



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4239

Introduced 1/5/2022, by Rep. Adam Niemerg, Joe Sosnowski, Chris Miller, Brad Halbrook, Dan Caulkins, et al.

SYNOPSIS AS INTRODUCED:

New Act

Creates the COVID-19 Religious Exemption Act. Provides that it shall be unlawful for any person, public or private institution, or public official to discriminate against any person in any manner because of such person's refusal to obtain, receive, or accept a COVID-19 vaccination contrary to his or her belief. Requires all health care facilities to adopt written access to care and information protocols that are designed to ensure that belief-based objections do not cause impairment of patients' health and that explain how belief-based objections will be addressed in a timely manner to facilitate patient care. Provides that it is unlawful for any public or private employer, entity, agency, institution, official, or person to deny admission because of, to place any reference in its application form concerning, to orally question about, to impose any burdens in terms or conditions of employment on, or to otherwise discriminate against, any applicant, in terms of employment, admission to or participation in any programs for which the applicant is eligible, or to discriminate in relation thereto, in any other manner, on account of the applicant's refusal to obtain, receive, or accept a COVID-19 vaccination that is against the applicant's beliefs. Provides that it is unlawful for any public official, guardian, agency, institution, or entity to deny any form of aid, assistance, or benefits, or to condition the reception in any way of any form of aid, assistance, or benefits, or in any other manner to coerce, disqualify, or discriminate against any person, otherwise entitled to such aid, assistance, or benefits, because that person refuses to obtain, receive, or accept a COVID-19 vaccination contrary to the person's belief. Allows any person injured by any public or private person, association, agency, entity, or corporation by reason of any action prohibited by the Act to bring an action. Provides that a person who brings an action shall recover threefold the actual damages, the costs of the action, and reasonable attorney's fees, but in no case shall recovery for each violation be less than \$2,500 plus costs of the action and reasonable attorney's fees. Makes other changes. Effective immediately.

LRB102 21324 LNS 30436 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; references to Act.

5 (a) Short title. This Act may be cited as the COVID-19
6 Religious Exemption Act.

7 (b) References to Act. This Act may be referred to as the
8 Freedom Act.

9 Section 5. Findings and policy. The General Assembly finds
10 and declares that individuals, not government officials, have
11 the right to make their own health care decisions and that they
12 hold different beliefs about whether a COVID-19 vaccination is
13 in their own best interests. It is the public policy of the
14 State to respect and protect the right of all individuals to
15 refuse to act contrary to their beliefs on their own behalf or
16 the behalf of a minor or ward in their care to obtain, receive,
17 or accept a COVID-19 vaccination, and to prohibit all forms of
18 discrimination, disqualification, coercion, disability, or
19 imposition of liability upon such individuals for refusing on
20 their own behalf or on the behalf of a minor or ward in their
21 care to act contrary to their beliefs in refusing to obtain,
22 receive, or accept a COVID-19 vaccination. It is also the
23 public policy of the State to ensure that individuals receive

1 timely access to information and medically appropriate care.

2 Section 10. Definitions. As used in this Act:

3 "Belief" means a sincerely held conviction based on an
4 individual's religious faith, morals, or views on health care.

5 "COVID-19 vaccination" means any vaccine intended to
6 provide acquired immunity against severe acute respiratory
7 syndrome coronavirus 2 (SARS-CoV-2), the virus that causes
8 coronavirus disease 2019 (COVID-19), or any of its subsequent
9 variants.

10 "Health care facility" means any public or private
11 hospital, clinic, center, medical school, medical training
12 institution, laboratory or diagnostic facility, physician's
13 office, infirmary, dispensary, ambulatory surgical treatment
14 center, or other institution or location wherein COVID-19
15 vaccinations are provided to any person, including physician
16 organizations and associations, networks, joint ventures, and
17 all other combinations of those organizations.

18 "Health care personnel" means any nurse, nurses' aide,
19 medical school student, professional, paraprofessional, or
20 other person who furnishes or assists in furnishing a COVID-19
21 vaccination.

22 "Physician" means any person who is licensed by the State
23 under the Medical Practice Act of 1987.

24 "Undue delay" means unreasonable delay that causes
25 impairment of the patient's health.

1 The above definitions include not only the traditional
2 combinations and forms of these persons and organizations but
3 also all new and emerging forms and combinations of these
4 persons and organizations.

