



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5787

Introduced 11/16/2022, by Rep. Mary E. Flowers - La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

See Index

Provides that the amendatory Act may be referred to as the Reproductive Liberty and Dignity Act. Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Requires the Department of Public Health to establish reproductive health clinics meeting specified requirements throughout the State. Amends the Equity and Representation in Health Care Act. Provides that a licensed certified professional midwife is a "health care professional". Provides that a reproductive health clinic established at a nonprofit community health center is a "medical facility". Defines "licensed certified professional midwife". Amends the Birth Center Licensing Act. Makes changes to the definition of "birth center". Amends the Licensed Certified Professional Midwife Practice Act. Provides that a licensed certified professional midwife may provide out-of-hospital care to a childbearing individual who has had a previous cesarean section if it is authorized by the Department of Financial and Professional Regulation. Removes language prohibiting a licensed certified professional midwife from (1) performing an abortion or (2) knowingly accepting responsibility for prenatal or intrapartum care of a client with alcoholism or alcohol abuse or drug addiction or abuse. Amends the Abused and Neglected Child Reporting Act. Removes language providing that "neglected child" means, among other things, any child who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance. Amends the Medical Patient Rights Act. Makes changes to provisions regarding the rights of women with regard to pregnancy and childbirth. Provides that, notwithstanding any other provision of law, unless specified exceptions exist, a patient has the right for a physician, health care provider, health services corporation, or insurance company to administer specified medical tests without disclosing the results of the test to a law enforcement agency or to the Department of Children and Family Services. Establishes penalties for violating the provisions. Amends the Vital Records Act. Makes changes to provisions regarding certificates of stillbirth.

LRB102 28296 CPF 40495 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. This Act may be referred to as the Reproductive
5 Liberty and Dignity Act.

6 Section 5. The Department of Public Health Powers and
7 Duties Law of the Civil Administrative Code of Illinois is
8 amended by adding Section 2310-438 as follows:

9 (20 ILCS 2310/2310-438 new)

10 Sec. 2310-438. Reproductive health clinics.

11 (a) The Department shall establish reproductive health
12 clinics throughout the State to provide comprehensive access
13 to essential reproductive health services. The services
14 provided at the reproductive health clinics shall be offered
15 at an affordable price and shall include, but not be limited
16 to, all of the following:

17 (1) Annual women's health examinations, including
18 Papanicolaou tests and breast examinations.

19 (2) Pregnancy confirmation.

20 (3) Prenatal care, including ultrasound examinations.

21 (4) Labor and delivery.

22 (5) Postpartum care and support.

- 1 (6) Family planning examinations and birth control.
2 (7) Abortion care and post-abortion care.
3 (8) Examinations, care, and prescriptions for sexually
4 transmitted diseases and infections.
5 (9) Doulas and childbirth consultants, with fees set
6 on a sliding scale based on the patient's income.
7 (10) Free childbirth education, breastfeeding support,
8 and parenting support offered on-site.
9 (b) No reproductive health clinic established under this
10 Section shall refuse access to services described under
11 subsection (a) to a patient seeking such access on the basis of
12 his or her immigration status, state or territory of
13 residence, insurance status, or any characteristic otherwise
14 protected under the Illinois Human Rights Act.

15 Section 10. The Equity and Representation in Health Care
16 Act is amended by changing Section 10 as follows:

17 (110 ILCS 932/10)

18 (This Section may contain text from a Public Act with a
19 delayed effective date)

20 Sec. 10. Definitions.

21 "Accredited school" means a college or university in which
22 a degree in allopathic medicine, osteopathic medicine,
23 dentistry, physical therapy, or an equivalent credential for a
24 health program is earned and for which the Council for Higher

1 Education Accreditation or its affiliates has determined that
2 the school meets specific standards for its programs, faculty,
3 and curriculum.

4 "Advanced practice registered nurse" or "APRN" means an
5 advanced practice registered nurse as defined under Section
6 50-10 of the Nurse Practice Act.

7 "Allopathic medicine" means the use of pharmacological
8 agents or physical interventions to treat or suppress symptoms
9 or processes of diseases or conditions.

10 "Applicant" means a health care professional or medical
11 facility who applies for loan repayment assistance or
12 scholarship funds under this Act.

13 "Approved graduate training" means training in medicine,
14 dentistry, or any other health profession that leads to
15 eligibility for board certification, provides evidence of
16 completion, and is approved by the appropriate health care
17 professional's body.

