

Illinois Bill Introduction Deadline Passes

The bill introduction deadline has passed in Illinois. Historically, the second year of a General Assembly is less active as to avoid any controversial issues that may harm a legislator within his/her district. That being said, historical norms have been upended recently and the number of controversial bills filed has only increased this year. Additionally, bill deadlines are merely suggestions because new ideas may be included on “shell” bills and amendments. Below is legislation that may impact eHelps members.

DATA PRIVACY

Health Data Privacy—SB 3080 (Sen. Celina Villanueva, D) creates the Protect Health Data Privacy Act and does the followings:

- requires a business to disclose and maintain a health data privacy policy that clearly and conspicuously discloses specified information;
- prohibits a business from collecting, sharing, or storing health data;
- prohibits a business from selling or offering to sell health data concerning a consumer without first obtaining valid authorization from the consumer; and
- Requires a valid authorization to sell consumer health data that contains specified information including; a copy of the signed valid authorization must be provided to the consumer; and the seller and purchaser of health data must retain a copy of all valid authorizations for sale of health data for 6 years after the date of its signature or the date when it was last in effect, whichever is later.

This is a data privacy bill masquerading as "health" data privacy bill. The contents of the legislation apply to ALL consumer data privacy, not just data privacy related to "health".

Data Privacy—SB 3517 (Sen. Sue Rezin, R) creates the Privacy Rights Act and sets forth duties and obligations of businesses that collected consumers' personal information and sensitive personal information to keep such information private.

It sets forth consumer rights in relation to the collected personal information and sensitive personal information, including the right to:

- delete personal information;
- correct inaccurate personal information;
- know what personal information is sold or shared and to whom; opt out of the sale or sharing of personal information; limit use and disclosure of sensitive personal information; and
- no retaliation for exercising any rights.

Data Broker Registry—SB 3516 (Sen. Sue Rezin, R) requires a data broker to register with the Attorney General and provide the following information:

- the name of the data broker and its primary physical, email, and Internet website addresses;
- whether the data broker collects the personal information of minors;
- whether the data broker collects consumers' precise geolocation;
- whether the data broker collects consumers' reproductive health care data;
- a link to a page on the data broker's Internet website that does not make use of any dark patterns.

"Data broker" means a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship. "

ENVIRONMENT

Packaging EPR—SB 3795 (Sen. Adriane Johnson, D) creates the Plastic Pollution and Recycling Modernization Act to implement a packaging extended produce responsibility ("EPR") initiative.

In lieu of a packaging EPR the Illinois General Assembly passed a bill that would conduct a needs assessment study. This report is not due until 2026. Until then no packaging or other similar comprehensive EPR will be considered.

Gas Stove Labeling—HB 5063 (Rep. Anne Stava-Murray) creates the Gas Stove Labeling Act and provides that no person shall sell, attempt to sell, or offer to sell to a consumer in the State a gas stove that is manufactured on or after January 1, 2025 unless a label on the gas stove bears a specified message.

Appliance Standards—SB 3181 (Sen. Laura Fine, D) creates the Appliance Standards Act. It directs the Illinois Environmental Protection Agency to adopt minimum efficiency standards for covered products which include the following:

- automatic irrigation controllers;
- computers and computer monitors;
- faucets;
- gas fireplaces;
- portable electric spas;
- residential ventilating fans;
- showerheads;
- spray sprinkler bodies;
- state-regulated battery charger systems;
- urinals;
- water closets;
- water coolers; or
- any other products as may be designated by the Director.

It also provides for testing, certification, and labeling of covered products.

Gas Powered Leaf Blower Ban—HB 4805 (Rep. Lindsey LaPointe, D) creates the Gas-Powered Leaf Blower Ban Act and after January 1, 2025, a person may not operate or sell at retail a gas-powered leaf blower in the State.

PFAS Registration—HB 4627 (Rep. Anna Moeller, D) authorizes the Environmental Protection Agency to participate in a safe chemical clearinghouse. It also requires manufacturers of PFAS or products or product components containing intentionally added PFAS to register the PFAS or the product or product component containing intentionally added PFAS and to provide certain additional information through a data collection interface established cooperatively by the clearinghouse and the Agency.

Employer Air Quality Standards—HB 4740 (Rep. Laura Faver Dias, D) requires the Director of the Illinois Department of Labor (IDOL) to adopt rules to establish a procedure to protect the health and safety of employees of this State or employees of employers who contract with this State who are exposed to unhealthy or hazardous amounts of particulate matter air pollution.

