

GOVERNMENT AFFAIRS

Report

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August 23, 2019

Governor JB Pritzker continues making the rounds and signing bills into law. Here is a quick update on legislative matters that have recently been signed into law.

WORKPLACE SEXUAL HARASSMENT BILL SIGNED

Governor JB Pritzker recently signed [legislation](#) that puts in place a number of new changes to Illinois employment discrimination law. Three general new changes in the law that all employers need to be aware of and comply with:

1. Employee policy regarding arbitration, sexual harassment and sexual discrimination... beginning January 1, 2020 no employer may require as a condition of employment: A) an employee or prospective employee from making truthful statements or disclosures about alleged unlawful employment practices; B) that an employee or prospective employee waive, arbitrate, or otherwise diminish any existing or future claim, right, or benefit related to an unlawful employment practice (employment discrimination/sexual harassment).
2. All employees must annually receive sexual harassment training regardless of size of the employer. The Illinois Department of Human Rights will provide an online training program for employers to use. Current or alternative training that an employer provides is acceptable as long as it meets the minimum criteria required of the training.
3. Employers must annually report charges filed against it by Illinois employees for employment discrimination and sexual harassment.

Additional training and written employment policies requirements are included for restaurants & bars. Hotels and casinos have additional safety devices and anti-sexual harassment policy requirements.

Workers' Compensation

The Chamber worked closely with the sponsors of this bill to ensure the business community's concerns were addressed and went neutral on its passage.

BILL ON ARTIFICIAL INTELLIGENCE SIGNED

Governor Pritzker recently signed [HB 2557](#), creating the Artificial Intelligence Video Interview Act. This new law, which goes into effect January 1, 2020 seeks to regulate employers' use of artificial intelligent video interviews. The new law provides the following:

1. Provides that an employer that asks applicants to record video interviews and uses an artificial intelligence analysis of applicant-submitted videos shall notify each applicant before the interview that artificial intelligence may be used
2. Provides that an employer may not use artificial intelligence to evaluate applicants who have not consented to the use of artificial intelligence analysis.
3. Provides that an employer may not share applicant videos, except with persons whose expertise is necessary in order to evaluate an applicant's fitness for a position.
4. Provides applicants the 'right to be forgotten' and deletion of the data within 30 days upon request.

It is also worth mentioning that there is no statutory damages or explicit private right of action in the bill like that under the state's Biometric law. Initially, the Chamber expressed some concerns with this legislation but ultimately went neutral on its passage. The Chamber is urging all businesses that are utilizing this technology to be compliant with the new law come 2020. For more information, you can find the text [here](#).

CHANGES COMING TO DATA BREACH NOTIFICATION LAW

Governor Pritzker also signed SB 1624. This new law will make modifications to the already existing data breach notification law, otherwise known as the Personal Information Protection ACT, or PIPA. Initially opposed to this bill, the Chamber worked in cooperation with the Senate sponsor and went neutral on the final version. The new law will require owners of data that experience a data breach of more than 500 Illinois residents to report the breach to the state Attorney General.

These changes to the PIPA are scheduled to officially go into effect on January 1, 2020. Members are encouraged to update their data breach notification protocols. For more information, you can find the text [here](#).

TRAIN CAR RAIL CREW SIZE BILL SIGNED INTO LAW

[SB 24](#) was recently signed into law. This new law mandates freight trains must have a two-person crew. The Chamber opposed the effort to create additional regulations on railroads operating in the state. Despite working against it throughout the spring session, the bill passed both chambers on mostly party lines. However, shortly after passage, the Federal Railroad Administration repealed a proposed rule that would have regulated the size the freight train crews and indicated the repeal was intended to preempt state laws regulating freight train crew sizes. The law goes into effect Jan. 1, 2020.

GOVERNOR TAKES BILL ACTION

For a list of other bills recently signed by the Governor, please see below:

[HB 252](#) Amends the Illinois Human Rights Act. Provides that "employer" includes any person employing one (instead of 15) or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation. The Chamber opposed this bill as it will add more regulation to small businesses. Effective Jan. 1, 2020.

[SB 1847](#) Provides that IEPA must provide notice when a permit for a new facility is required. Effective Jan. 1, 2020. The Chamber, initially opposed, provided language to address our concerns and went neutral on its passage.

[SB 2023](#) Makes Illinois' medical cannabis program permanent and adds 11 new conditions for eligibility purposes and expands the range of medical professionals who can certify eligibility of applicants to the program.

[SB 1919](#) Creates a new workforce development program to addresses the skills gap in manufacturing, healthcare, and technology industries. The Chamber supported this measure.

[HB 3435](#) Requires insurance coverage of epinephrine injectors for those 18 years old or younger. Jan. 1, 2020. The Chamber opposes all health insurance mandates.

[HB 3503](#) Requires insurance companies to offer plans and options to cover hearing aid instruments. Effective Jan. 1, 2020. The Chamber opposes all health insurance mandates.

[HB 889](#) Requires an individual or group policy of accident and health insurance or managed care plan to provide coverage for long-term antibiotic therapy for a person with a tick-borne

disease. The Chamber opposes all health insurance mandates.

[SB 241](#) Makes it illegal for a manufacturer to sell any cosmetic that was developed or manufactured using an animal test in the state.

[SB 1636](#) Caps retainage on commercial and private construction to 10% for projects less than half completed and 5% for projects more than half completed. Effective Immediately.

[HB 3481](#) Repeals the Kyoto Protocol Act of 1998. Effective immediately. The Chamber opposed this measure.

[HB 3482](#) Allows the Offshore Wind Energy Economic Development Policy Task Force to report its findings to the governor and General Assembly within 12 months of convening and allows the governor to appoint members within 90 days.

[SB 1256](#) Limits diesel-powered vehicles from idling for extended periods of time near a residential area. Effective Jan. 1, 2020.

[SB 1839](#) Provides licensure for third-party logistic providers to deliver prescription drugs. Effective Immediately.

[SB 102](#) Allows the Secretary of State to authorize the issuance of a digital registration plate to a vehicle in lieu of a set of static, metal registration plates. Effective Immediately.

EVENTS

Tec Nation Chicago Roundup

Were you unable to attend Tec Nation Chicago last week or are you interested in reviewing the event? Good news is you can rewatch our event by the recorded webcast. You can view the event [here](#). And lastly, thank you to our sponsors Akin Gump and Infosys and to those who attended!

Annual Meeting: September 26

Join us at our Annual Meeting on September 26 as we celebrate 100 Years of Innovation. Our keynote speaker will be current IBM CMO and former CEO of Travelocity Michelle Pelsuo. Also featuring guest speaker George McCaskey, Chair of the Chicago Bears, celebrating their 100th birthday this year. For more information and to register, click [here](#).

Save the Date: Critical Infrastructure Conference

Please save the date for our 3rd Annual Critical Infrastructure Conference in Collinsville, IL on October

15! Agenda includes: Putting Together a Capital Plan, Planning for Unique Traffic Events, IDOT Program Update, New Technology in Transportation, and a Rail Panel. You can also register today [here](#).



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