



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4980

by Rep. Abdelnasser Rashid

SYNOPSIS AS INTRODUCED:

New Act

Creates the Meaningful Human Control of Artificial Intelligence Act. Provides that a public employer, including a contractor or subcontractor of the public employer, shall not use or apply, or authorize any procurement, purchase, or acquisition of any service or system using or relying on any automated decision-making system, directly or indirectly, without meaningful and continuing human review when performing specified functions. Provides that an employer seeking to use or apply an automated decision-making system shall conduct an initial impact assessment and an additional impact assessments at least once every 2 years and prior to any material changes to the automated decision-making system. Sets forth provisions concerning anti-retaliation; enforcement by the Department of Labor; and private rights of action.

LRB104 20302 SPS 33753 b

1 AN ACT concerning employment.

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

4 Section 1. Short title. This Act may be cited as the
5 Meaningful Human Control of Artificial Intelligence Act.

6 Section 5. Definitions. As used in this Act:

7 "Automated decision-making system" means any software that
8 uses algorithms, computational models, or artificial
9 intelligence techniques, or a combination thereof, to
10 automate, support, or replace human decision-making, without
11 any meaningful human review, including, without limitation,
12 systems that process data and apply predefined rules or
13 machine learning algorithms to analyze the data and generate
14 conclusions, recommendations, outcomes, assumptions,
15 projections, or predictions. "Automated decision-making
16 system" does not include any software used primarily for basic
17 computerized processes, such as calculators, spellcheck tools,
18 autocorrect functions, spreadsheets, electronic
19 communications, or any tool that relates only to internal
20 management affairs, such as inventory control and ordering or
21 processing payments, that does not adversely affect the
22 rights, liberties, benefits, safety, or welfare of any
23 individual in this State.

1 "Department" means the Department of Labor.

2 "Director" means the Director of Labor.

3 "Employee" means any person employed by a public body,
4 State agency, or any entity acting on behalf of a State agency,
5 including, but not limited to, contractors and subcontractors.

6 "Employer" means a public body or any entity acting on
7 behalf of a public body, including, but not limited to,
8 contractors and subcontractors.

9 "Independent auditor" means a person or entity that
10 conducts an impact assessment of an automated decision-making
11 system in a manner that exercises objective and impartial
12 judgment on all issues in the scope of the evaluation or
13 assessment.

14 "Interested party" means an employee with an interest in
15 compliance with this Act, or an exclusive bargaining
16 representative of an employee.

17 "Material changes" include any enhancements,
18 modifications, upgrades, or updates which add new features or
19 functionality to the automated decision-making system, or
20 which would broaden or modify the applicability of the system
21 that may change the outcome or effect of the system, but does
22 not include routine maintenance, updates to improve security,
23 fix bugs, and minor enhancements to existing features.

24 "Meaningful human review" means review, oversight, and
25 control of the automated decision-making process by one or
26 more individuals who:

1 (1) understand the risks, limitations, and
2 functionality of the automated decision-making system,
3 including potential biases, errors, discrepancies, or
4 inaccuracies;

5 (2) are trained to use the automated decision-making
6 system within the limitations of this Act;

7 (3) have authority to intervene or alter the decision
8 under review, if an output is suspected to be invalid,
9 inaccurate, or discriminatory or otherwise in violation of
10 this Act and shall reject the output if it cannot be
11 independently corroborated; and

12 (4) have adequate time and resources to review and
13 evaluate the system in accordance with Section 15.

14 For the purposes of this definition, "review, oversight,
15 and control" include:

16 (1) reviewing decisions based, in whole or in part, on
17 data collected through electronic monitoring;

18 (2) verifying that the information is accurate and
19 current;

20 (3) reviewing employee requests to correct erroneous
21 data;

22 (4) exercising independent judgment in making each
23 decision; and

24 (5) consideration of information other than that
25 collected through electronic monitoring, such as
26 supervisory or managerial evaluations, personnel files,

1 employee work products, or peer reviews.

