



# NEW LAWS

JANUARY 1, 2019

## Table of Contents

Notable Legislation .....	2
Agriculture, Animals and Hunting .....	4
Business, Commerce, Regulation, Labor and Licensure .....	5
Children and Families, Guardianship and Estate Issues.....	7
Consumers .....	10
Crime, Courts, Corrections and Law Enforcement.....	10
Education (PreK-12) .....	15
Election, Candidacy and Campaign Issues .....	17
Energy and Utilities .....	18
Environment, Energy, Conservation and Natural Resources.....	18
Firearms and FOID .....	19
Health and Human Services .....	19
Higher Education.....	23
Insurance.....	25
Local Government.....	26
Pensions, Health and Other Benefits .....	28
Public Safety.....	28
State Government.....	29
Taxes, Fees, Credits, Revenue and Financial Institutions .....	32
Transportation, Infrastructure and Vehicular Regulation/Safety .....	34
Veteran and Military Affairs.....	35



# NEW LAWS

JANUARY 1, 2019

## Notable Legislation

**72-hour Waiting Period (SB 3256/PA 100-0606):** Creates a 72-hour waiting period on all firearms, not just handguns. The bill also eliminates the current exemption from the waiting period requirements for the sale of a firearm to a nonresident of Illinois while at a recognized gun show. The bill retains the current 24 hour withholding period for stun guns and Tasers. A violation of this provision would be a Class 4 felony. The bill also eliminates the current statutory exemption from the waiting period requirements for the sale of a firearm to a nonresident of Illinois while at an official gun show recognized by the State Police.

**Firearms Restraining Order (HB 2354/PA 100-0607):** Allows family members or law enforcement to petition the court for an ex parte order alleging the respondent poses significant danger of causing personal injury to himself/herself or another by having in his/her custody or control, purchasing, possessing or receiving a firearm. The court may issue this order without notice to the respondent but a hearing must be held as soon as possible not to exceed 14 days. Allows for two types of orders: ex-parte/emergency (probable cause) and six-month orders (clear and convincing). Allows the court to issue search warrants (even in cases where the petitioner is a family member) to law enforcement to seize the weapons if there is probable cause to believe the respondent possesses weapons.

**Missing High-Risk Military Person (SB 2278/PA 100-0835):** Adds veterans and active duty members of the reserves and Armed Forces believed to have physical or mental health

issues, related to service, to the definition of “high-risk missing person.”

**Medical Records for Homeless Vets (HB 4848/PA 100-0814):** Mandates that health-care facilities and practitioners provide a free copy of a homeless veteran’s medical records if the records are being requested by either the veteran or an authorized person, entity, or organization for the purpose of supporting a claim for veterans’ disability benefits.

**Controlled-Substance Prescribers Continuing Ed (SB 2777/PA 100-1106):** Requires licensed prescribers of controlled substances to complete three hours of continuing education on safe opioid-prescribing practices prior to renewing their prescription license. They can count continuing-education hours offered by an accredited professional association, a state agency, a federal agency or hours used to meet the licensing requirements of other states toward this requirement.

**Emergency Opioid and Addition Treatment Access (SB 682/PA 100-1023):** Specifies that insurance companies/MCOs cannot require prior notification of specified inpatient and outpatient substance-use-disorder treatment. It establishes procedures for insurance companies to terminate coverage of substance-use-disorder treatment. It provides for discharge notifications to be provided to insurance companies. It makes other changes.

**Division of Alcoholism and Substance Abuse Rewrite (HB 4795/PA 100-0759):** Makes changes to provide the foundation for subsequent policies and rules that will enhance and support efforts to combat the opioid epidemic and other substance use disorders and the resultant changes that are created for



# NEW LAWS

JANUARY 1, 2019

medical and community-based organizations that provide intervention and treatment. Managed care organizations and primary care providers need clear guidance on when licensure is required and this will help to ensure a standardized approach to intervention and treatment.

**Human Trafficking Notice Requirements (HB 4340/PA 100-0671):** Adds the following to the list of establishments required to post notice under the Human Trafficking Resource Center Notice Act: massage establishments; public gatherings and special events conducted on property open to the public that require the issuance of a permit from the unit of local government; public and private elementary and secondary schools; and establishments registered under the Tattoo and Body Piercing Establishment Registration Act. Provides that a business or establishment that fails to comply with the Act is guilty of a petty offense, and subject to a fine of up to \$500 for each violation (instead of liable for a civil penalty of \$500 for a first offense and \$1,000 for each subsequent offense).

**Human Trafficking Lawsuits (SB 3108/PA 100-0939):** Allows human trafficking survivors to bring a civil cause of action against traffickers under existing law. Allows family members, victim advocates, a court appointee or a government entity responsible for enforcing the laws of this State to bring an action on behalf of a victim.

**Human Trafficking Victim Compensation (HB 2063/PA 100-1037):** Adds the crime of human trafficking to the section of the Act that allows for a longer reporting time frame for more vulnerable victims of crime, like it currently does for survivors of sexual assault. Clarifies

that trafficking victims are eligible for compensation if they are engaged in a legal proceeding involving a claim that the victim is a victim of human trafficking.

**Dual Credits (SB 2527/PA 100-0792):** Provides that qualified students can do the following: enroll in an unlimited amount of dual credit courses; and earn an unlimited amount of academic credits from dual credit courses so long as the course is taught by an Illinois instructor as provided under the Dual Credit Quality Act.

**Blaze Pink (HB 4231/PA 100-0949):** Provides that hunters may wear blaze pink during firearm deer season and upland game season.

**Rear-Facing Car Seat (HB 4377/PA 100-0672):** Requires children under the age of two to be secured in a rear-facing child-restraint system. Children weighing more than 40 pounds or taller than 40 inches are exempted.

**Back-Up Vehicular Lights (SB 2511/PA 100-0707):** Provides that a back-up lamp equipped on a motor vehicle must emit a white or amber light without glare.

**Route 66 Centennial Commission (HB 66/PA 100-0649):** Creates a 20-member Route 66 Centennial Commission to plan and coordinate commemorative events throughout the State to celebrate 100 years of Route 66.

**Golden Parachutes (SB 3604/PA 100-0894):** Sets severance pay conditions for government employees to attempt to prevent "golden parachutes." States that severance pay provided may not exceed more than 20 week so compensation and severance pay must be prohibited when the employee in question has



# NEW LAWS

JANUARY 1, 2019

been fired for misconduct. Introduced in response to recent situations where severance packages have cost taxpayers millions of dollars.

## **Rivers Edge Redevelopment Zones (SB**

**3527/PA 100-0629):** Creates an income tax credit equal to 25 percent of the qualified expenditures incurred by a qualified taxpayer undertaking a qualified rehabilitation plan of a structure that is located in Illinois and is defined as a certified historic structure—however, IDNR shall not issue more than \$15 million per year, and no more than \$3 million for a given rehabilitation plan. Provides that the taxpayer (much like the existing program) must apply to IDNR; makes the credit carry-forward for 10 years, allows for a five-year recapture period.

## **Agriculture, Animals and Hunting**

### **Dairy Farm Inspection Reports (HB 4428/PA**

**100-0618):** Requires DPH (or the local public-health inspector) to provide a paper copy of the inspection report to a dairy farm being inspected at the time of the inspection.

### **Animal Control Facilities and Shelters (SB**

**2380/PA 100-0870):** Adds new license-renewal requirements for animal control facilities and animal shelters, including breakdowns of incoming animals (stray, left by owner, etc.) and the ultimate disposition of those animals (adopted, euthanized, etc.) in the previous calendar year. Department of Agriculture must post this intake and outcome statistics on their website for each facility.

### **Urban Agriculture Zones (HB**

**3418/AMENDATORY VETO OVERRIDE):** Allows municipalities to create urban agriculture zones and offer tax incentives to businesses associated with qualified agricultural products.

Municipalities would also be allowed to authorize local utilities to offer wholesale or reduced rates for businesses in urban agriculture zones.

### **Animal Protection (SB 2270/PA 100-0740):**

Provides that nothing prevents a law enforcement officer from taking temporary custody of an animal that is being put in danger due to extreme heat or cold conditions; however, the officer must attempt to make contact with owner. Also, the owner is responsible of cost required for veterinary care.

### **Reckless Dog Owner Penalties (SB 2386/PA**

**100-0971):** Sets penalties for those found to be reckless dog owners and allows courts confiscate dogs from those owners for periods ranging from 12 to 36 months for the first violation. Sets fines for each animal found in their care they refuse to relinquish.

### **Youth Resident Archery Deer Permits (HB**

**5440/PA 100-0691):** Provides that the fees for youth resident archery deer permits shall be the same for non-resident youth permits; allows non-resident youth to apply for youth hunting and trapping licenses.

### **Youth Hunting and Trapping License (HB**

**4783/PA 100-0638):** Combines the youth hunting and trapping licenses to make administering the Act simpler for the Department of Natural Resources and easier for the public to understand.

### **Blaze Pink (HB 4231/PA 100-0949):**

Provides that hunters may wear blaze pink during firearm deer season and upland game season.

### **Cat/Dog Breeder Classification (HB 5029/PA**

**100-0842):** Provides that those persons who



# NEW LAWS

JANUARY 1, 2019

have in their possession five female cats or dogs capable of reproduction will be classified as a dog breeder or cat breeder, rather than a kennel operator. This is an attempt to clarify the definitions to reflect current industry practices and reduce confusion for both licensees and consumers, as these facilities are currently grouped together despite being distinctly different types of operations.

## Business, Commerce, Regulation, Labor and Licensure

**Licensure Applicant Requirements (HB 4883/PA 100-0642):** Establishes the hours of study required for applicants to take a licensure examination for the professions of barbering, cosmetology, esthetics or nail technology.

**Social Worker License (HB 5110/PA 100-0766):** Attempts to streamline the “licensure through endorsement” process for out-of-state clinical social workers, licensed marriage and family therapists and clinical professional counselors, in order to address the shortage of behavioral health practitioners in Illinois by speeding up the time in which IDFPR issues licenses. Requires the Department of Financial and Professional Regulation to issue a license as a clinical social worker, social worker, professional counselor, or clinical professional counselor not more than 60 days after a completed application is received by the Department.

**Dental Assistant Licensure (SB 2631/PA 100-0976):** Clarifies dental assistant supervision and training requirements for the Expanded Function Dental Assistants (EFDA), and changes references to “restricted faculty license” to references to “faculty limited license.”

**Immigration Licensure (SB 3109/PA 100-1078):** Provides that no person may be denied professional licensure for immigration status. Allows an applicant may provide a Tax Identification Number in lieu of a SSN.

**Real Estate Appraiser Licensing (HB 5502/PA 100-0832):** Amends the Real Estate Appraiser Licensing Act of 2002. Removes the following provisions regarding “associate real estate trainee appraiser” licenses: Removes language providing that an associate real estate trainee appraiser license may not be renewed more than two times. Requires each applicant to pass an exam authorized by IDFPR. Removes the requirement that an applicant for associate real estate trainee appraiser licensure shall provide evidence that he or she has successfully completed the education requirements prior to taking the examination.

**Real Estate Reforms (HB 5210/PA 100-0831):** Amends the Real Estate License Act to eliminate Branch Office licenses. Clarifies that a licensee may establish a limited liability company for purposes of receiving licensee compensation, allowing real estate licensees more flexibility in selecting a business entity that fits their needs. Updates the Department of Financial and Professional Regulation’s disciplinary process related to the required notices that must be provided to the Appraisal Board. Changes the Auction License Act, the Home Inspector License Act, and the Real Estate Appraiser Licensing Act of 2002 to push back continuing education deadlines to allow the Department to conduct audits of CE completion prior to the license renewal period. Creates a basic standard requiring individuals with an ownership interest in a brokerage to obtain a license to engage in licensed activity.



