

Illinois General Assembly Passes Initiatives While Missing Scheduled Adjournment Date

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While attempting to finalize the budget, the General Assembly missed its self-imposed adjournment date of May 19th. As a reminder to eHelps readers, the only substantive date for adjournment is May 31. And then the only repercussion is that the vote total goes from a simple majority to a 3/5th majority. This is not much of a deterrence as the Democrats hold solid super-majorities in both chambers.

While missing its arbitrary adjournment date, the General Assembly passed a few initiatives that will impact eHelps members.

Wrongful Death Punitive Damages—The Illinois Trial Lawyers Association (ITLA) filed [HB 219 HFA#1](#) that adds punitive damages to all wrongful death cases under the Wrongful Death Act.

For over 170 years, Illinois law has consistently held that, absent specific statutory authority or very strong equitable reasons, punitive damages are not permitted under Illinois law. HB 219 would upend the current standard and would greatly expand the liability of companies in wrongful death cases.

The proponents argue that punitive damages will be used to deter future bad acts and should apply to everyone equally. While they profess that is the intent of the legislation, the legislation exempts certain entities from punitive damages. The punitive damages and the so called deterrence for future bad acts do not apply to the following entities:

1. Hospitals;
2. Doctors;
3. Municipalities;
4. State Agencies; and
5. the State.

For instance, families who lost loved ones at the state run LaSalle Veterans Homes during COVID-19 due to negligent care are prohibited from getting punitive damages for the actions of the State. But a private nursing home would be liable for punitive damages for the death of loved ones due to negligent care.

The legislation passed the House by a vote of 74-40 and the Senate by a vote of 37-19.

MHA expects Governor Pritzker to sign the legislation.

Salary and Posting Mandate—[House Bill 3129](#) (Rep. Mary Beth Canty, D/Sen. Cristina Pacione-Zayas, D) requires an employer with 15 or more employees to include a pay scale in any job

posting. "Pay Scale" means the salary or hourly wage range that the employer reasonably expects to pay for the position.

The legislation passed the House by a vote of 60-37. It passed the Senate by a vote of 35-19 with the following changes:

- Internal Links: The amendment allows for the job posting to include a link that would redirect the applicant to another page to view the salary and benefits.
- Notice and Cure: For the first offense a 14 day cure period is allowed before a potential \$500 violation is assessed. For the second offense a 7 day cure period is allowed before a potential fine of \$2,500. A third or subsequent offense would lead to a \$10,000 fine without a cure period.
- "Aggrieved Parties": As originally introduced the legislation allowed anyone to file a complaint. SCA#1 will only allow those individuals that claim to be aggrieved by a violation.
- Effective Date: January 1, 2025.

With the Senate changes, the legislation passed the House with a concurrent vote of 75-39.

Child Bereavement Leave—Senate Bill 2034 (Sen. Karina Villa, D/Rep. Maurice West, D) creates the Zachary's Parent Protection Act and requires a company with more than 250 full time employees to provide 12 weeks of unpaid leave to an employee who experiences the loss of a child by suicide or homicide. A company that employs between 50 and 250 full-time employees must provide 6 weeks of unpaid leave.

The legislation passed the Senate by a vote of 44-6 and the House by a vote of 81-24.

Organ Donation Leave—House Bill 3516 (Rep. Nabeela Syed, D/Sen. Ram Villivalam, D) amends the Employee Blood Donation Leave Act and changes the name of the Act to the Employee Blood and Organ Donation Leave Act. It provides that an employee may use up to 10 days of leave in any 12-month period to serve as an organ donor.

The legislation passed out of the House with a vote of 71-28-2 and the Senate by a vote of 55-0. It was amended in the Senate passed the House a second time on concurrence by a vote of 108-0 vote.

Crime of Violence Leave—HB 2493 (Rep. Aaron Ortiz, D/Sen. Robert Peters, D) passed out of the House by a vote of 95-16 and the Senate by a vote of 43-12. The legislation provides that an employee may take unpaid leave from work for reasons related to a family or household member who is killed in a crime of violence. The employee shall be entitled to a total of not more than 2 workweeks of unpaid leave which must be completed within 60 days after the date on which the employee receives notice of the death of the victim.

An employee may satisfy the certification requirement by providing an employer with a death certificate, published obituary, or written verification of death, burial, or memorial services

from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency, documenting that a victim was killed in a crime of violence.

PaintCare—After many years of negotiation, PaintCare passes the Illinois General Assembly.

PaintCare was formed to manage the first U.S. paint stewardship program that began in Oregon in July 2010. Since then the program has also been established in California, Colorado, Connecticut, the District of Columbia, Maine, Minnesota, Rhode Island, Vermont, Washington and New York.

PaintCare programs are funded by a tax on the sale of each container of paint sold in the state or jurisdiction. Fees are based on container size and vary by state. The assessment of fees covers costs associated with setting up drop-off locations for post-consumer architectural coatings (includes paint, stain, and varnish) from households and businesses in each state with a program and operating recycling and re-use systems. Most drop-off locations are paint retailers. PaintCare also works with household hazardous waste programs and solid waste transfer stations to cover expenses related to paint transportation, recycling, and disposal of the paint they accept. There is no charge for dropping off paint at a PaintCare location. All sites accept all brands of paint, regardless of how old the paint is

SB 836 (Sen. Linda Holmes, D/Rep. Natalie Manley, D) has passed the Senate unanimously by a vote of 54-0 and the House by a vote of 112-0. Retailers, including hardware stores, are NOT:

- required to participate in the program;
- required to be a take-back location;
- required to put the fee on the receipt;
- required to collect or remit any fee;
- considered manufacturers under the legislation; and
- responsible for any paint brands they may own or license.

Additionally, retailers are allowed to voluntarily participate in the program if they choose to do so. Retailers that serve as permanent collection sites could potentially be paid for participating in the program but could not charge the consumer for collecting the paint. Retailers are still allowed to charge for collection of paint as long as they are not participating in the program.