified independent third party has obtained, in accordance with the procedures set forth in this paragraph (2), the customer's oral authorization to change natural gas providers that confirms and includes appropriate verification data. The independent third party must: (i) not be owned, managed, controlled, or directed by the alternative gas supplier or the alternative gas supplier's marketing agent; (ii) not have any financial incentive to confirm provider change requests for the alternative gas supplier or the alternative gas supplier's marketing agent; and (iii) operate in a location physically separate from the alternative gas supplier or the alternative gas supplier's marketing agent. Automated third-party verification systems and 3-way conference calls may be used for verification purposes so long as the other requirements of this paragraph (2) are satisfied. An alternative gas supplier or alternative gas supplier's sales representative initiating a 3-way conference call or a call through an automated verification system must drop off the call once the 3-way connection has been established. All third-party verification methods shall elicit, at a minimum, the following information:

(A) the identity of the customer;

(B) confirmation that the person on the call is authorized to make the provider change;

(C) confirmation that the person on the call wants to make the provider change;

(D) the names of the providers affected by the change;

(E) the service address of the service to be switched; and

(F) the price of the service to be provided and the material terms and conditions of the service being offered, including whether any early termination fees apply.

Third-party verifiers may not market the alternative gas supplier's services. All third-party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. Submitting alternative gas suppliers shall maintain and preserve audio records of verification of customer authorization for a minimum period of 2 years after obtaining the verification. Automated systems must provide customers with an option to speak with a live person at any time during the call. Each disclosure made during the third-party verification must be made individually to obtain clear acknowledgment of each disclosure. The alternative gas supplier must be in a location where he or she cannot hear the customer while the third-party verification is conducted. The alternative gas supplier shall not contact the customer after the third-party verification for a period of 24 hours unless the customer initiates the contact.

(3) The alternative gas supplier has obtained the customer's electronic authorization to change natural gas service via telephone. Such authorization must elicit the information in subparagraphs (A) through (F) of paragraph (2) of this subsection (d). Alternative gas suppliers electing to confirm sales electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number or numbers shall connect a customer to a voice response unit, or similar mechanism, that makes a date-stamped, time-stamped recording of the required information regarding the alternative gas supplier change.

The alternative gas supplier shall not use such electronic authorization systems to market its services.

(4) When a consumer initiates the call to the prospective alternative gas supplier, in order to enroll the consumer as a customer, the prospective alternative gas supplier must, with the consent of the customer, make a date-stamped, time-stamped audio recording that elicits, at a minimum, the following information:

(A) the identity of the customer;

(B) confirmation that the person on the call is authorized to make the provider change;

(C) confirmation that the person on the call wants to make the provider change;

(D) the names of the providers affected by the change;

(E) the service address of the service to be switched; and

(F) the price of the service to be supplied and the material terms and conditions of the service being offered, including whether any early termination fees apply.

Submitting alternative gas suppliers shall maintain and preserve the audio records containing the information set forth above for a minimum period of 2 years.

(5) In the event that a customer enrolls for service from an alternative gas supplier via an Internet website, the alternative gas supplier shall obtain an electronically signed letter of agency in accordance with paragraph (1) of this subsection (d) and any customer information shall be protected in accordance with all applicable statutes and rules. In addition, an alternative gas supplier shall provide the following when marketing via an Internet website:

(A) The Internet enrollment website shall, at a minimum, include:

(i) a copy of the alternative gas supplier's customer contract, which clearly and conspicuously discloses all terms and conditions; and

(ii) a conspicuous prompt for the customer to print or save a copy of the contract.

(B) Any electronic version of the contract shall be identified by version number, in order to ensure the ability to verify the particular contract to which the customer assents.

(C) Throughout the duration of the alternative gas supplier's contract with a customer, the alternative gas supplier shall retain and, within 3 business days of the customer's request, provide to the customer an ~~email e-mail~~, paper, or facsimile of the terms and conditions of the numbered contract version to which the customer assents.

(D) The alternative gas supplier shall provide a mechanism by which both the submission and receipt of the electronic letter of agency are recorded by time and date.

(E) After the customer completes the electronic letter of agency, the alternative gas supplier shall disclose conspicuously through its website that the customer has been enrolled and the alternative gas supplier shall provide the customer an enrollment confirmation number.

(6) When a customer is solicited in person by the alternative gas supplier's sales agent, the alternative gas supplier may only obtain the customer's authorization to change natural gas service through the method provided for in paragraph (2) of this subsection (d).

Alternative gas suppliers must be in compliance with the provisions of this subsection (d) within 90 days after April 10, 2009 (the effective date of Public Act 95-1051).

(e) Early Termination.

(1) Beginning January 1, 2020, consumers shall have the right to terminate their contract with an alternative gas supplier at any time without any termination fees or penalties.

(2) In any agreement that contains an early termination clause, an alternative gas supplier shall provide the customer the opportunity to terminate the agreement without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the alternative gas supplier. The agreement shall disclose the opportunity and provide a toll-free phone number that the customer may call in order to terminate the agreement.

(f) The alternative gas supplier shall provide each customer the opportunity to rescind its agreement without penalty within 10 business days after the date on the gas utility notice to the customer. The alternative gas supplier shall disclose to the customer all of the following:

(1) that the gas utility shall send a notice confirming the switch;

(2) that from the date the utility issues the notice confirming the switch, the customer shall have 10 business days before the switch will become effective;

(3) that the customer may contact the gas utility or the alternative gas supplier to rescind the switch within 10 business days; and

(4) the contact information for the gas utility and the alternative gas supplier.

The alternative gas supplier disclosure shall be included in its sales solicitations, contracts, and all applicable sales verification scripts.

(f-5)(1) Beginning January 1, 2020, an alternative gas supplier shall not sell or offer to sell any products or services to a consumer pursuant to a contract in which the contract automatically renews, unless an alternative gas supplier provides to the consumer at the outset of the offer, in addition to other disclosures required by law, a separate written statement titled "Automatic Contract Renewal" that clearly and conspicuously discloses in bold lettering in at least 12-point font the terms and conditions of the automatic contract renewal provision, including: (i) the estimated bill cycle on which the initial contract term expires and a statement that it could be later based on when the utility accepts the initial enrollment; (ii) the estimated bill cycle on which the new contract term begins and a statement that it will immediately follow the last billing cycle of the current term; (iii) the procedure to terminate the contract before the new contract term applies; and (iv) the cancellation procedure. If the alternative gas supplier sells or offers to sell the products or services to a consumer during an in-person solicitation or telemarketing solicitation, the disclosures described in this paragraph (1) shall also be made to the consumer verbally during the

solicitation. Nothing in this paragraph (1) shall be construed to apply to contracts entered into before January 1, 2020.

(2) At least 30 days before, but not more than 60 days prior, to the end of the initial contract term, in any and all contracts that automatically renew after the initial term, the alternative gas supplier shall send, in addition to other disclosures required by law, a separate written notice of the contract renewal to the consumer that clearly and conspicuously discloses the following:

(A) a statement printed or visible from the outside of the envelope or in the subject line of the email, if the customer has agreed to receive official documents by email, that states "Contract Renewal Notice";

(B) a statement in bold lettering, in at least 12-point font, that the contract will automatically renew unless the customer cancels it;

(C) the billing cycle in which service under the current term will expire;

(D) the billing cycle in which service under the new term will begin;

(E) the process and options available to the consumer to reject the new contract terms;

(F) the cancellation process if the consumer's contract automatically renews before the consumer rejects the new contract terms;

(G) the terms and conditions of the new contract term;

(H) for a fixed rate or flat bill contract, a side-by-side comparison of the current fixed rate or flat bill to the new fixed rate or flat bill; for a variable rate contract or time-of-use product in which the first month's renewal price can be determined, a side-by-side comparison of the current price and the price for the first month of the new variable or time-of-use price; or for a variable or time-of-use contract based on a publicly available index, a side-by-side comparison of the current formula and the new formula; and

(I) the phone number and Internet email address to submit a consumer inquiry or complaint to the Illinois Commerce Commission and the Office of the Attorney General.

(3) An alternative gas supplier shall not automatically renew a consumer's enrollment after the current term of the contract expires when the current term of the contract provides that the consumer will be charged a fixed rate and the renewed contract provides that the consumer will be charged a variable rate, unless: (i) the alternative gas supplier complies with paragraphs (1) and (2); and (ii) the customer expressly consents to the contract renewal in writing or by electronic signature at least 30 days, but no more than 60 days, before the contract expires.

(4) An alternative gas supplier shall not submit a change to a customer's gas service provider in violation of Section 19-116 of the Public Utilities Act.

(g) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential and small commercial customers and only to the extent such alternative gas suppliers provide services to residential and small commercial customers.

(h) Complaints may be filed with the Commission under this Section by a consumer whose gas service has been provided by an alternative retail gas supplier in a manner not in compliance with this Section or by the Commission on its own motion when it appears to the Commission that an alternative retail gas supplier has provided service in a manner not in compliance with this Section. If, after notice and hearing, the Commission finds that an alternative retail gas supplier has violated this Section, the Commission may in its discretion do any one or more of the following:

(1) require the alternative retail gas supplier to refund to the consumer charges collected in excess of those that would have been charged by the consumer's authorized gas service provider;

(2) require the alternative retail gas supplier to pay to the consumer's authorized gas service provider the amount the authorized gas service provider would have collected for the gas service. The Commission is authorized to reduce this payment by any amount already paid by the alternative retail gas to the consumer's authorized provider for gas service;

(3) require the alternative retail electric supplier to pay a fine of up to \$10,000 per occurrence into the Public Utility Fund for each violation of this Section;

(4) issue a cease and desist order; and

(5) for a pattern of violation of this Section or for violations that continue after a cease and desist order, revoke the alternative retail gas supplier's certificate of service authority.

(Source: P.A. 101-590, eff. 1-1-20; 102-558, eff. 8-20-21.)"

The motion prevailed.

[March 31, 2022]

And the amendment was adopted and ordered printed.
 Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 4973

AMENDMENT NO. 2. Amend House Bill 4973, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 16, line 17, by replacing "(iii)" with "(iv) (~~iii~~)"; and

on page 16, line 22, by replacing "(iv)" with "(v) (~~iv~~)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 4201. Introduced by Senator D. Turner, 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. 4202. Introduced by Senator Villanueva, 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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator E. Jones III, **House Bill No. 4501** 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 4501

AMENDMENT NO. 1. Amend House Bill 4501 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Dental Practice Act is amended by changing Sections 4, 17, 17.1, and 18 as follows:

(225 ILCS 25/4) (from Ch. 111, par. 2304)

(Section scheduled to be repealed on January 1, 2026)

Sec. 4. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.

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

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

"Board" means the Board of Dentistry.

"Dentist" means a person who has received a general license pursuant to paragraph (a) of Section 11 of this Act and who may perform any intraoral and extraoral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in Section 17.

"Dental hygienist" means a person who holds a license under this Act to perform dental services as authorized by Section 18.

"Dental assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services as authorized by Section 17.

"Expanded function dental assistant" means a dental assistant who has completed the training required by Section 17.1 of this Act.

"Dental laboratory" means a person, firm or corporation which:

- (i) engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues; and
- (ii) utilizes or employs a dental technician to provide such services; and
- (iii) performs such functions only for a dentist or dentists.

"Supervision" means supervision of a dental hygienist or a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist or dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

"General supervision" means supervision of a dental hygienist requiring that the patient be a patient of record, that the dentist examine the patient in accordance with Section 18 prior to treatment by the dental hygienist, and that the dentist authorize the procedures which are being carried out by a notation in the patient's record, but not requiring that a dentist be present when the authorized procedures are being performed. The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.

"Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.

"Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning and care of conditions within the human oral cavity and its adjacent tissues and structures, as further specified in Section 17.

"Branches of dentistry" means the various specialties of dentistry which, for purposes of this Act, shall be limited to the following: endodontics, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics, oral and maxillofacial radiology, and dental anesthesiology.

"Specialist" means a dentist who has received a specialty license pursuant to Section 11(b).

"Dental technician" means a person who owns, operates or is employed by a dental laboratory and engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues.

"Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care.

"Nurse" means a registered professional nurse, a certified registered nurse anesthetist licensed as an advanced practice registered nurse, or a licensed practical nurse licensed under the Nurse Practice Act.

"Patient of record" means a patient for whom the patient's most recent dentist has obtained a relevant medical and dental history and on whom the dentist has performed an examination and evaluated the condition to be treated.

"Dental responder" means a dentist or dental hygienist who is appropriately certified in disaster preparedness, immunizations, and dental humanitarian medical response consistent with the Society of Disaster Medicine and Public Health and training certified by the National Incident Management System or the National Disaster Life Support Foundation.

"Mobile dental van or portable dental unit" means any self-contained or portable dental unit in which dentistry is practiced that can be moved, towed, or transported from one location to another in order to establish a location where dental services can be provided.

"Public health dental hygienist" means a hygienist who holds a valid license to practice in the State, has 2 years of full-time clinical experience or an equivalent of 4,000 hours of clinical experience and has completed at least 42 clock hours of additional structured courses in dental education in advanced areas specific to public health dentistry.

"Public health setting" means a federally qualified health center; a federal, State, or local public health facility; Head Start; a special supplemental nutrition program for Women, Infants, and Children (WIC) facility; ~~or~~ a certified school-based health center or school-based oral health program; or a prison.

"Public health supervision" means the supervision of a public health dental hygienist by a licensed dentist who has a written public health supervision agreement with that public health dental hygienist while working in an approved facility or program that allows the public health dental hygienist to treat patients, without a dentist first examining the patient and being present in the facility during treatment, (1) who are eligible for Medicaid or (2) who are uninsured and whose household income is not greater than 200% of the federal poverty level.

"Teledentistry" means the use of telehealth systems and methodologies in dentistry and includes patient care and education delivery using synchronous and asynchronous communications under a dentist's authority as provided under this Act.

(Source: P.A. 101-64, eff. 7-12-19; 101-162, eff. 7-26-19; 102-93, eff. 1-1-22; 102-588, eff. 8-20-21.)

(225 ILCS 25/17) (from Ch. 111, par. 2317)

(Section scheduled to be repealed on January 1, 2026)

Sec. 17. Acts constituting the practice of dentistry. A person practices dentistry, within the meaning of this Act:

(1) Who represents himself or herself as being able to diagnose or diagnoses, treats, prescribes, or operates for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaw; or

(2) Who is a manager, proprietor, operator or conductor of a business where dental operations are performed; or

(3) Who performs dental operations of any kind; or

(4) Who uses an X-Ray machine or X-Ray films for dental diagnostic purposes; or

(5) Who extracts a human tooth or teeth, or corrects or attempts to correct malpositions of the human teeth or jaws; or

(6) Who offers or undertakes, by any means or method, to diagnose, treat or remove stains, calculus, and bonding materials from human teeth or jaws; or

(7) Who uses or administers local or general anesthetics in the treatment of dental or oral diseases or in any preparation incident to a dental operation of any kind or character; or

(8) Who takes material or digital scans for final impressions of the human tooth, teeth, or jaws or performs any phase of any operation incident to the replacement of a part of a tooth, a tooth, teeth or associated tissues by means of a filling, crown, a bridge, a denture or other appliance; or

(9) Who offers to furnish, supply, construct, reproduce or repair, or who furnishes, supplies, constructs, reproduces or repairs, prosthetic dentures, bridges or other substitutes for natural teeth, to the user or prospective user thereof; or

(10) Who instructs students on clinical matters or performs any clinical operation included in the curricula of recognized dental schools and colleges; or

(11) Who takes material or digital scans for final impressions of human teeth or places his or her hands in the mouth of any person for the purpose of applying teeth whitening materials, or who takes impressions of human teeth or places his or her hands in the mouth of any person for the purpose of assisting in the application of teeth whitening materials. A person does not practice dentistry when he or she discloses to the consumer that he or she is not licensed as a dentist under this Act and (i) discusses the use of teeth whitening materials with a consumer purchasing these materials; (ii) provides instruction on the use of teeth whitening materials with a consumer purchasing these materials; or (iii) provides appropriate equipment on-site to the consumer for the consumer to self-apply teeth whitening materials.

The fact that any person engages in or performs, or offers to engage in or perform, any of the practices, acts, or operations set forth in this Section, shall be prima facie evidence that such person is engaged in the practice of dentistry.

The following practices, acts, and operations, however, are exempt from the operation of this Act:

(a) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such under the laws of this State, unless he or she undertakes to reproduce or reproduces lost parts of the human teeth in the mouth or to restore or replace lost or missing teeth in the mouth; or

(b) The practice of dentistry in the discharge of their official duties by dentists in any branch of the Armed Services of the United States, the United States Public Health Service, or the United States Veterans Administration; or

(c) The practice of dentistry by students in their course of study in dental schools or colleges approved by the Department, when acting under the direction and supervision of dentists acting as instructors; or

(d) The practice of dentistry by clinical instructors in the course of their teaching duties in dental schools or colleges approved by the Department:

(i) when acting under the direction and supervision of dentists, provided that such clinical instructors have instructed continuously in this State since January 1, 1986; or

(ii) when holding the rank of full professor at such approved dental school or college and possessing a current valid license or authorization to practice dentistry in another country; or

(e) The practice of dentistry by licensed dentists of other states or countries at meetings of the Illinois State Dental Society or component parts thereof, alumni meetings of dental colleges, or any other like dental organizations, while appearing as clinicians; or

(f) The use of X-Ray machines for exposing X-Ray films of dental or oral tissues by dental hygienists or dental assistants; or

(g) The performance of any dental service by a dental assistant, if such service is performed under the supervision and full responsibility of a dentist. In addition, after being authorized by a dentist, a dental assistant may, for the purpose of eliminating pain or discomfort, remove loose, broken, or irritating orthodontic appliances on a patient of record.

For purposes of this paragraph (g), "dental service" is defined to mean any intraoral procedure or act which shall be prescribed by rule or regulation of the Department. Dental service, however, shall not include:

(1) Any and all diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structures.

(2) Removal of, or restoration of, or addition to the hard or soft tissues of the oral cavity, except for the placing, carving, and finishing of amalgam restorations and placing, packing, and finishing composite restorations by dental assistants who have had additional formal education and certification.

A dental assistant may place, carve, and finish amalgam restorations, place, pack, and finish composite restorations, and place interim restorations if he or she (A) has successfully completed a structured training program as described in item (2) of subsection (g) provided by an educational institution accredited by the Commission on Dental Accreditation, such as a dental school or dental hygiene or dental assistant program, or (B) has at least 4,000 hours of direct clinical patient care experience and has successfully completed a structured training program as described in item (2) of subsection (g) provided by a statewide dental association, approved by the Department to provide continuing education, that has developed and conducted training programs for expanded functions for dental assistants or hygienists. The training program must: (i) include a minimum of 16 hours of didactic study and 14 hours of clinical manikin instruction; all training programs shall include areas of study in nomenclature, caries classifications, oral anatomy, periodontium, basic occlusion, instrumentations, pulp protection liners and bases, dental materials, matrix and wedge techniques, amalgam placement and carving, rubber dam clamp placement, and rubber dam placement and removal; (ii) include an outcome assessment examination that demonstrates competency; (iii) require the supervising dentist to observe and approve the completion of 8 amalgam or composite restorations; and (iv) issue a certificate of completion of the training program, which must be kept on file at the dental office and be made available to the Department upon request. A dental assistant must have successfully completed an approved coronal polishing and dental sealant course prior to taking the amalgam and composite restoration course.

A dentist utilizing dental assistants shall not supervise more than 4 dental assistants at any one time for placing, carving, and finishing of amalgam restorations or for placing, packing, and finishing composite restorations.

(3) Any and all correction of malformation of teeth or of the jaws.

(4) Administration of anesthetics, except for monitoring of nitrous oxide, conscious sedation, deep sedation, and general anesthetic as provided in Section 8.1 of this Act, that may be performed only after successful completion of a training program approved by the Department. A dentist utilizing dental assistants shall not supervise more than 4 dental assistants at any one time for the monitoring of nitrous oxide.

(5) Removal of calculus from human teeth.

(6) Taking of material or digital scans for final impressions for the fabrication of prosthetic appliances, crowns, bridges, inlays, onlays, or other restorative or replacement dentistry.

(7) The operative procedure of dental hygiene consisting of oral prophylactic procedures, except for coronal polishing and pit and fissure sealants, which may be performed by a dental assistant who has successfully completed a training program approved by the Department. Dental assistants may perform coronal polishing under the following circumstances: (i) the coronal polishing shall be limited to polishing the clinical crown of the tooth and existing restorations, supragingivally; (ii) the dental assistant performing the coronal polishing shall be limited to the use of rotary instruments using a rubber cup or brush polishing method (air polishing is not permitted); and (iii) the supervising dentist shall not supervise more than 4 dental assistants at any one time for the task of coronal polishing or pit and fissure sealants.