18 "Behavioral health provider" means a provider of a
19 commonly recognized discipline in the behavioral health
20 industry, including, but not limited to, licensed clinical
21 social workers, behavioral health therapists, certified
22 marriage and family counselors, licensed social workers, and
23 addiction counselors.

24 "Breach of service obligation" means failure for any
25 reason to begin or complete a contractual service commitment.

26 "Commercial loan" means a loan made by a bank, credit

1 union, savings and loan association, insurance company,
2 school, or other financial institution.

3 "Community health center" means a migrant health center,
4 community health center, health care program for the homeless
5 or for residents of public housing supported under Section 330
6 of the federal Public Health Service Act, or FQHC, including
7 an FQHC Look-Alike, as designated by the U.S. Department of
8 Health and Human Services, that operates at least one
9 federally designated primary health care delivery site in
10 Illinois.

11 "Default" means failure to meet a legal obligation or
12 condition of a loan.

13 "Department" means the Department of Public Health.

14 "Dental assistant" means a person who serves as a member
15 of a dental care team, working directly with a dentist to
16 perform duties that include, but are not limited to, assisting
17 with dental procedures, preparing patients for procedures,
18 preparing examinations, and sterilizing equipment.

19 "Dentist" means a person licensed to practice dentistry
20 under the Illinois Dental Practice Act.

21 "Director" means the Director of Public Health.

22 "Equity and Representation in Health Care Workforce
23 Repayment Program" or "Repayment Program" means the Equity and
24 Representation in Health Care Workforce Repayment Program
25 created under subsection (a) of Section 15.

26 "Equity and Representation in Health Care Workforce

1 Scholarship Program" or "Scholarship Program" means the Equity
2 and Representation in Health Care Workforce Scholarship
3 Program created under subsection (b) of Section 15.

4 "Federally Qualified Health Center" or "FQHC" means a
5 health center funded under Section 330 of the federal Public
6 Health Service Act.

7 "Federally Qualified Health Center Look-Alike" or "FQHC
8 Look-Alike" means a health center that meets the requirements
9 for receiving a grant under Section 330 of the federal Public
10 Health Service Act but does not receive funding under that
11 authority.

12 "Government loan" means a loan made by a federal, State,
13 county, or city agency authorized to make the loan.

14 "Health care professional" means a physician, physician
15 assistant, advanced practice registered nurse, nurse, licensed
16 certified professional midwife, chiropractic physician,
17 podiatrist, physical therapist, physical therapist assistant,
18 occupational therapist, speech therapist, behavioral health
19 provider, psychiatrist, psychologist, pharmacist, dentist,
20 medical assistant, dental assistant, or dental hygienist.

21 "Health professional shortage area" or "HPSA" means a
22 designation from the U.S. Department of Health and Human
23 Services that indicates the shortage of primary medical care
24 or dental or mental health providers. The designation may be
25 geographic, such as a county or service area; demographic,
26 such as low-income population; or institutional, such as a

1 comprehensive health center, FQHC, or other public facility.

2 "Lender" means the commercial or government entity that
3 makes a qualifying loan.

4 "Licensed certified professional midwife" means a person
5 who meets the requirements under Section 45 of the Licensed
6 Certified Professional Midwife Practice Act and holds an
7 active license to practice as a certified professional midwife
8 in Illinois.

9 "Loan repayment award" or "award" means the amount of
10 funding awarded to a recipient based upon his or her
11 reasonable educational expenses, up to a maximum established
12 by the program.

13 "Loan repayment agreement" or "agreement" means the
14 written instrument defining a legal relationship entered into
15 between the Department and a recipient.

16 "Medical assistant" means a person who serves as a member
17 of a medical care team working directly with other providers
18 to perform duties that include, but are not limited to,
19 gathering patient information, taking vital signs, preparing
20 patients for examinations, and assisting physicians during
21 examinations.

22 "Medical facility" means a facility in which the delivery
23 of health services is provided. A medical facility must be a
24 nonprofit or public facility located in Illinois and includes
25 the following:

26 (1) A Federally Qualified Health Center.

1 (2) An FQHC Look-Alike.

2 (3) A hospital system operated by a county with more
3 than 3,000,000 residents.

4 (4) A reproductive health clinic established at a
5 nonprofit community health center under Section 2310-438
6 of the Department of Public Health Powers and Duties Law
7 of the Civil Administrative Code of Illinois, if approved
8 by the Department.

