Fire Counsel Notes

Fall 2026 Legislative Report

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This Fire Call's Fire Counsel Notes consists of the annual summary of new legislation enacted by the Illinois General Assembly which is directly or indirectly applicable to or of interest to Fire Protection Districts and/or the Fire Service. These are new laws (Public Acts) which have been passed by both houses of the General Assembly and approved by the Governor. Readers desiring to read an entire enactment may do so by going online to ILGA.GOV and selecting "Public Acts" under "Legislation & Laws" to access the enactments by Public Act (PA) number which is supplied with each summary below. These enactments are from the 104th Session of the General Assembly approved since the last annual report. Both the Public Act number and the bill number are provided along with the effective date of the law. Readers are encouraged to regularly check the IAFPD website for legislative news and updates and, when requested, to participate in the legislative process by reaching out to the State Representatives and Senators in their area for direct contact regarding bills being supported or opposed by the Association.

Public Act 104-362 (SB711) EMS Act Changes

Makes multiple changes to the Emergency Medical Services (EMS) Systems Act that will be applicable to many Districts engaged in the provision of emergency medical services. Allows a person who is not an "EMS personnel" to operate an EMS vehicle (1) if the person meets the Vehicle Code requirements for the operation of an ambulance under emergent conditions; (2) if 2 licensed EMS personnel are present; and (3) if patient's condition necessitates all of the EMS personnel present to be involved in the care of the patient. Allows IDPH to grant a waiver allowing non-EMS personnel to operate the ambulance if only one EMS personnel is present. Requires testing of EMS candidates by the National Registry examination system. Requires EMS Systems to address their EMS training program if a first attempt failure rate of 30% or more occurs for those taking a licensure examination. Permits a student enrolled in an IDPH approved course to take the EMR licensure examination after the student has completed the first 40 hours of the course. (Effective Date: August 15, 2025.)

Public Act 104-438 (SB243) OMA & FOIA Changes

Makes numerous changes to the Open Meetings Act and the Freedom of Information Act. A new Section 2.07 is added to OMA prohibiting the holding of a regular or special meeting on an election day. Section 7 of OMA, which allows remote attendance by a board member in limited circumstances, will now allow a service member on active military duty to attend a meeting under OMA remotely. Section 2 of FOIA has been amended to add to the definition of "person" in the Act to include "any individual acting as an agent of a corporation, partnership, firm, organization, or association. Section 2 of FOIA is also amended to provide that the definition of "public record" does not include "junk mail" (unsolicited commercial mail or electronic communications received, *but which are not responded to*, by an official, employee, or agent of the public body). Section 3 of FOIA now requires that any FOIA request which is submitted electronically to a unit of government must contain the actual records request *in the body of the communication* and may not locate the request in an attachment or hyperlink. Section 3 of FOIA now provides that if a unit of government has a reasonable belief that a person (rather than a bot or an AI generation) did not submit a FOIA request, the unit may require the requester to verify orally or in writing that the requester is a person and the time for the unit to respond is tolled until such verification is provided. If there is no verification within 30 days, the unit may deny the request. Section 4 of FOIA now requires that if a unit of government has a website, it is required to post the information about the unit of government required by the Act on the website. Districts which have a website, regardless of how it is maintained, will need to post the required FOIA information on their website. Section 9.5 of FOIA regarding the Public Access Counselor (PAC) has been amended to provide that an officer or employee of a public body which discloses records in accordance with an opinion of the Attorney General (PAC Opinion) is immune from liability by reason of the disclosure and will not be liable for penalties under FOIA. Section 3 of the Local Records Act is amended to define junk mail as in the amendment to FOIA and to take junk mail out of the category of materials that

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cannot be destroyed or disposed of by a unit of government without Local Record Act Commission approval. (Effective Date: January 1, 2026.)

Public Act 104-0523 (HB5480)
OSFM / Fire Investigation / NERIS

Makes changes concerning fire investigation and incident reporting by the Office of the State Fire Marshal, including requiring reporting to be done using the National Emergency Response Information System (NERIS). (Effective Date: June 26, 2026.)

Public Act 104-0581 (HB1353)
Volunteer Emergency Workers

Amends the Volunteer Emergency Worker Job Protection Act. Provides that employment protections for volunteer emergency workers apply to volunteer emergency workers participating in required training, including a prohibition on termination and penalizing (rather than only termination). Provides that the employer may not require the employee to take vacation time or other compensatory time in order to respond to an emergency or participate in training. Provides that the Act does not apply to any employer that is a municipality with a population of 15,000 or more (currently 7,500 or more). (Effective Date: January 1, 2027.)

