



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4192

Introduced 10/26/2021, by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

New Act

Creates the Community Oversight of Vaccination Deception (COViD) Act. Provides that a person shall be held strictly liable for possessing, issuing, delivering, using, altering, or making a false document that is apparently capable of defrauding another with the intent to falsely suggest or aver that a person has been vaccinated for COVID-19. Allows the following to bring a civil action against any person or entity that violates the Act: (1) any private individual; (2) any person or entity that hosts an event requiring a COVID-19 vaccination as a condition of admission or an event at which a person is required to present a document indicating that the person has been vaccinated for COVID-19; (3) any venue, establishment, bar, or restaurant that requires proof of a COVID-19 vaccination as a condition of entry; or (4) any employer, academic institution, or business that requires proof of a COVID-19 vaccination as a condition of admission or employment. Requires the court to award a prevailing claimant: (1) injunctive relief; (2) statutory damages in an amount of not less than \$10,000; and (3) costs and attorney's fees. Provides for various limitations.

LRB102 21157 LNS 30167 b

1 AN ACT concerning civil law.

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 Community Oversight of Vaccination Deception (COViD) Act.

6 Section 5. Liability.

7 (a) A person shall be held strictly liable for possessing,
8 issuing, delivering, using, altering, or making a false
9 document that is apparently capable of defrauding another with
10 the intent to falsely suggest or aver that a person has been
11 vaccinated for COVID-19.

12 (b) The following may bring a civil action against any
13 person or entity that violates this Act:

14 (1) any private individual;

15 (2) any person or entity that hosts an event requiring
16 a COVID-19 vaccination as a condition of admission or an
17 event at which a person is required to present a document
18 indicating that the person has been vaccinated for
19 COVID-19;

20 (3) any venue, establishment, bar, or restaurant that
21 requires proof of a COVID-19 vaccination as a condition of
22 entry; or

23 (4) any employer, academic institution, or business

1 that requires proof of a COVID-19 vaccination as a
2 condition of admission or employment.

3 Section 10. Damages. If a claimant prevails in an action
4 brought under this Act, the court shall award:

5 (1) injunctive relief sufficient to prevent the
6 defendant from violating this Act;

7 (2) statutory damages in an amount of not less than
8 \$10,000; and

9 (3) costs and attorney's fees.

10 Section 15. Limitations.

11 (a) Notwithstanding any other law, the following are not
12 defenses to an action brought under this Act:

13 (1) ignorance or mistake of law;

14 (2) a defendant's belief that the requirements of this
15 Act are unconstitutional or were unconstitutional;

16 (3) a defendant's reliance on any court decision that
17 has been overruled on appeal or by a subsequent court,
18 even if that court decision had not been overruled when
19 the defendant engaged in conduct that violates this Act;

20 (4) a defendant's reliance on any State or federal
21 court decision that is not binding on the court in which
22 the action has been brought;

23 (5) nonmutual issue preclusion or nonmutual claim
24 preclusion;

1 (6) the consent of the other party; or

2 (7) any claim that the enforcement of this Act or the
3 imposition of civil liability against the defendant will
4 violate the constitutional rights of third parties.

5 (b) The requirements of this Act shall be enforced
6 exclusively through the private civil actions described in
7 this Act. No enforcement of this Act may be taken or threatened
8 by this State, a political subdivision, a State's Attorney, or
9 an executive or administrative officer or employee of this
10 State or a political subdivision.

11 (c) A court may not award relief under this Act if the
12 defendant demonstrates that the defendant previously paid the
13 full amount of statutory damages under this Act in a previous
14 action for that particular violation.

15 (d) A person may bring an action under this Act within 4
16 years from the date of violation.

17 Section 20. Venue. A civil action brought under this Act
18 shall be brought in:

19 (1) the county in which all or a substantial part of
20 the events or omissions giving rise to the claim occurred;

21 (2) the county or residence of any one of the natural
22 person defendants at the time of the cause of action
23 accrued;

24 (3) the county of the principal office in this State
25 of any of the defendants that is not a natural person; or

1 (4) the county or residence for the claimant if the
2 claimant is a natural person residing in this State.

3 If a civil action is brought under this Act in any one of
4 the venues described in this Act, the action may not be
5 transferred to a different venue without the written consent
6 of all parties.

7 Section 97. Severability. The provisions of this Act are
8 severable under Section 1.31 of the Statute on Statutes.