9 "Medically underserved area" or "MUA" means an area
10 designated by the U.S. Department of Health and Human
11 Services' Health Resources and Services Administration as
12 having too few primary care providers, high infant mortality,
13 high poverty, or a high elderly population.

14 "Nurse" means a person who is licensed as a licensed
15 practical nurse or as a registered nurse under the Nurse
16 Practice Act.

17 "Osteopathic medicine" means medical practice based upon
18 the theory that diseases are due to loss of structural
19 integrity, which can be restored by manipulation of the parts
20 and supplemented by therapeutic measures.

21 "Physical therapist" means an individual licensed as a
22 physical therapist under the Illinois Physical Therapy Act.

23 "Physical therapist assistant" means an individual
24 licensed as a physical therapist assistant under the Illinois
25 Physical Therapy Act.

26 "Physician" means a person licensed to practice medicine

1 in all of its branches under the Medical Practice Act of 1987.

2 "Physician assistant" means an individual licensed under
3 the Physician Assistant Practice Act of 1987.

4 "Primary care" means health care that encompasses
5 prevention services, basic diagnostic and treatment services,
6 and support services, including laboratory, radiology,
7 transportation, and pharmacy services.

8 "Psychiatrist" means a physician licensed to practice
9 medicine in Illinois under the Medical Practice Act of 1987
10 who has successfully completed an accredited residency program
11 in psychiatry.

12 "Qualifying loan" means a government loan or commercial
13 loan used for tuition and reasonable educational and living
14 expenses related to undergraduate or graduate education that
15 was obtained by the recipient prior to his or her application
16 for loan repayment and that is contemporaneous with the
17 education received.

18 "Reasonable educational expenses" means costs for
19 education, exclusive of tuition. These costs include, but are
20 not limited to, fees, books, supplies, clinical travel,
21 educational equipment, materials, board certification, or
22 licensing examinations. "Reasonable educational expenses" do
23 not exceed the estimated standard budget for expenses for the
24 degree program and for the years of enrollment.

25 "Reasonable living expenses" means room and board,
26 transportation, and commuting costs associated with the

1 applicant's attendance and participation in educational and
2 workforce training program. "Reasonable living expenses" do
3 not exceed the estimated standard budget for the recipient's
4 degree program and for the years of enrollment.

5 "Recognized training entity" means an entity approved by
6 the Department to provide training and education for medical
7 assistants and dental assistants.

8 "Recipient" means a health care professional or medical
9 facility that may use loan repayment funds.

10 "Rural" has the same meaning that is used by the federal
11 Health Resources and Services Administration to determine
12 eligibility for Rural Health Grants.

13 "State" means the State of Illinois.

14 (Source: P.A. 102-942, eff. 1-1-23.)

15 Section 15. The Birth Center Licensing Act is amended by
16 changing Section 5 as follows:

17 (210 ILCS 170/5)

18 (Text of Section before amendment by P.A. 102-964)

19 Sec. 5. Definitions. In this Act:

20 "Birth center" means a designated site, other than a
21 hospital:

22 (1) in which births are planned to occur following a
23 normal, uncomplicated, and low-risk pregnancy;

24 (2) that is not the pregnant person's usual place of

1 residence;

2 (3) that is exclusively dedicated to serving the
3 reproductive health care ~~childbirth-related~~ needs of
4 pregnant persons and ~~their~~ newborns, and has no more than
5 10 beds;

6 (4) that offers prenatal care and community education
7 services and coordinates these services with other health
8 care services available in the community; ~~and~~

9 (5) that does not provide general anesthesia; and ~~or~~
10 ~~surgery.~~

11 (6) that does not provide surgery except as allowed by
12 the Department by rule.

13 "Certified nurse midwife" means an advanced practice
14 registered nurse licensed in Illinois under the Nurse Practice
15 Act with full practice authority or who is delegated such
16 authority as part of a written collaborative agreement with a
17 physician who is associated with the birthing center or who
18 has privileges at a nearby birthing hospital.

19 "Department" means the Illinois Department of Public
20 Health.

21 "Hospital" does not include places where pregnant females
22 are received, cared for, or treated during delivery if it is in
23 a licensed birth center, nor include any facility required to
24 be licensed as a birth center.

25 "Physician" means a physician licensed to practice
26 medicine in all its branches in Illinois.

1 "Reproductive health care" has the same meaning as
2 provided in Section 1-10 of the Reproductive Health Act.

