

1 AN ACT concerning LGBTQ older adults.

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

4 Section 5. The Illinois Act on the Aging is amended by  
5 changing Sections 3, 7.01, and 7.09 and by adding Sections  
6 3.12, 3.13, 8.10, 8.11, and 8.12 as follows:

7 (20 ILCS 105/3) (from Ch. 23, par. 6103)

8 Sec. 3. As used in this Act, unless the context otherwise  
9 requires, the terms specified in Sections 3.01 through 3.13  
10 ~~3.11~~ have the meanings ascribed to them in those Sections.

11 (Source: P.A. 101-325, eff. 8-9-19.)

12 (20 ILCS 105/3.12 new)

13 Sec. 3.12. "Commission" means the Illinois Commission on  
14 LGBTQ Aging.

15 (20 ILCS 105/3.13 new)

16 Sec. 3.13. "LGBTQ older adults" means adults 55 years of  
17 age or older who are lesbian, gay, bisexual, transgender,  
18 intersex, gender non-conforming, Two-Spirit, non-binary,  
19 same-gender-loving, queer, or any other diverse sexual  
20 orientation or gender identity.

1 (20 ILCS 105/7.01) (from Ch. 23, par. 6107.01)

2 Sec. 7.01. The Council shall consist of 31 voting members,  
3 including: two Senators appointed by the President of the  
4 Senate; two Senators appointed by the Senate Minority Leader;  
5 two Representatives appointed by the Speaker of the House of  
6 Representatives; two Representatives appointed by the House  
7 Minority Leader; and twenty three citizen members, at least  
8 sixteen of whom shall be senior citizens. Of the citizen  
9 members, at least 7 shall represent underrepresented  
10 communities as follows:

11 (1) one member who is a lesbian, gay, bisexual, or  
12 queer individual;

13 (2) one member who is a transgender or  
14 gender-expansive individual;

15 (3) one member who is a person living with HIV;

16 (4) one member who is an African-American or Black  
17 individual;

18 (5) one member who is a Hispanic or Latino individual;

19 (6) one member who is an Asian-American or Pacific  
20 Islander individual; and

21 (7) one member who is an ethnically diverse  
22 individual.

23 (Source: P.A. 78-242.)

24 (20 ILCS 105/7.09) (from Ch. 23, par. 6107.09)

25 Sec. 7.09. The Council shall have the following powers and

1 duties:

2 (1) review and comment upon reports of the Department  
3 to the Governor and the General Assembly;

4 (2) prepare and submit to the Governor, the General  
5 Assembly and the Director an annual report evaluating the  
6 level and quality of all programs, services and facilities  
7 provided to the aging by State agencies;

8 (3) review and comment upon the comprehensive state  
9 plan prepared by the Department;

10 (4) review and comment upon disbursements by the  
11 Department of public funds to private agencies;

12 (5) recommend candidates to the Governor for  
13 appointment as Director of the Department;

14 (6) consult with the Director regarding the operations  
15 of the Department; and ~~and~~

16 (7) review and support implementation of the  
17 Commission's recommendations as identified in the  
18 Commission's Second Report, which shall be issued no later  
19 than March 30, 2025.

20 The requirement for reporting to the General Assembly  
21 shall be satisfied by filing copies of the report as required  
22 by Section 3.1 of the General Assembly Organization Act, and  
23 filing such additional copies with the State Government Report  
24 Distribution Center for the General Assembly as is required  
25 under paragraph (t) of Section 7 of the State Library Act.

26 (Source: P.A. 100-1148, eff. 12-10-18.)

1 (20 ILCS 105/8.10 new)

2 Sec. 8.10. The Illinois Commission on LGBTQ Aging.

3 (a) Commission purpose. The Commission is created to  
4 investigate, analyze, and study the health, housing,  
5 financial, psychosocial, home-and-community-based services,  
6 assisted living, and long-term care needs of LGBTQ older  
7 adults and their caregivers. The Commission shall make  
8 recommendations to improve access to benefits, services, and  
9 supports for LGBTQ older adults and their caregivers. The  
10 Commission, in formulating its recommendations, shall take  
11 into account the best policies and practices in other states  
12 and jurisdictions. Specifically, the Commission shall:

13 (1) Examine the impact of State and local laws,  
14 policies, and regulations on LGBTQ older adults and make  
15 recommendations to ensure equitable access, treatment,  
16 care and benefits, and overall quality of life.

17 (2) Examine best practices for increasing access,  
18 reducing isolation, preventing abuse and exploitation,  
19 promoting independence and self-determination,  
20 strengthening caregiving, eliminating disparities, and  
21 improving overall quality of life for LGBTQ older adults.

22 (3) Examine the impact of race, ethnicity, sex  
23 assigned at birth, socioeconomic status, disability,  
24 sexual orientation, gender identity, and other  
25 characteristics on access to services for LGBTQ older

1 adults and make recommendations to ensure equitable  
2 access, treatment, care, and benefits and overall quality  
3 of life.