In addition to coronal polishing and pit and fissure sealants as described in this item (7), a dental assistant who has at least 2,000 hours of direct clinical patient care experience and who has successfully completed a structured training program provided by (1) an educational institution including, but not limited to, such as a dental school or dental hygiene or dental assistant program, or (2) a continuing education provider approved by the Department, or (3) by a statewide dental or dental hygienist association, approved by the Department on or before January 1, 2017 (the effective date of Public Act 99-680), that has developed and conducted a training program for expanded functions for dental assistants or hygienists may perform: (A) coronal scaling above the gum line, supragingivally, on the clinical crown of the tooth only on patients ~~17~~ 42 years of age or younger who have an absence of periodontal disease and who are not medically compromised or individuals with special needs and (B) intracoronaral temporization of a tooth. The training program must: (I) include a minimum of 16 hours of instruction in both didactic and clinical manikin or human subject instruction; all training programs shall include areas of study in dental anatomy, public health dentistry, medical history, dental emergencies, and managing the pediatric patient; (II) include an outcome assessment examination that demonstrates competency; (III) require the supervising dentist to observe and approve the completion of 6 full mouth supragingival scaling procedures unless the training was received as part of a Commission on Dental Accreditation approved dental assistant program; and (IV) issue a certificate of completion of the training program, which must be kept on file at the dental office and be made available to the Department upon request. A dental assistant must have successfully completed an approved coronal polishing course prior to taking the coronal scaling course. A dental assistant performing these functions shall be limited to the use of hand instruments only. In addition, coronal scaling as described in this paragraph shall only be utilized on patients who are eligible for Medicaid, ~~or~~ who are uninsured, ~~or and~~ whose household income is not greater than 400% ~~200%~~ of the federal poverty level. A dentist may not supervise more than 2 dental assistants at any one time for the task of coronal scaling. This paragraph is inoperative on and after January 1, 2026.

The limitations on the number of dental assistants a dentist may supervise contained in items (2), (4), and (7) of this paragraph (g) mean a limit of 4 total dental assistants or dental hygienists doing expanded functions covered by these Sections being supervised by one dentist; or

(h) The practice of dentistry by an individual who:

(i) has applied in writing to the Department, in form and substance satisfactory to the Department, for a general dental license and has complied with all provisions of Section 9 of this Act, except for the passage of the examination specified in subsection (e) of Section 9 of this Act; or

(ii) has applied in writing to the Department, in form and substance satisfactory to the Department, for a temporary dental license and has complied with all provisions of subsection (c) of Section 11 of this Act; and

(iii) has been accepted or appointed for specialty or residency training by a hospital situated in this State; or

(iv) has been accepted or appointed for specialty training in an approved dental program situated in this State; or

(v) has been accepted or appointed for specialty training in a dental public health agency situated in this State.

The applicant shall be permitted to practice dentistry for a period of 3 months from the starting date of the program, unless authorized in writing by the Department to continue such practice for a period specified in writing by the Department.

The applicant shall only be entitled to perform such acts as may be prescribed by and incidental to his or her program of residency or specialty training and shall not otherwise engage in the practice of dentistry in this State.

The authority to practice shall terminate immediately upon:

- (1) the decision of the Department that the applicant has failed the examination; or
- (2) denial of licensure by the Department; or
- (3) withdrawal of the application.

(Source: P.A. 101-162, eff. 7-26-19; 102-558, eff. 8-20-21.)

(225 ILCS 25/17.1)

(Section scheduled to be repealed on January 1, 2026)

Sec. 17.1. Expanded function dental assistants.

(a) A dental assistant who has completed training as provided in subsection (b) of this Section in all of the following areas may hold himself or herself out as an expanded function dental assistant:

- (1) Taking material or digital scans for final impressions after completing a training program that includes either didactic objectives or clinical skills and functions that demonstrate competency.
- (2) Performing pulp vitality test after completing a training program that includes either didactic objectives or clinical skills and functions that demonstrate competency.
- (3) Placing, carving, and finishing of amalgam restorations and placing, packing, and finishing composite restorations as allowed under Section 17.

(3.5) Coronal scaling as allowed under Section 17.

(4) Starting the flow of oxygen and monitoring of nitrous oxide-oxygen analgesia as allowed under Section 17.

(5) Coronal polishing and pit and fissure sealants as allowed under Section 17.

(6) Intracoronal temporization of a tooth.

All procedures listed in paragraphs (1) through ~~(6)~~ (5) for dental assistants must be performed under the supervision of a dentist, requiring the dentist authorizes the procedure, remains in the dental facility while the procedure is performed, and approves the work performed by the dental assistant before dismissal of the patient, but the dentist is not required to be present at all times in the treatment room.

After the completion of training as provided in subsection (b) of this Section, an expanded function dental assistant may perform any of the services listed in this subsection (a) pursuant to the limitations of this Act.

(b) Certification and training as an expanded function dental assistant must be obtained from one of the following sources: (i) an approved continuing education sponsor; (ii) a dental assistant training program approved by the Commission on Dental Accreditation of the American Dental Association; or (iii) a training program approved by the Department.

Training required under this subsection (b) must also include Basic Life Support certification, as described in Section 16 of this Act. Proof of current certification shall be kept on file with the supervising dentist.

(c) Any procedures listed in subsection (a) that are performed by an expanded function dental assistant must be approved by the supervising dentist and examined prior to dismissal of the patient. The supervising dentist shall be responsible for all dental services or procedures performed by the dental assistant.

(d) Nothing in this Section shall be construed to alter the number of dental assistants that a dentist may supervise under paragraph (g) of Section 17 of this Act.

(e) Nothing in this Act shall: (1) require a dental assistant to be certified as an expanded function dental assistant or (2) prevent a dentist from training dental assistants in accordance with the provisions of Section 17 or 17.1 of this Act or rules pertaining to dental assistant duties.

(Source: P.A. 100-215, eff. 1-1-18; 100-976, eff. 1-1-19; 101-162, eff. 7-26-19.)

(225 ILCS 25/18) (from Ch. 111, par. 2318)

(Section scheduled to be repealed on January 1, 2026)

Sec. 18. Acts constituting the practice of dental hygiene; limitations.

(a) A person practices dental hygiene within the meaning of this Act when he or she performs the following acts under the supervision of a dentist:

- (i) the operative procedure of dental hygiene, consisting of oral prophylactic procedures;
- (ii) the exposure and processing of X-Ray films of the teeth and surrounding structures;
- (iii) the application to the surfaces of the teeth or gums of chemical compounds designed to be desensitizing agents or effective agents in the prevention of dental caries or periodontal disease;
- (iv) all services which may be performed by a dental assistant as specified by rule pursuant to Section 17, and a dental hygienist may engage in the placing, carving, and finishing of amalgam restorations only after obtaining formal education and certification as determined by the Department;
- (v) administration and monitoring of nitrous oxide upon successful completion of a training program approved by the Department;
- (vi) administration of local anesthetics upon successful completion of a training program approved by the Department; and
- (vii) such other procedures and acts as shall be prescribed by rule or regulation of the Department.

(b) A dental hygienist may be employed or engaged only:

- (1) by a dentist;
- (2) by a federal, State, county, or municipal agency or institution;
- (3) by a public or private school; or
- (4) by a public clinic operating under the direction of a hospital or federal, State, county, municipal, or other public agency or institution.

(c) When employed or engaged in the office of a dentist, a dental hygienist may perform, under general supervision, those procedures found in items (i) through (iv) of subsection (a) of this Section, provided the patient has been examined by the dentist within one year of the provision of dental hygiene services, the dentist has approved the dental hygiene services by a notation in the patient's record and the patient has been notified that the dentist may be out of the office during the provision of dental hygiene services.

(d) If a patient of record is unable to travel to a dental office because of illness, infirmity, or imprisonment, a dental hygienist may perform, under the general supervision of a dentist, those procedures found in items (i) through (iv) of subsection (a) of this Section, provided the patient is located in a long-term care facility licensed by the State of Illinois, a mental health or developmental disability facility, or a State or federal prison. The dentist shall either personally examine and diagnose the patient or utilize approved teledentistry communication methods and determine which services are necessary to be performed, which shall be contained in an order to the hygienist and a notation in the patient's record. Such order must be implemented within ~~45~~ 120 days of its issuance, and an updated medical history and observation of oral conditions must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a reexamination by the dentist.

(e) School-based oral health care, consisting of and limited to oral prophylactic procedures, sealants, and fluoride treatments, may be provided by a dental hygienist under the general supervision of a dentist. A dental hygienist may not provide other dental hygiene treatment in a school-based setting, including but not limited to administration or monitoring of nitrous oxide or administration of local anesthetics. The school-based procedures may be performed provided the patient is located at a public or private school and the program is being conducted by a State, county or local public health department initiative or in conjunction with a dental school or dental hygiene program. The dentist shall personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in an order to the hygienist and a notation in the patient's record. Any such order for sealants must be implemented within 120 days after its issuance. Any such order for oral prophylactic procedures or fluoride treatments must be implemented within 180 days after its issuance. An updated medical history and observation of oral conditions must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a reexamination by the dentist.

(f) Without the supervision of a dentist, a dental hygienist may perform dental health education functions, including instruction in proper oral health care and dental hygiene in either a school setting or long-term care facility. In addition, a dental hygienist may record care histories and oral conditions observed at any time prior to a clinical exam by a dentist ~~and may record case histories and oral conditions observed.~~

(g) The number of dental hygienists practicing in a dental office shall not exceed, at any one time, 4 times the number of dentists practicing in the office at the time.

(h) A dental hygienist who is certified as a public health dental hygienist may provide services to patients: (1) who are eligible for Medicaid or (2) who are uninsured and whose household income is not greater than 200% of the federal poverty level. A public health dental hygienist may perform oral assessments, perform screenings, and provide educational and preventative services as provided in subsection (b) of Section 18.1 of this Act. The public health dental hygienist may not administer local anesthesia or nitrous oxide, or place, carve, or finish amalgam restorations or provide periodontal therapy under this exception. Each patient must sign a consent form that acknowledges that the care received does not take the place of a regular dental examination. The public health dental hygienist must provide the patient or guardian a written referral to a dentist for assessment of the need for further dental care at the time of treatment. Any indication or observation of a condition that could warrant the need for urgent attention must be reported immediately to the supervising dentist for appropriate assessment and treatment.

This subsection (h) is inoperative on and after January 1, 2026.

(i) A dental hygienist performing procedures listed in paragraphs (1) through (4) of subsection (a) of Section 17.1 must be under the supervision of a dentist, requiring the dentist authorizes the procedure, remains in the dental facility while the procedure is performed, and approves the work performed by the dental hygienist before dismissal of the patient, but the dentist is not required to be present at all times in the treatment room.

(j) A dental hygienist may perform actions described in paragraph (5) of subsection (a) of Section 17.1 under the general supervision of a dentist as described in this Section.
(Source: P.A. 100-976, eff. 1-1-19; 101-162, eff. 7-26-19)."

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

On motion of Senator E. Jones III, **House Bill No. 5167** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bennett, **House Bill No. 4769** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4769

AMENDMENT NO. 1. Amend House Bill 4769 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Behavior Analyst Licensing Act.

Section 5. Public policy. The practice of applied behavior analysis is declared to affect public health, safety, and welfare and is subject to regulation in the public interest. The purpose of this Act is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to obtain a license and hold the title of "licensed behavior analyst" or "licensed assistant behavior analyst", to promote high standards of professional performance for those licensed to practice applied behavior analysis in the State, to protect the public from the practice of applied behavior analysis by unqualified persons and from unprofessional conduct by persons licensed to practice applied behavior analysis.

Section 10. Definitions. As used in this Act:

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

"Board" means the Advisory Board of Behavior Analysts appointed by the Secretary.

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

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

[March 31, 2022]

"Licensed assistant behavior analyst" means an individual licensed under this Act to engage in practice as an assistant behavior analyst under the supervision of a licensed behavior analyst or a licensed clinical psychologist.

"Licensed behavior analyst" means an individual licensed to engage in the practice of applied behavior analysis.

"Practice of applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvement in human behavior. "Practice of applied behavior analysis" includes the empirical identification of functional relations between behavior environmental factors, known as functional assessment and analysis. Applied behavior analysis interventions are based on scientific research and the direct observation and measurement of behavior and environment. Applied behavior analysis interventions utilize contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other procedures to help individuals develop new behaviors, increase or decrease existing behaviors, and elicit behaviors under specific environmental conditions. The practice of applied behavior analysis excludes the diagnosis of disorders, psychological testing, psychotherapy, cognitive therapy, psychoanalysis, and counseling.

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

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 a license; and

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

Section 20. License required; exemptions.

(a) Beginning 30 months after the effective date of this Act, an individual shall not engage in the practice of applied behavior analysis unless licensed under this Act or covered by an exemption under subsection (c).

(a-5) An individual licensed under this Act as an assistant behavior analyst shall not engage in the practice of applied behavior analysis unless supervised by a licensed clinical psychologist or licensed behavior analyst.

(b) Beginning 24 months after the effective date of this Act, an individual shall not use the title "licensed behavior analyst", "L.B.A.", "licensed assistant behavior analyst", "L.A.B.A.", or similar words or letters indicating the individual is licensed as a behavior analyst or assistant behavior analyst unless the individual is actually licensed under this Act.

(c) This Act does not prohibit any of the following:

(1) Self-care by a patient or uncompensated care by a friend or family member who does not represent or hold oneself out to be a behavior analyst or assistant behavior analyst.

(2) An individual from implementing a behavior analytic treatment plan under the extended authority, direction, and supervision of a licensed behavior analyst or licensed assistant behavior analyst.

(3) A clinical psychologist, social worker, psychiatric nurse, professional counselor, clinical professional counselor, clinical social worker, or marriage and family therapist from performing or advertising activities that are considered to be the practice of applied behavior analysis under this Act if the activities are consistent with the laws of this State, the individual's training, and any code of ethics of the individual's respective professions, so long as the individual does not use the titles provided in subsection (b).

(4) An individual from performing activities that are considered to be the practice of applied behavior analysis under this Act if the activities are with nonhumans, including applied animal behaviorists and animal trainers. The individual may use the title "behavior analyst" but shall not represent oneself as a licensed behavior analyst or licensed assistant behavior analyst unless the individual holds a license issued by the State.

(5) An individual who provides general applied behavior analysis services to organizations, so long as the services are for the benefit of the organizations and do not involve direct services to individuals. The individual may use the title "behavior analyst" but may not represent oneself as a

licensed behavior analyst or licensed assistant behavior analyst unless the individual holds a license issued by the State.

(6) An individual who is a matriculated student at a nationally accredited university approved in rules or a postdoctoral fellow from performing activities that are considered to be the practice of applied behavior analysis under this Act if the activities are part of a defined program of study, course, practicum, internship, or postdoctoral fellowship, provided that the applied behavior analysis activities are directly supervised by a licensed behavior analyst under this Act or a licensed clinical psychologist.

(7) An individual who is not licensed under this Act from pursuing field experience in the practice of behavior analysis if the experience is supervised by a licensed behavior analyst or a licensed psychologist.

(8) An individual with a learning behavior specialist or school support personnel endorsement from the State Board of Education, the school district in which the school is located, or a special education joint agreement serving the school district in which the school is located from delivering behavior analytic services in a school setting when employed by that school as long as those services are defined in the scope of practice for that endorsement and that person is not in any manner held out to the public as a licensed behavior analyst or licensed assistant behavior analyst.

(9) A qualified intellectual disabilities professional, meeting the minimum federal education requirements outlined in 42 CFR 483.430, who is performing the duties required for individuals with intellectual or developmental disabilities in programs and facilities regulated by the federal Centers for Medicare and Medicaid Services, the Department of Human Services, or the Department of Public Health, so long as the individual does not use the titles provided in subsection (b).

(10) A service provider, designated by the Department of Human Services, from providing behavior intervention and treatment, so long as the individual does not use the titles provided in subsection (b).

(d) This Act does not apply to an individual who, on the effective date of this Act, is engaging in the practice of applied behavior analysis under the medical assistance program under the Illinois Public Aid Code while that individual is seeking the education, training, and experience necessary to obtain a license under this Act.

Section 25. Applications for original license. An application for original licenses shall be made to the Department on forms or electronically as prescribed by the Department and accompanied by the required fee, which shall not be refundable. All applications shall contain information which, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a licensed behavior analyst or licensed assistant behavior analyst.

A license to practice shall not be denied to an applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical disability that does not affect a person's ability to practice with reasonable judgment, skill, or safety.

For a person who has successfully completed a graduate degree from a nationally or regionally accredited university approved by the Department and can demonstrate that the person has passed a competency examination authorized by the Department before the effective date of this Act, the Department may allow that person to apply for licensure under the terms of this Act beginning 20 months after the effective date of this Act.

An applicant has 3 years after 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 30. Qualifications for behavior analyst license.

(a) A person qualifies to be licensed as a behavior analyst if that person:

(1) has applied in writing or electronically on forms prescribed by the Department;

(2) is a graduate of a graduate level program in the field of behavior analysis from a regionally accredited university approved by the Department;

(3) has completed at least 200 hours of supervision of behavior analysis, as defined by rule. If no supervised work experience was required for certification as a behavior analyst at the time the applicant passed the examination required in paragraph (5) prior to the effective date of this Act, then

the person does not need to satisfy this requirement to be licensed in the State as long as the applicant has satisfied all of the other requirements;

(4) has passed the examination for the practice of behavior analysis as authorized by the Department; and

(5) has paid the required fees.

(b) An applicant has 3 years after 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.

(c) Each applicant for licensure as an assistant behavior analyst shall have his or her fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. These fingerprints shall be transmitted through a live scan fingerprint vendor licensed by the Department. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed, including, but not limited to, civil, criminal, and latent fingerprint databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions as prescribed under the Illinois Uniform Conviction Information Act and shall forward the national criminal history record information to the Department.

Section 35. Qualifications for assistant behavior analyst license.

(a) A person qualifies to be licensed as an assistant behavior analyst if that person:

(1) has applied in writing or electronically on forms prescribed by the Department;

(2) is a graduate of a bachelor's level program in the field of behavior analysis from a regionally accredited university approved by the Department;

(3) has met the supervised work experience required for certification as an assistant behavior analyst in effect at the time the applicant passed the examination required in paragraph (4);

(4) has passed the examination for the practice of behavior analysis as a licensed assistant behavior analyst as authorized by the Department; and

(5) has paid the required fees.

(b) An applicant has 3 years after 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.

(c) Each applicant for licensure as an assistant behavior analyst shall have his or her fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. These fingerprints shall be transmitted through a live scan fingerprint vendor licensed by the Department. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed, including, but not limited to, civil, criminal, and latent fingerprint databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions as prescribed under the Illinois Uniform Conviction Information Act and shall forward the national criminal history record information to the Department.

Section 40. Endorsement. The Department may issue a license as a behavior analyst or assistant behavior analyst to an applicant licensed under the laws of another jurisdiction if the requirements for licensure in that jurisdiction are, on the date of licensure, substantially equivalent to the requirements of this Act or to any person who, at the time of the applicant's licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State.

An applicant under this Section shall pay the required fees. An individual applying for licensure as a licensed behavior analyst or assistant behavior analyst who has been licensed in another United States jurisdiction for 10 consecutive years without discipline is not required to submit proof of completion of the education, professional experience, and supervision required in Section 25 or 30.

An individual with 10 consecutive years of experience must submit certified verification of licensure from the jurisdiction in which the applicant practiced and must comply with all other licensing requirements

and pay all required fees. If the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

An applicant has 3 years after 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 45. Behavior Analyst Licensing and Disciplinary Board.

(a) The Secretary shall appoint a Behavior Analyst Licensing and Disciplinary Board consisting of 5 persons who shall serve in an advisory capacity to the Secretary. The Board shall consist of the following 5 members appointed by the Secretary: one licensed behavior analyst holding a doctoral degree, one licensed assistant behavior analyst, 2 licensed behavior analysts, and one public member. The Board shall serve in an advisory capacity.

(b) Members shall be appointed for and shall serve 4-year terms and until the members' successors are appointed and qualified. No member of the Board shall serve more than 2 full consecutive 4-year terms. Any appointment to fill a vacancy shall be for the unexpired portion of the term.

(c) The membership of the Board should represent racial and cultural diversity and reasonably reflect representation from different geographic areas of the State.

(d) The Secretary may remove any member of the Board for any cause that, in the opinion of the Secretary, reasonably justifies termination.

(e) The Secretary may consider the recommendation of the Board on all matters and questions relating to this Act, such as: (i) matters relating to continuing education, including the number of hours necessary for license renewal, waivers for those unable to meet such requirements, and acceptable course content; and (ii) rules for the administration of this Act.

(f) The Board shall annually elect one of its members as chairperson and one as vice chairperson.

(g) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

(h) A majority of the Board members currently appointed 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.

(i) Members of the Board shall have no liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board.

Section 50. Licenses; renewal; restoration; person in military service; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. The licensee may renew a license during the 60-day period preceding its expiration date by paying the required fee and by demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements for continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence that is satisfactory to the Department certifying the active practice of behavior analysis in another jurisdiction and by paying the required fee.

(c) If the person has not maintained an active practice in another jurisdiction that is satisfactory to the Department, the Department shall determine the person's fitness to resume active status. The Department may also require the person to complete a specific period of evaluated behavior analysis experience and may require successful completion of an examination.

