



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3490

Introduced 1/19/2022, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

20 ILCS 105/3	from Ch. 23, par. 6103
20 ILCS 105/3.12 new	
20 ILCS 105/3.13 new	
20 ILCS 105/7.01	from Ch. 23, par. 6107.01
20 ILCS 105/7.09	from Ch. 23, par. 6107.09
20 ILCS 105/8.10 new	
20 ILCS 105/8.11 new	
20 ILCS 105/8.12 new	

Amends the Illinois Act on the Aging. In provisions concerning the Council on Aging, provides that at least 7 citizen members shall represent underrepresented communities, including, but no limited to: one member who is a lesbian, gay, bisexual, or queer individual; one member who is a transgender or gender-expansive individual; one member who is an African-American or Black individual; and one member who is an Asian-American or Pacific Islander individual. Creates the Illinois Commission on LGBTQ Aging to investigate, analyze, and study the health, housing, financial, psychosocial, home-and-community-based services, assisted living, and long-term care needs of LGBTQ older adults and their caregivers. Requires the Commission to make recommendations to improve access to benefits, services, and supports for LGBTQ older adults and their caregivers. Requires the Commission to: examine the impact of State and local laws, policies, and regulations on LGBTQ older adults and make recommendations to ensure equitable access, treatment, care and benefits, and overall quality of life; and examine strategies to increase provider awareness of the needs of LGBTQ older adults and their caregivers and to improve the competence of and access to treatment, services, and ongoing care, including preventive care; and carry out other duties. Contains provisions concerning: members appointed to the Commission; Commission meetings and reports; an LGBTQ Older Adult Advocate to advocate for LGBTQ older adults and older adults living with HIV who experience barriers to accessing and utilizing services; an LGBTQ Older Adult Curriculum and Training Program; and other matters. Effective immediately.

LRB102 23345 KTG 32511 b

1 AN ACT concerning LGBTQ older adults.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Act on the Aging is amended by
5 changing Sections 3, 7.01, and 7.09 and by adding Sections
6 3.12, 3.13, 8.10, 8.11, and 8.12 as follows:

7 (20 ILCS 105/3) (from Ch. 23, par. 6103)

8 Sec. 3. As used in this Act, unless the context otherwise
9 requires, the terms specified in Sections 3.01 through 3.13
10 ~~3.11~~ have the meanings ascribed to them in those Sections.

11 (Source: P.A. 101-325, eff. 8-9-19.)

12 (20 ILCS 105/3.12 new)

13 Sec. 3.12. "Commission" means the Illinois Commission on
14 LGBTQ Aging.

15 (20 ILCS 105/3.13 new)

16 Sec. 3.13. "LGBTQ older adults" means adults 55 years of
17 age or older who are lesbian, gay, bisexual, transgender,
18 intersex, gender non-conforming, Two-Spirit, non-binary,
19 same-gender-loving, queer, or any other diverse sexual
20 orientation or gender identity.

1 (20 ILCS 105/7.01) (from Ch. 23, par. 6107.01)

2 Sec. 7.01. The Council shall consist of 31 voting members,
3 including: two Senators appointed by the President of the
4 Senate; two Senators appointed by the Senate Minority Leader;
5 two Representatives appointed by the Speaker of the House of
6 Representatives; two Representatives appointed by the House
7 Minority Leader; and twenty three citizen members, at least
8 sixteen of whom shall be senior citizens. Of the citizen
9 members, at least 7 shall represent underrepresented
10 communities as follows:

11 (1) one member who is a lesbian, gay, bisexual, or
12 queer individual;

13 (2) one member who is a transgender or
14 gender-expansive individual;

15 (3) one member who is a person living with HIV;

16 (4) one member who is an African-American or Black
17 individual;

18 (5) one member who is a Hispanic or Latino individual;

19 (6) one member who is an Asian-American or Pacific
20 Islander individual; and

21 (7) one member who is an ethnically diverse
22 individual.

23 (Source: P.A. 78-242.)

