



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4611

Introduced 1/21/2022, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

New Act

Creates the Vaccination Information Privacy Act. Provides that no individual in possession of the vaccine information of another may release such information unless it is in accordance with specified provisions. Provides that, except in specified circumstances, vaccine information shall not be admissible as evidence nor discoverable in any action of any kind in any court or before any tribunal, board, agency, or person pursuant to specified provisions of the Code of Civil Procedure. Provides that no person may disclose or be compelled to disclose vaccine information except to specified persons. Provides that any person aggrieved by a violation of the Act shall have a right of action in a State circuit court or as a supplemental claim in a federal district court against an offending party. Provides that a prevailing party may recover specified amounts for each violation. Provides that nothing in the Act limits the right of the subject of a medical test to recover damages or other relief under any other applicable law. Effective immediately.

LRB102 24099 CPF 33324 b

1 AN ACT concerning health.

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 Vaccination Information Privacy Act.

6 Section 5. Definition. In this Act, "vaccine information"
7 means any information derived from the process of vaccination
8 or an individual's vaccination status.

9 Section 10. Confidentiality of vaccine information.

10 (a) No individual in possession of the vaccine information
11 of another may release such information unless it is in
12 accordance with Section 15.

13 (b) Except as otherwise provided in subsection (c),
14 vaccine information shall not be admissible as evidence nor
15 discoverable in any action of any kind in any court or before
16 any tribunal, board, agency, or person pursuant to Part 21 of
17 Article VIII of the Code of Civil Procedure.

18 (c) Vaccine information shall be admissible as evidence
19 and discoverable, subject to a protective order, in any action
20 alleging a violation of this Act.

21 Section 15. Disclosure of vaccine information. No person

1 may disclose or be compelled to disclose vaccine information
2 except to the following persons:

3 (1) The subject of the vaccine information or the
4 subject's legally authorized representative.

5 (2) Any person designated in a written authorization
6 for release of vaccine information executed by the
7 vaccinated individual or the vaccinated individual's
8 authorized representative.

9 (3) An authorized agent or employee of a health
10 facility or health care provider if the health facility or
11 health care provider itself is authorized to obtain the
12 vaccine information and the agent or employee has a need
13 to know the information to provide medical care.

14 Section 20. Right of action. Any person aggrieved by a
15 violation of this Act shall have a right of action in a State
16 circuit court or as a supplemental claim in a federal district
17 court against an offending party. A prevailing party may
18 recover the following for each violation:

19 (1) Against any party who negligently violates a
20 provision of this Act, liquidated damages of \$2,500 or
21 actual damages, whichever is greater.

22 (2) Against any party who intentionally or recklessly
23 violates a provision of this Act, liquidated damages of
24 \$15,000 or actual damages, whichever is greater.

25 (3) Reasonable attorney's fees and costs, including

1 expert witness fees and other litigation expenses.

2 (4) Such other relief, including an injunction, as the
3 State or federal court may deem appropriate.

4 Section 25. Damages or other relief. Nothing in this Act
5 limits the right of the subject of a medical test to recover
6 damages or other relief under any other applicable law.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.