AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Artificial Intelligence Safety Measures Act.

Section 5. Definitions. As used in this Act:

"Affiliate" means a person controlling, controlled by, or under common control with a specified person, directly or indirectly, through one or more intermediaries.

"Agency" means the Illinois Emergency Management Agency and Office of Homeland Security.

"Artificial intelligence" or "AI" has the meaning ascribed to the term "artificial intelligence" in Section 5 of the Digital Voice and Likeness Protection Act. "Artificial intelligence" or "AI" includes generative artificial intelligence.

"Catastrophic risk" means a foreseeable and material risk that a frontier developer's development, storage, use, or deployment of a frontier model will materially contribute to the death of, or serious injury to, more than 50 people or more than $1,000,000,000 in damage to, or loss of, property arising from a single incident involving a frontier model doing any of the following:

(1) providing expert-level assistance in the creation or release of a chemical, biological, radiological, or nuclear weapon;

(2) engaging in conduct with no meaningful human oversight, intervention, or supervision that is either a cyberattack or, if the conduct had been committed by a human, would constitute the crime of murder, assault, extortion, or theft, including theft by false pretense; or

(3) evading the control of its frontier developer or user.

"Catastrophic risk" does not include a foreseeable and material risk from any of the following:

(1) information that a frontier model outputs if the information is otherwise publicly accessible in a substantially similar form from a source other than a foundation model;

(2) lawful activity of the federal government; or

(3) harm caused by a frontier model in combination with other software if the frontier model did not materially contribute to the harm.

"Covered employee" means an employee responsible for assessing, managing, or addressing the risk of critical safety incidents.

"Critical safety incident" means any of the following:

(1) unauthorized access to, modification of, or exfiltration of, the model weights of a frontier model

that results in death or bodily injury;

(2) harm resulting from the materialization of a catastrophic risk;

(3) loss of control of a frontier model causing death or bodily injury; or

(4) a frontier model that uses deceptive techniques against the frontier developer to subvert the controls or monitoring of its frontier developer outside of the context of an evaluation designed to elicit this behavior and in a manner that demonstrates materially increased catastrophic risk.

"Deploy" means to make a frontier model available to a third party for use, modification, copying, or combination with other software. "Deploy" does not include making a frontier model available to a third party for the primary purpose of researching, developing, or evaluating the frontier model.

"Foundation model" means an artificial intelligence model that is all of the following:

(1) trained on a broad data set;

(2) designed for generality of output; and

(3) adaptable to a wide range of distinctive tasks.

"Frontier AI framework" means documented technical and organizational protocols to manage, assess, and mitigate catastrophic risks.

"Frontier developer" means a person who trains, or initiates the training of, a frontier model using computing power that meets the technical specifications set forth in the definition of "frontier model".

"Frontier model" means a foundation model that was trained using a quantity of computing power greater than 10^{26} integer or floating-point operations. The quantity of computing power described in this definition shall include computing for the original training run and for any subsequent fine-tuning, reinforcement learning, or other material modifications the developer applies to a preceding foundation model.

"Large frontier developer" means a frontier developer that, together with its affiliates, collectively had annual gross revenues in excess of $500,000,000 in the preceding calendar year.

"Model weight" means a numerical parameter in a frontier model that is adjusted through training and that helps determine how inputs are transformed into outputs.

"Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business, trust, company, corporation, limited liability company, association, committee, or any other nongovernmental organization or group of persons acting in concert.

"Property" means tangible or intangible property.

Section 10. Frontier AI framework.

(a) Beginning January 1, 2028, a large frontier developer shall write, implement, comply with, and clearly and conspicuously publish on its website a frontier AI framework that applies to the large frontier developer's frontier models and describes how the large frontier developer approaches all of the following:

(1) incorporating national standards, international standards, and industry-consensus best practices into its frontier AI framework;

(2) defining and assessing thresholds used by the large frontier developer to identify and assess whether a frontier model has capabilities that could pose a catastrophic risk, which may include multiple-tiered thresholds;

(3) applying mitigations to address the potential for catastrophic risks based on the results of assessments undertaken pursuant to paragraph (2);

(4) reviewing assessments and adequacy of mitigations as part of the decision to deploy a frontier model or use it extensively internally;