2 "Public assistance benefit" means any service or program
3 in the control of a public body or any benefit provided by a
4 public body to individuals or households, including, but not
5 limited to, public assistance, cash assistance, grants, child
6 care assistance, housing assistance, unemployment benefits,
7 transportation benefits, education assistance, domestic
8 violence services, and any other assistance or benefit in the
9 authority of the public body to grant to individuals in the
10 public body including federal programs administered by the
11 public body where the requirements of this act are not
12 explicitly prohibited by federal statute. "Public assistance
13 benefit" does not include any program or service provided
14 directly by the federal government in this State.

15 "Public body" has the meaning set forth in the Prevailing
16 Wage Act.

17 "State agency" means any department, public authority,
18 board, bureau, commission, division, office, council,
19 committee, or officer of this State.

20 Section 10. Use of automated decision-making systems.

21 (a) An employer shall not use or apply, or authorize any
22 procurement, purchase, or acquisition of any service or system
23 using or relying on any automated decision-making system,
24 directly or indirectly, without meaningful and continuing
25 human review when performing any function that:

1 (1) is related to the administration of any public
2 assistance program;

3 (2) will have an adverse impact on the rights, civil
4 liberties, safety, or welfare of any employee in this
5 State; or

6 (3) affects any statutorily or constitutionally
7 provided rights of an employee.

8 (b) An employer shall not use or apply any automated
9 decision-making system, directly or indirectly, to perform any
10 function described in subsection (a) without providing:

11 (1) a notice to any affected employee no later than
12 the time a decision is issued to that employee that a
13 decision concerning the employee was made using an
14 automated decision-making system;

15 (2) an appeals process for decisions made by automated
16 decision-making system in which an employee is impacted as
17 a direct result of the use of the automated
18 decision-making system; and

19 (3) the opportunity for an affected employee to have
20 an appropriate alternative review, by an individual
21 working for or on behalf of the employer with respect to
22 the decision, independent of the automated decision-making
23 system.

24 (c) An employer shall not use or apply any automated
25 decision-making system, directly or indirectly:

26 (1) to make predictions about an employee's or

1 employment candidate's behavior, beliefs, intentions,
2 personality, emotional state, or other characteristics or
3 behaviors;

4 (2) to subtract from an employee's wages for time
5 spent exercising the employee's legal rights;

6 (3) in relation to performance evaluation, hiring,
7 recruitment, discipline, promotion, termination, duties,
8 assignment of work, access to work opportunities,
9 productivity requirements, workplace health and safety, or
10 other terms or conditions of employment for any persons
11 classified as employees, candidates for employment,
12 independent contractors, subcontractors, or interns; or

13 (4) that involves facial recognition, gait
14 recognition, or emotion recognition technologies.

15 (d) The use of an automated decision-making system shall
16 not affect:

17 (1) existing rights of employees covered by a
18 collective bargaining agreement; or

19 (2) existing representational relationships among
20 labor organizations or bargaining relationships between an
21 employer and a labor organization.

22 (e) The procurement, purchase, acquisition, or use of an
23 automated decision-making system shall not occur without prior
24 notice to a labor organization and negotiations between the
25 employer and any exclusive representatives of potentially
26 affected employees and shall not result in:

1 (1) discharge, displacement, or loss of position,
2 including partial displacement, such as a reduction in
3 hours, wages, or other employment benefits;

4 (2) transfer of existing duties and functions
5 currently performed by employees to an automated
6 decision-making system;

7 (3) transfer of future duties and functions ordinarily
8 performed by employees to an automated decision-making
9 system; or

10 (4) any negative impact on the rights, benefits, and
11 privileges of all existing employees, including terms and
12 conditions of employment, civil service status, and
13 collective bargaining unit membership, which shall be
14 preserved and protected.

15 (f) If an automated decision-making system is collecting
16 employee data, employees and their exclusive bargaining
17 representatives have a right to view the data collected by the
18 automated decision-making system.

19 Section 15. Impact assessments.

20 (a) An employer seeking to use or apply an automated
21 decision-making system permitted under Section 10 shall
22 conduct an initial impact assessment, 30 days prior to
23 implementation of the automated decision-making system,
24 bearing the signature of:

25 (1) one or more individuals responsible for meaningful

1 human review of the system; and

2 (2) an independent auditor.

