



Rep. Kelly M. Cassidy

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10300HB5239ham001

LRB103 38291 JRC 72346 a

1 AMENDMENT TO HOUSE BILL 5239

2 AMENDMENT NO. _____. Amend House Bill 5239 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 103-472)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

1 (c) Applications, related documents, and medical
2 records received by the Experimental Organ Transplantation
3 Procedures Board and any and all documents or other
4 records prepared by the Experimental Organ Transplantation
5 Procedures Board or its staff relating to applications it
6 has received.

7 (d) Information and records held by the Department of
8 Public Health and its authorized representatives relating
9 to known or suspected cases of sexually transmissible
10 disease or any information the disclosure of which is
11 restricted under the Illinois Sexually Transmissible
12 Disease Control Act.

13 (e) Information the disclosure of which is exempted
14 under Section 30 of the Radon Industry Licensing Act.

15 (f) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (g) Information the disclosure of which is restricted
19 and exempted under Section 50 of the Illinois Prepaid
20 Tuition Act.

21 (h) Information the disclosure of which is exempted
22 under the State Officials and Employees Ethics Act, and
23 records of any lawfully created State or local inspector
24 general's office that would be exempt if created or
25 obtained by an Executive Inspector General's office under
26 that Act.

1 (i) Information contained in a local emergency energy
2 plan submitted to a municipality in accordance with a
3 local emergency energy plan ordinance that is adopted
4 under Section 11-21.5-5 of the Illinois Municipal Code.

5 (j) Information and data concerning the distribution
6 of surcharge moneys collected and remitted by carriers
7 under the Emergency Telephone System Act.

8 (k) Law enforcement officer identification information
9 or driver identification information compiled by a law
10 enforcement agency or the Department of Transportation
11 under Section 11-212 of the Illinois Vehicle Code.

12 (l) Records and information provided to a residential
13 health care facility resident sexual assault and death
14 review team or the Executive Council under the Abuse
15 Prevention Review Team Act.

16 (m) Information provided to the predatory lending
17 database created pursuant to Article 3 of the Residential
18 Real Property Disclosure Act, except to the extent
19 authorized under that Article.

20 (n) Defense budgets and petitions for certification of
21 compensation and expenses for court appointed trial
22 counsel as provided under Sections 10 and 15 of the
23 Capital Crimes Litigation Act (repealed). This subsection
24 (n) shall apply until the conclusion of the trial of the
25 case, even if the prosecution chooses not to pursue the
26 death penalty prior to trial or sentencing.

1 (o) Information that is prohibited from being
2 disclosed under Section 4 of the Illinois Health and
3 Hazardous Substances Registry Act.

4 (p) Security portions of system safety program plans,
5 investigation reports, surveys, schedules, lists, data, or
6 information compiled, collected, or prepared by or for the
7 Department of Transportation under Sections 2705-300 and
8 2705-616 of the Department of Transportation Law of the
9 Civil Administrative Code of Illinois, the Regional
10 Transportation Authority under Section 2.11 of the
11 Regional Transportation Authority Act, or the St. Clair
12 County Transit District under the Bi-State Transit Safety
13 Act (repealed).

14 (q) Information prohibited from being disclosed by the
15 Personnel Record Review Act.

16 (r) Information prohibited from being disclosed by the
17 Illinois School Student Records Act.

18 (s) Information the disclosure of which is restricted
19 under Section 5-108 of the Public Utilities Act.

20 (t) (Blank).

21 (u) Records and information provided to an independent
22 team of experts under the Developmental Disability and
23 Mental Health Safety Act (also known as Brian's Law).

24 (v) Names and information of people who have applied
25 for or received Firearm Owner's Identification Cards under
26 the Firearm Owners Identification Card Act or applied for

1 or received a concealed carry license under the Firearm
2 Concealed Carry Act, unless otherwise authorized by the
3 Firearm Concealed Carry Act; and databases under the
4 Firearm Concealed Carry Act, records of the Concealed
5 Carry Licensing Review Board under the Firearm Concealed
6 Carry Act, and law enforcement agency objections under the
7 Firearm Concealed Carry Act.

8 (v-5) Records of the Firearm Owner's Identification
9 Card Review Board that are exempted from disclosure under
10 Section 10 of the Firearm Owners Identification Card Act.

11 (w) Personally identifiable information which is
12 exempted from disclosure under subsection (g) of Section
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure
15 under Section 5-1014.3 of the Counties Code or Section
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of
23 an eligible adult maintained in the Registry established
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
2 Act.

3 (aa) Information which is exempted from disclosure
4 under Section 2.37 of the Wildlife Code.