(d) Notwithstanding any other provision of this Act, any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia or in training or education under the supervision of the United States government prior to induction into the military service may have the person's license restored without paying any renewal fees if, within 2 years after the honorable termination of that service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that the service, training, or education has been so terminated.

(e) The Department shall indicate on each license the academic degree of the licensee.

Section 55. 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 60. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew a license, or may suspend, revoke, place on probation, reprimand, or take any other disciplinary or nondisciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed \$10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following grounds:

(1) material misstatements in furnishing information to the Department or to any other State agency or in furnishing information to any insurance company with respect to a claim on behalf of a licensee or a patient;

(2) violations or negligent or intentional disregard of this Act or its rules;

(3) conviction of or entry of a 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 behavior analysis;

(4) fraud or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act;

(5) professional incompetence;

(6) gross negligence in practice under this Act;

(7) aiding or assisting another person in violating any provision of this Act or its rules;

(8) failing to provide information within 60 days in response to a written request made by the Department;

(9) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public as defined by the rules of the Department or violating the rules of professional conduct adopted by the Department;

(10) habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances that results in the inability to practice with reasonable judgment, skill, or safety;

(11) adverse action taken by another state or jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(12) 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 service not actually rendered; nothing in this paragraph affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law; any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act; nothing in this paragraph shall be construed to require an employment arrangement to receive professional fees for services rendered;

(13) a finding by the Department that the licensee, after having the license placed on probationary status, has violated the terms of probation or failed to comply with those terms;

(14) abandonment, without cause, of a client;

(15) willfully making or filing false records or reports relating to a licensee's practice, including, but not limited to, false records filed with federal or State agencies or departments;

(16) willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(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) physical illness, mental illness, or any other impairment or disability, including, but not limited to, deterioration through the aging process, or loss of motor skills that results in the inability to practice the profession with reasonable judgment, skill, or safety;

(19) solicitation of professional services by using false or misleading advertising;

(20) violation of the Health Care Worker Self-Referral Act;

(21) 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; or

(22) 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.

(b) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code shall result in an automatic suspension of the licensee's license. The suspension shall end upon a finding by a court that the licensee 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 professional practice.

(c) The Department shall refuse to issue or renew or may suspend the license of a person who (i) fails to file a tax return, pay the tax, penalty, or interest shown in a filed tax return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied or (ii) has failed to pay any court-ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel a person 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, which may include a substance abuse or sexual offender evaluation, as required by and at the expense of the Department.

(1) 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 behavior analysts, 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.

(2) The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this 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.

(3) The person to be examined may have, at the person's own expense, another physician of the person's choice present during all aspects of the examination. However, that physician shall be present only to observe and may not interfere in any way with the examination.

(4) The failure of any person to submit to a mental or physical examination without reasonable cause, when ordered, shall result in an automatic suspension of the person's license until the person submits to the examination.

(e) If the Department finds a person unable to practice because of the reasons set forth in this Section, the Department or Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, 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, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to the terms, conditions, or restrictions, and who fails to comply

with the terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the person shall have the person's license suspended immediately, pending a hearing by the Department.

(f) All fines imposed shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

If the Secretary immediately suspends a person's license under this subsection, 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 and Board shall have the authority to review the subject person'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.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that the person can resume practice in compliance with acceptable and prevailing standards under the provisions of the person's license.

Section 65. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of the Illinois Administrative Procedure Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act is expressly excluded, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation, or renewal of a license. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when served personally upon, mailed to the last known address of record of, or emailed to the email address of record of a party.

Section 70. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed behavior analyst or licensed assistant behavior analyst without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 75. Violations; injunction; cease and desist order.

(a) If an individual violates a 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 the county in which the violation is alleged to have occurred, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the individual has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to all other remedies and penalties provided by this Act.

(b) If an individual holds oneself out as being a licensed behavior analyst or a licensed assistant behavior analyst under this Act and is not licensed to do so, then any licensed behavior analyst, licensed assistant behavior analyst, interested party, or any person injured thereby may petition for relief as provided in subsection (a).

(c) Whenever, in the opinion of the Department, an individual violates a 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 that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

Section 80. Powers and duties of the Department.

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

(b) The Department shall adopt rules to administer and enforce this Act, including, but not limited to, fees for original licensure and renewal and restoration of licenses, and may prescribe forms to be issued to implement this Act. At a minimum, the rules adopted by the Department shall include standards and criteria for licensure and for professional conduct and discipline. The Department may consult with the Board in adopting rules. The Department may at any time seek the advice and expert knowledge of the Board on any matter relating to the administration of this Act.

(c) Subject to the provisions of this Act, the Department shall:

(1) Authorize examinations to ascertain the qualifications and fitness of applicants for licensing as licensed behavior analysts or licensed assistant behavior analysts and pass upon the qualifications of applicants for licensure by endorsement.

(2) Conduct hearings or proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, censure, or reprimand or take any other disciplinary or nondisciplinary action with regard to a person licensed under this Act.

(3) Adopt rules required for the administration of this Act.

(4) Conduct investigations related to possible violations of this Act, and prescribe forms to be issued for the administration and enforcement of this Act consistent with and reflecting the requirements of this Act and rules adopted pursuant to this Act.

(d) 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 complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or to 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 85. Investigations; notice; hearing.

(a) The Department may investigate the actions of any applicant or of any person holding or claiming to hold a license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days prior to the date set for the hearing: (i) notify, in writing, the applicant or licensee of the charges made and the time and place for the hearing on the charges; (ii) direct the applicant or licensee to file a written answer to the charges under oath within 20 days after the service of the notice; and (iii) inform the applicant or licensee that failure to file an answer will result in a default being entered against the applicant or licensee.

(c) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at the applicant's or licensee's address of record or email address of record.

(d) At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or the parties' counsel shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be pertinent to the charges or to the parties' defense. The Board may continue the hearing from time to time.

If the person, after receiving the notice, fails to file an answer, the person's license may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.

Section 90. Subpoenas; depositions; oaths. The Department shall have the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary and every member of the Board shall have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

Section 95. Compelling testimony. Any court, upon application of the Department, or the applicant or licensee against whom proceedings under Section 55 are pending, may enter an order requiring the attendance of witnesses and the witnesses' testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 100. Record of proceedings; transcript.

(a) The Department, at its expense, shall preserve a record of all proceedings at any formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department shall be the record of the proceedings. The Department shall furnish a copy of the record to any person upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Board shall hear evidence in support of the formal charges and evidence produced by the licensee. 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.

Section 105. Findings and recommendations. 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 as to whether the licensee 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 recommendations of the Board shall be the basis for the Department's order or refusal or for the granting of the license or for any disciplinary action, unless the Secretary determines that the Board's report is contrary to the manifest weight of the evidence, in which case the Secretary may issue an order in contravention of the Board's report. 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 110. Motion for rehearing. At the conclusion of the hearing, a copy of the Board's report shall be served to the applicant or licensee by the Department, either personally or as provided in this Act for the service of a notice of hearing. Within 20 calendar days after service, the applicant or licensee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then after the expiration of the time specified for filing the motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendation of the Board. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

Section 115. Restoration. At any time after the successful completion of a term of probation, suspension, or revocation of any license, the Department may restore the license to the licensee upon the written recommendation of the Board unless after an investigation and hearing the Board or 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 the licensee's license. No person whose license has been revoked as authorized in this Act may apply for restoration of that license until the time provided for in the Civil Administrative Code of Illinois.

Section 120. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the licensee's license to the Department. If the licensee fails to do so, the Department shall have the right to seize the license.

Section 125. Summary suspension of a license. The Secretary may summarily suspend the license of a licensed behavior analyst or assistant behavior analyst without a hearing simultaneously with the institution of proceedings for a hearing provided for in this Act if the Secretary finds that evidence in the Secretary's possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. If the Secretary summarily suspends the license without a hearing, a hearing by the Board or Department shall be held within 30 calendar days after the suspension has occurred.

Section 130. Administrative review.

(a) All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. "Administrative decision" has the same meaning as 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 the State, the venue shall be in Sangamon County.

Section 135. Certification of record. The Department shall not be required to certify any record to the court, file any answer in court, or otherwise appear in any judicial review proceedings, 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. The failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

Section 140. Fees. The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including, but not limited to, original licensure, registration, renewal, and restoration. The fees shall be nonrefundable.

All fees, fines, and penalties collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

Section 145. Order; certified copy. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof:

- (1) that the signature is the genuine signature of the Secretary;
- (2) that the Secretary is duly appointed and qualified; and
- (3) that the Board and its members are qualified to act.

Section 150. License restrictions and limitations. No business organization shall provide, attempt to provide, or offer to provide behavior analysis services unless every member, partner, shareholder, director, officer, holder of any other ownership interest, agent, and employee who renders applied behavior analysis services holds a currently valid license issued under this Act. No business shall be created that (i) has a stated purpose that includes behavior analysis, or (ii) practices or holds itself out as available to practice behavior analysis therapy, unless it is organized under the Professional Service Corporation Act or Professional Limited Liability Company Act. Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

Section 155. Examinations.

(a) The Department shall authorize examinations of applicants as behavior analysts at such times and places as it may determine. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice behavior analysis.

(b) Applicants for examination as behavior analysts shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.

(c) The Department may employ consultants for the purpose of preparing and conducting examinations.

Section 160. Social Security Number on license application. In addition to any other information required to be contained in the application, 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. 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 900. The Regulatory Sunset Act is amended by adding Section 4.41 as follows:

(5 ILCS 80/4.41 new)

Sec. 4.41. Act repealed on January 1, 2032. The following Act is repealed on January 1, 2032:

The Behavior Analyst Licensing Act.

Section 903. The Illinois Public Aid Code is amended by changing Section 5-30.11 as follows:

(305 ILCS 5/5-30.11)

Sec. 5-30.11. Treatment of autism spectrum disorder. Treatment of autism spectrum disorder through applied behavior analysis shall be covered under the medical assistance program under this Article for children with a diagnosis of autism spectrum disorder when ordered by: (1) a physician licensed to practice medicine in all its branches and rendered by a licensed or certified health care professional with expertise in applied behavior analysis; or (2) when evaluated and treated by a behavior analyst licensed by the Department of Financial and Professional Regulation to practice applied behavior analysis in this State. Such coverage may be limited to age ranges based on evidence-based best practices. Appropriate State plan amendments as well as rules regarding provision of services and providers will be submitted by September 1, 2019.

(Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

Section 905. The Adult Protective Services Act is amended by changing Section 2 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abandonment" means the desertion or willful forsaking of an eligible adult by an individual responsible for the care and custody of that eligible adult under circumstances in which a reasonable person would continue to provide care and custody. Nothing in this Act shall be construed to mean that an eligible adult is a victim of abandonment because of health care services provided or not provided by licensed health care professionals.

(a-1) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources, and abandonment.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, abandonment, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, abandons, neglects, or financially exploits an eligible adult.

(a-6) "Adult with disabilities" means a person aged 18 through 59 who resides in a domestic living situation and whose disability as defined in subsection (c-5) impairs his or her ability to seek or obtain protection from abuse, abandonment, neglect, or exploitation.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living or instrumental activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(c-5) "Disability" means a physical or mental disability, including, but not limited to, a developmental disability, an intellectual disability, a mental illness as defined under the Mental Health and Developmental Disabilities Code, or dementia as defined under the Alzheimer's Disease Assistance Act.

(d) "Domestic living situation" means a residence where the eligible adult at the time of the report lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not:

- (1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;
- (1.5) A facility licensed under the ID/DD Community Care Act;
- (1.6) A facility licensed under the MC/DD Act;
- (1.7) A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013;
- (2) A "life care facility" as defined in the Life Care Facilities Act;
- (3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) (Blank);

(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act or a "community residential alternative" as licensed under that Act;

(8) An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act; or

(9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

(e) "Eligible adult" means either an adult with disabilities aged 18 through 59 or a person aged 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, abandoned, neglected, or financially exploited by another individual or who neglects himself or herself. "Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" under paragraphs (1) through (9) of subsection (d), if either: (i) the alleged abuse, abandonment, or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; or (ii) the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-1) "Financial exploitation" means the use of an eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Behavior Analyst Licensing Act, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietitian Nutritionist Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nurse Practice Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act;

(1.5) an employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

(5) field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;

(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;

(8) a person who performs the duties of a coroner or medical examiner; or

(9) a person who performs the duties of a paramedic or an emergency medical technician.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area that is selected by the Department or appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, abandonment, neglect, or financial exploitation. A provider agency is also referenced as a "designated agency" in this Act.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area that provides regional oversight and performs functions as set forth in subsection (b) of Section 3 of this Act. The Department shall designate an Area Agency on Aging as the regional administrative agency or, in the event the Area Agency on Aging in that planning and service area is deemed by the Department to be unwilling or unable to provide those functions, the Department may serve as the regional administrative agency or designate another qualified entity to serve as the regional administrative agency; any such designation shall be subject to terms set forth by the Department.

(i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, abandonment, neglect, financial exploitation, or self-neglect in which a provider agency, after assessment, determines that there is reason to believe abuse, abandonment, neglect, or financial exploitation has occurred.

(k) "Verified" means a determination that there is "clear and convincing evidence" that the specific injury or harm alleged was the result of abuse, abandonment, neglect, or financial exploitation.

(Source: P.A. 102-244, eff. 1-1-22.)

Section 910. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4)

Sec. 4. Persons required to report; privileged communications; transmitting false report.

(a) The following persons are required to immediately report to the Department when they have reasonable cause to believe that a child known to them in their professional or official capacities may be an abused child or a neglected child:

(1) Medical personnel, including any: physician licensed to practice medicine in any of its branches (medical doctor or doctor of osteopathy); resident; intern; medical administrator or personnel engaged in the examination, care, and treatment of persons; psychiatrist; surgeon; dentist; dental

hygienist; chiropractic physician; podiatric physician; physician assistant; emergency medical technician; acupuncturist; registered nurse; licensed practical nurse; advanced practice registered nurse; genetic counselor; respiratory care practitioner; home health aide; or certified nursing assistant.

(2) Social services and mental health personnel, including any: licensed professional counselor; licensed clinical professional counselor; licensed social worker; licensed clinical social worker; licensed psychologist or assistant working under the direct supervision of a psychologist; associate licensed marriage and family therapist; licensed marriage and family therapist; field personnel of the Departments of Healthcare and Family Services, Public Health, Human Services, Human Rights, or Children and Family Services; supervisor or administrator of the General Assistance program established under Article VI of the Illinois Public Aid Code; social services administrator; or substance abuse treatment personnel.

(3) Crisis intervention personnel, including any: crisis line or hotline personnel; or domestic violence program personnel.

(4) Education personnel, including any: school personnel (including administrators and certified and non-certified school employees); personnel of institutions of higher education; educational advocate assigned to a child in accordance with the School Code; member of a school board or the Chicago Board of Education or the governing body of a private school (but only to the extent required under subsection (d)); or truant officer.

(5) Recreation or athletic program or facility personnel.

(6) Child care personnel, including any: early intervention provider as defined in the Early Intervention Services System Act; director or staff assistant of a nursery school or a child day care center; or foster parent, homemaker, or child care worker.

(7) Law enforcement personnel, including any: law enforcement officer; field personnel of the Department of Juvenile Justice; field personnel of the Department of Corrections; probation officer; or animal control officer or field investigator of the Department of Agriculture's Bureau of Animal Health and Welfare.

(8) Any funeral home director; funeral home director and embalmer; funeral home employee; coroner; or medical examiner.

(9) Any member of the clergy.

(10) Any physician, physician assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, licensed social worker, licensed clinical social worker, or licensed professional counselor of any office, clinic, licensed behavior analyst, licensed assistant behavior analyst, or any other physical location that provides abortions, abortion referrals, or contraceptives.

(b) When 2 or more persons who work within the same workplace and are required to report under this Act share a reasonable cause to believe that a child may be an abused or neglected child, one of those reporters may be designated to make a single report. The report shall include the names and contact information for the other mandated reporters sharing the reasonable cause to believe that a child may be an abused or neglected child. The designated reporter must provide written confirmation of the report to those mandated reporters within 48 hours. If confirmation is not provided, those mandated reporters are individually responsible for immediately ensuring a report is made. Nothing in this Section precludes or may be used to preclude any person from reporting child abuse or child neglect.

(c)(1) As used in this Section, "a child known to them in their professional or official capacities" means:

(A) the mandated reporter comes into contact with the child in the course of the reporter's employment or practice of a profession, or through a regularly scheduled program, activity, or service;

(B) the mandated reporter is affiliated with an agency, institution, organization, school, school district, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the child; or

(C) a person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse or child neglect, and the disclosure happens while the mandated reporter is engaged in his or her employment or practice of a profession, or in a regularly scheduled program, activity, or service.

(2) Nothing in this Section requires a child to come before the mandated reporter in order for the reporter to make a report of suspected child abuse or child neglect.

(d) If an allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which he or she is a board member is an abused child as defined in Section 3 of this Act, the member shall direct or cause the school board to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse. For purposes of this paragraph, a school board member is granted the authority in his or her individual capacity to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse.

Notwithstanding any other provision of this Act, if an employee of a school district has made a report or caused a report to be made to the Department under this Act involving the conduct of a current or former employee of the school district and a request is made by another school district for the provision of information concerning the job performance or qualifications of the current or former employee because he or she is an applicant for employment with the requesting school district, the general superintendent of the school district to which the request is being made must disclose to the requesting school district the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department, as required under this Act. Only the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department may be disclosed by the general superintendent of the school district to which the request for information concerning the applicant is made, and this fact may be disclosed only in cases where the employee and the general superintendent have not been informed by the Department that the allegations were unfounded. An employee of a school district who is or has been the subject of a report made pursuant to this Act during his or her employment with the school district must be informed by that school district that if he or she applies for employment with another school district, the general superintendent of the former school district, upon the request of the school district to which the employee applies, shall notify that requesting school district that the employee is or was the subject of such a report.

(e) Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

(f) In addition to the persons required to report suspected cases of child abuse or child neglect under this Section, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

(g) The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act or constitute grounds for failure to share information or documents with the Department during the course of a child abuse or neglect investigation. If requested by the professional, the Department shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation.

The reporting requirements of this Act shall not apply to the contents of a privileged communication between an attorney and his or her client or to confidential information within the meaning of Rule 1.6 of the Illinois Rules of Professional Conduct relating to the legal representation of an individual client.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

(h) Any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives shall provide to all office personnel copies of written information and training materials about abuse and neglect and the requirements of this Act that are provided to employees of the office, clinic, or physical location who are required to make reports to the Department under this Act, and instruct such office personnel to bring to the attention of an employee of the office, clinic, or physical location who is required to make reports to the Department under this Act any reasonable suspicion that a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child.

(i) Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to

the effect that the employee has knowledge and understanding of the reporting requirements of this Act. On and after January 1, 2019, the statement shall also include information about available mandated reporter training provided by the Department. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

(j) Persons required to report child abuse or child neglect as provided under this Section must complete an initial mandated reporter training, including a section on implicit bias, within 3 months of their date of engagement in a professional or official capacity as a mandated reporter, or within the time frame of any other applicable State law that governs training requirements for a specific profession, and at least every 3 years thereafter. The initial requirement only applies to the first time they engage in their professional or official capacity. In lieu of training every 3 years, medical personnel, as listed in paragraph (1) of subsection (a), must meet the requirements described in subsection (k).

The mandated reporter trainings shall be in-person or web-based, and shall include, at a minimum, information on the following topics: (i) indicators for recognizing child abuse and child neglect, as defined under this Act; (ii) the process for reporting suspected child abuse and child neglect in Illinois as required by this Act and the required documentation; (iii) responding to a child in a trauma-informed manner; and (iv) understanding the response of child protective services and the role of the reporter after a call has been made. Child-serving organizations are encouraged to provide in-person annual trainings.

The implicit bias section shall be in-person or web-based, and shall include, at a minimum, information on the following topics: (i) implicit bias and (ii) racial and ethnic sensitivity. As used in this subsection, "implicit bias" means the attitudes or internalized stereotypes that affect people's perceptions, actions, and decisions in an unconscious manner and that exist and often contribute to unequal treatment of people based on race, ethnicity, gender identity, sexual orientation, age, disability, and other characteristics. The implicit bias section shall provide tools to adjust automatic patterns of thinking and ultimately eliminate discriminatory behaviors. During these trainings mandated reporters shall complete the following: (1) a pretest to assess baseline implicit bias levels; (2) an implicit bias training task; and (3) a posttest to reevaluate bias levels after training. The implicit bias curriculum for mandated reporters shall be developed within one year after the effective date of this amendatory Act of the 102nd General Assembly and shall be created in consultation with organizations demonstrating expertise and or experience in the areas of implicit bias, youth and adolescent developmental issues, prevention of child abuse, exploitation, and neglect, culturally diverse family systems, and the child welfare system.

