



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4122

by Rep. David Friess

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/5-103	from Ch. 68, par. 5-103

Amends the Illinois Human Rights Act. Changes the definition of "sex" to mean the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth (rather than the status of being male or female). Provides that it is not a civil rights violation to discriminate based on sex or sexual orientation (rather than only sex) at any facility which is distinctly private in nature. Removes language allowing the Department of Human Rights to grant exemptions based on bona fide considerations of public policy.

LRB103 33707 LNS 63519 b

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 Illinois Human Rights Act is amended by  
5 changing Sections 1-103 and 5-103 as follows:

6 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

7 Sec. 1-103. General definitions. When used in this Act,  
8 unless the context requires otherwise, the term:

9 (A) Age. "Age" means the chronological age of a person who  
10 is at least 40 years old, except with regard to any practice  
11 described in Section 2-102, insofar as that practice concerns  
12 training or apprenticeship programs. In the case of training  
13 or apprenticeship programs, for the purposes of Section 2-102,  
14 "age" means the chronological age of a person who is 18 but not  
15 yet 40 years old.

16 (B) Aggrieved party. "Aggrieved party" means a person who  
17 is alleged or proved to have been injured by a civil rights  
18 violation or believes he or she will be injured by a civil  
19 rights violation under Article 3 that is about to occur.

20 (B-5) Arrest record. "Arrest record" means:

- 21 (1) an arrest not leading to a conviction;  
22 (2) a juvenile record; or  
23 (3) criminal history record information ordered

1 expunged, sealed, or impounded under Section 5.2 of the  
2 Criminal Identification Act.

3 (C) Charge. "Charge" means an allegation filed with the  
4 Department by an aggrieved party or initiated by the  
5 Department under its authority.

6 (D) Civil rights violation. "Civil rights violation"  
7 includes and shall be limited to only those specific acts set  
8 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
9 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,  
10 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

11 (E) Commission. "Commission" means the Human Rights  
12 Commission created by this Act.

13 (F) Complaint. "Complaint" means the formal pleading filed  
14 by the Department with the Commission following an  
15 investigation and finding of substantial evidence of a civil  
16 rights violation.

17 (G) Complainant. "Complainant" means a person including  
18 the Department who files a charge of civil rights violation  
19 with the Department or the Commission.

20 (G-5) Conviction record. "Conviction record" means  
21 information indicating that a person has been convicted of a  
22 felony, misdemeanor or other criminal offense, placed on  
23 probation, fined, imprisoned, or paroled pursuant to any law  
24 enforcement or military authority.

25 (H) Department. "Department" means the Department of Human  
26 Rights created by this Act.

1 (I) Disability.

2 (1) "Disability" means a determinable physical or mental  
3 characteristic of a person, including, but not limited to, a  
4 determinable physical characteristic which necessitates the  
5 person's use of a guide, hearing or support dog, the history of  
6 such characteristic, or the perception of such characteristic  
7 by the person complained against, which may result from  
8 disease, injury, congenital condition of birth or functional  
9 disorder and which characteristic:

10 (a) For purposes of Article 2, is unrelated to the  
11 person's ability to perform the duties of a particular job  
12 or position and, pursuant to Section 2-104 of this Act, a  
13 person's illegal use of drugs or alcohol is not a  
14 disability;

15 (b) For purposes of Article 3, is unrelated to the  
16 person's ability to acquire, rent, or maintain a housing  
17 accommodation;

18 (c) For purposes of Article 4, is unrelated to a  
19 person's ability to repay;

20 (d) For purposes of Article 5, is unrelated to a  
21 person's ability to utilize and benefit from a place of  
22 public accommodation;

23 (e) For purposes of Article 5, also includes any  
24 mental, psychological, or developmental disability,  
25 including autism spectrum disorders.

26 (2) Discrimination based on disability includes unlawful

1 discrimination against an individual because of the  
2 individual's association with a person with a disability.

3 (J) Marital status. "Marital status" means the legal  
4 status of being married, single, separated, divorced, or  
5 widowed.

6 (J-1) Military status. "Military status" means a person's  
7 status on active duty in or status as a veteran of the armed  
8 forces of the United States, status as a current member or  
9 veteran of any reserve component of the armed forces of the  
10 United States, including the United States Army Reserve,  
11 United States Marine Corps Reserve, United States Navy  
12 Reserve, United States Air Force Reserve, and United States  
13 Coast Guard Reserve, or status as a current member or veteran  
14 of the Illinois Army National Guard or Illinois Air National  
15 Guard.