Public Act 104-0582 (HB2137)
Local Government / Technology

Amends the Governmental Account Audit Act to require units of local government covered by the Governmental account Audit Act and which have a website to post information on the website explaining where their audit and financial reports are publicly accessible, including a link to the Comptroller's website. (Effective Date: January 1, 2027.)

Public Act 104-0599 (HB4292)
Fire Districts / Fund Transfer

Amends the Fire Protection District Act to allow a fire protection district board, by majority vote, to transfer money from its ambulance service fund to another district fund once per year, provided sufficient funds remain for current and future obligations and the transfer does not impair the district's finances or public safety mission. (Effective Date: July 24, 2026.)

Public Act 104-0610 (HB4477)
EMS Systems / Various

Amends the EMS Systems Act to require each EMS System to adopt a Department-approved "Just Culture" policy for evaluating and responding to human error, at-risk behavior, reckless behavior, and failures to perform services. Establishes procedures and limits for EMS disciplinary reviews and suspensions, including the authority of local and State review boards. Requires the Department of Public Health to issue EMS personnel a physical or digital license and removes the requirement that licensees carry a copy while on duty. (Effective Date: January 1, 2027.)

Public Act 104-0611 (HB4491)
Public Employee Disability

Amends the Public Employee Disability Act to provide that eligible public employees who suffer an injury or illness in the line of duty that prevents them from performing their duties may continue receiving their full gross pay, including pensionable salary, without deduction from or interruption of accrued sick leave, compensatory time, vacation credits, or pension service credits. Provides that illness-related benefits continue while the employee is unable to work due to the illness, but for no longer than one year for the same illness. (Effective Date: January 1, 2027.)

Public Act 104-0623 (SB2102)
Tax Levy Filing

Amends Section 18-50 of the Property Tax Code (35 ILCS 200/18/15) to permit the filing of a taxing district's annual budget and appropriation ordinance and estimate of revenues with the County Clerk either electronically or by paper submission and, if filed electronically, requires the County Clerk to accept the filing and to acknowledge the filing by providing a receipt to the taxing district. (Effective Date: July 24, 2026.)

Public Act 104-0625 (HB2709)
Fire Marshal / Track Deaths

Amends the State Fire Marshal Act. Provides that all fire departments and units of local government that provide fire protection services in the State shall report the death of any firefighter employed by the fire department or unit of local government to the Office of the State Fire Marshal. Specifies the information that shall be reported to the Office. Provides that the Office shall publish an annual report concerning the information reported and shall make the report available to the public. Effective immediately. (Effective Date: July 24, 2026.)

Public Act 104-0635 (HB2836)
Government Account Audit

Amends the Governmental Account Audit Act to increase, beginning in fiscal year 2027, the revenue threshold for governmental units subject to the Act's requirement for an annual audit by a certified public accountant from $850,000 to $1.4 million. Effective immediately. (Effective Date: July 24, 2026.)

Public Act 104-0681(HB4842)
First Responder Stress Service

Amends the First Responders Suicide Prevention Act to expand confidentiality and privilege protections for peer support and critical incident stress management (CISM) services, regardless of the provider's agency affiliation. Protects related communications and records from disclosure or compelled testimony, subject to limited exceptions, including imminent threats of serious harm, mandated reporting, participant consent, certain estate waivers, and communications made to facilitate fraud or other crimes. Allows disclosure by subpoena for good cause shown. (Effective Date: January 1, 2027.)

Public Act 104-0683 (HB4844)
Jury Duty Pay

Requires, beginning January 1, 2027, that employers more than 25 employees compensate an employee at their regular rate of pay for time serving on jury duty. (Effective Date: January 1, 2027.)

Public Act 104-0686 (HB4867)
Vehicle Code / Lights Exemption

Makes changes regarding emergency and other vehicle warning lighting

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under the Illinois Vehicle Code. Makes no significant changes to fire and EMS vehicle emergency warning lighting requirements. (Effective Date: July 31, 2026.)

Public Act 104-0696 (HB5193) EMS / Mental Facility Transport

Amends the Emergency Medical Services (EMS) Systems Act. Removes the requirement that the patient must not be under the influence of drugs or alcohol. In provisions concerning when EMS personnel may contact Online Medical Control or an EMS Medical Director or review of Emergency Communications Registered Nurse to request a bypass of or a diversion from the closest emergency department and request transport to the closest or appropriate EMS System-approved mental health facility. (Effective Date: January 1, 2027.)

