



Rep. Mary E. Flowers

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10300HB0003ham004

LRB103 03564 LNS 58131 a

1 AMENDMENT TO HOUSE BILL 3

2 AMENDMENT NO. _____. Amend House Bill 3, AS AMENDED, with
3 reference to page and line numbers of House Amendment No. 2, on
4 page 17, line 10, by replacing "Any" with "Within 150 days of
5 the effective date of this amendatory Act of the 103rd General
6 Assembly, any"; and

7 by replacing line 24 on page 17 through line 13 on page 22 with
8 the following:

9 "(410 ILCS 50/3.4 rep.)

10 Section 25. The Medical Patient Rights Act is amended by
11 repealing Section 3.4."; and

12 on page 60, line 25, after "eff. 8-20-21.)" by inserting the
13 following:

14 "Section 50. The Illinois Human Rights Act is amended by

1 adding Section 6-103 as follows:

2 (775 ILCS 5/6-103 new)

3 Sec. 6-103. Rights of patients; maternity care; disclosure
4 of medical information.

5 (a) As used in this Section:

6 "Maternity care" means the health care provided in
7 relation to pregnancy, labor, and childbirth, and the
8 postpartum period, and includes prenatal care, care during
9 labor and birthing, and postpartum care extending through
10 one-year postpartum. Maternity care shall seek to optimize
11 positive outcomes for the patient, and be provided on the
12 basis of the physical and psychosocial needs of the patient.
13 Notwithstanding any of the above, all care shall be subject to
14 the informed and voluntary consent of the patient, or the
15 patient's legal proxy, when the patient is unable to give
16 consent.

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 (b) In addition to any other right provided under this
24 Act, every patient has the following rights whenever receiving
25 maternity care:

1 (1) The right to choose a maternity care provider from
2 the full range of providers available in the patient's
3 community.

4 (2) The right to choose the patient's birth setting
5 from the full range of birthing options available in the
6 patient's community.

7 (3) The right to leave the patient's maternity care
8 professional to select another if the patient becomes
9 dissatisfied with the quality of the care provided.

10 (4) The right to receive information about the names
11 of those health care professionals involved in the
12 patient's care and in the care of the patient's newborn.

13 (5) The right to privacy and confidentiality of
14 records, except as provided by law.

15 (6) The right to receive information concerning the
16 patient's condition and proposed treatment, including
17 methods of relieving pain.

18 (7) The right to refuse any treatment offered to the
19 patient or the patient's infant.

20 (8) The right to be informed if the patient's
21 caregivers wish to enroll the patient or the patient's
22 infant in a research study.

23 (9) The right to access the patient's own medical
24 records under Section 8-2001 of the Code of Civil
25 Procedure.

26 (10) The right to receive information in a language in

1 which the patient can communicate in accordance with
2 federal law.

3 (11) The right to receive emotional and physical
4 support during labor and birth.

5 (12) The right to freedom of movement during labor and
6 to give birth in the position of the patient's choice, to
7 the extent medically possible.

8 (13) The right to contact with the patient's newborn,
9 except where necessary care must be provided to the
10 patient or the patient's infant.

11 (14) The right to decide, in consultation with their
12 caregivers, when the patient or the patient's newborn will
13 leave the birth site for home, based on their conditions
14 and circumstances.

15 (c) The Department of Public Health, the Department of
16 Healthcare and Family Services, the Department of Children and
17 Family Services, and the Department of Human Services shall
18 post, either by physical or electronic means, information
19 about these rights on their publicly available websites. Every
20 health care provider, day care center licensed under the Child
21 Care Act of 1969, Head Start, and community center shall post
22 information about these rights in a prominent place and on
23 their websites, if applicable.

24 (d) The Department of Human Rights shall adopt rules to
25 implement this Section.

26 (e) Nothing in this Section or any rules adopted under

1 subsection (d) shall be construed to require a physician,
2 health care professional, hospital, hospital affiliate, or
3 health care provider to provide care inconsistent with
4 generally accepted medical standards or available capabilities
5 or resources.

6 (f) Notwithstanding any other provision of law, and except
7 as otherwise provided in this Section, a patient has the right
8 for a physician, health care provider, health services
9 corporation, or insurance company to administer any of the
10 following medical tests without disclosing the results of the
11 tests to a State or local law enforcement agency or the
12 Department of Children and Family Services:

13 (1) Any verbal screening or questioning concerning the
14 drug or alcohol use of a pregnant or postpartum person.

15 (2) Any toxicology test administered to a person who
16 is pregnant or has given birth within the previous 12
17 weeks.

18 (3) Any toxicology test administered to a newborn.

19 A physician, health care provider, health services
20 corporation, or insurance company who administers a medical
21 test described under paragraph (1), (2), or (3), may disclose
22 the results of the test if a law enforcement agency has
23 successfully obtained and furnished a search warrant issued
24 under Section 108-3 of the Code of Criminal Procedure of 1963.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".