# NEW LAWS

JANUARY 1, 2019

**Licensing Program Exams (SB 2877/PA 100-0934):** Provides a barber, cosmetology, esthetics, hair braiding and nail tech student can take the licensing exam prior to the completion of their educational program. This way if the student fails the student and the school have an opportunity to help prepare them to take the exam again.

**Sexual Harassment Training (HB 4953/PA 100-0762):** Provides that for professions that have continuing education requirements, the required continuing education hours shall include at least one hour of sexual harassment prevention training for license renewals occurring on or after January 1, 2020.

**Removes "Olympic" Use (HB 4578/PA 100-0753):** Amends the Business Corporation Act of 1983 and the General Not For Profit Corporation Act of 1986. Removes a prohibition on the use of the word "Olympic" and similar words in corporate names. Amends the Limited Liability Company Act. Reduces penalties regarding violations of the Act

**Notary Public (SB 3443/PA 100-0809):** States that the Secretary of State may now reprimand, suspend, and revoke the commission of a notary public (currently only revoke). The Secretary of State may investigate violations of the Act committed by a notary public. A notary public is required to cooperate with an investigation and if suspended must surrender their notary public seal to the Secretary of State within 30 days.

**HUBZone Business (SB 2675/PA 100-0881):** Codifies federal definitions of a HUBZone business into IL Statute. Requires IL Procurement officers to use this HUBZone

business definition when procuring out State contracts.

**Carnival Background Check (SB 3240/PA 100-0944):** Allows for the revocation of a permit to operate for carnivals, amusement attractions or fairs that fail to conduct a background check of every ride operator at their permitted attraction if they are found to have violated the law three or more times. Currently a background check is required for all ride operators in Illinois but the department does not have the ability to revoke a permit for violators. Raises the fines for violations of the background requirement for ride operators to \$5,000 (currently \$1,000) for a first offense; a fine not to exceed \$10,000 (Currently \$5,000) for a second offense and revocation of permit for three or more violations of the background check law.

**African American Status in Equal Pay (HB 4743/AMENDATORY VETO OVERRIDE):** Amends the Equal Pay Act to provide no employers may discriminate between employees by paying wages to an African American employee at a rate less than the rate of someone who is not African American.

**Employee Expense Reimbursement (SB 2999/PA 100-1094):** Clarifies that employers shall reimburse employees for expenses the employer authorized or required the employee to incur. Provides that employers are not responsible for losses due to an employee's own negligence, losses due to normal wear, or losses due to theft unless the theft was a result of the employer's negligence. Clarifies that employers are not liable for the portion of the expenditure amount that exceeds specifications or guidelines of the reimbursement policy.



# NEW LAWS

JANUARY 1, 2019

**Mechanics Lien Demand and Referral Pilot Program (HB 5201/PA 100-1061):** Creates a mechanics lien demand and referral pilot program that is repealed on Jan. 1, 2022. States that if a recorder determines that a mechanics lien recorded in the grantor's index or the grantee's index is an expired lien, the recorder shall serve a Notice of Defective Lien by certified mail to the last known address of the owner. The owner or legal representative of the owner of the residential property will confirm in writing his or her belief. The recorder may also determine a lien is expired if an individual fails to record satisfaction or release of a lienholder. When a lienholder commences a suit or files an answer within 30 days or the lienholder records a release of lien with the county recorder, then the demand and referral process is completed for the recorder for that property. If no response is received, the recorder may process with the claim.

## Children and Families, Guardianship and Estate Issues

**DCFS Birth Records (HB 4909/PA 100-0619):** Permits young people who have been placed under the temporary guardianship or custody of DCFS to receive up to four certified birth certificates annually free of cost. They can continue to receive free birth certificates through age 26 if they were in care of DCFS on or after their 18th birthday. This intends to make it easier for these young people to receive their birth certificates to help with getting a job, applying for benefits, joining the military, etc.

**Custodial Alternatives for Pregnant Detainees (HB 1464/PA 100-0630):** Requires the court to release a pregnant pre-trial detainee if the detainee will give birth while in custody unless, after a hearing, the court determines that the

release would pose a threat to a victim or the general public. Allows the court to order a pregnant or post-partum detainee to be on electronic monitoring as a condition of pre-trial release.

**Protective Orders (HB 4796/PA 100-0639):** Establishes that foster parents, legally appointed guardians, adoptive parents and prospective adoptive parents are added as persons protected under the Domestic Violence Act and Protective Orders Article.

**DCFS Youth Post-Secondary Tuition And Fee Waivers (HB 5122/PA 100-1045):** Increases access to post-secondary education for foster youth in care by providing tuition and fee waivers at any community college, university, or college maintained by the State of Illinois for eligible youth include those who are not chosen for the current DCFS scholarship program, those that the Department has court-ordered legal responsibility for, youth who aged out of care at 18 or older, youth formerly under care who have been adopted and were the subject of an adoption assistance agreement, or who have been placed in private guardianship and were the subject of a subsidized guardianship agreement.

**Adults with Disabilities Guardianship (HB 4867/PA 100-0659):** Provides that a court may not appoint an individual a guardian of a person or estate of an adult with disabilities before the would-be guardian discloses to the court the number of adults with disabilities over which he/she currently is appointed guardian. Further provides that if a court determines the would-be guardian is appointed guardian over more than five adults with disabilities, the court shall order the circuit court clerk to notify the Guardianship and



# NEW LAWS

JANUARY 1, 2019

Advocacy Commission in a form/manner in which the Guardianship and Advocacy Commission prescribes. Further provides that the Guardianship and Advocacy Commission shall maintain a list of all notifications it receives under this new section for reference by other agencies, units of government, or the public.

**Youth in Care Assistance (HB 4887/PA 100-0680):** Requires the Department of Children and Family Services to assist youths in care in identifying and obtaining documents necessary to function as an independent adult prior to the closure of the youth's case to terminate wardship. Provides that the necessary documents must include, but not be limited to: State identification card or driver's license; social security card; medical records; educational records; and other documents.

**Workforce and Family Training Programs (SB 3232/PA 100-0806):** Creates a five year demonstration project in statute for two projects that are currently operating and being privately funded by Carle Foundation Hospital and Physician Group (Champaign-Urbana). The two projects consist of the Job Readiness and Learning Program which includes an eight-week paid training program with the intention of full-time employment and upward mobility, and Healthy Beginnings which is a free, multi-year Nurse Family Partnership program for pregnant women, primarily at or below the poverty level, which offers supports such as prenatal health, family health, early childhood development, violence reduction, caregiver educational advancement/employment, and family self-sufficiency.

**DCFS Significant Event Reporting (HB 5257/PA 100-0689):** Requires DCFS to provide a minor's

guardian ad litem or attorney, with a copy of each significant event report involving the minor, no later than three days after DCFS learns of an event requiring a report to be written, or earlier as required by Department rule. Defines "significant event report" to mean a document that describes an occurrence beyond customary operations such as allegations of abuse or neglect or anything that might raise a concern about the well-being of the minor.

**Child Abuse Reports (SB 293/PA 100-0697):** Requires DCFS to keep all unfounded reports of child abuse or neglect in its central register for a minimum of five years (currently three years). Seeks to provide DCFS investigators more information so they may better recognize patterns of abuse or neglect.

**DCFS Specialized Placement Trafficked Youth (SB 2461/PA 100-0705):** Provides that before July 1, 2019, the Department of Children and Family Services shall develop or enter contracts with agencies to provide specialized placements for youth who are victims of sex trafficking. Specialized placements may include but are not limited to: licensed foster homes; group homes; residential facilities; and secure residential facilities that specialize in providing treatment to children who are victims of sex trafficking.

**Visitation Clarification (SB 2498/PA 100-0706):** Clarifies situations where a grandparent, great-grandparent, sibling or step-parent can seek visitation.

**Healthcare Surrogate for Youth in Care (HB 5157/PA 100-0959):** States that in situations where the court has appointed a temporary



# NEW LAWS

JANUARY 1, 2019

guardian for an abused or neglected minor, allows the court to also give the custodian the authority to serve as a surrogate decision maker for the minor. This fills a gap where minors in the care of a temporary guardian do not have anyone available to make decisions regarding whether to forego life-sustaining treatment.

**Child Death Investigation Task Force (SB 3223/PA 100-0733):** Moves language creating the Child Death Investigation Task Force to a different Act to reflect a change in funding.

**Child Support Driver's License Suspension (HB 3920/PA 100-1004):** Advances a penalty reduction for driving on a suspended or revoked driver's license for failure to comply with an order to pay child support or to comply with a visitation order, as well as for unpaid parking tickets. Only after someone racks up three or more tickets without paying any fees associated with the citations will they be guilty of a Class A misdemeanor driving while suspended or revoked.

**Guardian Restrictions (HB 4686/PA 100-0756):** Prohibits an agency employee who is directly providing care to a disabled adult ward from being appointed guardian in an effort to avoid a potential conflict of interest.

**Frail Individual Visitation (HB 4309/PA 100-0850):** Establishes a process for family members to get court ordered visitation if a family caregiver unreasonably prevents a family member from visiting a frail elderly individual.

**Public Lactation Room (SB 3503/PA 100-0947):** Requires every facility that houses a circuit court to designate at least one public lactation room or area by June 1, 2019. The lactation

room or area cannot be in a restroom. The lactation room or area must include a chair, a table, an electrical outlet, and, where possible, a sink with running water.

**Public Housing Applicant (SB 3081/PA 100-1021):** Requires, upon request from an applicant for public housing, a housing choice voucher, or other housing owned or operated by a Housing Authority, for the Housing Authority to provide the applicant with information on the applicant's position on the waiting list within 10 business days of the request.

**Uniform Powers of Appointment (HB 4702/PA 100-1044):** Creates the Uniform Powers of Appointment Act. Adds provisions concerning: governing law, common law and principles of equity; creation of power of appointment; non-transferability; presumption of unlimited authority; rules of classification; power to revoke or amend; requisites for exercise of power of appointment; intent to exercise; donor-imposed formal requirements; permissible appointment; the selective allocation doctrine; the capture doctrine; disposition of unappointed property; appointment to taker in default; the powerholder's authority to revoke or amend exercise; disposition of trust property subject to power; disclaimer; release; power to contract; creditor claims. Repeals the Power of Appointment Exercise Act and the Termination of Powers Act.

**Visitation Privileges of Disabled Adult (HB 4687/PA 100-1054):** Authorizes various persons to petition for visitation privileges of a ward that is a disabled adult. Also adds a provision to the bill which prohibits the court from allowing



# NEW LAWS

JANUARY 1, 2019

visitation if the court finds that the ward has capacity to evaluate and communicate decisions regarding visitation and expresses a desire not to have visitation with a petitioner.

**Adoption Consent Forms (HB 5155/PA 100-1060):** Amends the Adoption Act to update various forms related to consent and surrender for purposes of adoption.

## Consumers

**Physical Fitness Service Contract (HB 4275/PA 100-0658):** Removes provisions prohibiting certain basic gym membership services. Prohibits contracts for basic physical fitness services in excess of \$2,500 per year, per person. Requires these contracts to be in writing. Prohibits financing of a contract for physical fitness services over a period of more than three years. Also prohibits contracts measured by the life of the consumer. Finally, prohibits a gym membership of greater than one year.

**Home Repair Consumer Rights Pamphlet (HB 4268/PA 100-0670):** Amends the Home Repair and Remodeling Act to add information concerning mechanic's liens to the home repair consumer rights pamphlet. The bill includes new language that replaces more general language reminding home owners about the rights of suppliers and subcontractors to file a mechanic's lien.