3 A person shall not be an independent auditor under this
4 subsection if, at any point in the 5 years preceding the impact
5 assessment, that person: (i) was involved in using,
6 developing, offering, licensing, or deploying the automated
7 decision-making system under review; (ii) had an employment
8 relationship with a developer or deployer that uses, offers,
9 or licenses the automated decision-making system under review;
10 or (iii) had a direct or material indirect financial interest
11 in a developer or deployer that uses, offers, or licenses the
12 automated decision-making system under review.

13 (b) Following the initial impact assessment, additional
14 impact assessments shall be conducted at least once every 2
15 years and prior to any material changes to the automated
16 decision-making system. Each impact assessment shall include,
17 in plain language:

18 (1) a description of the objectives of the automated
19 decision-making system;

20 (2) an evaluation of the system's ability to achieve
21 those objectives;

22 (3) a description and evaluation of the algorithms,
23 computational models, and artificial intelligence tools
24 used, including:

25 (A) a summary of underlying algorithms and
26 artificial intelligence tools; and

1 (B) a description of the design and training to be
2 used;

3 (4) testing for:

4 (A) disparate impact or discrimination based on
5 protected characteristics, including, but not limited
6 to discriminating against, persons based on their
7 race, color, religious creed, national origin, sex,
8 disability or perceived disability, gender identity,
9 sexual orientation, genetic information, pregnancy or
10 a condition related to pregnancy, ancestry, or status
11 as a veteran and any actions to mitigate any impacts;

12 (B) accessibility limitations for persons with
13 disabilities;

14 (C) privacy and job quality impacts, including
15 wages, hours, and conditions and safeguards;

16 (D) cybersecurity vulnerabilities and safeguards;

17 (E) public health or safety risks;

18 (F) foreseeable misuse and safeguards; and

19 (G) use, storage, and control of sensitive or
20 personal data; and

21 (5) a notification mechanism for employees impacted by
22 the use of the automated decision-making system.

23 (c) If an impact assessment finds that an automated
24 decision-making system produces discriminatory, biased, or
25 inaccurate outcomes or fails to meet or negatively impacts any
26 of the measures described in subsection (b) of Section 10, the

1 employer shall immediately cease any use or function of that
2 system and of any information produced by it, and shall take
3 all steps necessary to remedy the discriminatory, biased or
4 inaccurate outcomes produced by the automated decision-making
5 system.

6 (d) The employer shall notify affected employees and any
7 exclusive bargaining representative, the results of each
8 impact assessment, and provide a copy of the impact assessment
9 upon request.

10 (e) Each impact assessment shall be published on the
11 employer's website, subject to the limitations set forth in
12 Section 20.

13 Section 20. Submission of an impact assessment.

14 (a) Each impact assessment conducted by a State agency
15 under this Act shall be submitted to the Governor and the
16 General Assembly at least 30 days prior to implementation of
17 the automated decision-making system that is the subject of
18 the assessment. Each impact assessment conducted by any other
19 public body under this Act shall be submitted to the director
20 of the public body or the executive officers or primary
21 administrator of the relevant governing body at least 30 days
22 prior to implementation of the automated decision-making
23 system that is the subject of the assessment.

24 (b) If the employer determines that disclosure of any
25 information in the impact assessment would result in a

1 substantial negative impact on public health or safety,
2 infringe upon privacy rights, or significantly impair the
3 employer's ability to protect its information technology or
4 operational assets, the information may be redacted, if an
5 explanatory statement describing the determination process for
6 redaction is published along with the redacted assessment.

7 (c) If the impact assessment covers technology used to
8 prevent, detect, protect against, or respond to security
9 incidents, identity theft, fraud, harassment, or other illegal
10 activity, the employer may redact related information, if an
11 explanatory statement describing the determination process for
12 redaction is published along with the redacted assessment.