(5) using third parties to assess the potential for catastrophic risks and the effectiveness of mitigations of catastrophic risks;

(6) revisiting and updating the frontier AI framework, including any criteria that trigger updates and how the large frontier developer determines when its frontier models are substantially modified enough to require

disclosures pursuant to subsection (c);

(7) cybersecurity practices to secure unreleased model weights from unauthorized modification or transfer by internal or external parties;

(8) identifying and responding to critical safety incidents;

(9) instituting internal governance practices to ensure implementation of these processes; and

(10) assessing and managing catastrophic risk resulting from the internal use of its frontier models, including risks resulting from a frontier model circumventing oversight mechanisms.

(b)(1) A large frontier developer shall review and, as appropriate, update its frontier AI framework at least once per year.

(2) If a large frontier developer makes a material modification to its frontier AI framework, the large frontier developer shall clearly and conspicuously publish on its website the modified frontier AI framework and a justification for that modification within 30 days.

(c)(1) Before, or concurrently with, deploying a new frontier model or a substantially modified version of an existing frontier model, a frontier developer shall clearly and conspicuously publish on its website a transparency report containing all of the following:

(A) the website of the frontier developer;

(B) a mechanism that enables a natural person to communicate with the frontier developer;

(C) the release date of the frontier model;

(D) the languages supported by the frontier model;

(E) the modalities of output supported by the frontier model;

(F) the intended uses of the frontier model; and

(G) any generally applicable restrictions or conditions on uses of the frontier model.

(2) Before, or concurrently with, deploying a new frontier model or a substantially modified version of an existing frontier model, a large frontier developer shall include in the transparency report required by paragraph (1) of this subsection (c) summaries of all of the following:

(A) assessments of catastrophic risks from the frontier model conducted pursuant to the large frontier developer's frontier AI framework;

(B) the results of the assessments under subparagraph (A);

(C) the extent to which third-party evaluators were involved; and

(D) other steps taken to fulfill the requirements of the frontier AI framework with respect to the frontier model.

(3) All summaries required under paragraph (2) shall be provided in a machine-readable format to facilitate

verification of model claims.

(4) A frontier developer that publishes the information described in paragraph (1) or (2) as part of a larger document, including a system card or model card, shall be deemed in compliance with the applicable paragraph.

(5) A frontier developer is encouraged, but not required, to make disclosures described in this subsection (c) that are consistent with, or superior to, industry best practices.

(d) Beginning on January 1, 2028 or 90 days after a developer first qualifies as a large frontier developer, whichever is later, a large frontier developer shall annually retain a third party to perform an independent audit of compliance with the requirements of this Section. The third party shall conduct audits consistent with generally accepted auditing standards and best practices and shall possess demonstrated competence to perform the audit, including experience employing or contracting with individuals who possess technical expertise in the safety of frontier models. A large frontier developer shall not retain a third party if either the large frontier developer or the third party has a financial interest in the other party. A large frontier developer may compensate a third party for its services but shall not condition any payment or the amount of any payment on the results of the third party's audit.

(1) The third party shall be granted access to all materials reasonably necessary to comply with the third

party's obligations under this subsection (d), including, but not limited to, all unredacted versions of materials published pursuant to this Act. To protect the frontier developer's trade secrets and confidential business information, cybersecurity, national security of the United States, or public safety, a large frontier developer may impose security protocols on the third party, including, but not limited to, restrictions on note taking, copying, retaining, or removing materials; requirements for on-premise review; and confidentiality requirements.

(2) The third party shall produce a report that includes all of the following:

(A) a description of whether the large frontier developer has substantially complied with the requirements of this Section;

(B) if applicable, a description of material deviations from the requirements of this Section, an explanation of any deviation and its rationale, and any recommendations for how the developer can improve its policies and processes for ensuring compliance with the requirements of this Section;

(C) a detailed assessment of the large frontier developer's internal controls, including its designation and empowerment of senior personnel responsible for such implementation by the large frontier developer, its employees, and its contractors;

(D) a list of the personnel involved in the audit;

(E) the third party's procedures for managing conflicts of interest and any conflicts of interest of any personnel involved in the audit;

(F) the methodology of the audit and the nature of the information reviewed by the third party to conduct the audit; and

(G) the signature of the lead auditor certifying the results of the audit.

