



Legislative Update - October 27, 2023

[Curated from: Public Health Law Watch, ASTHO, NACCHO News from Washington, The JCAR Flinn Report, Ben Lazare Consulting, and Trust for America's Health]

Note: some of this legislative information is not directly related to public health, but it may affect LHDs, their community, or populations so it is being shared for awareness purposes.

103rd ILLINOIS GENERAL ASSEMBLY:

Fall veto session brought the Illinois General Assembly to Springfield on October 24, 25, and 26 to conduct business during its first week of a two-week Veto session. The House was in session two days (Tuesday and Wednesday) and canceled session for Thursday, October 26. The Senate was in session for three days this week (Tuesday – Thursday). Both chambers will reconvene for three days beginning Tuesday, November 7.

It is supermajority season. Legislation must pass Veto session with supermajorities – 71 votes in the House and 36 votes in the Senate – to go into effect immediately. Both chambers require supermajorities to override any Gubernatorial vetoes. Below is a summary of this week's legislative activities and other state and national news.

Total Vetoes: The Governor issued three Total Vetoes. Neither chamber considered any action on total vetoes this week.

- **Nuclear Moratorium:** Senator Rezin filed a motion to override the total veto of [SB 76](#) (Rezin/Yednock), but the Senate did not act on the motion this week. The bill removes the state's moratorium on the construction of new nuclear power plants. The Governor vetoed the bill "at the request of the leadership team of the Speaker of the House and advocates" because he believes "the bill removes the moratorium on new construction of nuclear power plants to allow for the construction of both advanced and traditional large-scale nuclear reactors in Illinois." Senate sponsor Sue Rezin (R-Morris) introduced [SB 2591](#), which she says addresses the governor's objections. That bill also did not move this week.
- **Halal/Kosher Foods:** The Illinois House did not consider the veto of [HB 3643](#) (Rashid/Villivalam). The underlying bill would have required the Illinois State Board of Education to devise a master contract which provided religious dietary options to all public school districts. The Governor vetoed this bill noting this is a local district issue, not a state issue. The Senate sponsor filed an amendment to [SB 457](#) in an attempt to address the concerns raised by the veto. See more below.
- **E-Verify:** The Illinois Senate did not consider the veto to [SB 1515](#) (Cervantes/Delgado). The underlying bill adds restrictions and limitations on the use of the E-Verify system to ensure privacy for workers and ensure a worker can take unpaid leave if there is an issue with verification. According to the Governor's veto message, the total veto came "at the request of the sponsors and advocates." Senate Floor Amendment # 1 to [SB 508](#) (Cervantes) – see below – was filed to correct the issues with SB 1515.

Amendatory Vetoes: The Governor issued three Amendatory Vetoes. Neither chamber acted this week on any of the amendatory vetoes.

- **Omnibus Procurement:** Leader Hoffman filed a motion to accept the amendatory veto of [HB 2878](#) (Hoffman/Castro), but the House did not take action on the motion this week. The underlying bill



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represents a procurement omnibus. The Governor objected to language to authorize public-private partnerships for local transportation projects saying the provisions “skirt transparency and anti-corruption requirements established in state statute, including ethics, Business Enterprise Program, campaign finance, and procurement laws. The potential in this bill for opacity and corruption is too great.” The Governor removed those provisions with his amendatory Veto.

- **Energy Omnibus – First Right of Refusal:** No action was taken this week on the amendatory veto to [HB 3445](#) (Walsh/Stadelman) and the House sponsor indicated that he does not plan to pursue an override this fall and instead will work to educate the body and stakeholders and revisit the first right of refusal issue in the Spring session. The Governor issued an amendatory veto to remove the “right of first refusal” language allowing Ameren to construct new power lines. The Governor argues the provision “will eliminate competition and raise costs for rate payers by giving incumbent utility providers in the MISO region a monopoly over new transmission lines.”
- **Property Tax Omnibus/Private Nursing Homes:** No action was taken this week on the amendatory veto to [HB 2507](#) (Kifowit/Villanueva). The underlying bill represents a property tax omnibus. The Governor issued amendatory veto provisions which would lower property tax rates for private nursing homes in Cook County. The Governor argues the change will “have the effect of raising property taxes on homeowners who are already overburdened and risks driving some residents into foreclosure while simultaneously threatening local school funding.”