24 (20 ILCS 105/7.09) (from Ch. 23, par. 6107.09)

25 Sec. 7.09. The Council shall have the following powers and

1 duties:

2 (1) review and comment upon reports of the Department
3 to the Governor and the General Assembly;

4 (2) prepare and submit to the Governor, the General
5 Assembly and the Director an annual report evaluating the
6 level and quality of all programs, services and facilities
7 provided to the aging by State agencies;

8 (3) review and comment upon the comprehensive state
9 plan prepared by the Department;

10 (4) review and comment upon disbursements by the
11 Department of public funds to private agencies;

12 (5) recommend candidates to the Governor for
13 appointment as Director of the Department;

14 (6) consult with the Director regarding the operations
15 of the Department; and ~~and~~

16 (7) review and support implementation of the
17 Commission's recommendations as identified in the
18 Commission's Second Report, which shall be issued no later
19 than March 30, 2025.

20 The requirement for reporting to the General Assembly
21 shall be satisfied by filing copies of the report as required
22 by Section 3.1 of the General Assembly Organization Act, and
23 filing such additional copies with the State Government Report
24 Distribution Center for the General Assembly as is required
25 under paragraph (t) of Section 7 of the State Library Act.

26 (Source: P.A. 100-1148, eff. 12-10-18.)

1 (20 ILCS 105/8.10 new)

2 Sec. 8.10. The Illinois Commission on LGBTQ Aging.

3 (a) Commission purpose. The Commission is created to
4 investigate, analyze, and study the health, housing,
5 financial, psychosocial, home-and-community-based services,
6 assisted living, and long-term care needs of LGBTQ older
7 adults and their caregivers. The Commission shall make
8 recommendations to improve access to benefits, services, and
9 supports for LGBTQ older adults and their caregivers. The
10 Commission, in formulating its recommendations, shall take
11 into account the best policies and practices in other states
12 and jurisdictions. Specifically, the Commission shall:

13 (1) Examine the impact of State and local laws,
14 policies, and regulations on LGBTQ older adults and make
15 recommendations to ensure equitable access, treatment,
16 care and benefits, and overall quality of life.

17 (2) Examine best practices for increasing access,
18 reducing isolation, preventing abuse and exploitation,
19 promoting independence and self-determination,
20 strengthening caregiving, eliminating disparities, and
21 improving overall quality of life for LGBTQ older adults.

22 (3) Examine the impact of race, ethnicity, sex
23 assigned at birth, socioeconomic status, disability,
24 sexual orientation, gender identity, and other
25 characteristics on access to services for LGBTQ older

1 adults and make recommendations to ensure equitable
2 access, treatment, care, and benefits and overall quality
3 of life.

4 (4) Examine the experiences and needs of LGBTQ older
5 adults living with HIV/AIDS and make recommendations to
6 ensure equitable access, treatment, care, benefits, and
7 overall quality of life.

8 (5) Examine strategies to increase provider awareness
9 of the needs of LGBTQ older adults and their caregivers
10 and to improve the competence of and access to treatment,
11 services, and ongoing care, including preventive care.

12 (6) Examine the feasibility of developing statewide
13 training curricula to improve provider competency in the
14 delivery of culturally responsive health, housing, and
15 long-term support services to LGBTQ older adults and their
16 caregivers.

17 (7) Assess the funding and programming needed to
18 enhance services to the growing population of LGBTQ older
19 adults.

20 (8) Examine whether certain policies and practices, or
21 the absence thereof, promote the premature admission of
22 LGBTQ older adults to institutional care, and examine
23 whether potential cost-savings exist for LGBTQ older
24 adults as a result of providing lower cost and culturally
25 responsive home and community-based alternatives to
26 institutional care.

1 (9) Examine outreach protocols to reduce apprehension
2 among LGBTQ older adults and caregivers of utilizing
3 mainstream providers.

4 (10) Evaluate the implementation status of Public Act
5 101-325.

6 (11) Evaluate the implementation status of Public Act
7 102-543, examine statewide strategies for the collection
8 of sexual orientation and gender identity data and the
9 impact of these strategies on the provision of services to
10 LGBTQ older adults, and conduct a statewide survey
11 designed to approximate the number of LGBTQ older adults
12 in the State and collect demographic information (if
13 resources allow for the implementation of a survey
14 instrument).