**Mental Health False Advertising (HB 4949/PA 100-1058):** Amends the Consumer Fraud And Deceptive Practice Act. Provides that it is an unlawful practice to engage in misleading or false advertising or promotion that misrepresents the need to seek mental health disorder or substance use disorder treatment

outside of the State of Illinois. Sets forth requirements for advertising or promotional sales materials directed to Illinois residents concerning mental health disorder or substance use disorder treatment.

## Crime, Courts, Corrections and Law Enforcement

**Medication Disposal (HB 1338/PA 100-0612):** Broadens the definition of "unused medication" to include medications that are in liquid form, specifically suspensions. This would permit police officers and nurses to dispose of liquid medications that are located at death scenes. Permits unused medications contained in intraperitoneal solutions to be disposed of in public wastewater-collection or septic systems. Current law permits the disposal of unused medications that are contained in intravenous fluids, syringes, or transdermal patches. Targets situations where there may be medications, including medical opioids, following a death.

**Principal Endorsement (HB 5754/PA 100-0780):** Allows four years of working or teaching as school support personnel for DOC to qualify for principal endorsement on educator license.

**DOC Inmate Violence Reporting (HB 4888/PA 100-0907):** Requires the Illinois Department of Corrections to collect and report violence in prisons and other correctional facilities and to publish public safety reports. The data would include numbers on assaults, sexual assaults, contraband, weapons, suicide, and segregation.

**Corrections Visitation Policy (HB 4741/PA 100-0677):** Entitles inmates to seven visits per month and permits inmates to supply the Illinois Department of Corrections with a list of 30 persons that are authorized to visit. The



# NEW LAWS

JANUARY 1, 2019

required list of authorized visitors is to be available beginning August 2019 in electronic format.

**Bail (SB 2579/PA 100-0929):** States the \$30 per day credit is on the cash amount of the bail (technical correction). The Circuit Court may deny the \$30 per day credit and the seven-day rehearing provision to an individual who fails to appear in court and is arrested for failure to appear on that original charge. Non-probationable gun offenses are moved from Category B to Category A. These charges, if found guilty, will involve a sentence to the Department of Corrections. Unclaimed Bail Deposits were retained by the County but now will be transferred to the State Treasurer under the Revised Uniform Unclaimed Property Act.

**Human Trafficking Lawsuits (SB 3108/PA 100-0939):** Allows human trafficking survivors to bring a civil cause of action against traffickers under existing law. Allows family members, victim advocates, a court appointee or a government entity responsible for enforcing the laws of this State to bring an action on behalf of a victim.

**Crime Victim Rights (HB 5573/PA 100-0961):** Amends the Juvenile Court Act of 1987 by adding language regarding victim's rights found in the Rights of Crime Victims and Witnesses Act to avoid references to multiple statutes in juvenile delinquency proceedings. Additionally, offers that the provisions which allow a crime victim to make a written and oral statement do not apply to certain mental health hearings or proceedings after acquittal by reason of insanity if cases where the defendant was younger than 18 years of age at the time the offense was committed.

**Posting Requirement for Intersex/Gender Individuals (SB 574/PA 100-0966):** Allows, the court to waive the notice and publication requirement for a change of name involving a person who files with the court a written declaration that publishing their name change would place them at risk of physical harm or discrimination. The person must provide evidence to support their claim that the publishing notice would put that person at risk of physical harm or discrimination. This seeks to provide more privacy for individuals undergoing a gender change when they seek to change their name.

**Mobile Home Owner Disposing Abandoned Homes (SB 3261/PA 100-1083):** Authorizes mobile home owners and operators to remove and dispose of an abandoned mobile home. A proceeding to remove an abandoned mobile home can be filed in the circuit court of the county that the mobile home is located. The bill also outlines the circumstances in which the mobile home park owner or operator may commence a judgment that the home is abandoned.

**Human Trafficking Notice Requirements (HB 4340/PA 100-0671):** Adds the following to the list of establishments required to post notice under the Human Trafficking Resource Center Notice Act: massage establishments; public gatherings and special events conducted on property open to the public that require the issuance of a permit from the unit of local government; public and private elementary and secondary schools; and establishments registered under the Tattoo and Body Piercing Establishment Registration Act. Provides that a business or establishment that fails to comply with the Act is guilty of a petty offense, and subject to a fine of up to \$500 for each violation



# NEW LAWS

JANUARY 1, 2019

(instead of liable for a civil penalty of \$500 for a first offense and \$1,000 for each subsequent offense).

**ISP Civilian Employee Ticketing (HB 5057/PA 100-0830):** Allows civilian employees of ISP to write tickets pertaining to excess size and weight permits.

**Booking Photograph Limitation (SB 2560/PA 100-0927):** Limits the publishing of booking photographs, “mugshots,” on social media with respect to civil offenses and offenses less than a Class A misdemeanor, unless the photo has been posted in order to assist in the search of a missing person or fugitive, person of interest, or in relation to a more serious crime. Also provides for the correction of errors by entities that publish criminal record information for profit.

**Civil Service Commission Clarifications (SB 2707/PA 100-1073):** Gives the Commission an option to seek more information rather than have an employee automatically reinstated. Clarifies that the Civil Service Commission can remand cases back to the hearing officer for purposes of taking additional evidence or soliciting additional argument. Further clarifies that the Commission gets an additional 60 days after remand in order to make a determination.

**Pleadings Under Oath (SB 3295/PA 100-1086):** Amends the Code of Civil Procedure in the section for verification and document certification so that any pleading, affidavit, or other document can be used without being sworn under oath and removes any requirement that it be sworn before an authorized person.

**Citations (HB 4476/PA 100-0674):** Removes the requirement that a person in violation of a petty offense must sign a paper citation. This will improve officer safety and save money, as ISP pays \$.10 per sheet of paper required for a violator’s signature.

**Synthetic Cannabis, Bath Salts, and Piperazines (SB 2341/PA 100-0789):** Makes it so that synthetic cannabinoids and piperazines are Schedule I controlled substances when they are not approved by the United States Food and Drug Administration (FDA); or, if approved, are not dispensed or possessed in accordance with State or federal law. Includes any synthetic cathinone which is not approved by the FDA; or, if approved, is not dispensed or possessed in accordance with State or federal law in the list of specified synthetic cathinones that are Schedule I controlled substances.

**Prohibits Appointment of Auxiliary State Policemen (SB 3263/PA 100-0808):** Prohibits the Director of State Police from appointing auxiliary State policemen after the law goes into effect.

**Police Sexual Assault Training (HB 5203/PA 100-0910):** Codifies current training already being conducted for law enforcement officers concerning sexual assault and sexual abuse. Adds to the list of topics for trauma-informed responses and investigations of sexual assault and sexual abuse the recognizing special sensitivities of victims due to: age, including those younger than age 13; gender; or other qualifications. Also, adds “age sensitive” to the evidence-based curriculum standards to the training requirements for courses for police.

**Murder Registrant Requests for Review (SB 3489/PA 100-0946):** Allows someone who is



# NEW LAWS

JANUARY 1, 2019

required to register under the Murderer and Violent Offender Against Youth Registration Act to file a Request for Review with the office of the State's Attorney of the county in which he or she was convicted to review his or her registration information. Seeks to rectify concerns about inaccurate conviction information being sent by the State's Attorneys to the State Police which allegedly resulted in people being on the registry who should not have been.

**Enforcement Training (SB 2925/PA 100-0984):**

Requires the Law Enforcement Training Standards Board to develop a program for school resource officers, and establishes requirements and determine if existing local police agency training meets requirements.

**Police Citation Quotas (SB 3509/PA 100-1001):**

Removes the exemption that applies only to Chicago in the section of law prohibiting municipalities from instituting police citation quotas statewide and use of those quotas from assessment of job performance.

**Sex Offense Statute of Limitations (SB 2271):**

Extends the statute of limitations for sex offenses committed against an adult for one year after discovery by the victim when corroborating physical evidence is available. The charging document must state that the statute of limitations is extended and the circumstances justifying the extension.

**Police Dog Protection (HB 1671/PA 100-0666):**

Requires every law enforcement agency/handler of police dogs to provide an annual medical examination by licensed vet and vaccinate the dog against rabies prior to the dog beginning police service. It also requires vehicles that transport police dogs to be

equipped with heat sensor monitor in the vehicle that will send an audible and visual notification in the vehicle if the temperature in the vehicle reaches 85 degrees.

**Victim Compensation Report Requirement (HB 5267/PA 100-0690):**

Requires law enforcement agencies to submit a police report in response to a request from the AG's Crime Victims Compensation Bureau for the sole purpose of verifying the requirements necessary for a victim to qualify for compensation. Currently, the AG often receives a report with redacted information which makes it difficult to make eligibility determinations for crime victim compensation.

**Criminal Background Checks (SB 2907/PA 100-0718):**

Allows authorized agencies and entities that conduct or obtain national criminal history background checks for persons to be eligible to participate in the Federal Rap Back Service administered by the Department of State Police.

**Order of Protection Status (SB 2826/PA 100-0714):**

Updates the order of protection status under the Human Rights Act to reflect new types of protective orders that have been created over time.

**Special Assistant State's Attorneys (HB 3648/PA 100-0669):**

Allows state's Attorney to appoint qualified attorneys to assist as Special Assistant State's Attorneys when the public interest so requires.

**Emailing Service of Documents (SB 2644/PA 100-0880):**

States that after a hearing notice, an agency may require an attorney representing a party to provide one or more email addresses at which they shall accept service of documents



# NEW LAWS

JANUARY 1, 2019

from the hearing. Specifies documents that are NOT allowed to be sent by email.

**Immigrants Qualifying Criminal Activity (SB 34/VETO OVERRIDE):** Mandates state and local law enforcement agencies, prosecutors, or other public authorities execute certification requests by victims of “qualifying criminal activity” documenting an immigrant’s cooperation in the investigation and prosecution of criminal activity. Such certifications are necessary for applications for T and U visas, which provide lawful status for immigrants who cooperate with such investigations and prosecutions.

**Nursing Mom Jury Duty (HB 5745/PA 100-0696):** Exempts nursing mothers from jury service.

**Missing Person with Disabilities (SB 2265/PA 100-0662):** Requires the Department of State Police to compile and maintain a data repository for missing persons with disabilities as part of the statewide Law Enforcement Agencies Data System (LEADS). The Department of State Police must coordinate with the Illinois Department of Human Services to develop and implement a community outreach program to the Endangered Missing Person Advisory with applicable entities. Also provides that a missing person with disabilities be considered a “high-risk missing person.” Intends to help law enforcement and human service entities be better prepared to locate individuals with developmental disabilities.

**Trust Property Conveyance (SB 2309/PA 100-0786):** Provides that a transfer of real property to a trust requires a transfer of legal title of real property to the trustee evidenced by a written instrument of conveyance. Furthermore,

removes the requirements for trustee to file trust property transfer with the recorder for the county.

**Name Change Notice for Abuse Victims (SB 2330/PA 100-0788):** Allows victims of domestic violence to waive the publication requirement when filing a name change petition in order to keep victims’ addresses private from abusers. Currently, they are required to publish notice of the name change, meaning abusers can learn the victim’s new name and use that information to continue the abuse.

**Two-Year Restricted Permit (SB 3148/PA 100-0803):** States that a restricted driving permit may be issued for two years rather than one year.

**Officer-Involved Shooting Policies (SB 2378/PA 100-0970):** Requires all law enforcement agencies to adopt a written policy for the internal review of officer-involved shootings. Each written policy shall be available for copying and inspection under the Freedom of Information Act.

**Stalking (SB 3411/PA 100-1000):** Provides that stalking behavior includes sending unwanted messages via social media. Expands who may bring a petition under the Act to include an authorized agent of a workplace; an authorized agent of a place of worship; and an authorized agent of a school.