The mandated reporter training, including a section on implicit bias, shall be provided through the Department, through an entity authorized to provide continuing education for professionals licensed through the Department of Financial and Professional Regulation, the State Board of Education, the Illinois Law Enforcement Training Standards Board, or the Department of State Police, or through an organization approved by the Department to provide mandated reporter training, including a section on implicit bias. The Department must make available a free web-based training for reporters.

Each mandated reporter shall report to his or her employer and, when applicable, to his or her licensing or certification board that he or she received the mandated reporter training. The mandated reporter shall maintain records of completion.

Beginning January 1, 2021, if a mandated reporter receives licensure from the Department of Financial and Professional Regulation or the State Board of Education, and his or her profession has continuing education requirements, the training mandated under this Section shall count toward meeting the licensee's required continuing education hours.

(k)(1) Medical personnel, as listed in paragraph (1) of subsection (a), who work with children in their professional or official capacity, must complete mandated reporter training at least every 6 years. Such medical personnel, if licensed, must attest at each time of licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made.

(2) In lieu of repeated training, medical personnel, as listed in paragraph (1) of subsection (a), who do not work with children in their professional or official capacity, may instead attest each time at licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a

reporter after a call has been made. Nothing in this paragraph precludes medical personnel from completing mandated reporter training and receiving continuing education credits for that training.

(l) The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

(m) Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 2012. A violation of this provision is a Class 4 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation; except that if the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or subsequent offense involves any of the same facts or persons as the first or other prior offense).

(n) A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

(o) 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.

(p) Nothing in this Act prohibits a mandated reporter who reasonably believes that an animal is being abused or neglected in violation of the Humane Care for Animals Act from reporting animal abuse or neglect to the Department of Agriculture's Bureau of Animal Health and Welfare.

(q) A home rule unit may not regulate the reporting of child abuse or neglect in a manner inconsistent with the provisions of this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(r) For purposes of this Section "child abuse or neglect" includes abuse or neglect of an adult resident as defined in this Act.

(Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22.)

Section 999. Effective date. This Act takes effect upon becoming law."

AMENDMENT NO. 2 TO HOUSE BILL 4769

AMENDMENT NO. 2. Amend House Bill 4769 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Behavior Analyst Licensing Act.

Section 5. Public policy. The practice of applied behavior analysis is declared to affect public health, safety, and welfare and is subject to regulation in the public interest. The purpose of this Act is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to obtain a license and hold the title of "licensed behavior analyst" or "licensed assistant behavior analyst", to promote high standards of professional performance for those licensed to practice applied behavior analysis in the State, to protect the public from the practice of applied behavior analysis by unqualified persons and from unprofessional conduct by persons licensed to practice applied behavior analysis.

Section 10. Definitions. As used in this Act:

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

"Board" means the Advisory Board of Behavior Analysts appointed by the Secretary.

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

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

"Licensed assistant behavior analyst" means an individual licensed under this Act to engage in practice as an assistant behavior analyst under the supervision of a licensed behavior analyst or a licensed clinical psychologist.

"Licensed behavior analyst" means an individual licensed to engage in the practice of applied behavior analysis.

"Practice of applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvement in human behavior. "Practice of applied behavior analysis" includes the empirical identification of functional relations between behavior environmental factors, known as functional assessment and analysis. Applied behavior analysis interventions are based on scientific research and the direct observation and measurement of behavior and environment. Applied behavior analysis interventions utilize contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other procedures to help individuals develop new behaviors, increase or decrease existing behaviors, and elicit behaviors under specific environmental conditions. The practice of applied behavior analysis excludes the diagnosis of disorders, psychological testing, psychotherapy, cognitive therapy, psychoanalysis, and counseling.

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

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 a license; and

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

Section 20. License required; exemptions.

(a) Beginning 30 months after the effective date of this Act, an individual shall not engage in the practice of applied behavior analysis unless licensed under this Act or covered by an exemption under subsection (c).

(a-5) An individual licensed under this Act as an assistant behavior analyst shall not engage in the practice of applied behavior analysis unless supervised by a licensed clinical psychologist or licensed behavior analyst.

(b) Beginning 30 months after the effective date of this Act, an individual shall not use the title "licensed behavior analyst", "L.B.A.", "licensed assistant behavior analyst", "L.A.B.A.", or similar words or letters indicating the individual is licensed as a behavior analyst or assistant behavior analyst unless the individual is actually licensed under this Act.

(c) This Act does not prohibit any of the following:

(1) Self-care by a patient or uncompensated care by a friend or family member who does not represent or hold oneself out to be a behavior analyst or assistant behavior analyst.

(2) An individual from implementing a behavior analytic treatment plan under the extended authority, direction, and supervision of a licensed behavior analyst or licensed assistant behavior analyst.

(3) A clinical psychologist, social worker, psychiatric nurse, professional counselor, clinical professional counselor, clinical social worker, or marriage and family therapist from performing or advertising activities that are considered to be the practice of applied behavior analysis under this Act if the activities are consistent with the laws of this State, the individual's training, and any code of ethics of the individual's respective professions, so long as the individual does not use the titles provided in subsection (b).

(4) An individual from performing activities that are considered to be the practice of applied behavior analysis under this Act if the activities are with nonhumans, including applied animal behaviorists and animal trainers. The individual may use the title "behavior analyst" but shall not represent oneself as a licensed behavior analyst or licensed assistant behavior analyst unless the individual holds a license issued by the State.

(5) An individual who provides general applied behavior analysis services to organizations, so long as the services are for the benefit of the organizations and do not involve direct services to individuals. The individual may use the title "behavior analyst" but may not represent oneself as a licensed behavior analyst or licensed assistant behavior analyst unless the individual holds a license issued by the State.

(6) An individual who is a matriculated student at a nationally accredited university approved in rules or a postdoctoral fellow from performing activities that are considered to be the practice of applied behavior analysis under this Act if the activities are part of a defined program of study, course, practicum, internship, or postdoctoral fellowship, provided that the applied behavior analysis activities are directly supervised by a licensed behavior analyst under this Act or a licensed clinical psychologist.

(7) An individual who is not licensed under this Act from pursuing field experience in the practice of behavior analysis if the experience is supervised by a licensed behavior analyst or a licensed psychologist.

(8) An individual with a learning behavior specialist or school support personnel endorsement from the State Board of Education, the school district in which the school is located, or a special education joint agreement serving the school district in which the school is located from delivering behavior analytic services in a school setting when employed by that school as long as those services are defined in the scope of practice for that endorsement and that person is not in any manner held out to the public as a licensed behavior analyst or licensed assistant behavior analyst.

(9) A qualified intellectual disabilities professional, meeting the minimum federal education requirements outlined in 42 CFR 483.430, who is performing the duties required for individuals with intellectual or developmental disabilities in programs and facilities regulated by the federal Centers for Medicare and Medicaid Services, the Department of Human Services, or the Department of Public Health, so long as the individual does not use the titles provided in subsection (b).

(10) A service provider, designated by the Department of Human Services, from providing behavior intervention and treatment, so long as the individual does not use the titles provided in subsection (b).

(d) This Act does not apply to an individual who, on the effective date of this Act, is engaging in the practice of applied behavior analysis under the medical assistance program under the Illinois Public Aid Code while that individual is seeking the education, training, and experience necessary to obtain a license under this Act.

Section 25. Applications for original license. An application for original licenses shall be made to the Department on forms or electronically as prescribed by the Department and accompanied by the required fee, which shall not be refundable. All applications shall contain information which, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a licensed behavior analyst or licensed assistant behavior analyst.

A license to practice shall not be denied to an applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical disability that does not affect a person's ability to practice with reasonable judgment, skill, or safety.

For a person who has successfully completed a graduate degree from a nationally or regionally accredited university approved by the Department and can demonstrate that the person has passed a competency examination authorized by the Department before the effective date of this Act, the Department may allow that person to apply for licensure under the terms of this Act beginning 20 months after the effective date of this Act.

An applicant has 3 years after 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 30. Qualifications for behavior analyst license.

(a) A person qualifies to be licensed as a behavior analyst if that person:

- (1) has applied in writing or electronically on forms prescribed by the Department;
- (2) is a graduate of a graduate level program in the field of behavior analysis from a regionally accredited university approved by the Department;
- (3) has completed at least 500 hours of supervision of behavior analysis, as defined by rule;

(4) has qualified for and passed the examination for the practice of behavior analysis as authorized by the Department; and

(5) has paid the required fees.

(b) The Department may issue a license to a certified behavior analyst seeking licensure as a licensed behavior analyst who (i) does not have the supervised experience as described in paragraph (3) of subsection (a), (ii) applies for licensure before July 1, 2028, and (iii) has completed all of the following:

(1) has applied in writing or electronically on forms prescribed by the Department;

(2) is a graduate of a graduate level program in the field of behavior analysis from a regionally accredited university approved by the Department;

(3) submits evidence of certification by an appropriate national certifying body as determined by rule of the Department;

(4) has passed the examination for the practice of behavior analysis as authorized by the Department; and

(5) has paid the required fees.

(c) An applicant has 3 years after 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.

(d) Each applicant for licensure as an behavior analyst shall have his or her fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. These fingerprints shall be transmitted through a live scan fingerprint vendor licensed by the Department. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed, including, but not limited to, civil, criminal, and latent fingerprint databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions as prescribed under the Illinois Uniform Conviction Information Act and shall forward the national criminal history record information to the Department.

Section 35. Qualifications for assistant behavior analyst license.

(a) A person qualifies to be licensed as an assistant behavior analyst if that person:

(1) has applied in writing or electronically on forms prescribed by the Department;

(2) is a graduate of a bachelor's level program in the field of behavior analysis from a regionally accredited university approved by the Department;

(3) has met the supervised work experience;

(4) has qualified for and passed the examination for the practice of behavior analysis as a licensed assistant behavior analyst as authorized by the Department; and

(5) has paid the required fees.

(b) The Department may issue a license to a certified assistant behavior analyst seeking licensure as a licensed assistant behavior analyst who (i) does not have the supervised experience as described in paragraph (3) of subsection (a), (ii) applies for licensure before July 1, 2028, and (iii) has completed all of the following:

(1) has applied in writing or electronically on forms prescribed by the Department;

(2) is a graduate of a bachelors level program in the field of behavior analysis;

(3) submits evidence of certification by an appropriate national certifying body as determined by rule of the Department;

(4) has passed the examination for the practice of behavior analysis as authorized by the Department; and

(5) has paid the required fees.

(c) An applicant has 3 years after 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.

(d) Each applicant for licensure as an assistant behavior analyst shall have his or her fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. These fingerprints shall be transmitted through a live scan fingerprint vendor licensed by the Department.

These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed, including, but not limited to, civil, criminal, and latent fingerprint databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions as prescribed under the Illinois Uniform Conviction Information Act and shall forward the national criminal history record information to the Department.

Section 40. Endorsement. The Department may issue a license as a behavior analyst or assistant behavior analyst to an applicant licensed under the laws of another jurisdiction if the requirements for licensure in that jurisdiction are, on the date of licensure, substantially equivalent to the requirements of this Act or to any person who, at the time of the applicant's licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State.

An applicant under this Section shall pay the required fees. An individual applying for licensure as a licensed behavior analyst or assistant behavior analyst who has been licensed in another United States jurisdiction for 10 consecutive years without discipline is not required to submit proof of completion of the education, professional experience, and supervision required in Section 25 or 30.

An individual with 10 consecutive years of experience must submit certified verification of licensure from the jurisdiction in which the applicant practiced and must comply with all other licensing requirements and pay all required fees. If the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

An applicant has 3 years after 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 45. Behavior Analyst Licensing and Disciplinary Board.

(a) The Secretary shall appoint a Behavior Analyst Licensing and Disciplinary Board consisting of 5 persons who shall serve in an advisory capacity to the Secretary. The Board shall consist of the following 5 members appointed by the Secretary: one licensed behavior analyst holding a doctoral degree, one licensed assistant behavior analyst, 2 licensed behavior analysts, and one public member. The Board shall serve in an advisory capacity.

(b) Members shall be appointed for and shall serve 4-year terms and until the members' successors are appointed and qualified. No member of the Board shall serve more than 2 full consecutive 4-year terms. Any appointment to fill a vacancy shall be for the unexpired portion of the term.

(c) The membership of the Board should represent racial and cultural diversity and reasonably reflect representation from different geographic areas of the State.

(d) The Secretary may remove any member of the Board for any cause that, in the opinion of the Secretary, reasonably justifies termination.

(e) The Secretary may consider the recommendation of the Board on all matters and questions relating to this Act, such as: (i) matters relating to continuing education, including the number of hours necessary for license renewal, waivers for those unable to meet such requirements, and acceptable course content; and (ii) rules for the administration of this Act.

(f) The Board shall annually elect one of its members as chairperson and one as vice chairperson.

(g) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

(h) A majority of the Board members currently appointed 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.

(i) Members of the Board shall have no liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board.

Section 50. Licenses; renewal; restoration; person in military service; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. The licensee may renew a license during the 60-day period preceding its expiration date by paying the required fee and by demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements for continuing education and means for verification of

the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence that is satisfactory to the Department certifying the active practice of behavior analysis in another jurisdiction and by paying the required fee.

(c) If the person has not maintained an active practice in another jurisdiction that is satisfactory to the Department, the Department shall determine the person's fitness to resume active status. The Department may also require the person to complete a specific period of evaluated behavior analysis experience and may require successful completion of an examination.

(d) Notwithstanding any other provision of this Act, any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia or in training or education under the supervision of the United States government prior to induction into the military service may have the person's license restored without paying any renewal fees if, within 2 years after the honorable termination of that service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that the service, training, or education has been so terminated.

(e) The Department shall indicate on each license the academic degree of the licensee.

Section 55. 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 60. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew a license, or may suspend, revoke, place on probation, reprimand, or take any other disciplinary or nondisciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed \$10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following grounds:

(1) material misstatements in furnishing information to the Department or to any other State agency or in furnishing information to any insurance company with respect to a claim on behalf of a licensee or a patient;

(2) violations or negligent or intentional disregard of this Act or its rules;

(3) conviction of or entry of a 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 behavior analysis;

(4) fraud or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act;

(5) professional incompetence;

(6) gross negligence in practice under this Act;

(7) aiding or assisting another person in violating any provision of this Act or its rules;

(8) failing to provide information within 60 days in response to a written request made by the Department;

(9) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public as defined by the rules of the Department or violating the rules of professional conduct adopted by the Department;

(10) habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances that results in the inability to practice with reasonable judgment, skill, or safety;

(11) adverse action taken by another state or jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(12) 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 service not actually rendered; nothing in this paragraph affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law; any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act; nothing in this paragraph shall be construed to require an employment arrangement to receive professional fees for services rendered;

(13) a finding by the Department that the licensee, after having the license placed on probationary status, has violated the terms of probation or failed to comply with those terms;

(14) abandonment, without cause, of a client;

(15) willfully making or filing false records or reports relating to a licensee's practice, including, but not limited to, false records filed with federal or State agencies or departments;

(16) willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(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) physical illness, mental illness, or any other impairment or disability, including, but not limited to, deterioration through the aging process, or loss of motor skills that results in the inability to practice the profession with reasonable judgment, skill, or safety;

(19) solicitation of professional services by using false or misleading advertising;

(20) violation of the Health Care Worker Self-Referral Act;

(21) 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; or

(22) 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.

(b) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code shall result in an automatic suspension of the licensee's license. The suspension shall end upon a finding by a court that the licensee 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 professional practice.

(c) The Department shall refuse to issue or renew or may suspend the license of a person who (i) fails to file a tax return, pay the tax, penalty, or interest shown in a filed tax return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied or (ii) has failed to pay any court-ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel a person 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, which may include a substance abuse or sexual offender evaluation, as required by and at the expense of the Department.

(1) 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 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.

(2) The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this 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.

(3) The person to be examined may have, at the person's own expense, another physician of the person's choice present during all aspects of the examination. However, that physician shall be present only to observe and may not interfere in any way with the examination.

(4) The failure of any person to submit to a mental or physical examination without reasonable cause, when ordered, shall result in an automatic suspension of the person's license until the person submits to the examination.

(e) If the Department finds a person unable to practice because of the reasons set forth in this Section, the Department or Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, 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, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to the terms, conditions, or restrictions, and who fails to comply with the terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the person shall have the person's license suspended immediately, pending a hearing by the Department.

(f) All fines imposed shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

If the Secretary immediately suspends a person's license under this subsection, 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 and Board shall have the authority to review the subject person'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.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that the person can resume practice in compliance with acceptable and prevailing standards under the provisions of the person's license.

Section 65. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of the Illinois Administrative Procedure Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act is expressly excluded, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation, or renewal of a license. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when served personally upon, mailed to the last known address of record of, or emailed to the email address of record of a party.

Section 70. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed behavior analyst or licensed assistant behavior analyst without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 75. Violations; injunction; cease and desist order.

(a) If an individual violates a 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 the county in which the violation is alleged to have occurred, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the individual has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to all other remedies and penalties provided by this Act.

(b) If an individual holds oneself out as being a licensed behavior analyst or a licensed assistant behavior analyst under this Act and is not licensed to do so, then any licensed behavior analyst, licensed assistant behavior analyst, interested party, or any person injured thereby may petition for relief as provided in subsection (a).

(c) Whenever, in the opinion of the Department, an individual violates a 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 that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

Section 80. Powers and duties of the Department.

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

(b) The Department shall adopt rules to administer and enforce this Act, including, but not limited to, fees for original licensure and renewal and restoration of licenses, and may prescribe forms to be issued to implement this Act. At a minimum, the rules adopted by the Department shall include standards and criteria for licensure and for professional conduct and discipline. The Department may consult with the Board in adopting rules. The Department may at any time seek the advice and expert knowledge of the Board on any matter relating to the administration of this Act.

(c) Subject to the provisions of this Act, the Department shall:

(1) Authorize examinations to ascertain the qualifications and fitness of applicants for licensing as licensed behavior analysts or licensed assistant behavior analysts and pass upon the qualifications of applicants for licensure by endorsement.

(2) Conduct hearings or proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, censure, or reprimand or take any other disciplinary or nondisciplinary action with regard to a person licensed under this Act.

(3) Adopt rules required for the administration of this Act.

(4) Conduct investigations related to possible violations of this Act, and prescribe forms to be issued for the administration and enforcement of this Act consistent with and reflecting the requirements of this Act and rules adopted pursuant to this Act.

(d) 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 complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or to 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 85. Investigations; notice; hearing.

(a) The Department may investigate the actions of any applicant or of any person holding or claiming to hold a license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days prior to the date set for the hearing: (i) notify, in writing, the applicant or licensee of the charges made and the time and place for the hearing on the charges; (ii) direct the applicant or licensee to file a written answer to the charges

under oath within 20 days after the service of the notice; and (iii) inform the applicant or licensee that failure to file an answer will result in a default being entered against the applicant or licensee.

(c) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at the applicant's or licensee's address of record or email address of record.

(d) At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or the parties' counsel shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be pertinent to the charges or to the parties' defense. The Board may continue the hearing from time to time.

If the person, after receiving the notice, fails to file an answer, the person's license may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.

Section 90. Subpoenas; depositions; oaths. The Department shall have the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary and every member of the Board shall have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

Section 95. Compelling testimony. Any court, upon application of the Department, or the applicant or licensee against whom proceedings under Section 55 are pending, may enter an order requiring the attendance of witnesses and the witnesses' testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 100. Record of proceedings; transcript.

(a) The Department, at its expense, shall preserve a record of all proceedings at any formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department shall be the record of the proceedings. The Department shall furnish a copy of the record to any person upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Board shall hear evidence in support of the formal charges and evidence produced by the licensee. 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.

Section 105. Findings and recommendations. 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 as to whether the licensee 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 recommendations of the Board shall be the basis for the Department's order or refusal or for the granting of the license or for any disciplinary action, unless the Secretary determines that the Board's report is contrary to the manifest weight of the evidence, in which case the Secretary may issue an order in contravention of the Board's report. 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 110. Motion for rehearing. At the conclusion of the hearing, a copy of the Board's report shall be served to the applicant or licensee by the Department, either personally or as provided in this Act for the service of a notice of hearing. Within 20 calendar days after service, the applicant or licensee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the

Department. If no motion for rehearing is filed, then after the expiration of the time specified for filing the motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendation of the Board. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

Section 115. Restoration. At any time after the successful completion of a term of probation, suspension, or revocation of any license, the Department may restore the license to the licensee upon the written recommendation of the Board unless after an investigation and hearing the Board or 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 the licensee's license. No person whose license has been revoked as authorized in this Act may apply for restoration of that license until the time provided for in the Civil Administrative Code of Illinois.

Section 120. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the licensee's license to the Department. If the licensee fails to do so, the Department shall have the right to seize the license.

Section 125. Summary suspension of a license. The Secretary may summarily suspend the license of a licensed behavior analyst or assistant behavior analyst without a hearing simultaneously with the institution of proceedings for a hearing provided for in this Act if the Secretary finds that evidence in the Secretary's possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. If the Secretary summarily suspends the license without a hearing, a hearing by the Board or Department shall be held within 30 calendar days after the suspension has occurred.

Section 130. Administrative review.