13 Section 25. Anti-retaliation. An employee shall be
14 protected from termination, disciplinary action, retaliation,
15 or other adverse employment action for refusing to follow the
16 output of an automated decision-making system if:

17 (1) the employee exercises independent judgment and
18 discretion in the employee's duties, or the employee's
19 duties require State licensure, certification, or
20 accreditation;

21 (2) the employee notifies a supervisor or manager that
22 the system's output may, in the employee's professional
23 opinion, lead to harm, illegality, or an outcome contrary
24 to the employer's goals, and the employer fails to correct
25 the output;

1 (3) the employee is engaging in concerted activity for
2 the purpose of mutual aid and protection;

3 (4) the employee refuses to follow the output in good
4 faith based on training, education, or experience; and

5 (5) due to urgency, there is insufficient time for
6 correction.

7 Section 30. Enforcement.

8 (a) The Department shall inquire into any violation of
9 this Act, shall institute actions for penalties prescribed
10 under this Act, and shall enforce the provisions of this Act.
11 The Director shall adopt rules implementing this Act in
12 accordance with the Illinois Administrative Procedure Act.

13 (b) Any interested party may file a complaint, no later
14 than 180 days after any alleged violation, with the Department
15 against an entity or employer covered under this Act if there
16 is a reasonable belief that the entity or employer is in
17 violation of this Act. No later than 120 days after the filing
18 of a complaint, the Department shall notify the employer in
19 writing of the filing of a complaint and the nature of the
20 allegations being investigated.

21 (c) The Department shall have the power to conduct
22 investigations in connection with the administration and
23 enforcement of this Act and any investigator with the
24 Department shall be authorized to visit and inspect, at all
25 reasonable times, any places covered by this Act and any

1 documents related to the determination of whether there is a
2 violation of this Act. The Director or the Director's
3 representative may compel, by subpoena, the attendance and
4 testimony of witnesses and the production of records, papers,
5 and other evidence in any investigation and may administer
6 oaths to witnesses.

7 (d) The investigation shall provide an opportunity for a
8 public hearing at the request of any party to the review to
9 enable the parties to present information relating to the
10 alleged violation. The parties shall be given written notice
11 of the time and place of the hearing at least 30 days before
12 the hearing. Upon receiving the report of the investigation,
13 the Director shall make findings of fact. If the Director
14 finds that a violation did occur, the Director shall issue a
15 decision incorporating the findings and requiring the party
16 committing the violation to take the affirmative action to
17 abate the violation as the Director deems appropriate,
18 including, but not limited to, the rehiring or reinstatement
19 of the employee or representative of employees to his or her
20 former position and compensating the employee for the time the
21 employee was unemployed. The party that commits the violation
22 shall also be liable to the Department for a penalty of \$5,000
23 for each violation of this Act. If the Director finds that
24 there was no violation, the Director shall issue an order
25 denying the application. An order issued by the Director under
26 this Section shall be subject to judicial review under the

1 Administrative Review Law.

2 (e) If the Department believes upon investigation that
3 there has been a violation of any of the provisions of this
4 Act, the Department may: (i) issue and cause to be served on
5 any party an order to cease and desist from further violation
6 of the Act; (ii) take affirmative or other action as deemed
7 reasonable to eliminate the effect of the violation; and (iii)
8 assess any civil penalty allowed by this Act.

9 Section 35. Private right of action. Any interested party
10 or employee aggrieved by a violation of this Act by an employer
11 may bring an action in circuit court, in the county where the
12 alleged offense occurred or where any person who is party to
13 the action resides, without regard to exhaustion of any
14 alternative administrative remedies provided in this Act. An
15 action may be brought by one or more interested parties for and
16 on behalf of themselves and other interested parties similarly
17 situated. If the action is filed, the Department shall not be
18 required to engage in any further investigation or enforcement
19 action. An employee whose rights have been violated under this
20 Act by an employer is entitled to collect: (i) the amount of
21 any wages, salary, employment benefits, or other compensation
22 denied or lost to the employee by reason of the violation, plus
23 an equal amount in liquidated damages; (ii) compensatory
24 damages and an amount up to \$500 for each violation of this
25 Act; (iii) in the case of unlawful retaliation, all legal or

1 equitable relief as may be appropriate; and (iv) attorney's
2 fees and costs.