Other Illinois General Assembly Action

The Illinois House approved, by a vote 74-35-4, [HB 4148](#) (Welch/Harmon) which would allow legislative employees to form a union and collectively bargain. Current law exempts legislative staff from the ability to unionize. Note the legislation prohibits striking during times of legislative session. The bill now heads to the Senate where its fate remains uncertain.

The Illinois Senate approved, by a vote of 43-15, [SB 457](#) (Villivalam/Welch), which as amended, is the revised Halal/Kosher food legislation in response to the Governor’s veto of [HB 3643](#) (Rashid/Villivalam). SB 457 requires the State Board of Education to enter into one or more statewide master contracts to purchase religious dietary food options. Requires the State Board of Education, subject to appropriation, to notify school districts of any prepackaged meal options, including halal and kosher food options, available for purchase under a statewide master contract for the upcoming school year. Requires the University of Illinois Hospital to offer religious dietary food options that comply with federal and State nutritional guidelines. Amends the Halal Food Act and the Kosher Food Act to provide that any halal food product offered by a State-owned or State-operated facility be purchased from a halal-certified or kosher-certified vendor. Establishes penalties for violations of the provisions. Requires any Department of Corrections facility that provides food services or cafeteria services for which food products are provided or offered for sale to also offer religious dietary food options that comply with federal and State nutritional guidelines. SB 457 now heads to the House for consideration.

The Illinois Senate unanimously approved [SB 382](#) (Edly-Allen/Welch), which as amended, represents a trailer bill to PA 103-294 which clarifies definitions in the Civil Remedies for Nonconsensual Dissemination of Private Sexual Images Act. SB 382 now heads to the House for consideration.



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The Illinois Senate approved, by a vote of 37-18, [SB 384](#) (Feigenholtz/Welch) which, as amended, makes changes to the Electric Vehicle Charging Act to clarify provisions related to EV-capable parking space requirements and residential requirements. SB 384 now heads to the House for consideration.

The Senate Executive Committee voted 8-4 to approve Senate Floor Amendment # 1 to [SB 508](#) (Cervantes) which provides that unless otherwise required by federal or state law, an employer shall not voluntarily enroll in the E-Verify program or a similar system and provides for additional rights and protections granted to an employee if there is a discrepancy. This legislation is intended to clean up [SB 1515](#) (Cervantes/Delgado – which sponsors asked the Governor to veto. The amendment is now pending before the full Senate.

The Illinois Senate approved [SB 690](#) (Gillespie/Welch) as amended, by a vote of 40-18. The bill validates certain tax levies for community mental health boards to ensure that local referenda previously passed are effective. SB 690 now heads to the House for consideration.

The Illinois Senate unanimously approved [SB 765](#) (Harris) which, as amended, addresses changes to reinsurance market for farmers in Illinois. Without this change, nearly 50,000 farmers will lose their coverage at the end of the year. Specifically, the bill requires farmer mutual insurance companies to maintain adequate reinsurance. SB 765 now heads to the House for consideration.

The Illinois Senate unanimously approved [SB 767](#) (Fine/Welch), as amended. The bill requires all hearing instruments offered for sale to be accompanied by a 30-business day return policy. SB 767 now heads to the House for concurrence.

The State Government Committee unanimously approved Senate Floor Amendment # 1 to [SB 769](#) (Halpin) which amends the Swimming Facility Act to provide that the rules adopted by the Department of Public Health must allow sporting good equipment systems and fitness equipment systems to be installed in swimming facilities if the equipment is designed for pool use and installed in accordance with the safe-use parameters specified by the manufacturer. The amendment is now pending before the full Senate.

The Illinois Senate unanimously approved [SB 856](#) (Turner/Welch). As amended, the bill allows certain DCFS front-line workers to use their work address rather than their personal address on their driver's license or state ID. SB 856 now heads to the House.

The Senate Executive Committee voted 7-4 to concur with the House in HFA # 2 to [SB 1769](#) (Ventura/Hoffman) which requires all vehicles purchased or leased by government entities, except law enforcement, to be zero-emission by 2030. HFA # 2 exempts vehicles purchased by the Department of Transportation as part of their consolidated vehicle procurement program. SB 1769 is now pending before the full Senate.