(a) All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. "Administrative decision" has the same meaning as 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 the State, the venue shall be in Sangamon County.

Section 135. Certification of record. The Department shall not be required to certify any record to the court, file any answer in court, or otherwise appear in any judicial review proceedings, 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. The failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

Section 140. Fees. The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including, but not limited to, original licensure, registration, renewal, and restoration. The fees shall be nonrefundable.

All fees, fines, and penalties collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

Section 145. Order; certified copy. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof:

- (1) that the signature is the genuine signature of the Secretary;
- (2) that the Secretary is duly appointed and qualified; and
- (3) that the Board and its members are qualified to act.

Section 150. License restrictions and limitations. No business organization shall provide, attempt to provide, or offer to provide behavior analysis services unless every member, partner, shareholder, director, officer, holder of any other ownership interest, agent, and employee who renders applied behavior analysis

services holds a currently valid license issued under this Act. No business shall be created that (i) has a stated purpose that includes behavior analysis, or (ii) practices or holds itself out as available to practice behavior analysis therapy, unless it is organized under the Professional Service Corporation Act or Professional Limited Liability Company Act. Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

Section 155. Examinations.

(a) The Department shall authorize examinations of applicants as provided under this Act at such times and places as it may determine. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice behavior analysis.

(b) Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.

(c) The Department may employ consultants for the purpose of preparing and conducting examinations.

Section 160. Social Security Number on license application. In addition to any other information required to be contained in the application, 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. 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 900. The Regulatory Sunset Act is amended by changing Section 4.38 as follows:
(5 ILCS 80/4.38)

Sec. 4.38. Acts repealed on January 1, 2028. The following Acts are repealed on January 1, 2028:

The Acupuncture Practice Act.

The Behavior Analyst Licensing Act.

The Clinical Social Work and Social Work Practice Act.

The Home Medical Equipment and Services Provider License Act.

The Illinois Petroleum Education and Marketing Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Interpreter for the Deaf Licensure Act of 2007.

The Nurse Practice Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

(Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17; 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff. 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17; 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

Section 903. The Illinois Public Aid Code is amended by changing Section 5-30.11 as follows:
(305 ILCS 5/5-30.11)

Sec. 5-30.11. Treatment of autism spectrum disorder. Treatment of autism spectrum disorder through applied behavior analysis shall be covered under the medical assistance program under this Article for children with a diagnosis of autism spectrum disorder when ordered by: (1) a physician licensed to practice medicine in all its branches and rendered by a licensed or certified health care professional with expertise in applied behavior analysis; or (2) when evaluated and treated by a behavior analyst licensed by the Department of Financial and Professional Regulation to practice applied behavior analysis in this State. Such coverage may be limited to age ranges based on evidence-based best practices. Appropriate State plan amendments as well as rules regarding provision of services and providers will be submitted by September 1, 2019.

(Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

Section 905. The Adult Protective Services Act is amended by changing Section 2 as follows:
(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abandonment" means the desertion or willful forsaking of an eligible adult by an individual responsible for the care and custody of that eligible adult under circumstances in which a reasonable person would continue to provide care and custody. Nothing in this Act shall be construed to mean that an eligible adult is a victim of abandonment because of health care services provided or not provided by licensed health care professionals.

(a-1) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources, and abandonment.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, abandonment, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, abandons, neglects, or financially exploits an eligible adult.

(a-6) "Adult with disabilities" means a person aged 18 through 59 who resides in a domestic living situation and whose disability as defined in subsection (c-5) impairs his or her ability to seek or obtain protection from abuse, abandonment, neglect, or exploitation.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living or instrumental activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(c-5) "Disability" means a physical or mental disability, including, but not limited to, a developmental disability, an intellectual disability, a mental illness as defined under the Mental Health and Developmental Disabilities Code, or dementia as defined under the Alzheimer's Disease Assistance Act.

(d) "Domestic living situation" means a residence where the eligible adult at the time of the report lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;

(1.5) A facility licensed under the ID/DD Community Care Act;

(1.6) A facility licensed under the MC/DD Act;

(1.7) A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013;

(2) A "life care facility" as defined in the Life Care Facilities Act;

(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) (Blank);

(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act or a "community residential alternative" as licensed under that Act;

(8) An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act; or

(9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

(e) "Eligible adult" means either an adult with disabilities aged 18 through 59 or a person aged 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, abandoned, neglected, or financially exploited by another individual or who neglects himself or herself. "Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" under paragraphs (1) through (9) of subsection (d), if either: (i) the alleged abuse, abandonment, or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family

member, caregiver, or another person who has a continuing relationship with the adult; or (ii) the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-1) "Financial exploitation" means the use of an eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Behavior Analyst Licensing Act, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietitian Nutritionist Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nurse Practice Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act;

(1.5) an employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

(5) field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;

(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;

(8) a person who performs the duties of a coroner or medical examiner; or

(9) a person who performs the duties of a paramedic or an emergency medical technician.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area that is selected by the Department or appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, abandonment, neglect, or financial exploitation. A provider agency is also referenced as a "designated agency" in this Act.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area that provides regional oversight and performs functions as set forth in subsection (b) of Section 3 of this Act. The Department shall designate an Area Agency on Aging as the regional administrative agency or,

in the event the Area Agency on Aging in that planning and service area is deemed by the Department to be unwilling or unable to provide those functions, the Department may serve as the regional administrative agency or designate another qualified entity to serve as the regional administrative agency; any such designation shall be subject to terms set forth by the Department.

(i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, abandonment, neglect, financial exploitation, or self-neglect in which a provider agency, after assessment, determines that there is reason to believe abuse, abandonment, neglect, or financial exploitation has occurred.

(k) "Verified" means a determination that there is "clear and convincing evidence" that the specific injury or harm alleged was the result of abuse, abandonment, neglect, or financial exploitation.
(Source: P.A. 102-244, eff. 1-1-22.)

Section 910. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4)

Sec. 4. Persons required to report; privileged communications; transmitting false report.

(a) The following persons are required to immediately report to the Department when they have reasonable cause to believe that a child known to them in their professional or official capacities may be an abused child or a neglected child:

(1) Medical personnel, including any: physician licensed to practice medicine in any of its branches (medical doctor or doctor of osteopathy); resident; intern; medical administrator or personnel engaged in the examination, care, and treatment of persons; psychiatrist; surgeon; dentist; dental hygienist; chiropractic physician; podiatric physician; physician assistant; emergency medical technician; acupuncturist; registered nurse; licensed practical nurse; advanced practice registered nurse; genetic counselor; respiratory care practitioner; home health aide; or certified nursing assistant.

(2) Social services and mental health personnel, including any: licensed professional counselor; licensed clinical professional counselor; licensed social worker; licensed clinical social worker; licensed psychologist or assistant working under the direct supervision of a psychologist; associate licensed marriage and family therapist; licensed marriage and family therapist; field personnel of the Departments of Healthcare and Family Services, Public Health, Human Services, Human Rights, or Children and Family Services; supervisor or administrator of the General Assistance program established under Article VI of the Illinois Public Aid Code; social services administrator; or substance abuse treatment personnel.

(3) Crisis intervention personnel, including any: crisis line or hotline personnel; or domestic violence program personnel.

(4) Education personnel, including any: school personnel (including administrators and certified and non-certified school employees); personnel of institutions of higher education; educational advocate assigned to a child in accordance with the School Code; member of a school board or the Chicago Board of Education or the governing body of a private school (but only to the extent required under subsection (d)); or truant officer.

(5) Recreation or athletic program or facility personnel.

(6) Child care personnel, including any: early intervention provider as defined in the Early Intervention Services System Act; director or staff assistant of a nursery school or a child day care center; or foster parent, homemaker, or child care worker.

(7) Law enforcement personnel, including any: law enforcement officer; field personnel of the Department of Juvenile Justice; field personnel of the Department of Corrections; probation officer; or animal control officer or field investigator of the Department of Agriculture's Bureau of Animal Health and Welfare.

(8) Any funeral home director; funeral home director and embalmer; funeral home employee; coroner; or medical examiner.

(9) Any member of the clergy.

(10) Any physician, physician assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, licensed social worker, licensed clinical social worker, or licensed professional counselor of any office, clinic, licensed behavior analyst, licensed assistant behavior analyst, or any other physical location that provides abortions, abortion referrals, or contraceptives.

(b) When 2 or more persons who work within the same workplace and are required to report under this Act share a reasonable cause to believe that a child may be an abused or neglected child, one of those reporters may be designated to make a single report. The report shall include the names and contact information for the other mandated reporters sharing the reasonable cause to believe that a child may be an abused or neglected child. The designated reporter must provide written confirmation of the report to those mandated reporters within 48 hours. If confirmation is not provided, those mandated reporters are individually responsible for immediately ensuring a report is made. Nothing in this Section precludes or may be used to preclude any person from reporting child abuse or child neglect.

(c)(1) As used in this Section, "a child known to them in their professional or official capacities" means:

(A) the mandated reporter comes into contact with the child in the course of the reporter's employment or practice of a profession, or through a regularly scheduled program, activity, or service;

(B) the mandated reporter is affiliated with an agency, institution, organization, school, school district, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the child; or

(C) a person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse or child neglect, and the disclosure happens while the mandated reporter is engaged in his or her employment or practice of a profession, or in a regularly scheduled program, activity, or service.

(2) Nothing in this Section requires a child to come before the mandated reporter in order for the reporter to make a report of suspected child abuse or child neglect.

(d) If an allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which he or she is a board member is an abused child as defined in Section 3 of this Act, the member shall direct or cause the school board to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse. For purposes of this paragraph, a school board member is granted the authority in his or her individual capacity to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse.

Notwithstanding any other provision of this Act, if an employee of a school district has made a report or caused a report to be made to the Department under this Act involving the conduct of a current or former employee of the school district and a request is made by another school district for the provision of information concerning the job performance or qualifications of the current or former employee because he or she is an applicant for employment with the requesting school district, the general superintendent of the school district to which the request is being made must disclose to the requesting school district the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department, as required under this Act. Only the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department may be disclosed by the general superintendent of the school district to which the request for information concerning the applicant is made, and this fact may be disclosed only in cases where the employee and the general superintendent have not been informed by the Department that the allegations were unfounded. An employee of a school district who is or has been the subject of a report made pursuant to this Act during his or her employment with the school district must be informed by that school district that if he or she applies for employment with another school district, the general superintendent of the former school district, upon the request of the school district to which the employee applies, shall notify that requesting school district that the employee is or was the subject of such a report.

(e) Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he

shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

(f) In addition to the persons required to report suspected cases of child abuse or child neglect under this Section, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

(g) The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act or constitute grounds for failure to share information or documents with the Department during the course of a child abuse or neglect investigation. If requested by the professional, the Department shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation.

The reporting requirements of this Act shall not apply to the contents of a privileged communication between an attorney and his or her client or to confidential information within the meaning of Rule 1.6 of the Illinois Rules of Professional Conduct relating to the legal representation of an individual client.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

(h) Any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives shall provide to all office personnel copies of written information and training materials about abuse and neglect and the requirements of this Act that are provided to employees of the office, clinic, or physical location who are required to make reports to the Department under this Act, and instruct such office personnel to bring to the attention of an employee of the office, clinic, or physical location who is required to make reports to the Department under this Act any reasonable suspicion that a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child.

(i) Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. On and after January 1, 2019, the statement shall also include information about available mandated reporter training provided by the Department. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

(j) Persons required to report child abuse or child neglect as provided under this Section must complete an initial mandated reporter training, including a section on implicit bias, within 3 months of their date of engagement in a professional or official capacity as a mandated reporter, or within the time frame of any other applicable State law that governs training requirements for a specific profession, and at least every 3 years thereafter. The initial requirement only applies to the first time they engage in their professional or official capacity. In lieu of training every 3 years, medical personnel, as listed in paragraph (1) of subsection (a), must meet the requirements described in subsection (k).

The mandated reporter trainings shall be in-person or web-based, and shall include, at a minimum, information on the following topics: (i) indicators for recognizing child abuse and child neglect, as defined under this Act; (ii) the process for reporting suspected child abuse and child neglect in Illinois as required by this Act and the required documentation; (iii) responding to a child in a trauma-informed manner; and (iv) understanding the response of child protective services and the role of the reporter after a call has been made. Child-serving organizations are encouraged to provide in-person annual trainings.

The implicit bias section shall be in-person or web-based, and shall include, at a minimum, information on the following topics: (i) implicit bias and (ii) racial and ethnic sensitivity. As used in this subsection, "implicit bias" means the attitudes or internalized stereotypes that affect people's perceptions, actions, and decisions in an unconscious manner and that exist and often contribute to unequal treatment of people based on race, ethnicity, gender identity, sexual orientation, age, disability, and other characteristics. The implicit bias section shall provide tools to adjust automatic patterns of thinking and ultimately eliminate discriminatory behaviors. During these trainings mandated reporters shall complete the following: (1) a pretest to assess baseline implicit bias levels; (2) an implicit bias training task; and (3) a posttest to reevaluate bias levels after training. The implicit bias curriculum for mandated reporters shall be developed

within one year after the effective date of this amendatory Act of the 102nd General Assembly and shall be created in consultation with organizations demonstrating expertise and or experience in the areas of implicit bias, youth and adolescent developmental issues, prevention of child abuse, exploitation, and neglect, culturally diverse family systems, and the child welfare system.

The mandated reporter training, including a section on implicit bias, shall be provided through the Department, through an entity authorized to provide continuing education for professionals licensed through the Department of Financial and Professional Regulation, the State Board of Education, the Illinois Law Enforcement Training Standards Board, or the Department of State Police, or through an organization approved by the Department to provide mandated reporter training, including a section on implicit bias. The Department must make available a free web-based training for reporters.

Each mandated reporter shall report to his or her employer and, when applicable, to his or her licensing or certification board that he or she received the mandated reporter training. The mandated reporter shall maintain records of completion.

Beginning January 1, 2021, if a mandated reporter receives licensure from the Department of Financial and Professional Regulation or the State Board of Education, and his or her profession has continuing education requirements, the training mandated under this Section shall count toward meeting the licensee's required continuing education hours.

(k)(1) Medical personnel, as listed in paragraph (1) of subsection (a), who work with children in their professional or official capacity, must complete mandated reporter training at least every 6 years. Such medical personnel, if licensed, must attest at each time of licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made.

(2) In lieu of repeated training, medical personnel, as listed in paragraph (1) of subsection (a), who do not work with children in their professional or official capacity, may instead attest each time at licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made. Nothing in this paragraph precludes medical personnel from completing mandated reporter training and receiving continuing education credits for that training.

(l) The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

(m) Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 2012. A violation of this provision is a Class 4 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation; except that if the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or subsequent offense involves any of the same facts or persons as the first or other prior offense).

(n) A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

(o) 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.

(p) Nothing in this Act prohibits a mandated reporter who reasonably believes that an animal is being abused or neglected in violation of the Humane Care for Animals Act from reporting animal abuse or neglect to the Department of Agriculture's Bureau of Animal Health and Welfare.

(q) A home rule unit may not regulate the reporting of child abuse or neglect in a manner inconsistent with the provisions of this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(r) For purposes of this Section "child abuse or neglect" includes abuse or neglect of an adult resident as defined in this Act.
(Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22.)

Section 999. Effective date. This Act takes effect upon becoming law."

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

On motion of Senator Villivalam, **House Bill No. 2775** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2775

AMENDMENT NO. 1. Amend House Bill 2775 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Human Rights Act is amended by changing Sections 1-102, 1-103, 3-102, 3-103, and 3-106 as follows:

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

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

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

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

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

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

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

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

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

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

(H) Unfounded Charges. To protect citizens of this State against unfounded charges of unlawful discrimination, sexual harassment in employment and sexual harassment in elementary, secondary, and higher education, and discrimination based on citizenship status or work authorization status in employment.
(Source: P.A. 102-233, eff. 8-2-21.)

(775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

Sec. 1-103. General definitions. When used in this Act, unless the context requires otherwise, the term:

(A) Age. "Age" means the chronological age of a person who is at least 40 years old, except with regard to any practice described in Section 2-102, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of Section 2-102, "age" means the chronological age of a person who is 18 but not yet 40 years old.

(B) Aggrieved party. "Aggrieved party" means a person who is alleged or proved to have been injured by a civil rights violation or believes he or she will be injured by a civil rights violation under Article 3 that is about to occur.

(B-5) Arrest record. "Arrest record" means:

- (1) an arrest not leading to a conviction;
- (2) a juvenile record; or
- (3) criminal history record information ordered expunged, sealed, or impounded under Section

5.2 of the Criminal Identification Act.

(C) Charge. "Charge" means an allegation filed with the Department by an aggrieved party or initiated by the Department under its authority.

(D) Civil rights violation. "Civil rights violation" includes and shall be limited to only those specific acts set forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103, 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

(E) Commission. "Commission" means the Human Rights Commission created by this Act.

(F) Complaint. "Complaint" means the formal pleading filed by the Department with the Commission following an investigation and finding of substantial evidence of a civil rights violation.

(G) Complainant. "Complainant" means a person including the Department who files a charge of civil rights violation with the Department or the Commission.

(G-5) Conviction record. "Conviction record" means information indicating that a person has been convicted of a felony, misdemeanor or other criminal offense, placed on probation, fined, imprisoned, or paroled pursuant to any law enforcement or military authority.

(H) Department. "Department" means the Department of Human Rights created by this Act.

(I) Disability.

(1) "Disability" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

(a) For purposes of Article 2, is unrelated to the person's ability to perform the duties of a particular job or position and, pursuant to Section 2-104 of this Act, a person's illegal use of drugs or alcohol is not a disability;

(b) For purposes of Article 3, is unrelated to the person's ability to acquire, rent, or maintain a housing accommodation;

(c) For purposes of Article 4, is unrelated to a person's ability to repay;

(d) For purposes of Article 5, is unrelated to a person's ability to utilize and benefit from a place of public accommodation;

(e) For purposes of Article 5, also includes any mental, psychological, or developmental disability, including autism spectrum disorders.

(2) Discrimination based on disability includes unlawful discrimination against an individual because of the individual's association with a person with a disability.

(J) Marital status. "Marital status" means the legal status of being married, single, separated, divorced, or widowed.

(J-1) Military status. "Military status" means a person's status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard.

(K) National origin. "National origin" means the place in which a person or one of his or her ancestors was born.

(K-5) "Order of protection status" means a person's status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, Article 112A of the Code of Criminal Procedure of 1963, the Stalking No Contact Order Act, or the Civil No Contact Order Act, or an order of protection issued by a court of another state.

(L) Person. "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations,

the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

(L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

(M) Public contract. "Public contract" includes every contract to which the State, any of its political subdivisions, or any municipal corporation is a party.

(N) Religion. "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers, for the purposes of Article 2, "religion" has the meaning ascribed to it in paragraph (F) of Section 2-101.

(O) Sex. "Sex" means the status of being male or female.

(O-1) Sexual orientation. "Sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual orientation" does not include a physical or sexual attraction to a minor by an adult.

(O-5) Source of income. "Source of income" means the lawful manner by which an individual supports himself or herself and his or her dependents.

(P) Unfavorable military discharge. "Unfavorable military discharge" includes discharges from the Armed Forces of the United States, their Reserve components, or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

(Q) Unlawful discrimination. "Unlawful discrimination" means discrimination against a person because of his or her actual or perceived: race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service as those terms are defined in this Section.

(Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; 101-656, eff. 3-23-21; 102-362, eff. 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; revised 9-29-21.)

(775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

Sec. 3-102. Civil rights violations; real estate transactions. It is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of unlawful discrimination, familial status, source of income, or an arrest record, as defined under subsection (B-5) of Section 1-103, to:

(A) Transaction. Refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction;

(B) Terms. Alter the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(C) Offer. Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(D) Negotiation. Refuse to negotiate for a real estate transaction with a person;

(E) Representations. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit him or her to inspect real property;

(F) Publication of Intent. Make, print, circulate, post, mail, publish or cause to be made, printed, circulated, posted, mailed, or published any notice, statement, advertisement or sign, or use a form of application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction, that indicates any preference, limitation, or discrimination based on unlawful discrimination or unlawful discrimination based on familial status, source of income, or an arrest record, or an intention to make any such preference, limitation, or discrimination;

(G) Listings. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status, source of income, or an arrest record in a real estate transaction is intended.

(Source: P.A. 101-565, eff. 1-1-20.)

(775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

Sec. 3-103. Blockbusting. It is a civil rights violation for any person to:

(A) Solicitation. Solicit for sale, lease, listing or purchase any residential real estate within this State, on the grounds of loss of value due to the present or prospective entry into the vicinity of the property

involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status, source of income, or disability.

(B) Statements. Distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in this State to sell or lease his or her property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status, source of income, or disability of residents in the vicinity of the property involved.

(C) Creating Alarm. Intentionally create alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of residential real estate in this state to sell or lease his or her property because of any present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, marital status, familial status, source of income, or disability.

(Source: P.A. 97-877, eff. 8-2-12.)

(775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

Sec. 3-106. Exemptions. Nothing contained in Section 3-102 shall prohibit:

(A) Private Sales of Single Family Homes.