**Community Law Enforcement Deflection (SB 3023/PA 100-1025):** Creates the Community-Law Enforcement Partnership for Deflection and Addiction Treatment Act. Allows law enforcement agencies to collaborate with licensed substance use service providers and other community partners to develop and



# NEW LAWS

JANUARY 1, 2019

implement programs that deflect individuals who have overdosed or who have substance use disorders instead into substance use treatment provided by a licensed provider.

**Human Trafficking Victim Compensation (HB 2063/PA 100-1037):** Adds the crime of human trafficking to the section of the Act that allows for a longer reporting time frame for more vulnerable victims of crime, like it currently does for survivors of sexual assault. Clarifies that trafficking victims are eligible for compensation if they are engaged in a legal proceeding involving a claim that the victim is a victim of human trafficking.

**DUI Sentencing Factor (HB 4554/PA 100-1053):** Makes it an aggravating factor in sentencing for driving under the influence of alcohol, drugs, intoxicating compounds or any combination thereof that the individual was driving his or her vehicle the wrong on a one-way street.

**Fraud Statute of Limitations Extension (SB 2891/PA 100-0998):** Provides an extended statute of limitations for vendor fraud, kickbacks, or managed health care fraud. Allows a prosecution for vendor fraud, kickbacks, or managed health care fraud of least \$5,000, to be commenced within five years (rather than three years) of the last committed act.

**Adult Redeploy Illinois (SB 3388/PA 100-0999):** Expands eligibility for Adult Redeploy Illinois to all probation-eligible offenders subject to local control and decision making. This means that local programs would have the option (but not a mandate) to screen and enroll individuals for offenses that are probation-eligible but currently considered violent such as aggravated battery or domestic battery.

**Information Testimony (SB 1830/VETO OVERRIDE):** Requires the prosecution to disclose attempts to introduce evidence of incriminating statements made by the accused to, or overheard by, an informant in a prosecution for certain serious offenses (homicides, sex offenses, aggravated arson).

## Education (PreK-12)

**Dual Credit Access (SB 2838/PA 100-1049):** Seeks to improve access to dual credit coursework for Illinois students. Requires community colleges to enter into a dual credit agreement if a high school district within their boundaries requests it, and other changes.

**CPS Teacher Evaluations (HB 4927/PA 100-0682):** Requires CPS to provide all copies of teacher evaluations to the Chicago Teachers Union within seven days after issuing the evaluations.

**Pre-K Chronic Absence (SB 3536/PA 100-0822):** Requires any preschool that receives funding via the Preschool for All programs to collect and review its chronic absence data. Also, determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. Amends the alternative licensure law so that a qualified equivalent to a principal in a non-school district administered Preschool for All program is allowed to assess and supervise candidates in alternative licensure programs. Also allows teachers seeking their PEL through an alternative licensure program may teacher in Preschool for All classrooms.

**Transportation of IEP Students (HB 2040/PA 100-0667):** Adds Soaring Eagle Academy in



# NEW LAWS

JANUARY 1, 2019

Lombard to the list of special education facilities that can transport students with Individualized Education Plans (IEP) to curriculum-related activities as part of their IEP through the use of multi-function school activity buses. Also, adds that under the section requiring school buses to be equipped with a noise suppression switch that the definition of radios shall not include 2 way radios which transmit Global Positioning System (GPS) location and record metadata stops.

**Dual Credits (SB 2527/PA 100-0792):** Provides that qualified students can do the following: enroll in an unlimited amount of dual credit courses; and earn an unlimited amount of academic credits from dual credit courses so long as the course is taught by an Illinois instructor as provided under the Dual Credit Quality Act.

**Mental Health Awareness (HB 4658/PA 100-0903):** Requires licensed school personnel and administrators who work with students in grades K-12 to be trained, once every two years, to identify the warning signs of mental illness and suicidal behavior in youth and be taught appropriate intervention and referral techniques.

**IMSA Tuition/Board Requirements (SB 2939/PA 100-0937):** States that with regard to the Illinois Math and Science Academy, students may be admitted who are not Illinois residents, but tuition, fees and board charged to non-residents must be enough to ensure no state appropriations are used to fund the students' associated costs. Additionally, no more than 25 percent of the student body may be non-IL residents, and requires IMSA to demonstrate that no state funding was used or

will be used to fund the cost of non-Illinois residents.

**Safety Drills (SB 2350/PA 100-0996):** Requires active shooter/threat school safety drills to be conducted within 90 days of the start of the school year. Requires the drills to be conducted on days and times when students are present in the building. Requires participation from all school personnel and students present. Requires law enforcement to observe the drill.

**Schools Instructing Manufacturing Grants (HB 4858/PA 100-0679):** Allows local school districts and community colleges to apply for and receive grants for acquiring land, construction of facilities, and purchasing equipment, dedicated solely to the instruction of occupations in manufacturing. Modifies the term, "industrial development agency" to include local school districts and community colleges.

**Asthma Medication (SB 3015/PA 100-0726):** Allows schools to keep undesignated asthma medication on-hand for authorized, trained personnel to administer it if/when someone is experiencing respiratory distress. Adds protections for administer the medications.

**Open Meeting Act Exemptions (HB 5136/PA 100-0768):** Provides certain exemptions for the Open Meetings Act for certain situations, including joint committees on matters related to school district's performance evaluation rating system, negotiating team strategies, etc.

**School Bus Safety (SB 2482/PA 100-0791):** Allows all buses that meet requirements for school buses may be used to transport children younger than 18. This would allow the stop sign



# NEW LAWS

JANUARY 1, 2019

and crossing arm to be used. Currently only licensed youth camps and licensed child care facilities may use the safety features.

**Truancy Fines (SB 3466/PA 100-0810):** Prohibits a school district from referring a truant, chronic truant, or truant minor to any other local public entity for the purpose of issuing a fine or a fee. Allows a school district to refer a person having custody or control of a truant, chronic truant or truant minor to another local public entity or municipality if certain conditions are met, including the offer of appropriate and available supportive services. A school district is required to document any support services that were offered. For homeless children, children with IEPs and children with 504 plans or those who are being evaluated for a disability, more specific conditions must be met before the custodian of the child can be referred to a municipality.

**Child Dental Examination Requirement (HB 4908/PA 100-0829):** Requires children in ninth grade to have a dental examination before May 15th of the school year, and is applicable to public, private and parochial schools.

**School Board Member Oath (HB 4768/PA 100-1055):** Adds numerous requirements to the oath sworn by school board members when taking office.

**School Report Card Info (SB 2345/VETO OVERRIDE):** Requires the school report card to contain information on whether or not a school has participated in the Illinois Youth Survey.

**School Counselor Title (HB 4514/AMENDATORY VETO OVERRIDE):** Amends the School Code and provides that only

persons licensed and endorsed may use the title school counselor.

**Electronic Waiver Notification (SB 650/PA 100-0782):** Allows a school district that is seeking approval of a mandate waiver or modification, to notify the affected exclusive collective bargaining agent and those State legislators representing the applicant's territory of its intent to seek approval of a mandate waiver or modification and of the hearing to be held to take testimony electronically or in writing (as opposed to just in writing).

## Election, Candidacy and Campaign Issues

**Dissolving DuPage County Election Commission (HB 5123/PA 100-0628):** Intends to give DuPage County statutory authority to dissolve the DuPage County Election Commission.

**School Board Vacancy (SB 2900/PA 100-0800):** Provides that if a school board has to fill a vacancy due to lack of candidates for election in a congressional township, the school board must put a proposition on the ballot at the next general election to elect school board members at large without requiring residency within certain areas of the district. The bill aims to address situations where no candidates have been coming forward from certain specified areas within a school district by requiring voters to consider the option of removing such residency requirements.

**Trustee Electronic Elections (SB 2884/PA 100-0935):** Allows that under IMRF, electronic election, using Internet and telephone voting, can be offered for the employee and annuitant trustee elections. Currently they must be



# NEW LAWS

JANUARY 1, 2019

conducted via US Mail. This is more efficient, expedient and less costly.

**Gender Neutral Election Code Amendment (HB 1010/PA 100-1027):** Amends the Election Code to replace gender specific terms with gender neutral terms, such as changing “Chairman” to “Chair.”

**Internet Based Economic Interest Statements (HB 4395/PA 100-1041):** Provides that those who file Statements of Economic Interests at the local level with their county clerk, candidates will be able to file electronically, if electronic filing is available. For those who file Statements of Economic Interests at the State level with the Secretary of State, candidates will have to file on paper. The Ethics Officer for each caucus of the General Assembly will certify to the Secretary of State whether the members of that caucus will file electronically or on paper. The Secretary of State has not yet implemented electronic filing, but this will ensure that the ethics officers for each caucus have the opportunity to review SOEIs before filing as is required by statute.

## Energy and Utilities

**Waterworks and Sanitation Systems (HB 1190/PA 100-0847):** Permits Sanitary Districts to combine their waterworks system and their sewerage system into one utility.

## Environment, Energy, Conservation and Natural Resources

**Advisory Councils (SB 2713/PA 100-0798):** Creates the Greenways and Trails Advisory Council under the Recreational Trails of Illinois Act. Defines the roll of the Greenways and Trails

Council. Separates the powers of the Greenways and Trails Council, the Off Highway vehicle Advisory Council, and the Off Highway vehicle Usage Stamp to make clear that they are three distinct programs under the Recreational Trails of Illinois Act.

**IDNR’s User Advisory Committee (HB 5027/PA 100-0764):** Repeals the provisions calling for a User Advisory Committee within the Illinois Geographic Information Council, which is under the Illinois Department of Natural Resources.

## Mine Reclamation/Remediation Clean-up; Acid Mine Drainage (SB 3309/PA 100-1099):

Amends the Abandoned Mined Lands and Water Reclamation Act. Cleans up language related to how funds can be spent under the Act; allows the Department of Natural Resources to set aside monies for the abatement and treatment of acid mine drainage caused by coal mining practices.

## Smoking Enforcement (SB 2514/PA 100-0877):

Gives the Department of Natural Resources and Illinois State Police law enforcement agencies power to enforce smoking violations under the Smoke Free Illinois Act (rather than just local law enforcement agencies).

## Compost-Amended Soil (HB 4790/PA 100-0951):

Provides that any State agency that undertakes a landscaping project that requires the use of new or offsite soil for landscape-related use and that is located within 10 miles of any Illinois Environmental Protection Agency-permitted compost facility shall request a base bid with an alternative for compost-amended soil for that project.



# NEW LAWS

JANUARY 1, 2019

## Firearms and FOID

**FOID Renewal and Suspension (HB 4855/PA 100-0906):** Allows ISP by rule to suspend a FOID card for the duration of a disqualification rather than having to permanently revoke the FOID card as long as the disqualification is not a permanent grounds for revocation like felony conviction, domestic violence, etc. Also, clarifies the definition of “patient” in the FOID Card Act so hospitals and mental health facilities have a better idea as to what should be reported to DHS and ultimately ISP.

## Health and Human Services

**Physician Assistant Ratio (SB 2904/PA 100-0605):** Increases the “5-to-1 ratio” in which a physician assistant may collaborate with a physician to 7-to-1. Provides that a physician may exceed this ratio when the services are provided in a federal primary care health professional shortage area with a Health Professional Shortage Area score greater than or equal to 12. Provides that entering into an excessive number of written collaborative agreements resulting in an inability to adequately collaborate and repeated failure to adequately collaborate shall constitute grounds for disciplinary actions for both the physician and physician assistant.

**Intrinsic Pontine Glioma Day (SB 2254/PA 100-0622):** Designates May 17 of each year as Intrinsic Pontine Glioma (DIPG) Awareness Day. This day is to encourage the people of Illinois to help increase public awareness of this particularly aggressive form of cancer affecting children.