3 (Source: P.A. 102-518, eff. 8-20-21.)

4 (Text of Section after amendment by P.A. 102-964)

5 Sec. 5. Definitions. In this Act:

6 "Birth center" means a designated site, other than a
7 hospital:

8 (1) in which births are planned to occur following a
9 normal, uncomplicated, and low-risk pregnancy;

10 (2) that is not the pregnant person's usual place of
11 residence;

12 (3) that is exclusively dedicated to serving the
13 reproductive health care ~~childbirth-related~~ needs of
14 pregnant persons and ~~their~~ newborns, and has no more than
15 10 beds;

16 (4) that offers prenatal care and community education
17 services and coordinates these services with other health
18 care services available in the community; ~~and~~

19 (5) that does not provide general anesthesia; and ~~or~~
20 ~~surgery.~~

21 (6) that does not provide surgery except as allowed by
22 the Department by rule.

23 "Certified nurse midwife" means an advanced practice
24 registered nurse licensed in Illinois under the Nurse Practice
25 Act with full practice authority or who is delegated such

1 authority as part of a written collaborative agreement with a
2 physician who is associated with the birthing center or who
3 has privileges at a nearby birthing hospital.

4 "Department" means the Illinois Department of Public
5 Health.

6 "Hospital" does not include places where pregnant females
7 are received, cared for, or treated during delivery if it is in
8 a licensed birth center, nor include any facility required to
9 be licensed as a birth center.

10 "Licensed certified professional midwife" means a person
11 who has successfully met the requirements under Section 45 of
12 the Licensed Certified Professional Midwife Practice Act and
13 holds an active license to practice as a licensed certified
14 professional midwife in Illinois.

15 "Physician" means a physician licensed to practice
16 medicine in all its branches in Illinois.

17 "Reproductive health care" has the same meaning as
18 provided in Section 1-10 of the Reproductive Health Act.

19 (Source: P.A. 102-518, eff. 8-20-21; 102-964, eff. 1-1-23.)

20 Section 20. The Licensed Certified Professional Midwife
21 Practice Act is amended by changing Section 85 as follows:

22 (225 ILCS 64/85)

23 (This Section may contain text from a Public Act with a
24 delayed effective date)

1 (Section scheduled to be repealed on January 1, 2027)

2 Sec. 85. Prohibited practices.

3 (a) A licensed certified professional midwife may not do
4 any of the following:

5 (1) administer prescription pharmacological agents
6 intended to induce or augment labor;

7 (2) administer prescription pharmacological agents to
8 provide pain management;

9 (3) use vacuum extractors or forceps;

10 (4) prescribe medications;

11 (5) provide out-of-hospital care to a childbearing
12 individual who has had a previous cesarean section, except
13 as authorized by the Department by rule;

14 (6) perform ~~abortions~~ or surgical procedures,
15 including, but not limited to, cesarean sections and
16 circumcisions, except for an emergency episiotomy;

17 (7) knowingly accept responsibility for prenatal or
18 intrapartum care of a client with any of the following
19 risk factors:

20 (A) chronic significant maternal cardiac,
21 pulmonary, renal, or hepatic disease;

22 (B) malignant disease in an active phase;

23 (C) significant hematological disorders,
24 coagulopathies, or pulmonary embolism;

25 (D) insulin requiring diabetes mellitus;

26 (E) known maternal congenital abnormalities

1 affecting childbirth;

2 (F) confirmed isoimmunization, Rh disease with
3 positive titer;

4 (G) active tuberculosis;

5 (H) active syphilis or gonorrhea;

6 (I) active genital herpes infection 2 weeks prior
7 to labor or in labor;

8 (J) pelvic or uterine abnormalities affecting
9 normal vaginal births, including tumors and
10 malformations;

11 (K) (blank) ~~alcoholism or alcohol abuse~~;

12 (L) (blank) ~~drug addiction or abuse~~; or

13 (M) confirmed AIDS status.

14 (b) A licensed certified professional midwife shall not
15 administer Schedule II through IV controlled substances.
16 Subject to a prescription by a health care professional,
17 Schedule V controlled substances may be administered by
18 licensed certified professional midwives.

19 (Source: P.A. 102-683, eff. 10-1-22.)