The procedures shall, at a minimum:

- (1) require an employer of an employee exposed to air with an AQI of 101 through 250 to:
 - assess and monitor air quality at each work location where employees are exposed;
 - provide and document employee training;
 - implement a 2-way communication system; and
 - provide NIOSH-approved filtering facepiece respirators for voluntary use; and

- (2) require an employer of an employee exposed to air with an AQI of 250 or above, in addition to the procedures described in paragraph (1), provide NIOSH-approved filtering facepiece respirators for mandatory use and provide employees training in the proper wear, storage, and disposal of the respirator, including how to check the respirator's seal.

LABOR

Immigration Retaliation—HB 5071 (Rep. Lilian Jimenez, D) would retroactively apply a workplace immigration retaliation clause to 19 employment statutes--16 already contain employee retaliation clauses that apply to all workers regardless of immigration status. Additionally, it would apply to any future "Act concerning employment rights."

Finally, it would retroactively apply to any "applicable employment law or local ordinance.

Pay Stubs—SB 3208 (Sen. Karina Villa, D) requires each pay stub to include an itemized statement or statements reflecting an employee's hours worked, rate of pay, overtime pay and overtime hours worked, gross wages earned, deductions made from the employee's wages, total of wages and deductions year to date, and the unused balance of any benefit or paid time off that is available to the employee.

It provides that an employer shall maintain a copy of an employee's pay stub for a period of not less than 3 years after the date of payment, whether the pay stub is provided electronically or in paper form, and the employer shall furnish the pay stub to the employee or former employee upon the employee or former employee's request.

It also provides that an employer who furnishes electronic pay stubs in a manner that is restricted to the employer's current employees must, upon an employee's separation from employment, furnish the employee or former employee with a paper or emailed electronic record of all of the employee's or former employee's pay stubs for up to 3 years prior to the date of separation, in the method specified by the employee or former employee.

ODRISA—HB 4602 (Rep. Marcus Evans, D) amends the One Day Rest In Seven Act in the following manner:

1. It would not count "on call" as a day of rest in determining the required rest period under the One Day Rest in Seven Act i.e., it is considered a work day in determining when the employee gets one day of rest in seven days.
2. Every employer shall permit its employees who are **scheduled or expected** to work for 7 1/2 continuous hours at least 20 minutes for a meal period beginning no later than 5 hours after the start of the work period.
3. An employee who works in excess of 7 1/2 continuous hours shall be entitled to an additional 20-minute meal period for every additional 4 1/2 continuous hours the employee is scheduled or **expected to be worked**.
4. Requires the work schedule to be posted at the physical location and provided electronically to all employees.
5. Includes a retaliatory provision.
6. Removes a requirement that IDOL shall provide permits authorizing exemptions due to business necessity and economic viability and replaces it with IDOL may provide single day or long term permits based on business necessity or economic viability and if the employee is paid overtime.

Return to Work—HB 4598 (Rep. Barbara Hernandez, D) provides that an employee that resigns from a position due to a return to office policy shall be paid any severance pay that the employee would have been entitled to if he or she had been terminated from the position by the employer.

HB 4598 also makes an employee eligible for unemployment insurance if an employee voluntarily quits as a result of a return to work policy.

TAXES AND FEES

Fees—SB 3259 (Sen. Patrick Joyce, D) only allows a credit card surcharge fee to be added to a transaction.

This means that any other fee such as a delivery fee, service fee, cleaning fee, utility fee, or any other fee would be prohibited.

Retail Pricing—HB 4629 (Rep. Stephanie Kifowit, D) makes it is an unlawful practice for a person to advertise, display, or offer a price for goods or services that does not include all mandatory fees and charges other than: (1) taxes or fees imposed by a unit of government on the transaction; and (2) postage or carriage charges that will be reasonably and actually incurred to ship the physical goods to the consumer.

Price Display—SB 3331 (Sen. Omar Aquino, D) makes it an unfair or deceptive act or practice to:

1. advertise, display, or offer a price for goods or services that does not include all mandatory fees or charges other than taxes imposed by a government entity; or
2. engage in any fraudulent or deceptive conduct that creates a likelihood of confusion or of misunderstanding concerning the complete price of goods or services offered, displayed, or advertised.

The GA passed a comprehensive pricing bill two years ago. Also this does not take into accounts coupons, loyalty reward programs, or swipe fees that are applied at the point of sale.