**Lead Rules (SB 2996/PA 100-0723):** Mandates that the Department of Public Health submit

new rules to JCAR that will ensure that state rules governing elevated blood lead levels are in accordance with the CDC’s reference level for childhood blood lead levels; update state environmental inspection requirements for lead hazards; update “any other existing rules that will assist the Department in its efforts to prevent, reduce, or mitigate the negative impact of instance of lead poisoning among children.”

**Free HPV Vaccinations for Uninsured (SB 2866/PA 100-0741):** Requires the Department of Public Health to provide free human-papillomavirus (HPV) vaccinations to male children younger than 18 who lack insurance or who are not entitled to receive free-HPV vaccinations from their insurance providers. The change will go into effect on Jan. 1, 2020. It further requires the Department of Public Health to provide all students entering sixth grade--not just female students--and their parents or legal guardians information about the link between HPV and cervical, vulvar, vaginal, penile, anal, and oropharyngeal (throat) cancers and the availability of vaccinations.

**Concussion Information (HB 4226/PA 100-0747):** Requires the Department of Public Health to develop, publish and disseminate a brochure to educate the public on the effects of concussions in children and how to look for warning signs. Requires schools to provide the brochure free of charge to parents/guardians of children who may have sustained a concussion regardless of where the concussion may have taken place. Provides that the State Board shall (as opposed to may) adopt rules to administer concussion oversight teams, including rules governing the informal or formal accommodation of a student who may have



# NEW LAWS

JANUARY 1, 2019

sustained a concussion during an interscholastic athletic activity.

**Bone-Marrow Registry (SB 3062/PA 100-1020):** Requires the Department of Public Health to develop and disseminate information about a bone-marrow registry that includes information about the need for bone-marrow donations, the population that would benefit from donations, how to join a bone-marrow registry, and how to acquire a free buccal swab kit from a bone-marrow registry. The information may be disseminated in print, electronically, or any other manner.

**Nursing Home Vaccine Information (HB 4440/PA 100-1042):** Requires the Department of Public Health to provide nursing homes with information about all the vaccines recommended by the CDC's Advisory Committee on Immunization Practices (ACIP). The language specifies that the information include information about the risks associated with shingles and pre-cautionary steps one can take to avoid the illness.

**Telehealth Act Expansion (HB 5070/PA 100-0644):** Expands the definition of "health care professional" in the Telehealth Act to permit dentists, occupational therapists, pharmacists, physical therapists, clinical social workers, speech-language pathologists, audiologists, and hearing-instrument dispensers to provide telehealth care to patients within the scope of their practices.

**Ambulatory Surgical Treatment Facilities Liens (HB 4911/PA 100-0653):** Authorizes Ambulatory Surgical Treatment Facilities to file liens under the Health Care Services Lien Act. Adds Ambulatory Surgical Treatment Facilities to the Definition of Health Care Provider which

authorizes them to file liens under the Health Care Services Lien Act.

**Refurbished Durable Medical Equipment (SB 3048/PA 100-1018):** For purposes of promoting environmental responsibility, meeting the needs of the recipient, and achieving cost savings, authorizes HFS and MCOs to use refurbished durable medical equipment (DME) except for prosthetic and orthotic devices as well as customized equipment. Requires the DME to be available and compliant with the following: Less expensive than the same new equipment including shipping; Able to withstand three years of use; Are cleaned, disinfected, sterilized and safe in accordance with FDA regulations that govern the reprocessing of medical devices in a health care setting. Also, clarifies that an enrollee must have a Certificate of Medical Necessity; provides that the refurbished DME must be provided through the State's assistive technology programs reutilization program using staff with Assistive Technology Professional Certification; requires the reutilization program staff to confirm that the recipient is not already in receipt of the same equipment from another provider and that the refurbished DME equally meets the needs of the recipient. Clarifies that the recipient's choice is not limited to refurbished DME; and clarifies that there are no additional prior authorization conditions placed on enrollees or MCOs.

**Health Care Violence Prevention (HB 4100/PA 100-1051):** Requires all licensed Health care facilities to establish violence prevention programs to prevent violence against medical staff. Creates whistleblower protections for medical staff and provides for safety guidelines for DOC and DJJ when inmates receive medical



# NEW LAWS

JANUARY 1, 2019

treatment from medical staff. This legislation is in response to an incident on May 13, 2017, when an inmate from the Kane County Jail, receiving medical treatment at the Northwestern Medicine Delnor Hospital in Geneva, took two nurses captive during an hours-long standoff that ended when a regional SWAT officer fatally shot the inmate.

**Medicaid Long-Term Care Eligibility (SB 2385/PA 100-0664):** Provides a process and form for Medicaid long-term care applicants and beneficiaries to release their financial records directly to the state for the purpose of determining Medicaid long-term care eligibility.

**Medicaid Reimbursement for Telehealth Services (SB 3049/PA 100-1019):** Requires HFS to reimburse clinical psychologists, clinical social workers, advanced practice registered nurses certified in psychiatric and mental health nursing, and mental health professionals and clinicians authorized to provide behavioral health services via telehealth. Currently, reimbursement is only provided to psychiatrists and FQHCs for telepsychiatry.

**Managed Care Rights (SB 3290/PA 100-1085):** Requires the Department of Healthcare and Family Services to send nursing homes the monthly patient credit files that it currently sends to managed-care organizations. Currently, nursing homes and managed-care organizations are operating off of different patient credit files, leading to extra work and confusion for both. This seeks to streamline the reimbursement process so both nursing homes and MCOs are operating off the same information regarding patients' financial obligations.

**MCO Auto Enrollment Restrictions (HB 4736/PA 100-0990):** Prohibits HFS from auto-enrolling the following populations into an MCO: children who receive in-home shift nursing (individuals in this category are known as Nursing Personal Care Services (NPCS); children made eligible for services under a 1915(c) waiver for MFTD children. Any child in the two categories above who are currently in an MCO shall be given the option to disenrollment and receive services.

**Community Care for Persons with Developmental Disabilities Act (SB 3041/AMENDATORY VETO OVERRIDE):** Amends the County Care for Persons with Developmental Disabilities Act. Changes the title of the Act to the Community Care for Persons with Developmental Disabilities Act. Makes the Act applicable to counties, municipalities, and townships, rather than just counties, so that now townships and municipalities can seek to provide the same facilities or services to residents with intellectual or developmental disabilities that counties already have to do.

**Community Care for Persons with Developmental Disabilities Act (SB 3041/AMENDATORY VETO OVERRIDE):** Amends the County Care for Persons with Developmental Disabilities Act. Changes the title of the Act to the Community Care for Persons with Developmental Disabilities Act. Makes the Act applicable to counties, municipalities, and townships, rather than just counties, so that now townships and municipalities can seek to provide the same facilities or services to residents with intellectual or developmental disabilities that counties already have to do.



# NEW LAWS

JANUARY 1, 2019

## **Lyme Disease Prevention (HB**

**4515/AMENDATORY VETO OVERRIDE):** Grants immunity from DFPR disciplinary action to physicians prescribing experimental treatments for Lyme disease. Creates the Lyme Disease Prevention and Protection Act. The Act requires DPH to employ a coordinator to manage the newly created Lyme Disease Prevention, Detection, and Outreach Program. As part of the program, DPH must collect and disseminate information about Lyme disease incidents in Illinois, collect and disseminate information about the prevention, detection, and treatment of Lyme disease and expand its Lyme disease testing. 3) Creates the Lyme Disease Task Force. DPH must establish the Lyme Disease Task Force to advise the department on disease prevention/surveillance and provider/public education on the disease. Deletes current statutory requirements for the collection of Lyme-disease data.

## **Alzheimer's Disease and Related Dementias Services Changes (SB 2808/PA 100-1074):**

Makes changes to the institutions required to comply with the Act. Removes facilities that are licensed or certified by the Life Care Facilities Act. Removes the language that specifies different training requirements for staff members hired prior to the adoption of administrative rules. Removes the clause permitting DPH to grant training waivers to individuals with three or more years of experience or who have undergone similar training.

## **Mammography Report (HB 4392/PA 100-**

**0749):** Requires mammogram providers to include a statement similar to the following in the report they send to patients with "dense breast tissue." Mammogram providers may update the language to reflect advances in

science and technology as long as they: 1) notify patients about the impact of dense breast tissue on mammogram accuracy and 2) encourage patients to discuss the issue with their health-care providers.

## **Division of Alcoholism and Substance Abuse Rewrite (HB 4795/PA 100-0759):**

Makes changes to provide the foundation for subsequent policies and rules that will enhance and support efforts to combat the opioid epidemic and other substance use disorders and the resultant changes that are created for medical and community-based organizations that provide intervention and treatment. Managed care organizations and primary care providers need clear guidance on when licensure is required and this will help to ensure a standardized approach to intervention and treatment.

## **Prefilled Epinephrine Syringe (SB 2889/PA 100-**

**0799):** Provides that a health-care practitioner may prescribe epinephrine pre-filled syringes for authorized entities. Pharmacists may dispense epinephrine pre-filled syringes to authorized entities. These prescriptions are valid for two years.

## **Prescription Refills (SB 3170/PA 100-0804):**

Adds that a prescriptions, excluding those for controlled substances, shall be valid for up to 15 months from the issue date for the purpose of refills, unless the prescription states otherwise.

## **Community Behavioral Health Care**

## **Professional Loan Repayment Program (HB**

**5109/PA 100-0862):** Beginning on July 1, 2019, creates the Community Behavioral Health Care Professional Loan Repayment Program Act. Creates the Community Behavioral Health Care Professional Loan Repayment Program to be



# NEW LAWS

JANUARY 1, 2019

administered by the Illinois Student Assistance Commission. Provides that the program shall provide loan assistance, subject to appropriation, to eligible mental health and substance use professionals practicing in a community mental health center in an underserved or rural federally designated Mental Health Professional Shortage Area. Provides that the Commission shall award a grant to each qualified applicant for a maximum of four years; specifies grant amounts and eligibility requirements. Requires the recipient to complete a separate 12-month period working in a community mental health center in an underserved or rural federally designated Mental Health Professional Shortage Area for each grant awarded.

**Pharmaceutical Disposal Task Force (SB 2524/PA 100-0925):** Creates the Pharmaceutical Disposal Task Force to coordinate a state-wide public information campaign to highlight the benefits and opportunities of properly disposing pharmaceutical products.

**Dentist Tele-Health (SB 2587/PA 100-0930):** Adds “dentist” to the list of licensed medical professionals authorized to conduct “tele-health” services in Illinois.

**Controlled-Substance Prescribers Continuing Ed (SB 2777/PA 100-1106):** Requires licensed prescribers of controlled substances to complete three hours of continuing education on safe opioid-prescribing practices prior to renewing their prescription license. They can count continuing-education hours offered by an accredited professional association, a state agency, a federal agency or hours used to meet the licensing requirements of other states toward this requirement.

**Registry for Recovery Residences (HB 5288/PA 100-1062):** Requires DHS to develop and maintain an online registry that is available to the public for recovery residences that operate in Illinois to serve as a referral resource for individuals seeking continued recovery assistance. Encourages non-licensed recovery residences to register with DHS. Recovery residences are peer-run homes for individuals transitioning into sober living that do not provide any DHS licensed or funded services.

**Influenza Vaccine Info (SB 2654/PA 100-0977):** Requires IDPH to provide or approve for schools info on influenza and meningococcal diseases, and requires schools to distribute when distributing info on vaccinations, influenza, infectious, diseases, etc.

## Higher Education

**Black History Course Requirement (HB 4346/PA 100-0634):** Requires every public institution of higher education and community colleges to offer a course studying the events of Black History.

**Public Community College Act (SB 2905/PA 100-0884):** Makes various changes to the Public Community College Act in reference to outdated language. Repeals statutory language which no longer applies. Fixes statutory references. Makes technical changes to reflect current practices.