20 Section 25. The Abused and Neglected Child Reporting Act
21 is amended by changing Section 3 as follows:

22 (325 ILCS 5/3) (from Ch. 23, par. 2053)

23 Sec. 3. As used in this Act unless the context otherwise
24 requires:

1 "Adult resident" means any person between 18 and 22 years
2 of age who resides in any facility licensed by the Department
3 under the Child Care Act of 1969. For purposes of this Act, the
4 criteria set forth in the definitions of "abused child" and
5 "neglected child" shall be used in determining whether an
6 adult resident is abused or neglected.

7 "Agency" means a child care facility licensed under
8 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
9 includes a transitional living program that accepts children
10 and adult residents for placement who are in the guardianship
11 of the Department.

12 "Blatant disregard" means an incident where the real,
13 significant, and imminent risk of harm would be so obvious to a
14 reasonable parent or caretaker that it is unlikely that a
15 reasonable parent or caretaker would have exposed the child to
16 the danger without exercising precautionary measures to
17 protect the child from harm. With respect to a person working
18 at an agency in his or her professional capacity with a child
19 or adult resident, "blatant disregard" includes a failure by
20 the person to perform job responsibilities intended to protect
21 the child's or adult resident's health, physical well-being,
22 or welfare, and, when viewed in light of the surrounding
23 circumstances, evidence exists that would cause a reasonable
24 person to believe that the child was neglected. With respect
25 to an agency, "blatant disregard" includes a failure to
26 implement practices that ensure the health, physical

1 well-being, or welfare of the children and adult residents
2 residing in the facility.

3 "Child" means any person under the age of 18 years, unless
4 legally emancipated by reason of marriage or entry into a
5 branch of the United States armed services.

6 "Department" means Department of Children and Family
7 Services.

8 "Local law enforcement agency" means the police of a city,
9 town, village or other incorporated area or the sheriff of an
10 unincorporated area or any sworn officer of the Illinois State
11 Police.

12 "Abused child" means a child whose parent or immediate
13 family member, or any person responsible for the child's
14 welfare, or any individual residing in the same home as the
15 child, or a paramour of the child's parent:

16 (a) inflicts, causes to be inflicted, or allows to be
17 inflicted upon such child physical injury, by other than
18 accidental means, which causes death, disfigurement,
19 impairment of physical or emotional health, or loss or
20 impairment of any bodily function;

21 (b) creates a substantial risk of physical injury to
22 such child by other than accidental means which would be
23 likely to cause death, disfigurement, impairment of
24 physical or emotional health, or loss or impairment of any
25 bodily function;

26 (c) commits or allows to be committed any sex offense

1 against such child, as such sex offenses are defined in
2 the Criminal Code of 2012 or in the Wrongs to Children Act,
3 and extending those definitions of sex offenses to include
4 children under 18 years of age;

5 (d) commits or allows to be committed an act or acts of
6 torture upon such child;

7 (e) inflicts excessive corporal punishment or, in the
8 case of a person working for an agency who is prohibited
9 from using corporal punishment, inflicts corporal
10 punishment upon a child or adult resident with whom the
11 person is working in his or her professional capacity;

12 (f) commits or allows to be committed the offense of
13 female genital mutilation, as defined in Section 12-34 of
14 the Criminal Code of 2012, against the child;

15 (g) causes to be sold, transferred, distributed, or
16 given to such child under 18 years of age, a controlled
17 substance as defined in Section 102 of the Illinois
18 Controlled Substances Act in violation of Article IV of
19 the Illinois Controlled Substances Act or in violation of
20 the Methamphetamine Control and Community Protection Act,
21 except for controlled substances that are prescribed in
22 accordance with Article III of the Illinois Controlled
23 Substances Act and are dispensed to such child in a manner
24 that substantially complies with the prescription;

25 (h) commits or allows to be committed the offense of
26 involuntary servitude, involuntary sexual servitude of a

1 minor, or trafficking in persons as defined in Section
2 10-9 of the Criminal Code of 2012 against the child; or

3 (i) commits the offense of grooming, as defined in
4 Section 11-25 of the Criminal Code of 2012, against the
5 child.

6 A child shall not be considered abused for the sole reason
7 that the child has been relinquished in accordance with the
8 Abandoned Newborn Infant Protection Act.