(1) Any sale of a single family home by its owner so long as the following criteria are met:

(a) The owner does not own or have a beneficial interest in more than three single family homes at the time of the sale;

(b) The owner or a member of his or her family was the last current resident of the home;

(c) The home is sold without the use in any manner of the sales or rental facilities or services of any real estate broker or salesman, or of any employee or agent of any real estate broker or salesman;

(d) The home is sold without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of paragraph (F) of Section 3-102.

(2) This exemption does not apply to paragraph (F) of Section 3-102.

(B) Apartments. Rental of a housing accommodation in a building which contains housing accommodations for not more than 4 families living independently of each other, if the owner resides in one of the housing accommodations. This exemption does not apply to paragraph (F) of Section 3-102.

(C) Private Rooms. Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than twelve months, if he or she or a member of his or her family intends to return to reside therein.

(D) Reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(E) Religious Organizations. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(F) Sex. Restricting the rental of rooms in a housing accommodation to persons of one sex.

(G) Persons Convicted of Drug-Related Offenses. Conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. 802).

(H) Persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on unlawful discrimination or familial status or source of income in furnishing appraisals.

(H-1) The owner of an owner-occupied residential building with 4 or fewer units (including the unit in which the owner resides) from making decisions regarding whether to rent to a person based upon that person's sexual orientation.

(I) Housing for Older Persons. No provision in this Article regarding familial status shall apply with respect to housing for older persons.

(1) As used in this Section, "housing for older persons" means housing:

(a) provided under any State or Federal program that the Department determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

- (b) intended for, and solely occupied by, persons 62 years of age or older; or
- (c) intended and operated for occupancy by persons 55 years of age or older and:
 - (i) at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;
 - (ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subdivision (c); and
 - (iii) the housing facility or community complies with rules adopted by the Department for verification of occupancy, which shall:
 - (aa) provide for verification by reliable surveys and affidavits; and
 - (bb) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii).

These surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(2) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(a) persons residing in such housing as of the effective date of this amendatory Act of 1989 who do not meet the age requirements of subsections (1)(b) or (c); provided, that new occupants of such housing meet the age requirements of subsections (1)(b) or (c) of this subsection; or

(b) unoccupied units; provided, that such units are reserved for occupancy by persons who meet the age requirements of subsections (1)(b) or (c) of this subsection.

(3) (a) A person shall not be held personally liable for monetary damages for a violation of this Article if the person reasonably relied, in good faith, on the application of the exemption under this subsection (1) relating to housing for older persons.

(b) For the purposes of this item (3), a person may show good faith reliance on the application of the exemption only by showing that:

(i) the person has no actual knowledge that the facility or community is not, or will not be, eligible for the exemption; and

(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for the exemption.

(J) Child Sex Offender Refusal to Rent. Refusal of a child sex offender who owns and resides at residential real estate to rent any residential unit within the same building in which he or she resides to a person who is the parent or guardian of a child or children under 18 years of age.

(K) Arrest Records. Inquiry into or the use of an arrest record if the inquiry or use is otherwise authorized by State or federal law.

(L) Financial Institutions. A financial institution as defined in Article 4 from considering source of income in a real estate transaction in compliance with State or federal law.

(Source: P.A. 101-565, eff. 1-1-20.)".

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

HOUSE BILL RECALLED

On motion of Senator Loughran Cappel, **House Bill No. 5026** was recalled from the order of third reading to the order of second reading.

Senator Loughran Cappel offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 5026

AMENDMENT NO. 2 . Amend House Bill 5026 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 3-643 as follows:

(625 ILCS 5/3-643)

Sec. 3-643. Mammogram license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Mammogram license plates. The special plates issued under

this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the phrase "Mammograms Save Lives" following phrases shall be on the plates: (i) "Mammograms Save Lives" and (ii) "The Susan G. Komen Foundation". The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Mammogram Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Mammogram Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Mammogram Fund is created as a special fund in the State treasury. All money in the Mammogram Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Illinois Department of Public Health, to the Illinois Breast and Cervical Cancer Program for patient navigation services specifically for populations with the highest rates of breast cancer mortality in the State. ~~distribution by the Secretary, as grants to the Susan G. Komen Foundation for breast cancer research, education, screening, and treatment.~~ (Source: P.A. 97-409, eff. 1-1-12)."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Loughran Cappel, **House Bill No. 5026** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 52; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Morrison	Syverson
Aquino	Gillespie	Muñoz	Tracy
Bailey	Glowiak Hilton	Murphy	Turner, D.
Belt	Harris	Pacione-Zayas	Turner, S.
Bennett	Hastings	Pappas	Van Pelt
Bryant	Holmes	Peters	Villa
Bush	Johnson	Plummer	Villanueva
Castro	Joyce	Rezin	Villivalam
Connor	Koehler	Rose	Wilcox
Curran	Lightford	Simmons	Mr. President
DeWitte	Loughran Cappel	Sims	
Ellman	Martwick	Stadelman	
Feigenholtz	McClure	Stewart	
Fine	McConchie	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

[March 31, 2022]

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Bryant, **House Bill No. 5064** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 52; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Morrison	Syverson
Aquino	Gillespie	Muñoz	Tracy
Bailey	Glowiak Hilton	Murphy	Turner, D.
Belt	Harris	Pacione-Zayas	Turner, S.
Bryant	Hastings	Pappas	Van Pelt
Bush	Holmes	Peters	Villa
Castro	Johnson	Plummer	Villanueva
Connor	Joyce	Rezin	Villivalam
Cunningham	Koehler	Rose	Wilcox
Curran	Lightford	Simmons	Mr. President
DeWitte	Loughran Cappel	Sims	
Ellman	Martwick	Stadelman	
Feigenholtz	McClure	Stewart	
Fine	McConchie	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Ellman, **House Bill No. 5078** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 52; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McConchie	Syverson
Aquino	Gillespie	Morrison	Tracy
Bailey	Glowiak Hilton	Muñoz	Turner, D.
Belt	Harris	Murphy	Turner, S.
Bryant	Hastings	Pacione-Zayas	Van Pelt
Bush	Holmes	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
Curran	Koehler	Rose	Mr. President
DeWitte	Lightford	Simmons	
Ellman	Loughran Cappel	Sims	
Feigenholtz	Martwick	Stadelman	
Fine	McClure	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hastings, **House Bill No. 5175** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	McClure	Stewart
Aquino	Fowler	McConchie	Stoller
Bailey	Gillespie	Morrison	Syverson
Belt	Glowiak Hilton	Muñoz	Tracy
Bennett	Harris	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Bush	Holmes	Pappas	Van Pelt
Castro	Johnson	Peters	Villa
Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Lightford	Simmons	Mr. President
Ellman	Loughran Cappel	Sims	
Feigenholtz	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Wilcox, **House Bill No. 5184** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	McClure	Stewart
Aquino	Fowler	McConchie	Stoller
Bailey	Gillespie	Morrison	Syverson
Belt	Glowiak Hilton	Muñoz	Tracy
Bennett	Harris	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Bush	Holmes	Pappas	Van Pelt
Castro	Johnson	Peters	Villa
Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Lightford	Simmons	Mr. President
Ellman	Loughran Cappel	Sims	
Feigenholtz	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator E. Jones III, **House Bill No. 5192** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	McClure	Stewart
Aquino	Fowler	McConchie	Stoller
Bailey	Gillespie	Morrison	Syverson
Belt	Glowiak Hilton	Muñoz	Tracy
Bennett	Harris	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Bush	Holmes	Pappas	Van Pelt
Castro	Johnson	Peters	Villa
Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Lightford	Simmons	Mr. President
Ellman	Loughran Cappel	Sims	
Feigenholtz	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Holmes, **House Bill No. 5254** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McConchie	Stoller
Aquino	Gillespie	Morrison	Syverson
Bailey	Glowiak Hilton	Muñoz	Tracy
Belt	Harris	Murphy	Turner, D.
Bennett	Hastings	Pacione-Zayas	Turner, S.
Bush	Holmes	Pappas	Van Pelt
Castro	Johnson	Peters	Villa
Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Lightford	Simmons	Mr. President
Ellman	Loughran Cappel	Sims	

Feigenholtz	Martwick	Stadelman
Fine	McClure	Stewart

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator E. Jones III, **House Bill No. 5295** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	McClure	Stewart
Aquino	Fowler	McConchie	Stoller
Bailey	Gillespie	Morrison	Syverson
Belt	Glowiak Hilton	Muñoz	Tracy
Bennett	Harris	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Bush	Holmes	Pappas	Van Pelt
Castro	Johnson	Peters	Villa
Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Lightford	Simmons	Mr. President
Ellman	Loughran Cappel	Sims	
Feigenholtz	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Loughran Cappel, **House Bill No. 5304** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McConchie	Stoller
Aquino	Gillespie	Morrison	Syverson
Bailey	Glowiak Hilton	Muñoz	Tracy
Belt	Harris	Murphy	Turner, D.
Bennett	Hastings	Pacione-Zayas	Turner, S.
Bryant	Holmes	Pappas	Van Pelt
Bush	Johnson	Peters	Villa
Castro	Jones, E.	Plummer	Villanueva
Connor	Joyce	Rezin	Villivalam
Cunningham	Koehler	Rose	Wilcox
Curran	Lightford	Simmons	Mr. President
DeWitte	Loughran Cappel	Sims	

[March 31, 2022]

Ellman	Martwick	Stadelman
Fine	McClure	Stewart

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Castro, **House Bill No. 5316** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	McClure	Stewart
Aquino	Fowler	McConchie	Stoller
Bailey	Gillespie	Morrison	Syverson
Belt	Glowiak Hilton	Muñoz	Tracy
Bennett	Harris	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Bush	Holmes	Pappas	Van Pelt
Castro	Johnson	Peters	Villa
Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Lightford	Simmons	Mr. President
Ellman	Loughran Cappel	Sims	
Feigenholtz	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator E. Jones III, **House Bill No. 5318** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	McClure	Stewart
Aquino	Fowler	McConchie	Stoller
Bailey	Gillespie	Morrison	Syverson
Belt	Glowiak Hilton	Muñoz	Tracy
Bennett	Harris	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Bush	Holmes	Pappas	Van Pelt
Castro	Johnson	Peters	Villa
Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Lightford	Simmons	Mr. President

Ellman	Loughran Cappel	Sims
Feigenholtz	Martwick	Stadelman

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Stadelman, **House Bill No. 5385** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	McClure	Stewart
Aquino	Fowler	McConchie	Stoller
Bailey	Gillespie	Morrison	Syverson
Belt	Glowiak Hilton	Muñoz	Tracy
Bennett	Harris	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Bush	Holmes	Pappas	Van Pelt
Castro	Johnson	Peters	Villa
Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Lightford	Simmons	Mr. President
Ellman	Loughran Cappel	Sims	
Feigenholtz	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Joyce, **House Bill No. 5400** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	McClure	Stewart
Aquino	Fowler	McConchie	Stoller
Bailey	Gillespie	Morrison	Syverson
Belt	Glowiak Hilton	Muñoz	Tracy
Bennett	Harris	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Bush	Holmes	Pappas	Van Pelt
Castro	Johnson	Peters	Villa
Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Lightford	Simmons	Mr. President

[March 31, 2022]

Ellman	Loughran Cappel	Sims
Feigenholtz	Martwick	Stadelman

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Morrison, **House Bill No. 5418** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 49; NAYS None.

The following voted in the affirmative:

Anderson	Feigenholtz	McClure	Stewart
Aquino	Fine	McConchie	Stoller
Bailey	Fowler	Morrison	Syverson
Belt	Gillespie	Muñoz	Tracy
Bennett	Glowiak Hilton	Murphy	Turner, D.
Bryant	Harris	Pacione-Zayas	Villa
Bush	Hastings	Pappas	Villanueva
Castro	Holmes	Peters	Villivalam
Connor	Joyce	Plummer	Wilcox
Cunningham	Koehler	Rezin	Mr. President
Curran	Lightford	Rose	
DeWitte	Loughran Cappel	Simmons	
Ellman	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

Senator S. Turner asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 5418**.

On motion of Senator DeWitte, **House Bill No. 5447** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	McClure	Stewart
Aquino	Fowler	McConchie	Stoller
Bailey	Gillespie	Morrison	Syverson
Belt	Glowiak Hilton	Muñoz	Tracy
Bennett	Harris	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Bush	Holmes	Pappas	Van Pelt
Castro	Johnson	Peters	Villa
Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox

DeWitte	Lightford	Simmons	Mr. President
Ellman	Loughran Cappel	Sims	
Feigenholtz	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Wilcox, **House Bill No. 5496** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stewart
Bailey	Gillespie	McConchie	Stoller
Belt	Glowiak Hilton	Morrison	Syverson
Bennett	Harris	Muñoz	Tracy
Bryant	Hastings	Murphy	Turner, D.
Bush	Holmes	Pacione-Zayas	Turner, S.
Castro	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villa
Cunningham	Joyce	Plummer	Villanueva
Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	Mr. President
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Simmons, **House Bill No. 5525** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stewart
Bailey	Gillespie	McConchie	Stoller
Belt	Glowiak Hilton	Morrison	Syverson
Bennett	Harris	Muñoz	Tracy
Bryant	Hastings	Murphy	Turner, D.
Bush	Holmes	Pacione-Zayas	Turner, S.
Castro	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villa
Cunningham	Joyce	Plummer	Villanueva

Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	Mr. President
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Lightford, **House Bill No. 5549** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fine	McClure	Stewart
Aquino	Fowler	McConchie	Stoller
Bailey	Gillespie	Morrison	Tracy
Belt	Glowiak Hilton	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Johnson	Pappas	Villa
Castro	Jones, E.	Peters	Villanueva
Connor	Joyce	Plummer	Villivalam
Cunningham	Koehler	Rezin	Wilcox
Curran	Landek	Rose	Mr. President
DeWitte	Lightford	Simmons	
Ellman	Loughran Cappel	Sims	
Feigenholtz	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harris, **House Bill No. 5585** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stewart
Bailey	Gillespie	McConchie	Stoller
Belt	Glowiak Hilton	Morrison	Syverson
Bennett	Harris	Muñoz	Tracy
Bryant	Hastings	Murphy	Turner, D.
Bush	Holmes	Pacione-Zayas	Turner, S.
Castro	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villa
Cunningham	Joyce	Plummer	Villanueva

Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	Mr. President
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator E. Jones III, **House Bill No. 5575** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stewart
Aquino	Gillespie	McConchie	Stoller
Belt	Glowiak Hilton	Morrison	Syverson
Bennett	Harris	Muñoz	Tracy
Bryant	Hastings	Murphy	Turner, D.
Bush	Holmes	Pacione-Zayas	Turner, S.
Castro	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villa
Cunningham	Joyce	Plummer	Villanueva
Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	Mr. President
Feigenholtz	Loughran Cappel	Sims	
Fine	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Harris, **House Bill No. 861** was recalled from the order of third reading to the order of second reading.

Senator Harris offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 861

AMENDMENT NO. 2. Amend House Bill 861, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 20 and 21 with the following:

"(2) the Executive Director of the Illinois Criminal Justice Information Authority or the Executive Director's designee;" and

on page 4, lines 9 and 13, by replacing "Administrative Office of the Illinois Courts" each time it appears with "Illinois Criminal Justice Information Authority"; and

on page 4, by replacing lines 15 and 16 with the following:

[March 31, 2022]

"(d) Funding for the administration of the research project shall be subject to appropriation."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harris, **House Bill No. 861** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stewart
Bailey	Gillespie	McConchie	Stoller
Belt	Glowiak Hilton	Morrison	Turner, D.
Bennett	Harris	Muñoz	Turner, S.
Bryant	Hastings	Murphy	Van Pelt
Bush	Holmes	Pacione-Zayas	Villa
Castro	Johnson	Pappas	Villanueva
Connor	Jones, E.	Peters	Villivalam
Cunningham	Joyce	Plummer	Wilcox
Curran	Koehler	Rezin	Mr. President
DeWitte	Landek	Rose	
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Fine, **House Bill No. 1780** was recalled from the order of third reading to the order of second reading.

Senator Fine offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 1780

AMENDMENT NO. 3 . Amend House Bill 1780 on page 12, line 12, after the period, by inserting "During this 90-day period, the Agency shall provide a 30-day public comment period on the drug take-back program proposal."; and

on page 12, line 13, after "rejection", by inserting "in the written notification to the manufacturer program operator"; and

on page 12, line 20, after the period, by inserting "During this 90-day period, the Agency shall provide a 30-day public comment period on the revised proposal.".

The motion prevailed.

And the amendment was adopted and ordered printed.
There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Fine, **House Bill No. 1780** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 46; NAYS 2.

The following voted in the affirmative:

Aquino	Gillespie	Martwick	Stadelman
Belt	Glowiak Hilton	McConchie	Tracy
Bennett	Harris	Morrison	Turner, D.
Bush	Hastings	Muñoz	Turner, S.
Castro	Holmes	Murphy	Van Pelt
Connor	Johnson	Pacione-Zayas	Villa
Cunningham	Jones, E.	Pappas	Villanueva
Curran	Joyce	Peters	Villivalam
Ellman	Koehler	Plummer	Wilcox
Feigenholtz	Landek	Rose	Mr. President
Fine	Lightford	Simmons	
Fowler	Loughran Cappel	Sims	

The following voted in the negative:

Bailey
Bryant

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Harris, **House Bill No. 2991** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stewart
Aquino	Gillespie	McConchie	Stoller
Bailey	Glowiak Hilton	Morrison	Syverson
Belt	Harris	Muñoz	Tracy
Bennett	Hastings	Murphy	Turner, D.
Bryant	Holmes	Pacione-Zayas	Turner, S.
Bush	Johnson	Pappas	Van Pelt
Castro	Jones, E.	Peters	Villa
Connor	Joyce	Plummer	Villanueva

[March 31, 2022]

Cunningham	Koehler	Rezin	Villivalam
Curran	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	Mr. President
Feigenholtz	Loughran Cappel	Sims	
Fine	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Bush, **House Bill No. 3296** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stewart
Aquino	Gillespie	McConchie	Stoller
Bailey	Glowiak Hilton	Morrison	Syverson
Belt	Harris	Muñoz	Tracy
Bennett	Hastings	Murphy	Turner, D.
Bryant	Holmes	Pacione-Zayas	Turner, S.
Bush	Johnson	Pappas	Van Pelt
Castro	Jones, E.	Peters	Villa
Connor	Joyce	Plummer	Villanueva
Cunningham	Koehler	Rezin	Villivalam
Curran	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	Mr. President
Feigenholtz	Loughran Cappel	Sims	
Fine	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Holmes, **House Bill No. 3573** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stewart
Aquino	Gillespie	McConchie	Stoller
Bailey	Glowiak Hilton	Morrison	Syverson
Belt	Harris	Muñoz	Tracy
Bennett	Hastings	Murphy	Turner, D.
Bryant	Holmes	Pacione-Zayas	Turner, S.
Bush	Johnson	Pappas	Van Pelt
Castro	Jones, E.	Peters	Villa

Connor	Joyce	Plummer	Villanueva
Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	Mr. President
Feigenholtz	Loughran Cappel	Sims	
Fine	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Curran, **House Bill No. 4284** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stewart
Bailey	Gillespie	McConchie	Stoller
Belt	Glowiak Hilton	Morrison	Syverson
Bennett	Harris	Muñoz	Tracy
Bryant	Hastings	Murphy	Turner, D.
Bush	Holmes	Pacione-Zayas	Turner, S.
Castro	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villa
Cunningham	Joyce	Plummer	Villanueva
Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Ellman, **House Bill No. 4304** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stewart
Aquino	Fowler	McClure	Stoller
Bailey	Gillespie	McConchie	Syverson
Belt	Glowiak Hilton	Morrison	Tracy
Bennett	Harris	Muñoz	Turner, D.
Bryant	Hastings	Murphy	Turner, S.
Bush	Holmes	Pacione-Zayas	Van Pelt
Castro	Johnson	Pappas	Villa

[March 31, 2022]

Connor	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Landek	Simmons	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Ellman, **House Bill No. 4408** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 52; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stewart
Aquino	Gillespie	McConchic	Stoller
Bailey	Glowiak Hilton	Morrison	Syverson
Belt	Harris	Muñoz	Tracy
Bennett	Hastings	Murphy	Turner, D.
Bryant	Holmes	Pacione-Zayas	Turner, S.
Castro	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villanueva
Cunningham	Joyce	Plummer	Wilcox
Curran	Koehler	Rezin	Mr. President
DeWitte	Landek	Rose	
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	
Fine	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Villanueva, **House Bill No. 4388** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stewart
Aquino	Gillespie	McConchic	Stoller
Belt	Glowiak Hilton	Morrison	Tracy
Bennett	Harris	Muñoz	Turner, D.
Bryant	Hastings	Murphy	Turner, S.
Bush	Holmes	Pacione-Zayas	Van Pelt
Castro	Johnson	Pappas	Villa
Connor	Jones, E.	Peters	Villanueva

Cunningham	Joyce	Plummer	Villivalam
Curran	Koehler	Rezin	Wilcox
DeWitte	Landek	Rose	Mr. President
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	
Fine	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Connor, **House Bill No. 4461** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stoller
Aquino	Gillespie	McConchie	Syverson
Bailey	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
Curran	Koehler	Rose	Mr. President
DeWitte	Landek	Simmons	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	
Fine	Martwick	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Pacione-Zayas, **House Bill No. 4559** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stoller
Aquino	Gillespie	McConchie	Syverson
Bailey	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa

Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
Curran	Koehler	Rose	Mr. President
DeWitte	Landek	Simmons	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	
Fine	Martwick	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Peters, **House Bill No. 4580** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Loughran Cappel	Sims
Aquino	Fowler	Martwick	Stadelman
Bailey	Gillespie	McClure	Stoller
Belt	Glowiak Hilton	McConchie	Syverson
Bennett	Harris	Morrison	Tracy
Bryant	Hastings	Muñoz	Turner, D.
Bush	Holmes	Murphy	Turner, S.
Castro	Hunter	Pacione-Zayas	Van Pelt
Connor	Johnson	Pappas	Villa
Cunningham	Jones, E.	Peters	Villanueva
Curran	Joyce	Plummer	Villivalam
DeWitte	Koehler	Rezin	Wilcox
Ellman	Landek	Rose	Mr. President
Feigenholtz	Lightford	Simmons	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Fine, **House Bill No. 4715** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stewart
Bailey	Gillespie	McConchie	Stoller
Belt	Harris	Morrison	Syverson
Bennett	Hastings	Muñoz	Tracy
Bryant	Holmes	Murphy	Turner, D.

