

1 AN ACT concerning human rights.

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

4 Section 1. Short title; references to Act.

5 (a) This Act may be cited as the Protective Medical
6 Equipment Freedom Act.

7 (b) This Act may be referred to as Kiki's Law.

8 Section 5. Purpose. The General Assembly finds the
9 following:

10 (1) All individuals have the right to wear protective
11 medical equipment in any place of public accommodation,
12 thereby promoting public health and individual safety
13 without discrimination or undue restriction.

14 (2) Colette "Kiki" Walkington had extremely complex
15 medical needs and fragile health. After receiving a kidney
16 transplant from her father, Kiki was placed on
17 immunosuppressants and would most likely not survive any
18 severe respiratory infection. Kiki was full of joy and
19 brought light to all those who knew her. Mask wearing by
20 her family and others provided Kiki with a layer of
21 life-saving protection without isolation, allowing her to
22 live a fuller, happier life.

1 Section 10. Definitions. As used in this Act:

2 "Medical device wearer" means any individual using
3 protective medical equipment.

4 "Operator" means any owner, lessee, proprietor, manager,
5 superintendent, agent, or occupant of a place of public
6 accommodation or an employee of any such person or persons.

7 "Place of public accommodation" includes, but is not
8 limited to:

9 (1) an inn, hotel, motel, or other place of lodging,
10 except for an establishment located within a building that
11 contains not more than 5 units for rent or hire and that is
12 actually occupied by the proprietor of such establishment
13 as the residence of such proprietor;

14 (2) a restaurant, bar, or other establishment serving
15 food or drink;

16 (3) a movie theater, theater, concert hall, stadium,
17 or other place of exhibition or entertainment;

18 (4) an auditorium, convention center, lecture hall, or
19 other place of public gathering;

20 (5) a bakery, grocery store, clothing store, hardware
21 store, shopping center, or other sales or rental
22 establishment;

23 (6) a laundromat, drycleaner, bank, barber shop,
24 beauty shop, travel service, shoe repair service, funeral
25 parlor, gas station, office of an accountant or lawyer,
26 pharmacy, insurance office, professional office of a

1 health care provider, hospital, or other service
2 establishment;

3 (7) public conveyances on air, water, or land;

4 (8) a terminal, depot, or other station used for
5 specified public transportation;

6 (9) a museum, library, gallery, or other place of
7 public display or collection;

8 (10) a park, zoo, amusement park, or other place of
9 recreation;

10 (11) a nonsectarian nursery, day care center,
11 elementary, secondary, undergraduate, or postgraduate
12 school, or other place of education;

13 (12) a senior citizen center, homeless shelter, food
14 bank, nonsectarian adoption agency, or other social
15 service center establishment; and

16 (13) a gymnasium, health spa, bowling alley, golf
17 course, or other place of exercise or recreation.

18 "Protective medical equipment" means equipment worn to
19 reduce or minimize exposure to health risks to oneself or
20 others, which includes, but is not limited to:

21 (1) face masks and respirators, with or without
22 particulate matter or vapor cartridges, including KN-95,
23 N-95, FFP-2, and FFP-3 quality protection;

24 (2) elastomeric protection, such as, but not limited
25 to, P-100 protection;

26 (3) powered air purifying respirators; and

1 (4) gloves, face shields, protective eyewear, clear
2 window masks, and small air purifiers worn on a lanyard.

3 "Protective medical equipment" does not include ski masks
4 and balaclavas.

5 "Public official" means any officer or employee of the
6 State or any agency, including State political subdivisions,
7 municipal corporations, park districts, forest preserve
8 districts, educational institutions, and schools.

9 "Undue hardship" means an action that is prohibitively
10 expensive or disruptive when considered in light of the
11 following factors:

12 (1) the nature and cost of ensuring the right to wear
13 protective medical equipment;

14 (2) the overall financial resources of the facility or
15 facilities involved in ensuring the right to wear
16 protective medical equipment, the number of persons
17 employed at such facility, the effect on expenses and
18 resources, or the impact of ensuring the right to wear
19 protective medical equipment upon the operation of the
20 facility;

21 (3) the overall financial resources of the operator,
22 the overall size of the business of the place of public
23 accommodation with respect to the number of its operators,
24 and the number, type, and location of the facilities of
25 the place of public accommodation; and

26 (4) the type of operation or operations of the place

1 of public accommodation, including the composition,
2 structure, and functions of its workforce and the
3 geographic separateness, administrative, or fiscal
4 relationship of the facility or facilities to the place of
5 public accommodation.

6 Section 15. Right to wear protective medical equipment.

7 (a) General right.

8 (1) All individuals within this State have the right
9 to wear protective medical equipment in any place of
10 public accommodation where they have a lawful right to be
11 without obligation to disclose health status or any other
12 protected information.