GOVERNOR'S HIGHLIGHTS:



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Early Childhood Education: Governor Pritzker announced a proposal to create a new state agency to house all early childhood programs and funding with the goal of providing a more equitable, integrated, and holistic system of services for young children and families in Illinois. Currently, services are housed in three separate agencies—the Illinois State Board of Education, the Illinois Department of Human Services, and the Illinois Department of Children and Family Services.

The initiative is a multi-year process which will be implemented via a combination of [Executive Order 2023-09](#) and legislation during the 2024 legislative session. Ann Whalen will serve as Early Childhood Transition Director, working out of ISBE and in close collaboration with state agencies and the governor's office. An external advisory committee will seek input from stakeholders across the state. The committee will be chaired by Bela Moté and work closely with Ann Whalen. The new unified agency will unify the following programs under a single agency: (1) the Early Childhood Block Grant at ISBE, which funds Preschool for All and the Prevention Initiative home-visiting program; (2) the Child Care Assistance Program, Home-Visiting, and Early Intervention services at DHS; and (3) day care licensing currently managed by DCFS. Read more [here](#).

Child and Adolescent Health Funding Awarded: The Illinois Department of Public Health is awarding \$9.5 million in funding to 40 different applicants across the state to support post-pandemic child and adolescent health. The size of the grants ranges from \$83,000 to just over \$400,000. Sixty percent of the grants are going to schools, 20% to hospital or clinic-based programs, 17.5% to local health departments and 2.5% to colleges. Read more [here](#).

Illinois Maternal Morbidity and Mortality Report: The Illinois Department of Public Health released the third edition of the Illinois Maternal Morbidity and Mortality Report, covering maternal deaths occurring for Illinois residents during 2018-2020. Among the key findings are that Black women continue to die at disparately higher rates, specifically due to medical causes including cardiovascular disease and pre-existing chronic medical conditions; and that the leading overall cause of pregnancy-related death is substance use disorder. Read more [here](#). All three of the Illinois Maternal Morbidity and Mortality reports can be found at the [IDPH Maternal Morbidity and Mortality](#) page.

ADMINISTRATIVE RULES – [The Flinn Report, October 27](#)

Nursing Homes: The Illinois Department of Public Health (IDPH) proposed amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 47 Ill Reg 15090) updating statutory language concerning the issuance of probationary licenses to new facilities, licenses for facilities in receivership, and the timeline for DPH to complete inspections during a statewide public health emergency; repealing obsolete provisions for a congregate living arrangement demonstration program; updating incorporated and referenced regulations and statutes; updating statutory provisions for informed consent to psychotropic medication; allowing more time for nurse aides to complete training during a public health emergency; and requiring nurses to be informed of employee assistance programs.

Sheltered Care: DPH also proposed amendments to Sheltered Care Facilities Code (77 IAC 330; 47 Ill Reg 15139) implementing 7 Public Acts and aligning the Part with the Nursing Home Care Act. This rulemaking clarifies the definition of a sheltered care facility; provides for facilities to obtain either 1- or 2-year licenses (currently, all licenses are annual); provides that willful submission of false information



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on a license application, interference with a DPH survey or inspection, or failure to implement a plan of correction are business offenses subject to a fine of up to \$10,000; clarifies how certain penalties are assessed; requires 60 days (currently 90 days) notice of a facility's closure; requires the facility to submit a closing plan to DPH with provisions for the safe and orderly transfer of residents; and prohibits referrals of residents or their families to any unlicensed home health, home services or home nursing agency. Other provisions update staff training and infection control requirements; limit use of physical restraints and update requirements for informed consent to use physical restraints or to administer psychotropic medications; require DPH to be notified and a contingency plan submitted if direct care staff have given notice of intent to go on strike; require nursing staff to be notified of employee assistance programs; require information on the Long-Term Care Ombudsman Program and filing of complaints to be made available to the public, residents and visitors; clarify the timeline for issuing administrative warnings and requiring corrective action for less serious violations; require compliance with the Alzheimer's Disease and Related Dementias Act, the Authorized Electronic Monitoring in Long-Term Care Facilities Act, and their related DPH rules; require closed captioning to be left on TV sets in common areas; and update statutory references and incorporation by reference of federal regulations and professional standards. Sheltered care facilities licensed under this Part are affected.