(3) The large frontier developer shall retain an unredacted copy of the report for as long as a frontier model is deployed plus 5 years.

(4)(A) No later than 30 days after receiving the audit report, the large frontier developer shall conspicuously publish on its website a high-level summary of the audit findings and a copy of the third party's report with appropriate redactions and transmit a copy of the redacted report to the Agency and the Attorney General.

(B) The large frontier developer shall grant the Agency and the Attorney General access to the third party's report, with redactions, upon request, subject to the redactions permitted under subsection (g).

(e) A large frontier developer shall transmit to the Agency a summary of any assessment of catastrophic risk resulting from internal use of its frontier models every 3 months or pursuant to another reasonable schedule specified by the large frontier developer and communicated in writing to the Agency and the Attorney General with written updates, as appropriate and agreed upon by the Agency.

(f)(1) A frontier developer shall not make a materially false or misleading statement about catastrophic risk from its frontier models or its management of catastrophic risk.

A large frontier developer shall not make a materially false or misleading statement about its implementation of, or compliance with, its frontier AI framework.

(2) This subsection (f) does not apply to a statement that was made in good faith and was reasonable under the circumstances.

(g)(1) When a frontier developer publishes documents to comply with this Section, the frontier developer may make redactions to those documents that are necessary to protect the frontier developer's trade secrets, the frontier developer's cybersecurity, public safety, or the national security of the United States or to comply with any federal or State law.

(2) If a frontier developer redacts information in a document pursuant to this subsection (g), the frontier developer shall describe the character and justification of the redaction in any published version of the document to the extent permitted by the concerns that justify redaction and

shall retain the unredacted information for 5 years.

Section 15. Reporting critical safety incidents.

(a) The Agency, in consultation with the Attorney General, shall establish a mechanism to be used by a frontier developer or a member of the public to report a critical safety incident that includes all of the following:

(1) the date of the critical safety incident;

(2) the reasons the incident qualifies as a critical safety incident;

(3) a short and plain statement describing the critical safety incident; and

(4) whether the incident was associated with internal use of a frontier model.

(b)(1) The Agency, in consultation with the Attorney General, shall establish a mechanism to be used by a large frontier developer to confidentially submit summaries of any assessments of the potential for catastrophic risk resulting from internal use of its frontier models.

(2) The Agency and the Attorney General shall take all necessary precautions to limit access to any reports related to internal use of frontier models to only personnel with a specific need to know the information and to protect the reports from unauthorized access.

(c) A frontier developer shall report any critical safety incident pertaining to one or more of its frontier models to the Agency and the Attorney General within 72 hours of the frontier developer learning facts sufficient to establish a reasonable belief that a critical safety incident has occurred. The disclosure shall include: (i) the date of the critical safety incident; (ii) the reasons the incident qualifies as a critical safety incident as defined in this Act; and (iii) a short and plain statement describing the critical safety incident. If a frontier developer discovers that a critical safety incident poses an imminent risk of death or serious physical injury, the frontier developer shall disclose that incident within 24 hours to an authority, including any law enforcement agency or public safety agency with jurisdiction, that is appropriate based on the nature of that incident and as required by law. A frontier developer that discovers information about a critical safety incident after filing the initial report required by this subsection (c) may file an amended report. A frontier developer is encouraged, but not required, to report critical safety incidents pertaining to foundation models that are not frontier models.

(d) The Agency and the Attorney General shall review critical safety incident reports submitted by frontier developers and may review reports submitted by members of the public.

(e) The Attorney General or the Agency may transmit reports of critical safety incidents to the General Assembly, the Governor, the federal government, or appropriate State agencies. The Attorney General and the Agency shall strongly consider any risks related to trade secrets, public safety, cybersecurity of a frontier developer, or national security when transmitting reports.