5 (bb) Information which is or was prohibited from
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) Recordings made under the Law Enforcement
8 Officer-Worn Body Camera Act, except to the extent
9 authorized under that Act.

10 (dd) Information that is prohibited from being
11 disclosed under Section 45 of the Condominium and Common
12 Interest Community Ombudsperson Act.

13 (ee) Information that is exempted from disclosure
14 under Section 30.1 of the Pharmacy Practice Act.

15 (ff) Information that is exempted from disclosure
16 under the Revised Uniform Unclaimed Property Act.

17 (gg) Information that is prohibited from being
18 disclosed under Section 7-603.5 of the Illinois Vehicle
19 Code.

20 (hh) Records that are exempt from disclosure under
21 Section 1A-16.7 of the Election Code.

22 (ii) Information which is exempted from disclosure
23 under Section 2505-800 of the Department of Revenue Law of
24 the Civil Administrative Code of Illinois.

25 (jj) Information and reports that are required to be
26 submitted to the Department of Labor by registering day

1 and temporary labor service agencies but are exempt from
2 disclosure under subsection (a-1) of Section 45 of the Day
3 and Temporary Labor Services Act.

4 (kk) Information prohibited from disclosure under the
5 Seizure and Forfeiture Reporting Act.

6 (ll) Information the disclosure of which is restricted
7 and exempted under Section 5-30.8 of the Illinois Public
8 Aid Code.

9 (mm) Records that are exempt from disclosure under
10 Section 4.2 of the Crime Victims Compensation Act.

11 (nn) Information that is exempt from disclosure under
12 Section 70 of the Higher Education Student Assistance Act.

13 (oo) Communications, notes, records, and reports
14 arising out of a peer support counseling session
15 prohibited from disclosure under the First Responders
16 Suicide Prevention Act.

17 (pp) Names and all identifying information relating to
18 an employee of an emergency services provider or law
19 enforcement agency under the First Responders Suicide
20 Prevention Act.

21 (qq) Information and records held by the Department of
22 Public Health and its authorized representatives collected
23 under the Reproductive Health Act.

24 (rr) Information that is exempt from disclosure under
25 the Cannabis Regulation and Tax Act.

26 (ss) Data reported by an employer to the Department of

1 Human Rights pursuant to Section 2-108 of the Illinois
2 Human Rights Act.

3 (tt) Recordings made under the Children's Advocacy
4 Center Act, except to the extent authorized under that
5 Act.

6 (uu) Information that is exempt from disclosure under
7 Section 50 of the Sexual Assault Evidence Submission Act.

8 (vv) Information that is exempt from disclosure under
9 subsections (f) and (j) of Section 5-36 of the Illinois
10 Public Aid Code.

11 (ww) Information that is exempt from disclosure under
12 Section 16.8 of the State Treasurer Act.

13 (xx) Information that is exempt from disclosure or
14 information that shall not be made public under the
15 Illinois Insurance Code.

16 (yy) Information prohibited from being disclosed under
17 the Illinois Educational Labor Relations Act.

18 (zz) Information prohibited from being disclosed under
19 the Illinois Public Labor Relations Act.

20 (aaa) Information prohibited from being disclosed
21 under Section 1-167 of the Illinois Pension Code.

22 (bbb) Information that is prohibited from disclosure
23 by the Illinois Police Training Act and the Illinois State
24 Police Act.

25 (ccc) Records exempt from disclosure under Section
26 2605-304 of the Illinois State Police Law of the Civil

1 Administrative Code of Illinois.

2 (ddd) Information prohibited from being disclosed
3 under Section 35 of the Address Confidentiality for
4 Victims of Domestic Violence, Sexual Assault, Human
5 Trafficking, or Stalking Act.

6 (eee) Information prohibited from being disclosed
7 under subsection (b) of Section 75 of the Domestic
8 Violence Fatality Review Act.

9 (fff) Images from cameras under the Expressway Camera
10 Act. This subsection (fff) is inoperative on and after
11 July 1, 2025.

12 (ggg) Information prohibited from disclosure under
13 paragraph (3) of subsection (a) of Section 14 of the Nurse
14 Agency Licensing Act.

15 (hhh) Information submitted to the Illinois State
16 Police in an affidavit or application for an assault
17 weapon endorsement, assault weapon attachment endorsement,
18 .50 caliber rifle endorsement, or .50 caliber cartridge
19 endorsement under the Firearm Owners Identification Card
20 Act.

21 (iii) Data exempt from disclosure under Section 50 of
22 the School Safety Drill Act.

23 (jjj) ~~(hhh)~~ Information exempt from disclosure under
24 Section 30 of the Insurance Data Security Law.

25 (kkk) ~~(iii)~~ Confidential business information
26 prohibited from disclosure under Section 45 of the Paint

1 Stewardship Act.

2 (lll) (Reserved).