**UIC Lease (SB 2362/PA 100-1047):** Adds an exception to the 10-year lease provision for the University of Illinois at Chicago to allow them to enter into a lease for up to 30 years for an ambulatory surgical, which will include both retail space and clinical services, so long as two



# NEW LAWS

JANUARY 1, 2019

provisions are met: The lease requires the lessor to make capital improvements in excess of \$100,000; and the Board of Trustees for the University of Illinois determines a lease term of more than 10 years is necessary and is in the best interest of the public institution of higher education.

**Education Loan Pilot Program (SB 2559/PA 100-0926):** States that each public institution of higher education that receives student loan information for a student enrolled at that institution shall provide to that student or their parent/guardian with estimates of the total amount of education loans taken out by the student or parent/guardian, the potential total payoff amount of the incurred loans, the monthly repayment amounts a similarly situated borrower may incur for the amount of loans the student or parent/guardian has taken out at the time the information is provided. Also, they shall provide the percentage of the borrowing limit the student or parent/guardian has reached at the time the information is provided and any financial resources available to the student or the parent/guardian.

**Sex Assault Higher Ed (SB 3404/PA 100-1087):** States higher education institutions policies must include an amnesty provision that provides immunity for any student who reports an alleged violation of the higher education institution's comprehensive policy to include possession or use of a controlled substance. Requires that every hospital providing emergency and forensic services to sexual assault survivors provide after a medical evidentiary or physical examination, access to a shower at no cost, unless showering facilities are unavailable. Provides criminal amnesty for alcohol and drug offense for someone reporting the commission of a sexual assault if certain

perquisites are met. Consenting to an Illinois State Police Sexual Assault Evidence Collection Kit under the Sexual Assault Survivors Emergency Treatment Act is considered reporting to law enforcement authorities as it pertains to the extended statute of limitations. States that a victim shall have 10 years (currently, five years) from the completion of an Illinois State Police Sexual Assault Evidence Collection Kit, or 10 years from the age of 18 years, whichever is longer, to sign a written consent to release the sexual assault evidence to law enforcement for testing.

**MH/DD Facilities Public Posting Requirements (HB 5558/PA 100-0915):** Adds to the provision that requires mental health and developmental disability facilities to publicly post a summary of the rights relevant to the services delivered by that facility by also requiring that the contact information for the Guardianship and Advocacy Council (GAC) and Equip for Equality must also be included on the public posting.

**State Long -Term Care Ombudsman Technical Change (HB 4879/PA 100-0952):** Adds the words "a representative of the Office of" to the statute to allow a representative of the Office of the State Long Term Ombudsman fulfill the duties of the Office under the Act. This technical change allows this individual to carry out responsibilities under the Illinois Power of Attorney Act.

**Mandated Reporter Training (SB 2516/PA 100-1071):** Provides that on and after January 1, 2019, the mandated reporter requirement form that is signed by a new employee at the time of hiring must include information about available mandated reporter training that is provided by DHS.



# NEW LAWS

JANUARY 1, 2019

**Electronic CILA Annual Assessment (HB 5463/PA 100-1111):** Provides that each individual living in a CILA is required to receive an annual assessment to screen that individual for any health issues or risks. Beginning July 1, 2019, each resident must receive their annual client assessment via a web-based electronic screening tool. Requires the electronic screening tool to replace the current paper-based assessment.

## Insurance

**Out-of-State Vehicle Liability Insurance (HB 4472/PA 100-0828):** Requires a person operating a vehicle that is registered in another state on Illinois highways must be covered by a liability insurance policy. The operator must also carry evidence of insurance in the vehicle.

**Non-Marital Life Insurance (SB 2437/PA 100-0871):** Seeks to make changes with regard to beneficiaries of life insurance policies in response to circumstances where some life insurance policy owners do not change the beneficiary after the dissolution of a marriage, they then pass away and the ex-spouse seeks to claim the proceeds from the policy because the ex-spouse is still listed as the beneficiary.

**Mandated Senior Diabetes Consultations (HB 5351/PA 100-1009):** Mandates insurance coverage for senior diabetes consultations to be given via telehealth, if the insurance carrier provides coverage for telehealth. Also amends the Public Aid Code to mandate the Illinois Department of Healthcare and Family Services to authorize senior diabetes consultations to be given in the seniors' home.

**Uniform Health Care Service Benefits Information Card (SB 2851/PA 100-1013):** Makes changes to create the definition of "dental plan." Provides benefit cards for health benefit plans offering dental coverage or dental plan will include a statement explaining whether the plan is subject to regulation by the Department of Insurance.

**Emergency Opioid and Addiction Treatment Access (SB 682/PA 100-1023):** Specifies that insurance companies/MCOs cannot require prior notification of specified inpatient and outpatient substance-use-disorder treatment. It establishes procedures for insurance companies to terminate coverage of substance-use-disorder treatment. It provides for discharge notifications to be provided to insurance companies. It makes other changes.

**Mental Health (SB 1707/PA 100-1024):** Provides a new and more expansive definition for "mental, emotional, nervous, or substance use disorder or condition." Makes conforming changes. Makes conforming changes to all applicable insurance mandates regarding mental health coverage under the Insurance Code, State Employee Group Insurance, Counties Code, Municipal Code & School Code. Strikes out the definition for "serious mental illness" and "substance use disorder or condition." Prohibits prior authorization requirements, step therapy requirements, & makes changes to prescription drug formulary tiers for drugs prescribed for substance use disorders. Prohibits excluding coverage for court-ordered substance use disorder treatment, including medicine, counseling & wrap around treatments. Specifically outlines how DOI and DHFS are to enforce State and federal mental health parity laws and regulations. Provides DOI and HFS to issue a



# NEW LAWS

JANUARY 1, 2019

joint report and conduct an educational presentation to the General Assembly, no later than August 1st of every year. Creates a mental health parity working group for the purposes of providing recommendations on health plan data reporting that break out data on mental, emotional, nervous, or substance use disorder benefits and data on other medical benefits. Also requires insurers to submit a report by July 1, 2020 on treatment and denial of treatment for mental and substance use disorders. Provides the Auditor General will take a review of compliance by DOI and HFS with mental parity sections of the Insurance Code.

**Recovery Insurance Coverage (HB 5868/PA 100-1065):** Provides that an insurance policy or managed care plan may provide coverage for recovery housing for persons with substance use disorders who are at risk of relapse so long as certain conditions are met. Provides that based upon the needs assessment certain coverage may be provided. Allows insurers to rate each recovery housing provider and publish the report. Authorizes the Department of Insurance to implement any necessary rules.

**Stage 4 Cancer Drugs (HB 4821/PA 100-1057):** Prohibits insurers from limiting or excluding coverage for a drug used to treat stage 4, metastatic cancer by requiring an insured to first try to successfully respond to another drug or prove history of failure to the drug.

**Fertility Preservation Treatment for Cancer Patients (HB 2617/PA 100-1102):** Mandates coverage for expenses for standard fertility preservation services when a treatment may cause iatrogenic infertility. Also, defines "iatrogenic infertility" as an impairment of fertility by surgery, radiation, chemotherapy, or

other medical treatment affecting reproductive organs or processes.

## Local Government

**Stormwater Commissions (HB 4748/PA 100-0758):** Provides that the Chicago Metropolitan Agency for Planning is to emphasize the use of cost effective solutions to flooding problems. Provides that a stormwater management planning committee may make grants to units of local government, non-for profit organizations, and landowners if certain conditions are met. Also, allows all Illinois counties to set up stormwater commissions that can adopt plans and ordinances as well have access to a fee schedule and a 0.2 percent of EAV property tax levy if certain conditions are met. Ten counties that fit a provided definition of "urbanized area" may do so automatically while all other counties may do so by front-door referendum.

**Local Government Electronic Notification (HB 4822/PA 100-0856):** Allows a unit of local government to establish a process to allow people to select an electronic notification delivery system, such as email or other electronic means, for governmental mailings that are being sent by United States mail. This works toward a framework that would save local governments money, and also hopefully increase public awareness and participation in government and programs.

**Local Government Caps (SB 2328/PA 100-0968):** Raises the cap for architecture, surveying, and engineering projects under \$40,000 (currently \$25,000) to be exempt from certain public notice, evaluation and selection procedures.



# NEW LAWS

JANUARY 1, 2019

## **Procedural Changes For Dissolution Process**

**(HB 5777/PA 100-1113):** Amends the Local Government Reduction and Efficiency Division of the Counties Code. Concerning the required audit of a unit proposed for dissolution, the person/entity conducting the audit shall report the finding to the county board within 30 days or as soon as is practical after 30 days (currently states the person/entity must report finding within 30 days). Once the audit is returned, the county board may adopt ordinance authoring dissolution at most 60 days following the court's appointment of a trustee-in-dissolution. Gives the County Board Chairman the ability to proceed with the dissolution after the petition process and the referendum process.

## **Disconnect FPD Territory (SB 2598/PA 100-**

**1072):** Allows a home rule municipality to detach property from a fire protection district if the municipality gives fire protection service to at least 80 percent of territory within municipal corporate limits. Also states that any loss in assessed valuation of the remaining property will not impair the fire district to fully provide its remaining service; that the disconnected municipal territory will remain liable for its share of bond debt; and an economic impact analysis must be conducted before a municipal disconnection of fire district territory. Provides petition and hearing processes by which the disconnection is to be carried out.

## **Predictable Recorder Fee Schedule (HB**

**4765/PA 100-1034):** Requires counties to implement a predictable recorder fee schedule eliminating surcharges based on an individual document. Guidelines and limits for fees for various types of documents are provided. This bill would allow the Cook County Board to establish a predictable fee schedule that is

similar to the one that was passed in 2017 for every other county in Illinois.

## **Flood Control Commission (SB 3134/PA 100-**

**0730):** Flood Control Commission for Collar Counties to study flood control practices and conduct a survey of DuPage, Kane, Lake, McHenry, and Will counties. Requirements for membership, duties and a final report are provided.

## **Reports of Damaged Property (SB 3212/PA**

**100-0731):** Provides that nothing in the Illinois Income Tax Act prohibits the disclosure of information by officials of a county or municipality involving reports of damaged property or the owners of damaged property if that disclosure is made to a township or county assessment official in connection with the natural disaster credit. Also amends the Freedom of Information Act. Repeals a Section providing that nothing in the Act prohibits the disclosure of information by officials of a county or municipality involving reports of damaged property or the owners of damaged property if that disclosure is made to a township or county assessment official in connection with the natural disaster income tax credit.

## **Township Electors Property Management (SB**

**2940/PA 100-0839):** Allows the township electors to delegate the power to purchase, lease, or sell property to the township board for up to a 12-month period. As well as, the Township Board may specify properties being considered for purchase, lease, or sale.

## **Township Officers (SB 2299/PA 100-0868):**

Prevents all elected and appointed township officials from simultaneously holding any other employment with the township in which they



# NEW LAWS

JANUARY 1, 2019

are elected. Exempts volunteer firefighters from the prohibition.

**Township Payout Attestation (SB 2923/PA 100-0983):** Requires that if a Township Supervisor issues a payout, the township clerk shall attest to all moneys paid out.

**Mosquito Abatement District Dissolution (SB 2543/PA 100-0793):** Provides a more expedient dissolution process for mosquito abatement districts from among the board of trustees.

**Dissolution of Drainage Districts (SB 2459/PA 100-0874):** Gives Lake County the ability to dissolve the Seavey Drainage District and gives the Lakes Region Sanitary District the ability to dissolve itself by entering an agreement with Lake County.

**Golden Parachutes (SB 3604/PA 100-0894):** Sets severance pay conditions for government employees to attempt to prevent “golden parachutes.” States that severance pay provided may not exceed more than 20 week so compensation and severance pay must be prohibited when the employee in question has been fired for misconduct. Introduced in response to recent situations where severance packages have cost taxpayers millions of dollars.