15 (b) Commission members.

16 (1) The Commission shall include at least all of the
17 following persons who must be appointed by the Governor
18 within 60 days after the effective date of this amendatory
19 Act of the 102nd General Assembly:

20 (A) one member from a statewide organization that
21 advocates for older adults;

22 (B) one member from a national organization that
23 advocates for LGBTQ older adults;

24 (C) one member from a community-based, multi-site
25 healthcare organization founded to serve LGBTQ people;

26 (D) the director of senior services from a

1 community center serving LGBTQ people, or the
2 director's designee;

3 (E) one member from an HIV/AIDS service
4 organization;

5 (F) one member from an organization that is a
6 project incubator and think tank that is focused on
7 action that leads to improved outcomes and
8 opportunities for LGBTQ communities;

9 (G) one member from a labor organization that
10 provides care and services for older adults in
11 long-term care facilities;

12 (H) one member from a statewide association
13 representing long-term care facilities;

14 (I) 5 members from organizations that serve Black,
15 Asian-American, Pacific Islander, Indigenous, or
16 Latinx LGBTQ people;

17 (J) one member from a statewide organization for
18 people with disabilities; and

19 (K) 10 LGBTQ older adults, including at least:

20 (i) 3 members who are transgender or
21 gender-expansive individuals;

22 (ii) 2 members who are older adults living
23 with HIV;

24 (iii) one member who is Two-Spirit;

25 (iv) one member who is an African-American or
26 Black individual;

1 (v) one member who is a Latinx individual;

2 (vi) one member who is an Asian-American or
3 Pacific Islander individual; and

4 (vii) one member who is an ethnically diverse
5 individual.

6 (2) The following State agencies shall each designate
7 one representative to serve as an ex officio member of the
8 Commission: the Department, the Department of Public
9 Health, the Department of Human Services, the Department
10 of Healthcare and Family Services, and the Department of
11 Veterans' Affairs.

12 (3) Appointing authorities shall ensure, to the
13 maximum extent practicable, that the Commission is diverse
14 with respect to race, ethnicity, age, sexual orientation,
15 gender identity, gender expression, and geography.

16 (4) Members of the Commission shall serve until this
17 Section is repealed. Members shall continue to serve until
18 their successors are appointed. Any vacancy shall be
19 filled by the appointing authority. Any vacancy occurring
20 other than by the dissolution of the Commission shall be
21 filled for the balance of the unexpired term. Members of
22 the Commission shall serve without compensation but shall
23 be reimbursed for expenses necessarily incurred in the
24 performance of their duties.

25 (c) Commission organization. The Commission shall provide
26 for its organization and procedure, including selection of the

1 chairperson and vice-chairperson. A majority of the Commission
2 shall constitute a quorum for the transaction of business.
3 Administrative and other support for the Commission shall be
4 provided by the Department. Any State agency under the
5 jurisdiction of the Governor shall provide testimony and
6 information as directed by the Commission.

7 (d) Meetings and reports. The Commission shall:

8 (1) Hold at least one public meeting per quarter.
9 Public meetings may be virtually conducted.

10 (2) No later than March 30, 2023, submit a First
11 Report to the Illinois General Assembly that contains
12 findings and recommendations, including any recommended
13 legislation. The First Report shall be made available to
14 the public on the Department's publicly accessible
15 website.

16 (3) No later than March 30, 2025, submit a Second
17 Report in the same manner as the First Report, containing
18 updates to the findings and recommendations contained in
19 the First Report. The Second Report shall be made
20 available to the public on the Department's publicly
21 accessible website.

22 The Department and Commission may collaborate with an
23 institution of higher education in Illinois to compile the
24 First Report and Second Report.

25 (e) This Section is repealed 3 years after the effective
26 date of this amendatory Act of the 102nd General Assembly.

1 (20 ILCS 105/8.11 new)

2 Sec. 8.11. LGBTQ Older Adult Advocate.

3 (a) The Director shall designate an LGBTQ Older Adult
4 Advocate to discharge the requirements of this Section. The
5 LGBTQ Older Adult Advocate shall have the powers delegated to
6 them by the Department, in addition to the powers set forth in
7 this Section.