(f) The following records are exempt from disclosure under the Freedom of Information Act:

(1) any report of a critical safety incident submitted to the Agency or the Attorney General;

(2) any report of an assessment of catastrophic risk from internal use under subsection (e) of Section 10;

(3) any unredacted version of the third party audit report produced under subsection (d) of Section 10 in the possession of the Agency or the Attorney General;

(4) any materials, work papers, notes, or derivative documents prepared by a third party in connection with an audit under subsection (d) of Section 10, to the extent such materials come into the possession of the Agency or the Attorney General; and

(5) any covered employee report made under Section 30.

(g)(1) By January 1, 2029, and by each January 1 thereafter, the Agency, in consultation with the Attorney General, shall produce a report that includes the following:

(A) anonymized and aggregated information about critical safety incidents that have been reviewed by the Agency or the Attorney General since the preceding report;

(B) information that the Agency deems relevant to frontier model safety;

(C) recommended updates to this Act, if any; and

(D) any developments relevant to the purposes of this Act.

(2) The Agency and the Attorney General shall not include information in a report that would compromise the trade secrets or cybersecurity of a frontier developer, public safety, or the national security of the United States or that would be prohibited by any federal or State law.

(3) The Agency, in consultation with the Attorney General, shall transmit the report under this subsection (g) to the General Assembly and to the Governor.

Section 17. Interoperability.

(a) The Agency, in consultation with the Attorney General, shall designate on its website a declaration process and one or more federal laws, regulations, or guidance documents that meet all of the following conditions for the purposes of subsection (b):

(1) the law, regulation, or guidance document imposes or states standards or requirements for critical safety incident reporting that are substantially equivalent to, or stricter than, those required by this Act;

(2) the law, regulation, or guidance document described in paragraph (1) does not need to require

critical safety incident reporting to the State of Illinois;

(3) the law, regulation, or guidance document is intended to assess, detect, or mitigate the catastrophic risk in ways that are substantially equivalent to this Act; and

(4) the law, regulation, or guidance document requires the large frontier developer to undergo independent third-party audits of its assessment of catastrophic risks and critical safety incident reporting with requirements that are substantially equivalent to, or stricter than, those required by this Act.

(b)(1) A frontier developer that intends to comply with this Act by complying with the requirements of, or meeting the standards stated by, a federal law, regulation, or guidance document designated in subsection (a) shall declare its intent to do so to the Agency by following the process outlined on the Agency's website.

(2) After a frontier developer has declared its intent pursuant to paragraph (1), both of the following apply:

(A) the frontier developer shall be deemed in compliance with this Act to the extent that the frontier developer meets the standards of, or complies with the requirements imposed or stated by, the designated federal law, regulation, or guidance document until the frontier developer declares the revocation of that intent to the

Agency in the manner provided for on the Agency's website; and

(B) the failure by a frontier developer to meet the standards of, or comply with the requirements stated by, the federal law, regulation, or guidance document designated pursuant to subsection (a) shall constitute a violation of this Act.

(c) The Agency shall issue updated guidance documents on its website if the requirements of subsection (a) are no longer met.

Section 18. Large frontier developer disclosure.

(a) Except as otherwise provided in this Section, beginning January 1, 2027, no large frontier developer may develop, deploy, or operate a frontier model, in whole or in part in this State, without having a current disclosure statement filed with the Agency and paying the required fee.

(b) The disclosure statement shall be filed in the form and the manner prescribed by the Agency on the Agency's website and shall contain all the information required by the Agency. It shall be renewed annually, whenever ownership of the frontier model is transferred or whenever there is a material change to the information reported in the previously filed disclosure statement, whichever occurs earlier.

(c) The disclosure statement shall identify:

(1) the identity of the large frontier developer and

all names under which such large frontier developer conducts business;

(2) the address of the principal place of business and the address of each office the large frontier developer maintains in this State;

(3) in the event the large frontier developer or the ultimate parent of the large frontier developer is a privately or closely held company, a list of all persons or entities that beneficially own a 5% or greater interest in the large frontier developer at the time the disclosure statement is filed and a list of persons who formerly beneficially owned a 5% or greater interest in the owner or its predecessors in the preceding 5 years; in the event the owner or the ultimate parent is a publicly traded company, the owner shall file a list of all persons or entities that beneficially own a 50% or greater interest in the large frontier developer at the time of disclosure; and

(4) the name and contact information of a point of contact, secondary contact, and tertiary contact for the large frontier developer; the point of contact shall be responsible for receiving inquiries relating to this Act from the Agency or other governmental entities.