**Mahomet Aquifer (HB 4746/PA 100-0896):** Requires gas storage operators located above the Mahomet Aquifer to notify residents and businesses in the event of a natural gas leak into the aquifer. Also requires DNR to conduct annual inspections at these facilities to ensure there are no existing issues that could impact the aquifer.

**Kaskaskia Commons Permanent Fund (HB 5690/PA 100-0963):** Transfers all property associated with the Kaskaskia Commons

Permanent Fund to the Kaskaskia Island Drainage and Levee District.

## Pensions, Health and Other Benefits

**Paramedics and Fire Fighters in PEDA (HB 5221/VETO OVERRIDE):** Includes full-time paramedics and fire fighters who perform paramedic duties in the definition of eligible employee under the Public Employee Disability Act. The PEDA is a one year benefit that entitles those with “line of duty” injuries who can’t work their full pay, no reduction in pension credits or sick leave accumulation.

## Public Safety

**72-hour Waiting Period (SB 3256/PA 100-0606):** Creates a 72-hour waiting period on all firearms, not just handguns. The bill also eliminates the current exemption from the waiting period requirements for the sale of a firearm to a nonresident of Illinois while at a recognized gun show. The bill retains the current 24 hour withholding period for stun guns and Tasers. A violation of this provision would be a Class 4 felony. The bill also eliminates the current statutory exemption from the waiting period requirements for the sale of a firearm to a nonresident of Illinois while at an official gun show recognized by the State Police.

**Firearms Restraining Order (HB 2354/PA 100-0607):** Allows family members or law enforcement to petition the court for an ex parte order alleging the respondent poses significant danger of causing personal injury to himself, herself or another by having in his custody or control, purchasing, possessing or receiving a firearm. The court may issue this order without notice to the respondent but a



# NEW LAWS

JANUARY 1, 2019

hearing must be held as soon as possible not to exceed 14 days. Allows for two types of orders: ex-parte/emergency (probable cause) and 6 month orders (clear and convincing). Allows the court to issue search warrants (even in cases where the petitioner is a family member) to law enforcement to seize the weapons if there is probable cause to believe the respondent possesses weapons.

**Adult Protective Services (HB 4847/PA 100-0641):** Clarifies that Adult Protective Services may investigate instance of abuse, neglect and financial exploitation of an eligible adult who lives within programs and facilities operated, licensed, certified, or funded by the Department of Human Services when the alleged abuse happens outside of the facility, or the alleged financial exploitation is perpetrated by an individual who is not an employee of the facility where the adult resides. The Department believes this will close a gap of jurisdiction for investigating abuse of adults living in facilities who also visit the outside community.

## State Government

**Illinois Fire Protection Training Act Update (SB 3304/PA 100-0600):** Makes a variety of technical changes requested by the Illinois Office of the Fire Marshal to update terminology, definitions, and current practices. Changes the reimbursements for fire fighter training costs from prior fiscal year to prior calendar year. Updates terminology and definitions used in the statute that are technical in nature.

**Healthy Local Food Incentives Program Sunset Date (HB 4568/PA 100-0636):** Repeals the sunset clause for the Healthy Local Food

Incentives Program, which is set to expire June 30, 2019.

**Parking Decal Application (SB 2285/PA 100-0702):** Allows the Secretary of State to issue a one-time decal or device (valid for up to 6 months) to any non-resident of Illinois who is displaced due to a national disaster as declared by the federal government. As well as, proof of residency in Illinois and proof of disability must be provided to SOS, and individuals who do not have an ID number or driver's license number to use a valid ID number issued by a branch of the U.S. military or a federally issued Medicare or Medicaid ID number to apply for a person with disabilities parking decal.

**Route 66 Centennial Commission (HB 66/PA 100-0649):** Creates a 20 member Route 66 Centennial Commission to plan and coordinate commemorative events throughout the State to celebrate 100 years of Route 66.

**State Vehicle Oil Changes (HB 4213/PA 100-0651):** Requires any state-owned motor vehicle requiring maintenance in the form of an oil change will have such maintenance performed according to the applicable CMS policy, which considers the manufacturer's suggested oil change frequency for that vehicle's particular make, model, and year. The Dept. of Revenue was cited in an audit for not completing oil changes on state vehicles every 3,000 to 5,000 miles even though modern vehicles can travel much longer between oil changes. This is an attempt to reduce costs by changing oil as recommended by the manufacturer.

**Grant Accountability and Transparency Act (HB 4689/PA 100-0676):** Amends the Grant Accountability and Transparency Act to make minor clean-up/clarifying changes.



# NEW LAWS

JANUARY 1, 2019

**Economic Impact Analysis Changes (HB 5253/PA 100-0688):** Modifies certain provisions requiring State agencies to issue an economic impact analysis when proposing new rules or amendments to rules that affect small businesses. Makes other changes, with the overall intent of seeking to focus economic impact analyses to help agencies prepare for a proposed rule change more on quantitative measures, as opposed to relying so heavily on qualitative measures.

**DD Facility Visits Transparency Initiative (HB 5636/PA 100-0694):** Seeks to increase transparency by requiring the designated agency that administers the State Plan to protect and advocate for the rights of persons with DD (Equip for Equality is the current designated agency) to submit an annual, public report to DHS detailing how many visits the designated agency made, which facilities were visited, and the nature of the visit. Adds CILAs to the facilities the designated agency has access to.

**Design-Build Repeal Date (SB 3561/PA 100-0736):** Changes the repeal date for various sections relating to the design-build delivery method in construction from June 1, 2018 to June 1, 2023.

**Abolish Farmers Market Task Force (SB 3195/PA 100-0805):** Abolishes the Farmers' Market Task Force, which had not met in two years.

**Broadband Advisory Council (HB 5752/PA 100-0833):** Creates the Broadband Advisory Council to be administered by DCEO. The specific goal of the Council is to explore ways to expand broadband access throughout the State,

including unserved areas. Provides for specifics on council membership and other powers and duties of the Council.

**State Fair Board of Advisors (SB 3072/PA 100-0845):** Reduces the number of appointed members to the State Fair Board of Advisors to 15, down from 20. Changes the term for members from 2 years to 3 years. Staggers the terms of members so that only five members at a time are appointed each year.

**Ivory Ban (HB 4843/PA 100-0857):** Bans the import and sale of most ivory and ivory products in Illinois; exempts antique guns and knives that are more than 100 years old, and also exempts musical instruments containing ivory that were produced before 1975. Allows the Department of Natural Resources to set rules for allowing the sale or transfer of ivory if it is for educational or scientific purposes.

**Illinois Innovation Board Additions (SB 3222/PA 100-0891):** Adds two representatives to the Illinois Workforce Innovation Board who are appointed by the Governor. These representatives are to be from community-based organizations that provide or support competitive, integrated employment for individuals with disabilities.

**Statehood Day (HB 489/PA 100-0898):** Provides that December 3rd of each year is designated as Illinois Statehood Day.

**First Responder Mental Health Awareness Day (HB 4345/PA 100-0900):** Designates the third Friday of each May of each year as "First Responder Mental Health Awareness Day," to be observed throughout the State as a day to honor firefighters, police officers, and other first responders who have lost their lives due to and



# NEW LAWS

JANUARY 1, 2019

suffer from post-traumatic stress disorder, depression, and other mental health issues.

**Missing Person's ID Act (HB 4348/PA 100-0901):** Requires Illinois investigative agencies of an identified persons or human remains case to provide the National Missing and Unidentified Persons System with information that could be used for identification.

**Cybersecurity Compliance Audit (HB 5547/PA 100-0914):** Requires the Auditor General, as part of his annual compliance examinations for State agencies, to review the agencies' cybersecurity programs and practices and issue a report on the findings.

**Reconsideration of Abuse Findings (SB 3237/PA 100-0943):** Authorizes a facility, victim or employee to request that the OIG reconsider abuse findings or recommendations. Provides that a request for reconsideration must be subject to a multi-layer review and must include at least one reviewer who did not participate in the investigation or approval of the original investigative report. Following the review process, the OIG must make the final determination on the reconsideration request. Requires the investigation to be reopened if the reconsideration determination finds that additional information is needed to complete the investigative record.

**Respite Care Services Report (SB 2469/PA 100-0972):** Requires the Dept. of Aging to include an estimate of the demand for respite care services over the next 10 years in its annual respite care service report to the Governor and GA.

**PACE Bond Financing (SB 2773/PA 100-0980):** Enables local units of government to permissively use IFA for bond financing of

Property Assessed Clean Energy ("PACE") projects on privately-owned commercial, industrial, non-residential, agricultural, or multi-family (of 5 or more units) real estate, lowering the costs of such projects and creating clean energy jobs across the State.

**Non-Judicial Foreclosure (HB 2723/PA 100-1038):** Amends the Conveyances Act. Inserts the non-judicial foreclosure provisions of the Timeshare Act that was repealed in its entirety by P.A. 100-534. Provides definitions that were previously included in the now repealed Timeshare Act. Defines "Timeshare instrument," "Timeshare interest," "Timeshare period," "Timeshare plan," and "Timeshare property."

**State Facility Workplace Violence Reports (SB 3075/PA 100-1075):** Requires State Operated Facilities under DCFS, DHS and Corrections to submit quarterly reports regarding incidents of workplace violence. Specifies what must be included in the reports and the responsibility of the agencies to inform employees of reporting procedures.

**Illinois Home Grown Business Opportunity Act (SB 3285/PA 100-1084):** Requires the Department of Commerce and Economic Opportunity to develop an economic plan to assist businesses and municipalities located next to the State border. Provides for specific strategies the economic plan shall include.

**Anti-Registry Program (SB 3488/PA 100-1088):** States no agent or agency may use money, facilities property, equipment, or personnel of an agency to participate in or provide support in any agency to participate in or provide support in the creation of a registry program. Agents and agencies are not allowed to provide



# NEW LAWS

JANUARY 1, 2019

demographic information regarding any individual that is requested for: 1) creating a registry program, or 2) requiring registration of persons in a registry program. Defines “registry program” to mean a public, private, or joint public-private initiative: (1) for which particular individuals or groups of individuals, designated on the basis of their race, color, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, military status, order of protection status, pregnancy, or unfavorable discharge from military service, are required by law to register; and (2) whose primary purpose is to compile a list of individuals who fall within a demographic category identified by their race, color, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, military status, order of protection status, pregnancy, or unfavorable discharge from military service.

**CMS Purchasing Leased Properties (SB 3143/PA 100-1109):** Requires CMS to include an analysis of leases of state buildings where a 3rd full year of the lease has passed and the lease provides a purchase option in addition to the current requirements for the annual purchase/lease report. Adds clarity to whether or not it would be prudent to purchase buildings that are currently being leased.

**Fire Chief Training Requirements (SB 2619/VETO OVERRIDE):** Makes changes to update and clarify current training requirements as well as add alternative training requirements to become a fire chief. The City of Chicago is exempted.

## Taxes, Fees, Credits, Revenue and Financial Institutions

**Rivers Edge Redevelopment Zones (SB 3527/PA 100-0629):** Creates an income tax credit equal to 25 percent of the qualified expenditures incurred by a qualified taxpayer undertaking a qualified rehabilitation plan of a structure that is located in Illinois and is defined as a certified historic structure—however, IDNR shall not issue more than \$15 million per year, and no more than \$3 million for a given rehabilitation plan. Provides that the taxpayer (much like the existing program) must apply to IDNR; makes the credit carry-forward for 10 years, allows for a five-year recapture period.

**Property Tax Notices (SB 3085/PA 100-1095):** Adds that a tax collector will no longer publish delinquent or forfeited property taxes for a property that is exempt from taxation under the Code.

**Fee Collection (SB 585/PA 100-1070):** Provide uniformity to the various fees collected on tax sales and to clarify that fees are to be charged for subsequent taxes.