Bush	Hunter	Pacione-Zayas	Turner, S.
Castro	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villa
Cunningham	Joyce	Plummer	Villanueva
Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	Mr. President
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Curran, **House Bill No. 4740** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stoller
Aquino	Gillespie	McConchie	Syverson
Bailey	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
Curran	Koehler	Rose	Mr. President
DeWitte	Landek	Simmons	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	
Fine	Martwick	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Connor, **House Bill No. 4741** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stoller
Aquino	Gillespie	McConchie	Syverson
Bailey	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.

Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
Curran	Koehler	Rose	Mr. President
DeWitte	Landek	Simmons	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	
Fine	Martwick	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Belt, **House Bill No. 4818** was recalled from the order of third reading to the order of second reading.

Senator Belt offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 4818

AMENDMENT NO. 2. Amend House Bill 4818, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 1, line 14, by replacing "thermal oxidizers when they are operated" with "the use of a thermal oxidizer"; and

on page 2, by replacing lines 17 through 22 with the following:

"(c) Nothing in this Section applies to the incineration of (i) landfill gas from the decomposition of waste that may contain any perfluoroalkyl or polyfluoroalkyl substances at a permitted sanitary landfill, (ii) landfill gas in a landfill gas recovery facility that is located at a sanitary landfill, (iii) waste at a permitted hospital, medical, and infectious waste incinerator that meets the requirements of Subpart HHH of 40 CFR Part 62, Subpart Ec of 40 CFR Part 60, or the Board-adopted State Plan requirements for hospital, medical, and infectious waste incinerators, as applicable, or (iv) sludges, biosolids, or other solids or by-products generated at or by a municipal wastewater treatment plant or facility."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Belt, **House Bill No. 4818** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stoller
Aquino	Gillespie	McConchie	Syverson

[March 31, 2022]

Bailey	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
Curran	Koehler	Rose	Mr. President
DeWitte	Landek	Simmons	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	
Fine	Martwick	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Murphy, **House Bill No. 4929** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stoller
Aquino	Gillespie	McConchie	Syverson
Bailey	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
Curran	Koehler	Rose	Mr. President
DeWitte	Landek	Simmons	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	
Fine	Martwick	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Fine, **House Bill No. 4941** was recalled from the order of third reading to the order of second reading.

Senator Fine offered the following amendment and moved its adoption:

[March 31, 2022]

AMENDMENT NO. 1 TO HOUSE BILL 4941

AMENDMENT NO. 1. Amend House Bill 4941 on page 5, line 3, after "provider", by inserting "For the purposes of this subsection (d), health maintenance organizations that provide or arrange for and pay or reimburse for the cost of any health care services for persons who are enrolled in the medical assistance programs under the Illinois Public Aid Code shall comply with provider notification requirements established by the Department of Healthcare and Family Services.".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Fine, **House Bill No. 4941** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stoller
Aquino	Gillespie	McConchie	Syverson
Bailey	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
Curran	Koehler	Rose	Mr. President
DeWitte	Landek	Simmons	
Ellman	Lightford	Sims	
Feigenholtz	Loughran Cappel	Stadelman	
Fine	Martwick	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Loughran Cappel, **House Bill No. 4988** was recalled from the order of third reading to the order of second reading.

Senator Loughran Cappel offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 4988

AMENDMENT NO. 2. Amend House Bill 4988, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Section 19.11 as follows:

(415 ILCS 5/19.11 new)

Sec. 19.11. Public water supply disruption; notification.

(a) In this Section:

"Disruption event" means any:

(1) change to a disinfection technique, practice, or technology that could change disinfectant levels in the water within a public water supply that results in a residual disinfectant level 20% above or below normal operating levels;

(2) planned or unplanned work on or damage to a water main;

(3) change in a treatment application or source of water that results in an altered finished water quality;

(4) event that results in a public water supply's operating pressure falling below 20 PSI; or

(5) condition that results in the issuance of a boil water order.

"Health care facility" means a facility, hospital, or establishment licensed or organized under the Ambulatory Surgical Treatment Center Act, the University of Illinois Hospital Act, the Hospital Licensing Act, the Nursing Home Care Act, the Assisted Living and Shared Housing Act, or the Community Living Facilities Licensing Act.

"Health care facility list" means a list enumerating health care facilities and their designees that are served by a public water supply and maintained by a public water distribution entity.

"Public water distribution entity" means any of the following entities that are responsible for the direct supervision of a public water supply: a municipality, a private corporation, an individual private owner, or a regularly organized body governed by a constitution and by-laws requiring regular election of officers.

"Public water supply" has the same meaning as defined in Section 3.365.

"State agencies" means the Illinois Environmental Protection Agency and the Illinois Department of Public Health.

"Water supply operator" means any individual trained in the treatment or distribution of water who has practical, working knowledge of the chemical, biological, and physical sciences essential to the practical mechanics of water treatment or distribution and who is capable of conducting and maintaining the water treatment or distribution processes of a public water supply in a manner that will provide safe, potable water for human consumption.

(b) A public water distribution entity, through its designated employees or contractors, shall notify its water supply operator and all affected health care facilities on the public water supply's health care facility list not less than 14 days before any known, planned, or anticipated disruption event. An anticipated disruption event includes for purposes of this subsection any disruption event that could or should be reasonably anticipated by a public water distribution entity.

(c) A public water distribution entity, through its designated employees or contractors, shall notify its water supply operator and all affected health care facilities that are served by the public water supply and affected by any unplanned disruption event in the public water supply's water distribution system. The notification required under this subsection shall be provided within 2 hours after the public water distribution entity becomes aware of the unplanned disruption event.

(d) A health care facility shall designate an email address to receive electronic notifications from the public water distribution entity concerning planned or unplanned disruption events. The email account shall be accessible to the health care facility's designated water management plan administrator and other responsible administrative personnel.

(e) Any planned or unplanned disruption event notification sent to a health care facility under this Section shall also be sent to the State agencies via email to the email addresses designated by the State agencies within 5 business days. The State agencies shall establish, maintain, and retain a list of notifications received pursuant to this subsection.

The notice required under this Section shall include, but shall not be limited to, the following:

(1) a detailed description of the disruption event;

(2) the date, time, and location of the disruption event;

(3) the expected time needed to resolve the disruption event; and

(4) a list of the health care facilities notified by the public water distribution entity.

Beginning one year after the effective date of this amendatory Act of the 102nd General Assembly, the State agencies shall make available upon request a list of disruption events, in an electronic format, sorted by the year and month of each occurrence.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Loughran Cappel offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 4988

AMENDMENT NO. 3 . Amend House Bill 4988, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 1, by replacing lines 11 through 15 with the following:

"(1) change to a disinfection technique, practice, or technology, including each instance of any change in the concentration of any disinfectant in the water of a public water supply that results in residual concentrations of the disinfectant in the water either exceeding 50% or falling below 20% of the monthly average concentration of disinfectant reported to the Agency in a public water distribution entity's most recent monthly submission of Daily Operating Reports;"

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Loughran Cappel, **House Bill No. 4988** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Martwick	Stadelman
Aquino	Gillespie	McClure	Stewart
Bailey	Glowiak Hilton	McConchie	Stoller
Belt	Harris	Morrison	Syverson
Bryant	Hastings	Muñoz	Tracy
Bush	Holmes	Murphy	Turner, D.
Castro	Hunter	Pacione-Zayas	Turner, S.
Connor	Johnson	Pappas	Van Pelt
Cunningham	Jones, E.	Peters	Villa
Curran	Joyce	Plummer	Villanueva
DeWitte	Koehler	Rezin	Villivalam
Ellman	Landek	Rose	Wilcox
Feigenholtz	Lightford	Simmons	
Fine	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Fine, **House Bill No. 5047** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 54; NAYS 2.

The following voted in the affirmative:

Anderson	Fowler	Martwick	Stadelman
Aquino	Gillespie	McClure	Stewart
Bailey	Glowiak Hilton	McConchie	Stoller
Belt	Harris	Morrison	Syverson
Bennett	Hastings	Muñoz	Turner, D.
Bush	Holmes	Murphy	Turner, S.
Castro	Hunter	Pacione-Zayas	Van Pelt
Connor	Johnson	Pappas	Villa
Cunningham	Jones, E.	Peters	Villanueva
Curran	Joyce	Plummer	Villivalam
DeWitte	Koehler	Rezin	Wilcox
Ellman	Landek	Rose	Mr. President
Feigenholtz	Lightford	Simmons	
Fine	Loughran Cappel	Sims	

The following voted in the negative:

Bryant
Tracy

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

Senator Tracy asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 5047**.

Senator Bryant asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 5047**.

On motion of Senator Anderson, **House Bill No. 5127** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stoller
Aquino	Gillespie	McConchie	Syverson
Bailey	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Pappas	Villa
Castro	Johnson	Peters	Villanueva
Connor	Jones, E.	Plummer	Villivalam
Cunningham	Joyce	Rezin	Wilcox
Curran	Koehler	Rose	Mr. President
DeWitte	Landek	Simmons	
Ellman	Lightford	Sims	

[March 31, 2022]

Feigenholtz	Loughran Cappel	Stadelman
Fine	Martwick	Stewart

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

Senator Hunter asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator McClure asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 12:18 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 1:08 o'clock p.m., the Senate resumed consideration of business.

Senator Koehler, presiding.

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. 2 to House Bill 5439

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 948

Offered by Senator Anderson and all Senators:

Mourns the passing of Jack S. Kester of Rock Island.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Muñoz, **House Bill No. 4462** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stewart
Aquino	Gillespie	McConchie	Stoller
Bailey	Glowiak Hilton	Morrison	Syverson
Belt	Hastings	Muñoz	Tracy
Bennett	Holmes	Murphy	Turner, D.
Bryant	Hunter	Pacione-Zayas	Turner, S.

Bush	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villa
Cunningham	Joyce	Plummer	Villanueva
Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	
Fine	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Muñoz, **House Bill No. 5049** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 5439** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 5439

AMENDMENT NO. 1. Amend House Bill 5439 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-506 as follows:
(625 ILCS 5/11-506)

Sec. 11-506. Street racing; aggravated street racing; street sideshows.

(a) No person shall engage in street racing on any street or highway of this State.

(a-5) No person shall engage in a street sideshow on any street or highway of this State.

(b) No owner of any vehicle shall acquiesce in or permit his or her vehicle to be used by another for the purpose of street racing or a street sideshow.

(b-5) A person may not knowingly interfere with or cause the movement of traffic to slow or stop for the purpose of facilitating street racing or a street sideshow.

(c) For the purposes of this Section, ~~the following words shall have the meanings ascribed to them:~~

"Acquiesce" or "permit" means actual knowledge that the motor vehicle was to be used for the purpose of street racing.

"Motor vehicle stunt" includes, but is not limited to, operating a vehicle in a manner that causes the vehicle to slide or spin, driving within the proximity of a gathering of persons, performing maneuvers to demonstrate the performance capability of the motor vehicle, or maneuvering the vehicle in an attempt to elicit a reaction from a gathering of persons.

"Street racing" means:

(1) The operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or

(2) The operation of one or more vehicles over a common selected course, each starting at the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; or

(3) The use of one or more vehicles in an attempt to outgain or outdistance another vehicle; or

(4) The use of one or more vehicles to prevent another vehicle from passing; or

(5) The use of one or more vehicles to arrive at a given destination ahead of another vehicle or vehicles; or

(6) The use of one or more vehicles to test the physical stamina or endurance of drivers over long-distance driving routes.

"Street sideshow" means an event in which one or more vehicles block or impede traffic on a street or highway, for the purpose of performing unauthorized motor vehicle stunts, motor vehicle speed contests, or motor vehicle exhibitions of speed.

(d) Penalties.

(1) Any person who is convicted of a violation of subsection (a), (a-5), or (b-5) shall be guilty of a Class A misdemeanor for the first offense and shall be subject to a minimum fine of \$250. Any person convicted of a violation of subsection (a), (a-5), or (b-5) a second or subsequent time shall be guilty of a Class 4 felony and shall be subject to a minimum fine of \$500. The driver's license of any person convicted of subsection (a) shall be revoked in the manner provided by Section 6-205 of this Code.

(2) Any person who is convicted of a violation of subsection (b) shall be guilty of a Class B misdemeanor. Any person who is convicted of subsection (b) for a second or subsequent time shall be guilty of a Class A misdemeanor.

(3) Every person convicted of committing a violation of subsection (a) of this Section shall be guilty of aggravated street racing if the person, in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, where the violation was a proximate cause of the injury. Aggravated street racing is a Class 4 felony for which the defendant, if sentenced to a term of imprisonment shall be sentenced to not less than one year nor more than 12 years.

(Source: P.A. 95-310, eff. 1-1-08.)"

Floor Amendment No. 2 was referred to the Committee on Assignments earlier today. There being no further amendments, the bill, as amended, was ordered to a third reading.

HOUSE BILL RECALLED

On motion of Senator Bennett, **House Bill No. 4489** was recalled from the order of third reading to the order of second reading.

Senator Bennett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4489

AMENDMENT NO. 1. Amend House Bill 4489 on page 2, line 2, by replacing "State and federal funds" with "State funds, federal funds, or both State and federal funds".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Bennett, **House Bill No. 4489** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stewart
Bailey	Gillespie	McConchie	Stoller
Belt	Harris	Morrison	Syverson
Bennett	Hastings	Muñoz	Tracy
Bryant	Holmes	Murphy	Turner, D.

Bush	Hunter	Pacione-Zayas	Turner, S.
Castro	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villa
Cunningham	Joyce	Plummer	Villanueva
Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	Mr. President
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Feigenholtz, **House Bill No. 4677** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 47; NAYS 5.

The following voted in the affirmative:

Anderson	Feigenholtz	Landek	Simmons
Aquino	Fine	Lightford	Sims
Belt	Fowler	Loughran Cappel	Stadelman
Bennett	Gillespie	Martwick	Tracy
Bryant	Harris	McConchie	Turner, D.
Bush	Hastings	Morrison	Turner, S.
Castro	Holmes	Muñoz	Van Pelt
Connor	Hunter	Murphy	Villa
Cunningham	Johnson	Pacione-Zayas	Villanueva
Curran	Jones, E.	Pappas	Villivalam
DeWitte	Joyce	Peters	Mr. President
Ellman	Koehler	Rezin	

The following voted in the negative:

Bailey	Rose	Wilcox
Plummer	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Muñoz, **House Bill No. 3124** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martwick	Stadelman
Aquino	Fowler	McClure	Stewart

[March 31, 2022]

Bailey	Gillespie	McConchie	Stoller
Belt	Harris	Morrison	Syverson
Bennett	Hastings	Muñoz	Tracy
Bryant	Holmes	Murphy	Turner, D.
Bush	Hunter	Pacione-Zayas	Turner, S.
Castro	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villa
Cunningham	Joyce	Plummer	Villanueva
Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Wilcox
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 1:53 o'clock p.m., Senator Muñoz, presiding.

On motion of Senator Koehler, **House Bill No. 5576** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Martwick	Stadelman
Aquino	Gillespie	McClure	Stewart
Belt	Glowiak Hilton	McConchie	Stoller
Bennett	Harris	Morrison	Syverson
Bryant	Hastings	Muñoz	Tracy
Bush	Holmes	Murphy	Turner, D.
Castro	Hunter	Pacione-Zayas	Turner, S.
Connor	Johnson	Pappas	Van Pelt
Cunningham	Jones, E.	Peters	Villa
Curran	Joyce	Plummer	Villanueva
DeWitte	Koehler	Rezin	Villivalam
Ellman	Landek	Rose	Wilcox
Feigenholtz	Lightford	Simmons	Mr. President
Fine	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Pacione-Zayas, **House Bill No. 5581** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 47; NAYS 5.

The following voted in the affirmative:

Aquino	Fine	Lightford	Sims
Bailey	Gillespie	Loughran Cappel	Stadelman
Belt	Glowiak Hilton	Martwick	Tracy
Bennett	Harris	McClure	Turner, D.
Bryant	Hastings	McConchie	Turner, S.
Bush	Holmes	Morrison	Van Pelt
Castro	Hunter	Muñoz	Villa
Connor	Johnson	Murphy	Villanueva
Cunningham	Jones, E.	Pacione-Zayas	Villivalam
Curran	Joyce	Pappas	Wilcox
Ellman	Koehler	Peters	Mr. President
Feigenholtz	Landek	Simmons	

The following voted in the negative:

Anderson	Rose	Syverson
DeWitte	Stoller	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **House Bill No. 1167** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 32; NAYS 18.

The following voted in the affirmative:

Aquino	Gillespie	Martwick	Van Pelt
Bennett	Harris	Morrison	Villa
Bush	Holmes	Murphy	Villanueva
Castro	Hunter	Pacione-Zayas	Villivalam
Connor	Johnson	Pappas	Mr. President
Cunningham	Jones, E.	Peters	
Ellman	Koehler	Simmons	
Feigenholtz	Landek	Sims	
Fine	Lightford	Stadelman	

The following voted in the negative:

Anderson	Hastings	Rezin	Tracy
Bailey	Joyce	Rose	Turner, S.
Bryant	McClure	Stewart	Wilcox
DeWitte	McConchie	Stoller	
Glowiak Hilton	Plummer	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator D. Turner, **House Bill No. 3850** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[March 31, 2022]

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 47; NAYS None; Present 2.

The following voted in the affirmative:

Anderson	Feigenholtz	Lightford	Stadelman
Aquino	Fine	Loughran Cappel	Stewart
Bailey	Fowler	Martwick	Stoller
Bennett	Glowiak Hilton	McClure	Syverson
Bryant	Harris	McConchie	Tracy
Bush	Hastings	Morrison	Turner, D.
Castro	Holmes	Muñoz	Turner, S.
Connor	Hunter	Murphy	Villa
Cunningham	Jones, E.	Pappas	Villanueva
Curran	Joyce	Plummer	Wilcox
DeWitte	Koehler	Rezin	Mr. President
Ellman	Landek	Rose	

The following voted present:

Pacione-Zayas
Peters

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

Senator Villivalam asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 3850**.

Senator Belt asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 3850**.

On motion of Senator Johnson, **House Bill No. 4243** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 38; NAYS 15.

The following voted in the affirmative:

Aquino	Gillespie	Lightford	Sims
Belt	Glowiak Hilton	Loughran Cappel	Stadelman
Bennett	Harris	Martwick	Turner, D.
Bush	Hastings	Morrison	Van Pelt
Castro	Holmes	Muñoz	Villa
Connor	Hunter	Murphy	Villanueva
Cunningham	Johnson	Pacione-Zayas	Villivalam
Ellman	Jones, E.	Pappas	Mr. President
Feigenholtz	Koehler	Peters	
Fine	Landek	Simmons	

The following voted in the negative:

Anderson	Fowler	Rose	Tracy
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Bailey	McConchie	Stewart	Turner, S.
Bryant	Plummer	Stoller	Wilcox
DeWitte	Rezin	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Morrison, **House Bill No. 4256** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 4256

AMENDMENT NO. 3. Amend House Bill 4256, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, lines 3 and 4, by replacing "any teacher in contractual continued service whose performance was" with "all teachers in contractual continued service whose performances were"; and

on page 3, line 6, by replacing "teacher was" with "teachers were"; and

on page 11, lines 16 and 17, by replacing "any principal or assistant principal whose performance was" with "all principals or assistant principals whose performances were; and

on page 11, line 19, by replacing "principal or assistant principal was" with "principals or assistant principals were".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO HOUSE BILL 4256

AMENDMENT NO. 4. Amend House Bill 4256, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 5, by replacing "24A-5 and 24A-15" with "24A-5, 24A-15, and 34-85c"; and

on page 14, immediately below line 5, by inserting the following:

"(105 ILCS 5/34-85c)

Sec. 34-85c. Alternative procedures for teacher evaluation, remediation, and removal for cause after remediation.