9 "Neglected child" means any child who is not receiving the
10 proper or necessary nourishment or medically indicated
11 treatment including food or care not provided solely on the
12 basis of the present or anticipated mental or physical
13 impairment as determined by a physician acting alone or in
14 consultation with other physicians or otherwise is not
15 receiving the proper or necessary support or medical or other
16 remedial care recognized under State law as necessary for a
17 child's well-being, or other care necessary for his or her
18 well-being, including adequate food, clothing and shelter; or
19 who is subjected to an environment which is injurious insofar
20 as (i) the child's environment creates a likelihood of harm to
21 the child's health, physical well-being, or welfare and (ii)
22 the likely harm to the child is the result of a blatant
23 disregard of parent, caretaker, person responsible for the
24 child's welfare, or agency responsibilities; or who is
25 abandoned by his or her parents or other person responsible
26 for the child's welfare without a proper plan of care; or who

1 has been provided with interim crisis intervention services
2 under Section 3-5 of the Juvenile Court Act of 1987 and whose
3 parent, guardian, or custodian refuses to permit the child to
4 return home and no other living arrangement agreeable to the
5 parent, guardian, or custodian can be made, and the parent,
6 guardian, or custodian has not made any other appropriate
7 living arrangement for the child; ~~or who is a newborn infant~~
8 ~~whose blood, urine, or meconium contains any amount of a~~
9 ~~controlled substance as defined in subsection (f) of Section~~
10 ~~102 of the Illinois Controlled Substances Act or a metabolite~~
11 ~~thereof, with the exception of a controlled substance or~~
12 ~~metabolite thereof whose presence in the newborn infant is the~~
13 ~~result of medical treatment administered to the mother or the~~
14 ~~newborn infant.~~ A child shall not be considered neglected for
15 the sole reason that the child's parent or other person
16 responsible for his or her welfare has left the child in the
17 care of an adult relative for any period of time. A child shall
18 not be considered neglected for the sole reason that the child
19 has been relinquished in accordance with the Abandoned Newborn
20 Infant Protection Act. A child shall not be considered
21 neglected or abused for the sole reason that such child's
22 parent or other person responsible for his or her welfare
23 depends upon spiritual means through prayer alone for the
24 treatment or cure of disease or remedial care as provided
25 under Section 4 of this Act. A child shall not be considered
26 neglected or abused solely because the child is not attending

1 school in accordance with the requirements of Article 26 of
2 The School Code, as amended.

3 "Child Protective Service Unit" means certain specialized
4 State employees of the Department assigned by the Director to
5 perform the duties and responsibilities as provided under
6 Section 7.2 of this Act.

7 "Near fatality" means an act that, as certified by a
8 physician, places the child in serious or critical condition,
9 including acts of great bodily harm inflicted upon children
10 under 13 years of age, and as otherwise defined by Department
11 rule.

12 "Great bodily harm" includes bodily injury which creates a
13 high probability of death, or which causes serious permanent
14 disfigurement, or which causes a permanent or protracted loss
15 or impairment of the function of any bodily member or organ, or
16 other serious bodily harm.

17 "Person responsible for the child's welfare" means the
18 child's parent; guardian; foster parent; relative caregiver;
19 any person responsible for the child's welfare in a public or
20 private residential agency or institution; any person
21 responsible for the child's welfare within a public or private
22 profit or not for profit child care facility; or any other
23 person responsible for the child's welfare at the time of the
24 alleged abuse or neglect, including any person who commits or
25 allows to be committed, against the child, the offense of
26 involuntary servitude, involuntary sexual servitude of a

1 minor, or trafficking in persons for forced labor or services,
2 as provided in Section 10-9 of the Criminal Code of 2012,
3 including, but not limited to, the custodian of the minor, or
4 any person who came to know the child through an official
5 capacity or position of trust, including, but not limited to,
6 health care professionals, educational personnel, recreational
7 supervisors, members of the clergy, and volunteers or support
8 personnel in any setting where children may be subject to
9 abuse or neglect.

10 "Temporary protective custody" means custody within a
11 hospital or other medical facility or a place previously
12 designated for such custody by the Department, subject to
13 review by the Court, including a licensed foster home, group
14 home, or other institution; but such place shall not be a jail
15 or other place for the detention of criminal or juvenile
16 offenders.

17 "An unfounded report" means any report made under this Act
18 for which it is determined after an investigation that no
19 credible evidence of abuse or neglect exists.

20 "An indicated report" means a report made under this Act
21 if an investigation determines that credible evidence of the
22 alleged abuse or neglect exists.

23 "An undetermined report" means any report made under this
24 Act in which it was not possible to initiate or complete an
25 investigation on the basis of information provided to the
26 Department.