ISP to Host Hearings on Proposed Amendments to the FOID Card Act: These hearings concern proposed amendments published in the 9/29/23 Illinois Register that implement the Protect Illinois Communities Act (PICA) portion of PA 102-1116 (SAFE-T Act), requiring Illinois residents who legally possessed, prior to 1/10/23, firearms now classified as assault weapons to register these firearms with ISP no later than 1/1/24. These provisions were also enacted in an identical emergency rule effective 9/15/23. The Illinois State Policy will hold 3 public hearings on proposed amendments to Firearm Owner's Identification Card Act (20 IAC 1230; 47 Ill Reg 13846) at the following times and locations:

- Thursday, Nov. 2, 9:30 a.m., Room D-1, Stratton Building, 401 S. Spring St. (Capitol Complex), Springfield. Live stream via WebEx at:
<https://illinois.webex.com/illinois/j.php?MTID=m92efde0ddc54f674c2674789f974829f>
(Password for access is TmXUtWsn232)
- Friday, Nov. 3, 9:30 a.m., Room C600, Bilandic Building, 160 N. La Salle St., Chicago. Live stream via WebEx at:
<https://illinois.webex.com/illinois/j.php?MTID=m3cf053a59d5463686a21c2c6dffa267>
(Password for access is VyNEdUQd968)
- Monday, Nov. 6, 9:30 a.m., Caseyville Community Center (Village Hall), 909 S. Main St., Caseyville. Live stream via WebEx at:
<https://illinois.webex.com/illinois/j.php?MTID=mc5a9b639be91200599fcf2d92e7874a5>
(Password for access is fdHGXTNc838).

OTHER NEWS

Efforts to Vacate Federal Vaccine Mandate Cases: The legal battles over the vaccine mandates instituted by the federal government in response to the COVID-19 pandemic are still being fought today. However, following the rescission of most mandates, the strategy pursued by the Department of Justice has recently shifted to vacating prior adverse decisions. This tactic, which seeks to reset the public



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health legal framework to what it was prior to COVID, has achieved some success, but has also faced pushback from some judges. As the pandemic wound down in 2023, the federal government began rescinding its COVID-19 vaccine mandates. However, this did not automatically stop the hundreds of lawsuits that were filed over the past two years, nor did it undo the injunctions that were in place. In response, in recent months the federal government has begun to seek vacatur of injunctions that were entered against federal vaccine mandates. The precedent cited has been [US v. Munsingwear, Inc.](#), a 1950 Supreme Court case that held that when a case becomes moot before appeals are exhausted, the proper action is to vacate the lower judgment and dismiss. If vacated, the injunctions and decisions imposing them will no longer carry precedential value. This will be important in the future, if there is another public health emergency requiring the federal government to issue vaccine mandates.

Attorney General Files Lawsuit Against Meta: Illinois Attorney General Kwame Raoul filed a lawsuit against Meta Platforms Inc. (Meta), the company that owns and operates Facebook and Instagram, for its harmful business practices targeting children. The lawsuit, backed by a broad bipartisan coalition of 33 states, was filed Tuesday in the federal district court for the Northern District of California. In their lawsuit, Raoul and the attorneys general allege that Meta's business model, which seeks to capture as much user time and attention as possible to sell advertising, has targeted youth, including teenagers and even younger children, in ways that take advantage of them. Read the lawsuit [here](#).

Federal Funding Update

On October 25, the House elected a new Speaker—Rep. Mike Johnson (R-LA)—to replace former Speaker Kevin McCarthy (R-CA). Speaker Johnson shared a [letter](#) to his colleagues laying out a tentative schedule for federal funding. He endorsed a plan to bring up 12 individual spending bills, rather than an omnibus spending bill to fund federal agencies. The Speaker proposed extending the federal government funding beyond Nov. 17 through a “stop gap measure” expiring on “January 15 or April 15 (based on what can obtain Conference consensus).” the Biden administration also asked Congress for [\\$56 billion in emergency supplemental funding](#) for child care, disaster and response aid, international food assistance, and other domestic priorities. The federal government is currently operating under a continuing resolution until November 17. Various public health organizations have stated it is uncertain whether a shutdown can be avoided. According to media reports, some members of the House indicated they will support extending funding for the federal government only if the bill includes a 30% reduction in funding from current levels; if enacted, that would significantly impact public health and other program areas. Additionally, Speaker Johnson did not acknowledge President Biden's request for emergency supplemental funding in his “dear colleague” letter. Congress is still in the early days of negotiating a proposal to avoid a government shutdown. The House will be in session next week.