(d) The Agency shall charge and collect fees from large frontier developers for the expenses of administering this Act, which shall be nonrefundable unless otherwise indicated.

Each large frontier developer shall pay to the Agency its pro rata share of the cost of administration of this Act, as estimated by the Agency, for the current year and any deficit actually incurred in the administration of the Act in prior years.

(e) If any person develops, deploys, or operates a large frontier model in this State without a current disclosure filed with the Agency as required by this Section, submits false information in its disclosure or fails to timely pay any assessment required by this Act, in addition to any other penalty or liability that may be imposed under this Act, the Agency may, after notice and hearing, levy civil penalties, fees, and costs as follows:

(1) a civil penalty of $1,000 for each day the person fails to file a disclosure as required by this Section or fails to correct false information; and

(2) an amount equal to the assessments owed.

(f) The Agency shall maintain and publish a list of large frontier developers who have filed disclosure statements; however, the publication shall not include the contact information set forth in subsection (c).

Section 20. Whistleblower protections.

(a) A frontier developer shall not make, adopt, enforce, or enter into a rule, regulation, policy, or contract that prevents a covered employee from disclosing, or retaliates against a covered employee for disclosing, information to the Agency, Attorney General, a federal authority, a person with authority over the covered employee, or another covered employee who has authority to investigate, discover, or correct the reported issue, if the covered employee has reasonable cause to believe that the information discloses that:

(1) the frontier developer's activities pose a specific and substantial danger to the public health or safety resulting from a catastrophic risk; or

(2) the frontier developer has violated this Act.

(b) A frontier developer shall not enter into a contract that prevents a covered employee from making a disclosure protected under the Whistleblower Act.

(c) A covered employee may use the Attorney General's Workplace Rights Hotline to make reports described in subsection (a).

(d) A frontier developer shall provide a clear notice to all covered employees of their rights and responsibilities under this Section, including by doing either of the following:

(1) at all times posting and displaying within any workplace maintained by the frontier developer a notice to all covered employees of their rights under this Section, ensuring that any new covered employee receives equivalent notice, and ensuring that any covered employee who works

remotely periodically receives an equivalent notice; or

(2) at least once each year, providing written notice to each covered employee of the covered employee's rights under this Section and ensuring that the notice is received and acknowledged by all of those covered employees.

(e)(1) A large frontier developer shall provide a reasonable internal process through which a covered employee may anonymously disclose information to the large frontier developer if the covered employee believes in good faith that the information indicates that the large frontier developer's activities present a specific and substantial danger to the public health or safety resulting from a catastrophic risk or that the large frontier developer violated this Act, including a monthly update to the person who made the disclosure regarding the status of the large frontier developer's investigation of the disclosure and the actions taken by the large frontier developer in response to the disclosure.

(2)(A) Except as provided in subparagraph (B), the disclosures and responses of the process required by this subsection (e) shall be shared with officers and directors of the large frontier developer at least once each quarter.

(B) If a covered employee has alleged wrongdoing by an officer or director of the large frontier developer in a disclosure or response, subparagraph (A) shall not apply with respect to that officer or director.

(f) This Section does not impair or limit the applicability of the Whistleblower Act, including with respect to the rights of employees who are not covered employees to report violations of this Act.

Section 25. Civil penalty.

(a) A large frontier developer that fails to publish or transmit a compliant document required to be published or transmitted under this Act, makes a statement in violation of subsection (f) of Section 10, fails to have a third party perform an independent audit of compliance as required by subsection (d) of Section 10, fails to report a critical safety incident as required by Section 15, or fails to comply with its own frontier AI framework shall be subject to a civil penalty in an amount dependent upon the severity of the violation that does not exceed $1,000,000 for the first violation. For a subsequent violation, the civil penalty may not exceed $3,000,000 per violation.

(b) A civil penalty described in this Section shall be recovered in a civil action brought exclusively by the Attorney General. Any civil penalties collected from the enforcement of this Act shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund.

(c) The loss of value of equity does not count as damage to or loss of property for the purposes of this Act.

(d) Nothing in this Act shall be construed to establish a private right of action associated with violations of this Act.