(a) Notwithstanding any law to the contrary, the board and the exclusive representative of the district's teachers are hereby authorized to enter into an agreement to establish alternative procedures for teacher evaluation, remediation, and removal for cause after remediation, including an alternative system for peer evaluation and recommendations; provided, however, that no later than September 1, 2012: (i) any alternative procedures must include provisions whereby student performance data is a significant factor in teacher evaluation and (ii) teachers are rated as "excellent", "proficient", "needs improvement" or "unsatisfactory". Pursuant exclusively to that agreement, teachers assigned to schools identified in that agreement shall be subject to an alternative performance evaluation plan and remediation procedures in lieu of the plan and procedures set forth in Article 24A of this Code and alternative removal for cause standards and procedures in lieu of the removal standards and procedures set forth in Section 34-85 of this Code. To

the extent that the agreement provides a teacher with an opportunity for a hearing on removal for cause before an independent hearing officer in accordance with Section 34-85 or otherwise, the hearing officer shall be governed by the alternative performance evaluation plan, remediation procedures, and removal standards and procedures set forth in the agreement in making findings of fact and a recommendation.

(a-5) If the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act that suspends in-person instruction, the timelines connected to the commencement and completion of any remediation plan are paused. Except where the parties mutually agree otherwise and such agreement is in writing, any remediation plan that had been in place for 45 or more days prior to the suspension of in-person instruction shall resume when in-person instruction resumes; any remediation plan that had been in place for fewer than 45 days prior to the suspension of in-person instruction shall discontinue and a new remediation period will begin when in-person instruction resumes.

(a-10) No later than September 1, 2022, the school district must establish a teacher evaluation plan that ensures that each teacher in contractual continued service whose performance is rated as either "excellent" or "proficient" is evaluated at least once in the course of the 3 school years after receipt of the rating and establish an informal teacher observation plan that ensures that each teacher in contractual continued service whose performance is rated as either "excellent" or "proficient" is informally observed at least once in the course of the 2 school years after receipt of the rating.

(a-15) For the 2022-2023 school year only, if the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, the school district may waive the evaluation requirement of any teacher in contractual continued service whose performance was rated as either "excellent" or "proficient" during the last school year in which the teacher was evaluated under this Section.

(b) The board and the exclusive representative of the district's teachers shall submit a certified copy of an agreement as provided under subsection (a) of this Section to the State Board of Education.

(Source: P.A. 101-643, eff. 6-18-20; 102-252, eff. 1-1-22.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Morrison, **House Bill No. 4256** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 50; NAYS 4.

The following voted in the affirmative:

Anderson	Fine	Lightford	Sims
Aquino	Fowler	Loughran Cappel	Stadelman
Belt	Gillespie	Martwick	Stewart
Bennett	Glowiak Hilton	McClure	Tracy
Bryant	Harris	McConchie	Turner, D.
Bush	Hastings	Morrison	Turner, S.
Castro	Holmes	Muñoz	Van Pelt
Connor	Hunter	Murphy	Villa
Cunningham	Johnson	Pacione-Zayas	Villanueva
Curran	Jones, E.	Pappas	Villivalam
DeWitte	Joyce	Peters	Mr. President
Ellman	Koehler	Rezin	
Feigenholtz	Landek	Simmons	

[March 31, 2022]

The following voted in the negative:

Bailey	Syverson
Rose	Wilcox

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Sims, **House Bill No. 4322** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Stewart
Aquino	Gillespie	McConchie	Stoller
Bailey	Harris	Morrison	Syverson
Belt	Hastings	Muñoz	Tracy
Bryant	Holmes	Murphy	Turner, D.
Bush	Hunter	Pacione-Zayas	Turner, S.
Castro	Johnson	Pappas	Van Pelt
Connor	Jones, E.	Peters	Villa
Cunningham	Joyce	Plummer	Villanueva
Curran	Koehler	Rezin	Villivalam
DeWitte	Landek	Rose	Mr. President
Ellman	Lightford	Simmons	
Feigenholtz	Loughran Cappel	Sims	
Fine	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Gillespie, **House Bill No. 5220** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Martwick	Stewart
Aquino	Gillespie	McClure	Stoller
Bailey	Glowiak Hilton	Morrison	Syverson
Belt	Harris	Muñoz	Tracy
Bryant	Hastings	Murphy	Turner, D.
Bush	Holmes	Pacione-Zayas	Turner, S.
Castro	Hunter	Pappas	Van Pelt

[March 31, 2022]

Connor	Johnson	Peters	Villa
Cunningham	Jones, E.	Plummer	Villanueva
Curran	Joyce	Rezin	Villivalam
DeWitte	Koehler	Rose	Wilcox
Ellman	Landek	Simmons	Mr. President
Feigenholtz	Lightford	Sims	
Fine	Loughran Cappel	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 5225** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Martwick	Stadelman
Aquino	Gillespie	McClure	Stoller
Bailey	Glowiak Hilton	McConchie	Syverson
Belt	Harris	Morrison	Tracy
Bryant	Hastings	Muñoz	Turner, D.
Bush	Holmes	Murphy	Turner, S.
Castro	Hunter	Pacione-Zayas	Van Pelt
Connor	Johnson	Pappas	Villa
Cunningham	Jones, E.	Peters	Villanueva
Curran	Joyce	Plummer	Villivalam
DeWitte	Koehler	Rezin	Wilcox
Ellman	Landek	Rose	Mr. President
Feigenholtz	Lightford	Simmons	
Fine	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Gillespie, **House Bill No. 5265** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Martwick	Stadelman
Aquino	Gillespie	McClure	Stewart
Bailey	Glowiak Hilton	McConchie	Stoller
Belt	Harris	Morrison	Syverson
Bryant	Hastings	Muñoz	Tracy
Bush	Holmes	Murphy	Turner, D.
Castro	Hunter	Pacione-Zayas	Turner, S.

Connor	Johnson	Pappas	Van Pelt
Cunningham	Jones, E.	Peters	Villa
Curran	Joyce	Plummer	Villanueva
DeWitte	Koehler	Rezin	Villivalam
Ellman	Landek	Rose	Wilcox
Feigenholtz	Lightford	Simmons	Mr. President
Fine	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Aquino, **House Bill No. 5465** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Aquino	Gillespie	McClure	Stewart
Bailey	Glowiak Hilton	McConchie	Stoller
Belt	Harris	Morrison	Tracy
Bryant	Hastings	Muñoz	Turner, D.
Bush	Holmes	Murphy	Turner, S.
Castro	Hunter	Pacione-Zayas	Van Pelt
Connor	Johnson	Pappas	Villa
Cunningham	Jones, E.	Peters	Villanueva
Curran	Joyce	Plummer	Villivalam
DeWitte	Koehler	Rezin	Wilcox
Ellman	Landek	Rose	Mr. President
Feigenholtz	Lightford	Simmons	
Fine	Loughran Cappel	Sims	
Fowler	Martwick	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

SENATE BILL RECALLED

On motion of Senator Harris, **Senate Bill No. 1104** was recalled from the order of third reading to the order of second reading.

Senator Harris offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1104

AMENDMENT NO. 1. Amend Senate Bill 1104 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Regional Generation Reliability Task Force Act.

Section 5. Findings. The General Assembly hereby finds, determines, and declares the following:

[March 31, 2022]

(1) The reliability of the Illinois electricity grid is critically important to the consumers, businesses, and all residents of Illinois and should not be compromised.

(2) Illinois has taken definitive steps toward redefining the generation mix in Illinois.

(3) the Midcontinent Independent System Operator, Inc. ("MISO") is an independent, not-for-profit, member-based organization responsible for operating the power grid across 15 states and the Canadian province of Manitoba, serving 42 million people.

(4) The PJM Interconnection LLC ("PJM"), is an independent not-for-profit, member-based Regional Transmission Organization ("RTO") that manages the operations, supply, and movement of power across 13 states and the District of Columbia, serving 65 million people.

(5) Illinois is served by both PJM and MISO, which collectively ensure that sufficient electric power generation supply and transmission are available to meet electric demand every minute of every day for over 107 million people across 28 states and 2 countries. Wholesale electric power generation is regulated by the Federal Energy Regulatory Commission due to the interstate and international nature of the transmission grid operated by PJM and MISO. As such, Illinois policy changes at the State level can affect the reliability, availability, and cost of power for seniors, families, businesses, municipalities, universities, and hospitals across the region.

(6) When natural disasters occur, such as ice storms, blizzards, tornadoes, and hurricanes, states participating in PJM and MISO have provided support to each other through power generation restoration missions. The inability to deliver power generation in critical times can have a huge economic impact and can also result in death across the PJM and MISO Regional Transmission Organizations.

(7) PJM and MISO have multiple markets in which power suppliers participate. The Capacity Market, Day-Ahead Energy Market, and Frequency Market are markets that power generators participate in to ensure over 107 million people across 28 states and 2 countries receive the right amount of electricity every minute of every day.

(A) Capacity markets are used in wholesale electricity markets to pay resources for being available to meet peak electricity demand. Capacity is not actual electricity, but rather the ability to produce electricity when called upon. Capacity is procured, sometimes multiple years in advance of when it is needed, based on projections of future energy needs using historical demand requirements.

(B) The Day-Ahead Energy Market lets market participants commit to buy or sell wholesale electricity one day before the power is needed, to help avoid price volatility. The Real-Time Energy Market balances the differences between day-ahead commitments and the actual real-time demand for and production of electricity.

(C) The power grid operates, and shall be maintained, at a constant frequency of 60 hertz. Significant deviation from this level can result in catastrophic damage to the power grid as well as household appliances. Frequency is maintained when electric generators automatically add or remove power from the grid. For example, a large power plant suddenly tripping offline reduces the total amount of available kinetic energy, leading the rotating generators on the system to start rotating less rapidly and thereby decreasing the alternating current frequency across the grid system. Since a generator turbine's rotational velocity is directly coupled to the grid frequency, the generator's control systems can sense this frequency decline as an indicator of insufficient energy provision. The control system within each power plant, which usually has been in the form of a governor, can then automatically increase the plant's power output. This process is autonomous because the governor does not have to wait for a central dispatcher to send a signal, thus bypassing communications system delays.

(8) The shifting generation mix in PJM and MISO will require optimum performance and an increased focus on the need to retain reliability as certain existing generators shut down operations and new, intermittent generators are added. Additionally, increased power generation consumption due to increased electric vehicles and charging stations, along with increased electrification of building heating needs will undoubtedly place greater demand on the power system.

(9) Illinois has a responsibility to ensure the performance of Illinois and Regional Power Grids are safe, reliable, and maintain the necessary capacity to meet the power demands of Illinois residents. Additionally, Illinois has an obligation to do its part to ensure the regional power grid is safe and reliable for its partnering states. As part of the regional power grid, Illinois should be concerned that

shuttered facilities in Illinois will be replaced by higher cost, higher emissions resources from other states.

Section 10. Illinois Regional Generation Reliability Task Force.

(a) The Illinois Regional Generation Reliability Task Force is created. The Task Force shall monitor the reliability of the Illinois power grid. The Task Force should consider the present and future needs of Illinois consumers while simultaneously addressing any issues related to the performance and reliability of power generation and transmission and being mindful of the ultimate cost to consumers.

(b) The duties and responsibilities of the Task Force include the following:

(1) Identifying and assessing policies, rules, and laws that have the potential to significantly affect the reliability of the Illinois and regional power grids.

(2) Developing a set of standards and conditions that will ensure optimal performance of the Illinois and regional power grids based on new and emerging technologies.

(3) Identifying opportunities to improve the Illinois power supply mix through existing and new laws to ensure continued power reliability at affordable rates for Illinois consumers.

(4) Compiling research and best practices from other states and countries on how to deploy technology to benefit the performance and reliability of the power grid.

(5) Developing tools to assess the impact of proposed policies and evaluate their costs and benefits on families, employers, the public, Illinois, and other states as part of the Illinois and regional power grids.

(6) Identifying data, reports, and relevant information on the performance of the power grid to ensure reliability and that pricing of power generation is in the best interest of families, businesses, and communities in Illinois.

(7) Providing its findings and recommendations for policy changes and any revisions to policies, rules, and laws that will facilitate the stability and reliability of the Illinois and regional power grids on an annual basis to the General Assembly.

(8) Developing and proposing legislative concepts to ensure the future stability and reliability of the power grid.

Section 15. Membership; meetings.

(a) The members of the Illinois Regional Generation Reliability Task Force shall be composed of the following:

(1) three Senators appointed by the President of the Senate, one of whom shall be designated by the President as the co-chair of the Task Force;

(2) three Representatives appointed by the Speaker of the House of Representatives, one of whom shall be designated by the Speaker as the co-chair of the Task Force;

(3) two Senators appointed by the Minority Leader of the Senate;

(4) two Representatives appointed by the Minority Leader of the House of Representatives;

(5) one member appointed by the Governor whose sole role is dedicated to energy policy for the State;

(6) one member of a State or local labor organization appointed by the President of the Senate;

(7) one member of a State or local labor organization appointed by the Speaker of the House of Representatives;

(8) one representative from PJM RTO, designated by PJM;

(9) one representative from the PJM Independent Market Monitor organization, designated by the PJM Independent Market Monitor organization;

(10) one representative from MISO RTO, designated by MISO;

(11) one representative from the MISO Independent Market Monitor organization, designated by the MISO Independent Market Monitor organization;

(12) six representatives from 6 different power generation companies that operate in the PJM or MISO regional transmission organization, 2 appointed by the President of the Senate, 2 appointed by the Speaker of the House of Representatives, one appointed by the Minority Leader in the Senate, and one appointed by the Minority Leader in the House of Representatives;

(13) one representative from a statewide organization representing retail merchants, appointed by the President of the Senate;

(14) one representative from a statewide organization representing manufacturers, appointed by the Speaker of the House of Representatives;

(15) one representative from a statewide organization representing retired people, appointed by the Speaker of the House of Representatives;

(16) one representative from a minority-owned geothermal group, appointed by the President of the Senate;

(17) one representative from a statewide organization representing business, appointed by the Speaker of the House of Representatives;

(18) two representatives from environmental law groups, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

(19) the Director of the Illinois Power Agency, or the Director's designee;

(20) the Director of the Environmental Protection Agency, or the Director's designee; and

(21) the Chair of the Illinois Commerce Commission, or the Chair's designee.

(b) Appointments for the Task Force shall be made by July 1, 2022. The Task Force shall hold 7 meetings annually, either remotely or in person, and the first meeting shall be held within 30 days after appointments are made.

(c) Members of the Task Force shall serve without compensation.

(d) The Illinois Commerce Commission shall provide administrative support to the Task Force in conjunction with the Independent Market Monitors for the MISO and PJM Regional Transmission Organizations.

Section 20. Annual report.

(a) The Illinois Regional Generation Reliability Task Force shall issue an annual report based upon its findings in the course of performing its duties and responsibilities. The report shall be written by the administrative staff of the Task Force and with staff assistance from the Independent Market Monitors from the MISO and PJM Regional Transmission Organizations.

(b) The Illinois Regional Generation Reliability Task Force shall submit its first report on February 1, 2023, and each February 1 thereafter to the General Assembly upon the completion of its meeting schedule and shall continue to issue annual reports each year.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 2 was postponed in the Committee on Energy and Public Utilities.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Harris, **Senate Bill No. 1104** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 32; NAYS 15.

The following voted in the affirmative:

Anderson	Harris	Muñoz	Tracy
Bailey	Hastings	Murphy	Turner, D.
Belt	Holmes	Plummer	Turner, S.
Bryant	Jones, E.	Rezin	Wilcox
Connor	Joyce	Rose	Mr. President
Cunningham	Landek	Stadelman	
Curran	Loughran Cappel	Stewart	

DeWitte	McClure	Stoller
Fowler	McConchie	Syverson

The following voted in the negative:

Aquino	Fine	Morrison	Simmons
Bush	Gillespie	Pacione-Zayas	Villanueva
Ellman	Koehler	Pappas	Villivalam
Feigenholtz	Martwick	Peters	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its March 31, 2022 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Appropriations: **Senate Bills Numbered 4201 and 4202.**

Commerce: **Floor Amendment No. 3 to House Bill 3205; Floor Amendment No. 4 to House Bill 4281.**

Education: **Committee Amendment No. 2 to House Bill 4688; Floor Amendment No. 2 to House Bill 4813; Floor Amendment No. 1 to House Bill 5506.**

Executive: **House Bills Numbered 4772 and 5013; Floor Amendment No. 2 to House Bill 5463.**

Health: **Floor Amendment No. 2 to House Bill 5196.**

Healthcare Access and Availability: **Floor Amendment No. 2 to Senate Resolution 862.**

Senator Lightford, Chair of the Committee on Assignments, during its March 31, 2022 meeting, to which was referred **House Bills Numbered 3699 and 3863** on November 28, 2021, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 3699 and 3863** were returned to the order of third reading.

Senator Lightford, Chair of the Committee on Assignments, during its March 31, 2022 meeting, to which was referred **House Bills numbered 3772, 4364 and 4481**, reported the same back with the recommendation that the bills be placed on the order of second reading without recommendation to committee.

Senator Lightford, Chair of the Committee on Assignments, during its March 31, 2022 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 1 to House Bill 4382

The foregoing floor amendment was placed on the Secretary's Desk.

[March 31, 2022]

Senator Lightford, Chair of the Committee on Assignments, during its March 31, 2022 meeting, reported that the following Legislative Measure has been approved for consideration:

Senate Resolution No. 947

The foregoing resolution was placed on the Senate Calendar.

Pursuant to Senate Rule 3-8 (b-1), the following amendment will remain in the Committee on Assignments: **Floor Amendment No. 3 to House Bill 4281.**

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. 1 to House Bill 4736
 Amendment No. 2 to House Bill 4926
 Amendment No. 3 to House Bill 5015
 Amendment No. 1 to House Bill 5214
 Amendment No. 2 to House Bill 5283

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

Amendment No. 2 to Senate Bill 1490

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

Amendment No. 1 to House Bill 4772
 Amendment No. 1 to House Bill 5013
 Amendment No. 2 to House Bill 5013

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Morrison, **House Bill No. 4242** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 37; NAYS 13.

The following voted in the affirmative:

Aquino	Glowiak Hilton	Lightford	Sims
Belt	Harris	Loughran Cappel	Stadelman
Bush	Hastings	Martwick	Turner, D.
Castro	Holmes	Morrison	Villa
Connor	Hunter	Muñoz	Villanueva
Cunningham	Johnson	Murphy	Villivalam
Ellman	Jones, E.	Pacione-Zayas	Mr. President
Feigenholtz	Joyce	Pappas	
Fine	Koehler	Peters	
Gillespie	Landek	Simmons	

[March 31, 2022]

The following voted in the negative:

Anderson	Fowler	Stewart	Wilcox
Bailey	McClure	Stoller	
Bryant	McConchie	Syverson	
Curran	Rose	Tracy	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Koehler moved that **Senate Resolution No. 947**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Koehler moved that Senate Resolution No. 947 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Hunter moved that **Senate Resolution No. 710**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE RESOLUTION 710

AMENDMENT NO. 1. Amend Senate Resolution 710 on page 2, line 14, by replacing "Julianna" with "Juliana".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Hunter moved that Senate Resolution No. 710, as amended, be adopted.

The motion prevailed.

And the resolution, as amended, was adopted.

Senator Hunter moved that **Senate Resolution No. 828**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on Healthcare Access and Availability, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE RESOLUTION 828

AMENDMENT NO. 1. Amend Senate Resolution 828 as follows:

on page 1, after line 5, by inserting:

"WHEREAS The first COVID-19 related death in Illinois occurred on March 16, 2020, and Governor Pritzker issued a stay at home order on March 20, 2020 and extended that order on April 1, 2020, signaling that the COVID-19 pandemic would endure for the foreseeable future; and" and

[March 31, 2022]

on page 2, lines 6 and 7, by replacing "March 16, 2022" with "April 1, 2022".

Senator Hunter moved that Senate Resolution No. 828, as amended, be adopted.
The motion prevailed.
And the resolution, as amended, was adopted.

Senator Morrison moved that **Senate Resolution No. 927**, on the Secretary's Desk, be taken up for immediate consideration.
The motion prevailed.
Senator Morrison moved that Senate Resolution No. 927 be adopted.
The motion prevailed.
And the resolution was adopted.

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment No. 2 to Senate Bill 3127

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committee to meet at 4:15 o'clock p.m.:

Commerce in Room 400

COMMITTEE MEETING ANNOUNCEMENTS FOR APRIL 1, 2022

The Chair announced the following committees to meet at 9:00 o'clock a.m.:

Education in Room 212
Healthcare Access and Availability in Room 400

At the hour of 3:29 o'clock p.m., the Chair announced that the Senate stands adjourned until Friday, April 1, 2022, at 10:00 o'clock a.m.