Senate HELP Committee Advances Nomination of Monica Bertagnolli for NIH Director The Senate Health, Education, Labor, and Pensions Committee (HELP) [voted](#) 15-6 to advance the nomination of Monica Bertagnolli, the Biden administration's pick to lead the National Institutes of Health (NIH). Bertagnolli's nomination is now headed to the full Senate for confirmation. The agency has not had a permanent director in nearly two years, with Lawrence Tabak serving as acting director since 2021.

Resources



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Public Health Communications Collaborative Webinar on Crisis Communication

The Public Health Communications Collaborative hosted a webinar entitled “Public Health and Crisis Situations: Communicating and Connecting with Confidence.” The webinar focused on how to foster trust and inspired action through public health crisis communication. You can [watch the webinar recording](#) and access the webinar presentation on the PHCC website.

[Watch the Recording](#)

CDC Report on Health Workers Facing Harassment, Poor Mental Health, and Difficult Working Conditions On October 24, the CDC [released](#) a report demonstrating that nearly half of health workers reported feeling burned out in 2022, and more than double the number of health workers reported being harassed at work in 2022 than in 2018. This may include threats, bullying, verbal abuse, or other actions from patients and coworkers that create a hostile work environment. Findings show that health worker burnout was at crisis levels prior to the COVID-19 pandemic, but the pandemic presented unique challenges that further impaired health worker mental health and increased health workers' intent to leave their jobs.

A [New York Times article](#) covering the CDC report highlighted the struggles and hostility local health department officials experienced when trying to encourage and get people vaccinated for COVID-19. The report provides recommendations employers can take to modify working conditions associated with burnout and poor mental health outcomes in health settings. CDC's National Institute for Occupational Safety and Health also [announced](#) it will be launching a national campaign—the Impact Wellbeing campaign—to provide health employers with resources to improve worker mental health.

Food Insecurity Rose in 2022 According to New Report from USDA

A report [released](#) by the U.S. Department of Agriculture shows an increase in families facing food insecurity in 2022 compared to the previous year. According to the report, 12.8 percent (17 million households) were food insecure, which is statistically significantly higher than in 2021 at 10.2 percent. Food-insecure households reported having difficulty at some time during the year providing enough food for all their members because of a lack of resources. Very low food security is the more severe range of food insecurity where one or more household members experience reduced food intake and disrupted eating patterns at times during the year because of limited money and other resources for obtaining food. In 2022, 5.1 percent (6.8 million) of U.S. households had very low food security, higher than the 3.8 percent (5.1 million households) in 2021. Households with children facing food insecurity also increased to 8.8 percent in 2022 compared to 6.2 percent in 2021. Just over half of food-insecure households participated in one or more of the three largest federal food assistance programs administered by USDA—SNAP, WIC, and the National School Lunch Program.

TFAH hosts event on 20th Anniversary of State of Obesity Report: Last week, Trust for America's health (TFAH) hosted an in-person and livestreamed event recognizing the 20th anniversary of its [State of Obesity: Better Policies for a Healthier America](#) report at the National Press Club in Washington, D.C. The two-hour



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event featured White House and Federal officials discussing the Biden Administration's priorities for improving nutrition and health, a panel featuring community leaders and nutrition and medical experts discussing effective community level obesity prevention programs, and four-time track and field Olympian and record holder Chaunte Lowe closed the program discussing the role sport can play in promoting health and well-being. Ms. Lowe is a member of the President's Council on Sports, Fitness, and Nutrition. A recording of the event is available [here](#).

Questions or recommendations for sources? Contact Conny Moody, IPHA cmoody@ipha.com