5 Section 15. Discrimination. It is unlawful for any person,
6 public or private institution, or public official to
7 discriminate against any person in any manner, including, but
8 not limited to, in relation to licensing, hiring, firing,
9 promotion, transfer, appointment, or any other rights or
10 privileges, because of the person's refusal, on the person's
11 own behalf or on the behalf of a minor or ward in the person's
12 care, to obtain, receive, or accept a COVID-19 vaccination
13 contrary to the person's belief.

14 Section 20. Duty of physicians and other health care
15 personnel. Nothing in this Act shall relieve a physician from
16 any duty, which may exist under any law concerning current
17 standards of medical practice or care, to inform a patient of
18 the patient's condition, prognosis, legal treatment options,
19 and risks and benefits of treatment options. Nothing in this
20 Act shall be construed to relieve a physician or other health
21 care personnel from obligations under the law of providing
22 emergency medical care.

23 Section 25. Access to care and information protocols. All

1 health care facilities shall adopt written access to care and
2 information protocols that are designed to ensure that
3 belief-based objections do not cause impairment of patients'
4 health and that explain how belief-based objections will be
5 addressed in a timely manner to facilitate patient care. These
6 protocols shall, at a minimum, address the following:

7 (1) The health care facility, physician, or health
8 care personnel shall inform a patient of the patient's
9 condition, prognosis, legal treatment options, and risks
10 and benefits of the treatment options in a timely manner,
11 consistent with current standards of medical practice or
12 care.

13 (2) If requested by the patient or the legal
14 representative of the patient, the health care facility,
15 physician, or health care personnel shall (i) refer the
16 patient to, (ii) transfer the patient to, or (iii) provide
17 in writing information to the patient about other health
18 care providers who they reasonably believe may refrain
19 from requiring a COVID-19 vaccination in accordance with
20 the beliefs of the patient or legal representative of the
21 patient.

22 (3) If requested by the patient or the legal
23 representative of the patient, the health care facility,
24 physician, or health care personnel shall provide copies
25 of medical records to the patient or to another health
26 care professional or health care facility designated by

1 the patient in accordance with State law, without undue
2 delay.

3 Section 30. Permissible acts related to access to care and
4 information protocols. Nothing in this Act shall be construed
5 to prevent a health care facility from requiring that
6 physicians or health care personnel working in the facility
7 comply with access to care and information protocols that
8 comply with the provisions of this Act.

9 Section 35. Discrimination by employers or institutions.
10 It is unlawful for any public or private employer, entity,
11 agency, institution, official, or person, including, but not
12 limited to, a medical, nursing, or other medical training
13 institution, to deny admission because of, to place any
14 reference in its application form concerning, to orally
15 question about, to impose any burdens in terms or conditions
16 of employment on, or to otherwise discriminate against, any
17 applicant, in terms of employment, admission, or participation
18 in any programs for which the applicant is eligible, or to
19 discriminate in relation thereto, in any other manner, on
20 account of the applicant's refusal, on the applicant's own
21 behalf or on the behalf of a minor or ward in the applicant's
22 care, to obtain, receive, or accept a COVID-19 vaccination
23 that is against the applicant's beliefs.

1 Section 40. Denial of aid or benefits. It is unlawful for
2 any public official, guardian, agency, institution, or entity
3 to deny any form of aid, assistance, or benefits, or to
4 condition the reception in any way of any form of aid,
5 assistance, or benefits, or in any other manner to coerce,
6 disqualify, or discriminate against any person otherwise
7 entitled to such aid, assistance, or benefits, because that
8 person refuses, on the person's behalf or on the behalf of a
9 minor or ward in the person's care, to obtain, receive, or
10 accept a COVID-19 vaccination contrary to the person's belief.

11 Section 45. Actions; damages. Any person injured by any
12 public or private person, association, agency, entity, or
13 corporation by reason of any action prohibited by this Act may
14 commence an action therefor, and shall recover threefold the
15 actual damages, including pain and suffering, sustained by the
16 person, the costs of the action, and reasonable attorney's
17 fees, but in no case shall recovery for each violation be less
18 than \$2,500 plus costs of the action and reasonable attorney's
19 fees. These damage remedies shall be cumulative and not
20 exclusive of other remedies afforded under any other State or
21 federal law.

22 Section 50. Other Acts. This Act supersedes all other Acts
23 or parts of Acts to the extent that any Act or parts of an Act
24 is inconsistent with the terms or operation of this Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.