1 "Subject of report" means any child reported to the
2 central register of child abuse and neglect established under
3 Section 7.7 of this Act as an alleged victim of child abuse or
4 neglect and the parent or guardian of the alleged victim or
5 other person responsible for the alleged victim's welfare who
6 is named in the report or added to the report as an alleged
7 perpetrator of child abuse or neglect.

8 "Perpetrator" means a person who, as a result of
9 investigation, has been determined by the Department to have
10 caused child abuse or neglect.

11 "Member of the clergy" means a clergyman or practitioner
12 of any religious denomination accredited by the religious body
13 to which he or she belongs.

14 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
15 102-813, eff. 5-13-22.)

16 Section 30. The Medical Patient Rights Act is amended by
17 changing Section 3.4 and by adding Section 3.5 as follows:

18 (410 ILCS 50/3.4)

19 Sec. 3.4. Rights of women; pregnancy and childbirth.

20 (a) In addition to any other right provided under this
21 Act, every woman has the following rights with regard to
22 pregnancy and childbirth:

23 (1) The right to receive health care before, during,
24 and after pregnancy and childbirth.

1 (2) The right to receive care for her and her infant
2 that is consistent with WHO recommendations on newborn
3 health: guidelines approved by the WHO Guidelines Review
4 Committee (WHO reference number WHO/MCA/17.07) and WHO
5 recommendations on maternal health: guidelines approved by
6 the WHO Guidelines Review Committee (WHO reference number
7 WHO/MCA/17.10) or the successors to those WHO
8 recommendations ~~generally accepted medical standards.~~

9 (3) The right to choose a certified nurse midwife,
10 licensed certified professional midwife, or physician as
11 her maternity care professional.

12 (4) The right to choose her birth setting from the
13 full range of birthing options available in her community.

14 (5) The right to leave her maternity care provider
15 ~~professional~~ and select another if she becomes
16 dissatisfied with her care, ~~except as otherwise provided~~
17 ~~by law.~~

18 (6) The right to receive information about the names
19 of those health care professionals involved in her care.

20 (7) The right to privacy and confidentiality of
21 records, ~~except as provided by law.~~

22 (8) The right to receive information concerning her
23 condition and proposed treatment, including methods of
24 relieving pain.

25 (9) The right to accept or refuse any treatment, ~~to~~
26 ~~the extent medically possible.~~

1 (10) The right to be informed if her caregivers wish
2 to enroll her or her infant in a research study in
3 accordance with Section 3.1 of this Act.

4 (11) The right to access her medical records in
5 accordance with Section 8-2001 of the Code of Civil
6 Procedure.

7 (12) The right to receive information in a language in
8 which she can communicate in accordance with federal law.

9 (13) The right to receive emotional and physical
10 support during labor and birth.

11 (14) The right to freedom of movement during labor and
12 to give birth in the position of her choice, ~~within~~
13 ~~generally accepted medical standards.~~

14 (15) The right to contact with her newborn, ~~except~~
15 ~~where necessary care must be provided to the mother or~~
16 ~~infant.~~

17 (16) The right to receive information about
18 breastfeeding.

19 (17) The right to decide ~~collaboratively with~~
20 ~~caregivers~~ when she and her newborn ~~baby~~ will leave the
21 birth site for home, based on their conditions and
22 circumstances.

23 (18) The right to be treated with respect at all times
24 before, during, and after pregnancy by her and her
25 newborn's health care professionals.

26 (19) The right of each patient, regardless of source

1 of payment, to examine and receive a reasonable
2 explanation of her total bill for services rendered by her
3 maternity care professional or health care provider,
4 including itemized charges for specific services received.
5 Each maternity care professional or health care provider
6 shall be responsible only for a reasonable explanation of
7 those specific services provided by the maternity care
8 professional or health care provider.

9 (b) The Department of Public Health, Department of
10 Healthcare and Family Services, Department of Children and
11 Family Services, and Department of Human Services shall post,
12 either by physical or electronic means, information about
13 these rights on their publicly available websites. Every
14 health care provider, day care center licensed under the Child
15 Care Act of 1969, Head Start, and community center shall post
16 information about these rights in a prominent place and on
17 their websites, if applicable.

18 (c) The Department of Public Health shall adopt rules to
19 implement this Section.

20 (d) Nothing in this Section or any rules adopted under
21 subsection (c) shall be construed to require a physician,
22 health care professional, hospital, hospital affiliate, or
23 health care provider to provide care inconsistent with
24 generally accepted medical standards or available capabilities
25 or resources.