Section 30. Duties and obligations. The duties and obligations imposed by this Act are cumulative with any other duties or obligations imposed under other law and shall not be construed to relieve any party from any duties or obligations imposed under other law and do not limit any rights or remedies under existing law.

Section 35. Home rule. The regulation of artificial intelligence frontier models is an exclusive power and function of the State. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 80. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

(Text of Section before amendment by P.A. 104-441 and 104-457)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmitted infection or any information the disclosure of which is restricted under the Illinois Sexually Transmitted Infection Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act (repealed). This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and 2705-616 of the Department of Transportation Law of the Civil Administrative Code of Illinois, the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act (repealed).

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) (Blank).

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(v-5) Records of the Firearm Owner's Identification Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under

Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the Illinois State Police Act.

(ccc) Records exempt from disclosure under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois.

(ddd) Information prohibited from being disclosed under Section 35 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.

(eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(fff) Images from cameras under the Expressway Camera Act and all automated license plate reader (ALPR) information used and collected by the Illinois State Police. "ALPR information" means information gathered by an ALPR or created from the analysis of data generated by an ALPR. This subsection (fff) is inoperative on and after July 1, 2028.

(ggg) Information prohibited from disclosure under paragraph (3) of subsection (a) of Section 14 of the Nurse Agency Licensing Act.

(hhh) Information submitted to the Illinois State Police in an affidavit or application for an assault weapon endorsement, assault weapon attachment endorsement, .50 caliber rifle endorsement, or .50 caliber cartridge endorsement under the Firearm Owners Identification Card Act.

(iii) Data exempt from disclosure under Section 50 of the School Safety Drill Act.

(jjj) Information exempt from disclosure under Section 30 of the Insurance Data Security Law.

(kkk) Confidential business information prohibited from disclosure under Section 45 of the Paint Stewardship Act.

(lll) Data exempt from disclosure under Section 2-3.196 of the School Code.

(mmm) Information prohibited from being disclosed under subsection (e) of Section 1-129 of the Illinois Power Agency Act.

(nnn) Materials received by the Department of Commerce and Economic Opportunity that are confidential under the Music and Musicians Tax Credit and Jobs Act.

(ooo) Data or information provided pursuant to Section 20 of the Statewide Recycling Needs and Assessment Act.

(ppp) Information that is exempt from disclosure under Section 28-11 of the Lawful Health Care Activity Act.

(qqq) Information that is exempt from disclosure under Section 7-101 of the Illinois Human Rights Act.

(rrr) Information prohibited from being disclosed under Section 4-2 of the Uniform Money Transmission Modernization Act.

(sss) Information exempt from disclosure under Section 40 of the Student-Athlete Endorsement Rights Act.

(ttt) Audio recordings made under Section 30 of the Illinois State Police Act, except to the extent authorized under that Section.

(uuu) Information prohibited from being disclosed under Section 30-5 of the Digital Assets Regulation Act.

<u>(vvv) Information exempt from disclosure under subsection (f) of Section 15 of the Artificial Intelligence Safety Measures Act.</u>

(Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081, eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25; 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; revised 9-10-25.)

(Text of Section after amendment by P.A. 104-457 but before 104-441)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmitted infection or any information the disclosure of which is restricted under the Illinois Sexually Transmitted Infection Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid

Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act (repealed). This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and 2705-616 of the Department of Transportation Law of the Civil Administrative Code of Illinois, the Northern Illinois Transit Authority under Section 2.11 of the Northern Illinois Transit Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act (repealed).

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) (Blank).

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(v-5) Records of the Firearm Owner's Identification Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide

Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the Illinois State Police Act.

(ccc) Records exempt from disclosure under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois.

(ddd) Information prohibited from being disclosed under Section 35 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.

(eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(fff) Images from cameras under the Expressway Camera Act and all automated license plate reader (ALPR) information used and collected by the Illinois State Police. "ALPR information" means information gathered by an ALPR or created from the analysis of data generated by an ALPR. This subsection (fff) is inoperative on and after July 1, 2028.

(ggg) Information prohibited from disclosure under paragraph (3) of subsection (a) of Section 14 of the Nurse Agency Licensing Act.