4 (4) Examine the experiences and needs of LGBTQ older  
5 adults living with HIV/AIDS and make recommendations to  
6 ensure equitable access, treatment, care, benefits, and  
7 overall quality of life.

8 (5) Examine strategies to increase provider awareness  
9 of the needs of LGBTQ older adults and their caregivers  
10 and to improve the competence of and access to treatment,  
11 services, and ongoing care, including preventive care.

12 (6) Examine the feasibility of developing statewide  
13 training curricula to improve provider competency in the  
14 delivery of culturally responsive health, housing, and  
15 long-term support services to LGBTQ older adults and their  
16 caregivers.

17 (7) Assess the funding and programming needed to  
18 enhance services to the growing population of LGBTQ older  
19 adults.

20 (8) Examine whether certain policies and practices, or  
21 the absence thereof, promote the premature admission of  
22 LGBTQ older adults to institutional care, and examine  
23 whether potential cost-savings exist for LGBTQ older  
24 adults as a result of providing lower cost and culturally  
25 responsive home and community-based alternatives to  
26 institutional care.

1           (9) Examine outreach protocols to reduce apprehension  
2           among LGBTQ older adults and caregivers of utilizing  
3           mainstream providers.

4           (10) Evaluate the implementation status of Public Act  
5           101-325.

6           (11) Evaluate the implementation status of Public Act  
7           102-543, examine statewide strategies for the collection  
8           of sexual orientation and gender identity data and the  
9           impact of these strategies on the provision of services to  
10           LGBTQ older adults, and conduct a statewide survey  
11           designed to approximate the number of LGBTQ older adults  
12           in the State and collect demographic information (if  
13           resources allow for the implementation of a survey  
14           instrument).

15           (b) Commission members.

16           (1) The Commission shall include at least all of the  
17           following persons who must be appointed by the Governor  
18           within 60 days after the effective date of this amendatory  
19           Act of the 102nd General Assembly:

20           (A) one member from a statewide organization that  
21           advocates for older adults;

22           (B) one member from a national organization that  
23           advocates for LGBTQ older adults;

24           (C) one member from a community-based, multi-site  
25           healthcare organization founded to serve LGBTQ people;

26           (D) the director of senior services from a

1 community center serving LGBTQ people, or the  
2 director's designee;

3 (E) one member from an HIV/AIDS service  
4 organization;

5 (F) one member from an organization that is a  
6 project incubator and think tank that is focused on  
7 action that leads to improved outcomes and  
8 opportunities for LGBTQ communities;

9 (G) one member from a labor organization that  
10 provides care and services for older adults in  
11 long-term care facilities;

12 (H) one member from a statewide association  
13 representing long-term care facilities;

14 (I) 5 members from organizations that serve Black,  
15 Asian-American, Pacific Islander, Indigenous, or  
16 Latinx LGBTQ people;

17 (J) one member from a statewide organization for  
18 people with disabilities; and

19 (K) 10 LGBTQ older adults, including at least:

20 (i) 3 members who are transgender or  
21 gender-expansive individuals;

22 (ii) 2 members who are older adults living  
23 with HIV;

24 (iii) one member who is Two-Spirit;

25 (iv) one member who is an African-American or  
26 Black individual;

1 (v) one member who is a Latinx individual;

2 (vi) one member who is an Asian-American or  
3 Pacific Islander individual; and

4 (vii) one member who is an ethnically diverse  
5 individual.

6 (2) The following State agencies shall each designate  
7 one representative to serve as an ex officio member of the  
8 Commission: the Department, the Department of Public  
9 Health, the Department of Human Services, the Department  
10 of Healthcare and Family Services, and the Department of  
11 Veterans' Affairs.

12 (3) Appointing authorities shall ensure, to the  
13 maximum extent practicable, that the Commission is diverse  
14 with respect to race, ethnicity, age, sexual orientation,  
15 gender identity, gender expression, and geography.

16 (4) Members of the Commission shall serve until this  
17 Section is repealed. Members shall continue to serve until  
18 their successors are appointed. Any vacancy shall be  
19 filled by the appointing authority. Any vacancy occurring  
20 other than by the dissolution of the Commission shall be  
21 filled for the balance of the unexpired term. Members of  
22 the Commission shall serve without compensation but shall  
23 be reimbursed for expenses necessarily incurred in the  
24 performance of their duties.

25 (c) Commission organization. The Commission shall provide  
26 for its organization and procedure, including selection of the

1 chairperson and vice-chairperson. A majority of the Commission  
2 shall constitute a quorum for the transaction of business.  
3 Administrative and other support for the Commission shall be  
4 provided by the Department. Any State agency under the  
5 jurisdiction of the Governor shall provide testimony and  
6 information as directed by the Commission.

7 (d) Meetings and reports. The Commission shall:

8 (1) Hold at least one public meeting per quarter.  
9 Public meetings may be virtually conducted.

10 (2) No later than March 30, 2023, submit a First  
11 Report to the Illinois General Assembly that contains  
12 findings and recommendations, including any recommended  
13 legislation. The First Report shall be made available to  
14 the public on the Department's publicly accessible  
15 website.

