

HB5826



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5826

Introduced 11/16/2022, by Rep. Margaret Croke - Daniel Didech

SYNOPSIS AS INTRODUCED:

775 ILCS 55/1-10

Amends the Reproductive Health Act. Provides that the definition of "reproductive health care" includes assisted reproductive technology. Defines "assisted reproductive technology" as clinical fertility treatments and laboratory procedures that involve the handling of human oocytes, sperm, or embryos for the purpose of establishing a pregnancy.

LRB102 29278 LNS 41237 b

A BILL FOR

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 5. The Reproductive Health Act is amended by
5 changing Section 1-10 as follows:

6 (775 ILCS 55/1-10)

7 Sec. 1-10. Definitions. As used in this Act:

8 "Abortion" means the use of any instrument, medicine,
9 drug, or any other substance or device to terminate the
10 pregnancy of an individual known to be pregnant with an
11 intention other than to increase the probability of a live
12 birth, to preserve the life or health of the child after live
13 birth, or to remove a dead fetus.

14 "Advanced practice registered nurse" has the same meaning
15 as it does in Section 50-10 of the Nurse Practice Act.

16 "Assisted reproductive technology" means clinical
17 fertility treatments and laboratory procedures that involve
18 the handling of human oocytes, sperm, or embryos for the
19 purpose of establishing a pregnancy. "Assisted reproductive
20 technology" includes, but is not limited to, in vitro
21 fertilization, gamete intrafallopian transfer, zygote
22 intrafallopian transfer, embryo biopsy, preimplantation
23 genetic diagnosis, embryo cryopreservation, oocyte or embryo

1 donation, and gestational surrogacy.

2 "Department" means the Illinois Department of Public
3 Health.

4 "Fetal viability" means that, in the professional judgment
5 of the attending health care professional, based on the
6 particular facts of the case, there is a significant
7 likelihood of a fetus' sustained survival outside the uterus
8 without the application of extraordinary medical measures.

9 "Health care professional" means a person who is licensed
10 as a physician, advanced practice registered nurse, or
11 physician assistant.

12 "Health of the patient" means all factors that are
13 relevant to the patient's health and well-being, including,
14 but not limited to, physical, emotional, psychological, and
15 familial health and age.

16 "Maternity care" means the health care provided in
17 relation to pregnancy, labor and childbirth, and the
18 postpartum period, and includes prenatal care, care during
19 labor and birthing, and postpartum care extending through
20 one-year postpartum. Maternity care shall, seek to optimize
21 positive outcomes for the patient, and be provided on the
22 basis of the physical and psychosocial needs of the patient.
23 Notwithstanding any of the above, all care shall be subject to
24 the informed and voluntary consent of the patient, or the
25 patient's legal proxy, when the patient is unable to give
26 consent.

1 "Physician" means any person licensed to practice medicine
2 in all its branches under the Medical Practice Act of 1987.

3 "Physician assistant" has the same meaning as it does in
4 Section 4 of the Physician Assistant Practice Act of 1987.

5 "Pregnancy" means the human reproductive process,
6 beginning with the implantation of an embryo.

7 "Prevailing party" has the same meaning as in the Illinois
8 Civil Rights Act of 2003.

9 "Reproductive health care" means health care offered,
10 arranged, or furnished for the purpose of preventing
11 pregnancy, terminating a pregnancy, managing pregnancy loss,
12 or improving maternal health and birth outcomes. "Reproductive
13 health care" includes, but is not limited to: contraception;
14 sterilization; preconception care; assisted reproductive
15 technology; maternity care; abortion care; and counseling
16 regarding reproductive health care.

17 "State" includes any branch, department, agency,
18 instrumentality, and official or other person acting under
19 color of law of this State or a political subdivision of the
20 State, including any unit of local government (including a
21 home rule unit), school district, instrumentality, or public
22 subdivision.

23 (Source: P.A. 101-13, eff. 6-12-19.)