8 (b) The LGBTQ Older Adult Advocate shall:

9 (1) advocate for LGBTQ older adults and older adults
10 living with HIV who experience barriers to accessing and
11 utilizing services;

12 (2) ensure the needs and perspectives of LGBTQ older
13 adults and older adults living with HIV are included and
14 incorporated in the Department's decision-making and
15 policymaking processes and throughout the Department's
16 operations and programs;

17 (3) recommend to and assist providers and the public
18 with identifying how best to serve and affirm LGBTQ older
19 adults and older adults living with HIV;

20 (4) administer and oversee the curriculum and training
21 program established by Section 8.12 of this Act;

22 (5) support LGBTQ older adults and older adults living
23 with HIV with information about their civil rights and
24 ability to access federal, State, and local aging services
25 and benefits; and

1 (6) support the work and policy recommendations of the
2 Commission on LGBTQ Aging, the Council on Aging, and the
3 State Plan on Aging.

4 (c) In meeting the requirements of this Section, the LGBTQ
5 Older Adult Advocate shall collaborate with organizations or
6 individuals that affirm LGBTQ older adults and older adults
7 living with HIV and have recognized expertise in identifying
8 and addressing the legal and social challenges faced by LGBTQ
9 older adults and older adults living with HIV.

10 (d) The Department shall maintain information about the
11 LGBTQ Older Adult Advocate, including contact information, on
12 the Department's publicly accessible website.

13 (e) The Department may adopt rules for the administration,
14 implementation, and enforcement of this Section.

15 (20 ILCS 105/8.12 new)

16 Sec. 8.12. LGBTQ Older Adult Curriculum and Training
17 Program.

18 (a) All providers of services who contract with or receive
19 funding from the Department shall complete a curriculum and
20 training program on the prevention and elimination of
21 discrimination based on sexual orientation, gender identity,
22 and gender expression and on providing affirming care and
23 improving access to services for LGBTQ older adults, older
24 adults living with HIV, and their caregivers. The curriculum
25 and training program must be completed by all employees of

1 each provider as well as the employees of the provider's
2 subgrantees and vendors. Providers shall complete training in
3 accordance with the Department's established training
4 requirements. Providers must maintain records of when each
5 employee completes the curriculum and training program. Such
6 proof of completion shall be made available to the Department
7 upon its request.

8 (b) The Department may develop the curriculum and training
9 program or may contract with organizations or individuals to
10 provide their curriculum and training program. Such
11 organizations or individuals must affirm LGBTQ older adults
12 and older adults living with HIV and have recognized expertise
13 in identifying and addressing the legal and social challenges
14 faced by LGBTQ older adults and older adults living with HIV.
15 If the Department develops its own curriculum and training
16 program, the Department shall collaborate on developing the
17 program with individuals and organizations that affirm LGBTQ
18 older adults and older adults living with HIV and have
19 recognized expertise in identifying and addressing the legal
20 and social challenges faced by LGBTQ older adults and older
21 adults living with HIV. At a minimum, the curriculum and
22 training program required by this Section must address the
23 following:

24 (1) definitions of common terms and examples
25 associated with sexual orientation, gender identity, and
26 gender expression;

1 (2) affirming methods of communicating with or about
2 LGBTQ older adults and older adults living with HIV;

3 (3) the health and social challenges historically
4 faced by LGBTQ older adults and older adults living with
5 HIV;

6 (4) the importance of professionalism by providers and
7 the way caretaker attitudes affect access to care,
8 services, participation, and overall physical and mental
9 health outcomes;

10 (5) methods to create a safe and affirming environment
11 and the penalties for failing to meet legal and
12 professional standards; and

13 (6) legal issues relating to LGBTQ older adults and
14 older adults living with HIV, including, but not limited
15 to, civil rights and marriage laws.

16 (c) The curriculum and training program established in
17 accordance with this Section shall be implemented by the
18 Department within 12 months after the effective date of this
19 amendatory Act of the 102nd General Assembly.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.