Public Act 104-0704 (HB5446) EMS Rural Staffing / Part-Time

Amends the Emergency Medical Services (EMS) Systems Act to require the Department of Public Health to allow an alternative rural staffing model for vehicle service providers serving rural or semi-rural populations of 10,000 or fewer inhabitants that exclusively use volunteers, paid-on-call employees, part-time employees, or a combination of these staffing types. Changes made by this Act do not apply to employees covered by a collective bargaining agreement. (Effective Date: July 31, 2026.)

Public Act 104-0732 (SB3517) Ground Ambulance Services

Amends the Illinois Insurance Code and related health insurance laws to establish coverage and payment requirements for ground ambulance services, including services provided by nonparticipating ambulance providers. Requires applicable health insurance policies to cover emergency and urgent ground ambulance services and limits an insured's out-of-pocket costs for services from a nonparticipating provider to the amount that would apply to a participating provider. Beginning October 1, 2026, nonparticipating ground ambulance service providers must annually report specified average gross charge rates to the Illinois Department of Public Health, including rates for basic and advanced life support, specialty care transport, evaluation or treatment without transport, paramedic intercept, and loaded mileage. The Department must publish the reported rate information beginning January 1, 2027. Also establishes payment requirements for insurers and prohibits nonparticipating ambulance providers from balance billing patients beyond applicable deductibles, coinsurance, or copayments. (Effective Date: January 1, 2027.)

Public Act 104-0748 (HB3951) Blue Reflective Road Markers

Amends the Illinois Highway Code to allow units of local government to place a 4-inch square blue pavement marker on a highway, street, or road to identify the location of a fire hydrant or water supply. Requires the marker to be placed on the side of the roadway near the fire hydrant or water supply and requires the unit of local government to obtain an encroachment permit from the agency having jurisdiction over the highway before placing the marker. (Effective Date: January 1, 2027.)

Public Act 104-0828 (SB3798) Mental Health 9-1-1 Calls

Amends the Emergency Telephone System Act, Community Emergency Services and Support Act, Illinois Police Training Act, and related provisions governing emergency mental and behavioral health response. Beginning July 1, 2027, requires public safety answering points (PSAPs) to comply with approved protocols for identifying 9-1-1 callers experiencing mental or behavioral health emergencies and determining when referral to a behavioral health response, including mobile mental health relief providers, is appropriate. Requires coordination among 9-1-1, 9-8-8, EMS, law enforcement, and behavioral health providers and establishes additional requirements for regional planning, data collection, and crisis-response protocols. Also incorporates community response options into Crisis Intervention Team training and addresses the circumstances in which law enforcement may participate in or provide transportation during behavioral health emergencies. (Effective Date: January 1, 2027.)

Public Act 104-0841 (SB2645) Fire Station Rehabilitation / Grants

Amends the State Fire Marshal Act to expand eligibility for the Fire Station Rehabilitation and Construction Grant Program to include not-for-profit fire departments that are exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code, in addition to units of local government. Also amends the Grant Accountability and Transparency Act and related provisions governing State grants, including changes to the Illinois Stop Payment List and stop-payment procedures. The Act eliminates the statutory distinction between "temporary" and "permanent" stop-payment status but does not eliminate stop-payment status itself. (Effective Date: January 1, 2027.)

NOTE: The foregoing is only a partial listing of new legislative enactments. So far in the 104th General Assembly Session there have been **854 Public Acts** approved**.** Undoubtedly, there are other enactments which may have an impact on fire protection districts. These will be the subject of future reporting as they are identified.

Readers with concerns they believe can be addressed by legislative action should submit their ideas for legislative proposals to the IAFPD Legislative Committee headed up by IAFPD Vice President Marvin Hill. The Committee meets regularly to consider legislative proposals which will benefit fire protection districts and the fire service in general. The IAFFPD collaborates with its partner fire service organizations to put forward legislative proposals. This includes the Northern Illinois Association of Fire Protection Districts and the Illinois Fire Chiefs Association. Each fall, the Committee participates in the Fire Service Legislative Summit which brings together all the fire service organizations to consider bills for submission to the General Assembly which are agreed upon by all participants in the Summit. Additionally, the IAFPD, through its lobbyist submits its own legislative proposals independently or in collaboration with its legislative partner organizations. ■