16 (3) No later than March 30, 2025, submit a Second  
17 Report in the same manner as the First Report, containing  
18 updates to the findings and recommendations contained in  
19 the First Report. The Second Report shall be made  
20 available to the public on the Department's publicly  
21 accessible website.

22 The Department and Commission may collaborate with an  
23 institution of higher education in Illinois to compile the  
24 First Report and Second Report.

25 (e) This Section is repealed 3 years after the effective  
26 date of this amendatory Act of the 102nd General Assembly.

1 (20 ILCS 105/8.11 new)

2 Sec. 8.11. LGBTQ Older Adult Advocate.

3 (a) The Director shall designate an LGBTQ Older Adult  
4 Advocate to discharge the requirements of this Section. The  
5 LGBTQ Older Adult Advocate shall have the powers delegated to  
6 them by the Department, in addition to the powers set forth in  
7 this Section.

8 (b) The LGBTQ Older Adult Advocate shall:

9 (1) advocate for LGBTQ older adults and older adults  
10 living with HIV who experience barriers to accessing and  
11 utilizing services;

12 (2) ensure the needs and perspectives of LGBTQ older  
13 adults and older adults living with HIV are included and  
14 incorporated in the Department's decision-making and  
15 policymaking processes and throughout the Department's  
16 operations and programs;

17 (3) recommend to and assist providers and the public  
18 with identifying how best to serve and affirm LGBTQ older  
19 adults and older adults living with HIV;

20 (4) administer and oversee the curriculum and training  
21 program established by Section 8.12 of this Act;

22 (5) support LGBTQ older adults and older adults living  
23 with HIV with information about their civil rights and  
24 ability to access federal, State, and local aging services  
25 and benefits; and

1           (6) support the work and policy recommendations of the  
2           Commission on LGBTQ Aging, the Council on Aging, and the  
3           State Plan on Aging.

4           (c) In meeting the requirements of this Section, the LGBTQ  
5           Older Adult Advocate shall collaborate with organizations or  
6           individuals that affirm LGBTQ older adults and older adults  
7           living with HIV and have recognized expertise in identifying  
8           and addressing the legal and social challenges faced by LGBTQ  
9           older adults and older adults living with HIV.

10          (d) The Department shall maintain information about the  
11          LGBTQ Older Adult Advocate, including contact information, on  
12          the Department's publicly accessible website.

13          (e) The Department may adopt rules for the administration,  
14          implementation, and enforcement of this Section.

15           (20 ILCS 105/8.12 new)

16          Sec. 8.12. LGBTQ Older Adult Curriculum and Training  
17          Program.

18          (a) All providers of services who contract with or receive  
19          funding from the Department shall complete a curriculum and  
20          training program on the prevention and elimination of  
21          discrimination based on sexual orientation, gender identity,  
22          and gender expression and on providing affirming care and  
23          improving access to services for LGBTQ older adults, older  
24          adults living with HIV, and their caregivers. The curriculum  
25          and training program must be completed by all employees of

1 each provider as well as the employees of the provider's  
2 subgrantees and vendors. Providers shall complete training in  
3 accordance with the Department's established training  
4 requirements. Providers must maintain records of when each  
5 employee completes the curriculum and training program. Such  
6 proof of completion shall be made available to the Department  
7 upon its request.

8 (b) The Department may develop the curriculum and training  
9 program or may contract with organizations or individuals to  
10 provide their curriculum and training program. Such  
11 organizations or individuals must affirm LGBTQ older adults  
12 and older adults living with HIV and have recognized expertise  
13 in identifying and addressing the legal and social challenges  
14 faced by LGBTQ older adults and older adults living with HIV.  
15 If the Department develops its own curriculum and training  
16 program, the Department shall collaborate on developing the  
17 program with individuals and organizations that affirm LGBTQ  
18 older adults and older adults living with HIV and have  
19 recognized expertise in identifying and addressing the legal  
20 and social challenges faced by LGBTQ older adults and older  
21 adults living with HIV. At a minimum, the curriculum and  
22 training program required by this Section must address the  
23 following:

24 (1) definitions of common terms and examples  
25 associated with sexual orientation, gender identity, and  
26 gender expression;

1           (2) affirming methods of communicating with or about  
2           LGBTQ older adults and older adults living with HIV;

3           (3) the health and social challenges historically  
4           faced by LGBTQ older adults and older adults living with  
5           HIV;

6           (4) the importance of professionalism by providers and  
7           the way caretaker attitudes affect access to care,  
8           services, participation, and overall physical and mental  
9           health outcomes;

10          (5) methods to create a safe and affirming environment  
11          and the penalties for failing to meet legal and  
12          professional standards; and

13          (6) legal issues relating to LGBTQ older adults and  
14          older adults living with HIV, including, but not limited  
15          to, civil rights and marriage laws.

16          (c) The curriculum and training program established in  
17          accordance with this Section shall be implemented by the  
18          Department within 12 months after the effective date of this  
19          amendatory Act of the 102nd General Assembly.

20                 Section 99. Effective date. This Act takes effect upon  
21                 becoming law.