13 (2) No person, entity, or authority shall deny,
14 restrict, or infringe upon this right.

15 (b) Nondiscrimination.

16 (1) Operators and public officials shall not
17 discriminate against or penalize medical device wearers
18 for exercising their right to wear protective medical
19 equipment.

20 (2) Discrimination under this Act includes, but is not
21 limited to:

22 (A) denial of goods, services, facilities,
23 privileges, advantages, or accommodations;

24 (B) eviction from premises;

25 (C) any form of harassment to remove or refrain

1 from wearing such equipment for any amount of time;
2 (D) actions taken by employers, including, but not
3 limited to:
4 (i) creating a hostile work environment; and
5 (ii) termination of employment; and
6 (E) provision of unequal goods, services,
7 facilities, advantages, or accommodations.

8 Section 20. Protection against retaliation.

9 (a) Operators and public officials shall not retaliate or
10 take adverse action against a medical device wearer for
11 exercising their right to wear protective medical equipment or
12 for reporting violations of this Act.

13 (b) Retaliation under this Act includes, but is not
14 limited to:

15 (1) intimidation or harassment;
16 (2) denying future service;
17 (3) reducing or changing pay or hours;
18 (4) disciplining; and
19 (5) reassignment to a less desirable position.

20 Section 25. Exceptions.

21 (a) Security requirements. Protective medical equipment
22 may be removed temporarily by the medical device wearer upon
23 request by law enforcement in accordance with security
24 regulations, procedures, or protocols under State and federal

1 law, provided that reasonable accommodation is offered.

2 (b) Operational safety. Specific types of protective
3 medical equipment may be restricted if proven to interfere
4 with the safe operation of machinery or hazardous
5 environments, provided that reasonable accommodation or
6 equivalent protection is offered to the individual.

7 (c) Age and identity restricted products. Protective
8 medical equipment shall be briefly removed by the medical
9 device wearer upon request by an operator to verify
10 identification to purchase any product for which verification
11 of the identity or age of an individual is required by State or
12 federal law, including, but not limited to:

13 (1) alcohol;

14 (2) tobacco products;

15 (3) marijuana products;

16 (4) prescriptions;

17 (5) firearms and ammunition;

18 (6) cleaning chemicals containing sodium hydroxide or
19 corrosive substances;

20 (7) fertilizer; and

21 (8) any additional products restricted by State or
22 federal law.

23 (d) Financial institution customer identification.
24 Protective medical equipment shall be briefly removed by the
25 medical device wearer upon request by an operator of a bank,
26 savings bank, credit union, or trust company, or any

1 subsidiary or affiliate thereof, that is authorized to do
2 business under the laws of this State or of the United States,
3 to verify identification upon entering the premises of the
4 bank, savings bank, credit union, or trust company, or a
5 subsidiary or affiliate thereof.

6 (e) Lodging customer identification. Protective medical
7 equipment shall be briefly removed by the medical device
8 wearer upon request by an operator of an inn, motel, or other
9 place of lodging to verify identification upon check-in.

10 (f) Reasonable confirmation of identity. For applicable
11 situations under subsections (c), (d), and (e), a person
12 wearing protective medical equipment may continue to do so if
13 clear window masks or other forms of protective medical
14 equipment allow an operator to reasonably confirm the
15 individual's facial features without removal of the protective
16 medical equipment.

17 (1) Determination of whether identity can be
18 reasonably confirmed shall be at the discretion of the
19 operator, consistent with State and federal law.

20 (2) If the operator cannot reasonably confirm the
21 individual's identity while the protective equipment
22 remains in place, the operator may request that the
23 individual briefly remove the equipment solely for the
24 purpose of visual identification.

25 (3) An operator shall not be liable for refusing to
26 sell, provide, or deliver any product, service, guest

1 accommodation, or room if:

2 (A) verification of identity or age is required by
3 State or federal law; or

4 (B) the operator, in good faith, determines that
5 identity cannot be reasonably confirmed while the
6 protective medical equipment remains in place, and the
7 individual refuses to comply with a reasonable request
8 to briefly remove protective medical equipment for
9 visual identification.

10 (4) Nothing in this Act shall be construed to require
11 an operator to complete a sale, furnish a service, or
12 provide access to guest accommodations to any individual
13 who declines to comply with such a reasonable request.

14 (g) Undue hardship exemption. The operator of a place of
15 public accommodation has the burden of proving undue hardship.
16 The fact that an operator would allow similarly situated
17 individuals to wear protective medical equipment creates a
18 rebuttable presumption that the right to wear protective
19 medical equipment does not impose an undue hardship on the
20 operator.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.