**Procurement/EDGE Credit Sexual Harassment Policy (SB 405/PA 100-0698):** Requires state contractors and bidders to file a copy of their sexual harassment policy with CMS. Requires taxpayers who claim an EDGE Tax Credit to file an annual report with DCEO detailing the taxpayer’s sexual harassment policy. Adds language tying the new requirement into existing law to eliminate concerns from the Chief Procurement Officer/CMS/Secretary of State’s Office.



# NEW LAWS

JANUARY 1, 2019

**Sales in Error Revisions (SB 3215/PA 100-0890):** Amends the Property Tax Code to provide changes to the Sales in Error section in order to clarify appropriate uses of the provisions and lessen the financial impact of sales in error to counties.

**Updating Maintenance in Response to Tax Cuts and Jobs Act (SB 2289/PA 100-0923):** Amends the Illinois Marriage and Dissolution of Marriage Act so that judges may deviate from the maintenance and child support guidelines if the total maintenance and child support obligation exceeds 50 percent of the obligor's net income. Sets the new maintenance based on the new Tax Cuts and Jobs Act.

**Hydraulic Fracturing Tax Certificates (HB 4724/PA 100-1006):** Seeks uniformity across all operators, producers and purchasers of oil and gas under the Illinois Hydraulic Fracturing Tax Act. Also removes provisions concerning first purchaser exemption certificates, and also would remove the exemption from taxation of oil and gas under this Act.

**Angel Investment Credit Cleanup (HB 5214/PA 100-686):** Makes changes concerning the Angel Investment Credit, and changes the definition of "applicant" and "related member" to clarify the people ineligible to receive credit under this program; specifically, more clearly excluding people with existing ownership interests. Also clarifies that "set-aside" credits that are not utilized within the first three quarters of the year may be utilized by investors in any eligible company beginning in the fourth calendar quarter, and also clarifies that all credits not claimed in the first three quarters may be "rolled over" to the final calendar quarter.

**Oil and Gas Interest Receipts (HB 4920/PA 100-0761):** Follows up to a previous statute with clarifying language to PA 100-0519, which adjusted how receipts from oil and gas interests are allocated when ownership is divided between a life tenant and a remainder beneficiary. HB 4920 makes technical corrections to certain definitional issues that could cause confusion on whether the changes applied to the correct type of ownership interest. The goal of this change is to reduce the accounting and tax reporting burdens on those who own legal life estates and remainder interests.

**Spousal Transfer Wooded Acreage (SB 2274/PA 100-0834):** Provides that a transfer between spouses does not disqualify wooded acreage from the provisions for the assessment of un-transferred wooded acreage.

**Rental Car Tolling Device Fee Cap (SB 2522/PA 100-0878):** Requires rental car companies to notify renters of the option to use a toll transponder device at the beginning of the rental agreement. If the rental company does not notify the renter of the transponder, the rental company shall not: Charge a renter fee of more than \$2 each day. However, the rental company may recoup the actual cost incurred for any toll. Charge a renter a daily fee on any day the renter does not drive through an electronic toll.

**Debt Collection (SB 1246/PA 100-0922):** Protects money held in the Illinois College Savings Pool and money invested in ABLE accounts by making them exempt from judgment, attachment or distress from rent. This enables people with disabilities to pay for medical expenses and other costs of living while paying down debt, and similarly protects 539



# NEW LAWS

JANUARY 1, 2019

college savings accounts so kids still have access to college savings while their families pay down debt.

**ICC Collateral Recovery Clean-Up (SB 3504/PA 100-0948):** Amends the Collateral Recovery Act of 1934 by adding clean-up language from the Illinois Commerce Commission. The language does not substantively change the Act, but addresses drafting errors in current law.

**Hunger Relief Fund Checkoff (SB 2868/PA 100-1014):** Creates an income tax checkoff for contributions to the Hunger Relief Fund.

**Life Care Facility Homestead Exemption (SB 3093/PA 100-1077):** Provides that “Life care facilities” should be added to the provisions of the General Homestead Exemption, which would make the language consistent with the Senior Citizens Homestead Exemption.

**State Contract Funding (SB 2297/AMENDATORY VETO OVERRIDE):** Allows a Rescue Squad District to levee a special tax for providing ambulance service at a max rate of .4 percent of the equalized assessed value, if it is approved by referendum. Fire protection districts were given this authority five years ago.

## Transportation, Infrastructure and Vehicular Regulation/Safety

**Agriculture Commodity Transport (HB 5749/PA 100-1090):** Between Sept. 1 and Dec. 31, requires IDOT to issue special permit authorizing the movement of loads of agricultural commodities that may exceed the current axle or vehicle gross weight limits by 10 percent. Also increases the fee to ISP for a police escort to \$75 per hour.

**IDOT ID Special Permit Language Change (SB 3028/PA 100-0728):** Removes language for the application for special permits (weight, height, length) from IDOT by paper. IDOT has moved to an electronic application system.

**SOS Omnibus (HB 5056/PA 100-0956):** Advances various changes suggested by the Secretary of State to improve existing law and to clean up areas of the Illinois Vehicle Code: Provides that the owner of a junk vehicle is not required to surrender the vehicle’s certificate of title under certain circumstances. Allows SOS to alternate numeric and alpha characters on specialty plates to increase the issuance of certain plates without redesigning/issues plates. Permits funeral home plates to be personalized. States any first division vehicle that has a gross weight of 8,000 pounds or more and is used for commercial purpose shall be subject to inspection by IDOT.

**Emergency Vehicle Sirens (HB 5632/PA 100-0962):** Requires that in Chicago an ambulance or rescue vehicle must operate a siren and lamp or lamps only when it is reasonably necessary to warn pedestrians and other drivers of the approach thereof while responding to an emergency call or transporting a patient who presents is in a need for immediate medical intervention. Also requires the Secretary of State to include information on the “Dutch Reach” method in their Rules of the Road publication. Also requires the Secretary of State to include questions concerning safe driving in the presence of bicycles in their question pool for the written portion of the driver’s license examination.

**Vehicle Safety Test (HB 4944/PA 100-0683):** Provides that property carrying vehicles weighing 10,000 pounds to 26,000 pounds be



# NEW LAWS

JANUARY 1, 2019

subject to a safety test at an official testing station at least every 12 months, rather than six months.

**Back-Up Vehicular Lights (SB 2511/PA 100-0707):** Provides that a back-up lamp equipped on a motor vehicle must emit a white or amber light without glare.

**Covered Farm Vehicle Designation (SB 3241/PA 100-0734):** Allows second division vehicles in the 8,000 lbs. or less category that are specially plated to receive the Covered Farm Vehicle (CVF) designation on the vehicles registration card. Vehicle owners requesting to receive the CFV designation must pay an additional \$10 surcharge to receive the designation.

**Public Transit Toll Exemption (HB 5856/PA 100-0739):** Provides that any revenue vehicles owned or operated by a Mass Transit District created under a provision of the Local Mass Transit District Act and running regular scheduled service may use any toll highway without paying a toll.

**Tollway Agenda Posting (SB 2291/PA 100-0867):** Requires the Tollway to post an agenda for each Board of Directors meeting on the Tollway's website and at headquarters building at least two business days in advance of the meeting. Any agenda must set forth the general subject matter of any issue that will be the subject of final action and include specific details concerning contracts for projects more than \$100,000.

**Rear-Facing Car Seat (HB 4377/PA 100-0672):** Requires children under the age of two to be secured in a rear-facing child-restraint system. Children weighing more than 40 pounds or taller than 40 inches are exempted.

**Rules Of The Road (HB 5143/PA 100-0770):**

Requires the Secretary of State to include information on the "Dutch Reach" method in their Rules of the Road publication. The "Dutch Reach" method involves checking the rear view mirror, checking the side-view mirror, then opening the door with the right hand. Also requires the Secretary of State to include questions concerning safe driving in the presence of bicycles in their question pool for the written portion of the driver's license examination.

**Intercity Rail Services (HB 5206/PA 100-0773):**

Allows the Illinois Department of Transportation to enter into agreements with any state, state agency, or units of local government (currently any neighboring state) for the purpose of leasing any locomotive, passenger rail cars, and other rolling stock equipment or accessories. Funds gained would be placed in an escrow account for future rail costs.

## Veteran and Military Affairs

**Quincy Veterans' Home (HB 5683/PA 100-0608):**

Provides that if the Department of Veterans' Affairs purchases a nursing home in the city of Quincy for the purpose of housing veterans, then that housing will fall under the purview of the Department.

**State Universities Civil Service Amendment (HB 3185/PA 100-0615):**

Removes duplicate language concerning examinations and allows for the waiver of examination requirements for additional positions. Also, provides that employees in positions covered by the State Universities Civil Service Act who, while in good standing, leave to engage in military service during a period of hostility shall be given credit



# NEW LAWS

JANUARY 1, 2019

for seniority purposes for time served in the Armed Forces.

**Missing High Risk Military Person (HB 4212/PA 100-0631):** Provides that the definition of “high-risk missing person” includes a person who is a veteran or active duty member of the United States Armed Forces, the National Guard, or any reserve component of the United States Armed Forces who is believed to have a physical or mental health condition that is related to his or her service.

**Veteran ID Designation (HB 4332/PA 100-0811):** Provides that, for purposes of issuing an identification card with a veteran designation, the acceptable forms of proof an applicant includes: a Department of Defense form DD-2 (Retired), an identification card issued under the federal Veterans Identification Card Act of 2015, or a United States Department of Veterans Affairs summary of benefits letter.

**Medical Records for Homeless Vets (HB 4848/PA 100-0814):** Mandates that health-care facilities and practitioners provide a free copy of a homeless veteran’s medical records if the records are being requested by either the veteran or an authorized person, entity, or organization for the purpose of supporting a claim for veterans’ disability benefits.

**G.I. Bill of Rights Day (HB 4954/PA 100-0817):** Provides that the 4th day of November of each year is designated as “G.I. Bill of Rights Day,” to be observed throughout the State as a day in recognition of the landmark legislation that provided benefits to World War II veterans, and would serve as the basis of future legislation to extend benefits to all who serve in the United States Armed Forces.

**Illinois National Guard Member Priority (HB 4288/PA 100-0826):** Allows members of the National Guard from any state to be eligible for a veterans preference; however, Illinois National Guard members will be given priority over any other state.

**Missing High Risk Military Person (SB 2278/PA 100-0835):** Adds veterans and active duty members of the reserves and Armed Forces believed to have physical or mental health issues, related to service, to the definition of “high-risk missing person.”

**Veteran Volunteer Appreciation (SB 3191/PA 100-0889):** Allows the Department of Veterans’ Affairs to make expenditures from the Members benefits funds of Illinois Veterans’ Homes for recognition and appreciation programs for volunteers who assist the Veterans’ homes.

**Veterans Home Spouse Admission (SB 3193/PA 100-0942):** Provides that a non-veteran spouse shall have the same priority as a veteran of admission to a veterans home if the spouse and his or her veteran spouse are admitted at the same time to live together at the veterans home.

**Service Member Employment and Reemployment Rights (SB 3547/PA 100-11-1):** Consolidates all Illinois laws providing employment protections to Illinois service-members into one new Act to modernize state military service-member employment rights law to ensure existing protections are relevant to a modern operational reserve force with greater training requirements and routine participation in on-going military missions worldwide.



# NEW LAWS

JANUARY 1, 2019

**US Armed Forces Mental Health Professionals**

**(HB 4936/PA 100-0908):** Requires the Department of Human Services (DHS) to adopt rules to allow a person who has completed a psychiatric training program certification from the United States Armed Forces with at least one year of experience in a mental health setting to be recognized as a mental health professional for programs authorized or funded by DHS under the direction of a licensed mental health professional.