26 (Source: P.A. 101-445, eff. 1-1-20; 102-4, eff. 4-27-21.)

1 (410 ILCS 50/3.5 new)

2 Sec. 3.5. Disclosure of medical information.

3 (a) Notwithstanding any other provision of law, and except
4 as otherwise provided under this subsection, a patient has the
5 right for a physician, health care provider, health services
6 corporation, or insurance company to administer any of the
7 following medical tests without disclosing the results of the
8 test to a law enforcement agency or to the Department of
9 Children and Family Services:

10 (1) A verbal screening or questioning concerning drug
11 or alcohol use.

12 (2) A urine test.

13 (3) A blood test administered to a pregnant or
14 postpartum patient or the newborn of a pregnant or
15 postpartum patient.

16 A physician, health care provider, health services
17 corporation, or insurance company who administers a medical
18 test described under paragraph (1), (2), or (3) may disclose
19 the results of the test to a law enforcement agency or to the
20 Department of Children and Family Services if (i) the pregnant
21 or postpartum patient has provided specific written consent to
22 the disclosure of the results of the blood test or (ii) a law
23 enforcement agency has successfully obtained and furnished a
24 search warrant issued under Section 108-3 of the Code of
25 Criminal Procedure of 1963.

1 (b) It is unlawful for any health care provider to
2 disclose any private information regarding a patient's
3 reproductive health care to any out-of-state law enforcement
4 person or entity unless:

5 (1) the patient has provided specific written consent
6 to disclosure of the information; or

7 (2) disclosure of the information has been authorized
8 pursuant to a State or federal court order.

9 (c) The rights described under this Section are granted to
10 any person who is capable of becoming pregnant and who seeks
11 reproductive health care within the borders of Illinois.

12 (d) Any person who knowingly and willfully violates any
13 provision of this Section is guilty of a Class A misdemeanor
14 for a first violation and a Class 4 felony for a second or
15 subsequent violation.

16 (e) In this Section, "reproductive health care" has the
17 same meaning as provided in Section 1-10 of the Reproductive
18 Health Act.

19 Section 35. The Vital Records Act is amended by changing
20 Section 20.5 as follows:

21 (410 ILCS 535/20.5)

22 Sec. 20.5. Certificate of stillbirth.

23 (a) The State Registrar shall prescribe and distribute a
24 form for a certificate of stillbirth. The certificate shall be

1 in the same format as a certificate of live birth prepared
2 under Section 12 and shall be filed in the same manner as a
3 certificate of live birth.

4 (b) After each fetal death that occurs in this State after
5 a gestation period of at least 20 ~~26~~ completed weeks, the
6 person who files a fetal death certificate in connection with
7 that death as required under Section 20 shall, only upon
8 request by the parent ~~woman~~ who delivered the stillborn fetus,
9 also prepare a certificate of stillbirth. The person shall
10 prepare the certificate on the form prescribed and furnished
11 by the State Registrar and in accordance with the rules
12 adopted by the State Registrar.

13 (c) If the stillborn's parent or parents do not wish to
14 provide a name for the stillborn, the person who prepares the
15 certificate of stillbirth shall leave blank any references to
16 the stillborn's name.

17 (d) When a stillbirth occurs in this State and the
18 stillbirth has not been registered within one year after the
19 delivery, a certificate marked "delayed" may be filed and
20 registered in accordance with regulations adopted by the State
21 Registrar. The certificate must show on its face the date of
22 registration.

23 (e) In the case of a fetal death that occurred in this
24 State after a gestation period of at least 26 completed weeks
25 and before August 21, 2003 (the effective date of Public Act
26 93-578) ~~this amendatory Act of the 93rd General Assembly, a~~

1 parent of the stillborn child may request that the person who
2 filed a fetal death certificate in connection with that death
3 as required under Section 20 shall also prepare a certificate
4 of stillbirth with respect to the fetus. If a parent of a
5 stillborn makes such a request under this subsection (e), the
6 person who filed a fetal death certificate shall prepare the
7 certificate of stillbirth and file it with the designated
8 registrar within 30 days after the request by the parent.

9 (Source: P.A. 93-578, eff. 8-21-03.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 2310/2310-438 new

4 110 ILCS 932/10

5 210 ILCS 170/5

6 225 ILCS 64/85

7 325 ILCS 5/3 from Ch. 23, par. 2053

8 410 ILCS 50/3.4

9 410 ILCS 50/3.5 new

10 410 ILCS 535/20.5