(hhh) Information submitted to the Illinois State

Police in an affidavit or application for an assault weapon endorsement, assault weapon attachment endorsement, .50 caliber rifle endorsement, or .50 caliber cartridge endorsement under the Firearm Owners Identification Card Act.

(iii) Data exempt from disclosure under Section 50 of the School Safety Drill Act.

(jjj) Information exempt from disclosure under Section 30 of the Insurance Data Security Law.

(kkk) Confidential business information prohibited from disclosure under Section 45 of the Paint Stewardship Act.

(lll) Data exempt from disclosure under Section 2-3.196 of the School Code.

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(rrr) Information prohibited from being disclosed under Section 4-2 of the Uniform Money Transmission Modernization Act.

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(ttt) Audio recordings made under Section 30 of the Illinois State Police Act, except to the extent authorized under that Section.

(uuu) Information prohibited from being disclosed under Section 30-5 of the Digital Assets Regulation Act.

(vvv) Information exempt from disclosure under subsection (f) of Section 15 of the Artificial Intelligence Safety Measures Act.

(Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081, eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25; 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-457, eff. 6-1-26; revised 1-7-26.)

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(lll) Data exempt from disclosure under Section 2-3.196 of the School Code.

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(nnn) Materials received by the Department of Commerce and Economic Opportunity that are confidential under the Music and Musicians Tax Credit and Jobs Act.

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(rrr) Information prohibited from being disclosed under Section 4-2 of the Uniform Money Transmission Modernization Act.

(sss) Information exempt from disclosure under Section 40 of the Student-Athlete Endorsement Rights Act.

(ttt) Audio recordings made under Section 30 of the Illinois State Police Act, except to the extent authorized under that Section.

(uuu) Information prohibited from being disclosed under Section 30-5 of the Digital Assets Regulation Act.

(vvv) ~~(uuu)~~ Information exempt from disclosure under Section 70 of the End-of-Life Options for Terminally Ill Patients Act.

(www) Information exempt from disclosure under subsection (f) of Section 15 of the Artificial Intelligence Safety Measures Act.

(Source: P.A. 103-8, eff. 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; 103-1081, eff. 3-21-25; 104-10, eff. 6-16-25; 104-18, eff. 6-30-25; 104-417, eff. 8-15-25; 104-428, eff. 8-18-25; 104-441, eff. 9-12-26; 104-457, eff. 6-1-26; revised 1-7-26.)

Section 90. The Whistleblower Act is amended by changing Section 15 as follows:

(740 ILCS 174/15)

Sec. 15. Retaliation for certain disclosures prohibited.

(a) An employer may not take retaliatory action against an employee who discloses or threatens to disclose to a public body conducting an investigation, or in a court, an administrative hearing, or any other proceeding initiated by a public body, information related to an activity, policy, or practice of the employer, where the employee has a good faith belief that the activity, policy, or practice (i) violates a State or federal law, rule, or regulation or (ii) poses a substantial and specific danger to employees, public health, or safety.

(b) An employer may not take retaliatory action against an employee for disclosing or threatening to disclose information to a government or law enforcement agency information related to an activity, policy, or practice of the employer, where the employee has a good faith belief that the activity, policy, or practice of the employer (i) violates a State or federal law, rule, or regulation or (ii) poses a substantial and specific danger to employees, public health, or safety.

(c) An employer may not take retaliatory action against an employee for disclosing or threatening to disclose to any supervisor, principal officer, board member, or supervisor in an organization that has a contractual relationship with the employer who makes the employer aware of the disclosure, information related to an activity, policy, or practice of the employer if the employee has a good faith belief that the activity, policy, or practice (i) violates a State or federal law, rule, or regulation or (ii) poses a substantial and specific danger to employees, public health, or safety.

(d) An employer may not take retaliatory action against an employee for disclosing or threatening to disclose in good faith any violation of Section 5-10 of the Illinois Bivens Act.

(e) An employer may not take retaliatory action against an employee for disclosing or threatening to disclose in good faith any violation of the Artificial Intelligence Safety Measures Act.

(Source: P.A. 103-867, eff. 1-1-25; 104-417, eff. 8-15-25; 104-440, eff. 12-9-25.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect January 1, 2027.