16 (K) National origin. "National origin" means the place in  
17 which a person or one of his or her ancestors was born.

18 (K-5) "Order of protection status" means a person's status  
19 as being a person protected under an order of protection  
20 issued pursuant to the Illinois Domestic Violence Act of 1986,  
21 Article 112A of the Code of Criminal Procedure of 1963, the  
22 Stalking No Contact Order Act, or the Civil No Contact Order  
23 Act, or an order of protection issued by a court of another  
24 state.

25 (L) Person. "Person" includes one or more individuals,  
26 partnerships, associations or organizations, labor

1 organizations, labor unions, joint apprenticeship committees,  
2 or union labor associations, corporations, the State of  
3 Illinois and its instrumentalities, political subdivisions,  
4 units of local government, legal representatives, trustees in  
5 bankruptcy or receivers.

6 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,  
7 or medical or common conditions related to pregnancy or  
8 childbirth.

9 (M) Public contract. "Public contract" includes every  
10 contract to which the State, any of its political  
11 subdivisions, or any municipal corporation is a party.

12 (M-5) Race. "Race" includes traits associated with race,  
13 including, but not limited to, hair texture and protective  
14 hairstyles such as braids, locks, and twists.

15 (N) Religion. "Religion" includes all aspects of religious  
16 observance and practice, as well as belief, except that with  
17 respect to employers, for the purposes of Article 2,  
18 "religion" has the meaning ascribed to it in paragraph (F) of  
19 Section 2-101.

20 (O) Sex. "Sex" means the classification of a person as  
21 either female or male based on the organization of the body of  
22 such person for a specific reproductive role, as indicated by  
23 the person's sex chromosomes, naturally occurring sex  
24 hormones, and internal and external genitalia present at  
25 birth. ~~status of being male or female.~~

26 (O-1) Sexual orientation. "Sexual orientation" means

1 actual or perceived heterosexuality, homosexuality,  
2 bisexuality, or gender-related identity, whether or not  
3 traditionally associated with the person's designated sex at  
4 birth. "Sexual orientation" does not include a physical or  
5 sexual attraction to a minor by an adult.

6 (O-5) Source of income. "Source of income" means the  
7 lawful manner by which an individual supports himself or  
8 herself and his or her dependents.

9 (P) Unfavorable military discharge. "Unfavorable military  
10 discharge" includes discharges from the Armed Forces of the  
11 United States, their Reserve components, or any National Guard  
12 or Naval Militia which are classified as RE-3 or the  
13 equivalent thereof, but does not include those characterized  
14 as RE-4 or "Dishonorable".

15 (Q) Unlawful discrimination. "Unlawful discrimination"  
16 means discrimination against a person because of his or her  
17 actual or perceived: race, color, religion, national origin,  
18 ancestry, age, sex, marital status, order of protection  
19 status, disability, military status, sexual orientation,  
20 pregnancy, or unfavorable discharge from military service as  
21 those terms are defined in this Section.

22 (Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 1-1-20;  
23 101-565, eff. 1-1-20; 101-656, eff. 3-23-21; 102-362, eff.  
24 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; 102-813,  
25 eff. 5-13-22; 102-896, eff. 1-1-23; 102-1102, eff. 1-1-23;  
26 revised 12-14-22.)

1 (775 ILCS 5/5-103) (from Ch. 68, par. 5-103)

2 Sec. 5-103. Exemption. Nothing in this Article shall apply  
3 to:

4 (A) Private Club. A private club, or other establishment  
5 not in fact open to the public, except to the extent that the  
6 goods, services, facilities, privileges, advantages, or  
7 accommodations of the establishment are made available to the  
8 customers or patrons of another establishment that is a place  
9 of public accommodation.

10 (B) Facilities Distinctly Private. Any facility, as to  
11 discrimination based on sex or sexual orientation, which is  
12 distinctly private in nature such as restrooms, shower rooms,  
13 bath houses, health clubs, and other similar facilities ~~for~~  
14 ~~which the Department, in its rules and regulations, may grant~~  
15 ~~exemptions based on bona fide considerations of public policy.~~

16 (C) Inn, Hotel, Rooming House. Any facility, as to  
17 discrimination based on sex, which restricts the rental of  
18 rooms to individuals of one sex.

19 (Source: P.A. 85-567.)