3 (mmm) ~~(iii)~~ Information prohibited from being
4 disclosed under subsection (e) of Section 1-129 of the
5 Illinois Power Agency Act.

6 (nnn) Information that is exempt from disclosure under
7 Section 28-11 of the Lawful Health Care Activity Act.

8 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
9 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
10 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
11 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
12 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
13 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
14 revised 1-2-24.)

15 (Text of Section after amendment by P.A. 103-472)

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21 the School Safety Drill Act.

22 (jjj) ~~(hhh)~~ Information exempt from disclosure under
23 Section 30 of the Insurance Data Security Law.

24 (kkk) ~~(iii)~~ Confidential business information
25 prohibited from disclosure under Section 45 of the Paint
26 Stewardship Act.

1 (lll) ~~(iii)~~ Data exempt from disclosure under Section
2 2-3.196 of the School Code.

3 (mmm) ~~(iii)~~ Information prohibited from being
4 disclosed under subsection (e) of Section 1-129 of the
5 Illinois Power Agency Act.

6 (nnn) Information that is exempt from disclosure under
7 Section 28-11 of the Lawful Health Care Activity Act.

8 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
9 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
10 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
11 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
12 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
13 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
14 103-580, eff. 12-8-23; revised 1-2-24.)

15 Section 10. The Illinois Public Aid Code is amended by
16 changing Section 11-15 as follows:

17 (305 ILCS 5/11-15) (from Ch. 23, par. 11-15)

18 Sec. 11-15. Application requirements.

19 (1) An application for financial aid shall be filed in
20 writing by the person requesting aid and, in the case of a
21 request for family aid, by the head of that family, except as
22 otherwise permitted in paragraph (2). Applications for aid
23 under Articles III, IV, and V shall be filed in writing with
24 any local office of the Department of Human Services in the

1 manner prescribed by the Department. Applications for aid
2 under Article VI shall be filed in writing with the local
3 governmental unit upon forms approved by the Department.

4 Each applicant shall provide information as to the amount
5 of property, real and personal, owned by him or her within the
6 period of time preceding the application as required under
7 Sections 3-1.3, 4-1.11, and 5-2.1 of this Code. The applicant
8 shall also furnish information concerning all income, money
9 contributions, and other support from any source, and the
10 beneficiary and the amount or cash surrender or loan value of
11 all insurance policies held by himself or herself or any
12 member of his family for whom aid is requested.

13 (2) An application, in all instances to be in writing, may
14 be filed in behalf of a person considered to be in need of
15 financial aid under Articles III, IV, V, or VI only if the
16 person

17 (a) has been adjudged to be under legal disability; or

18 (b) is unable because of minority or physical or
19 mental disability, to execute the application; or

20 (c) in the case of need for funeral and burial, died
21 before an application was filed and the application is
22 filed not more than 30 days after the person's death,
23 excluding the day on which the death occurred.

24 Applications in behalf of persons specified in (a) and (b)
25 shall be filed by the applicant's legal guardian or, if a
26 guardian has not been appointed or the applicant has no legal

1 guardian or the guardian is not available, by a relative or
2 other person, acceptable under the rules of the Illinois
3 Department, who is able to furnish the required information.
4 Applications in behalf of persons specified in (c) shall be
5 filed by any next of kin of the deceased who is not under legal
6 disability or, if there are no such next of kin or they are
7 unknown or unavailable, by a person, acceptable under the
8 rules of the Illinois Department, who is able to furnish the
9 required information.

10 Notwithstanding any other provision of this paragraph (2),
11 a minor may sign and file an application on the minor's own
12 behalf if the application is for the Article V family planning
13 program established under Section 5-5 by Public Act 102-665.

14 (3) The application shall contain a written declaration to
15 be signed by the applicant, or in behalf of the applicant by a
16 person qualified under paragraph (2), in substantially the
17 following form, the parenthetical references being applicable
18 to an application filed by a person in behalf of the applicant:

19 "I declare under penalties of perjury that I have examined
20 this form and all accompanying statements or documents
21 pertaining to the income and resources of myself (the
22 applicant) or any member of my family (the applicant's family)
23 included in this application for aid, or pertaining to any
24 other matter having bearing upon my (the applicant's)
25 eligibility for aid, and to the best of my knowledge and belief
26 the information supplied is true, correct, and complete".

1 (4) If an application for financial aid is filed for a
2 family, and any person in that family is under 18 years of age,
3 the application shall be accompanied by the following for each
4 such person under 18 years of age:

5 (i) a copy of the person's birth certificate, or

6 (ii) other reliable proof, as determined by the
7 Department, of the person's identity and age.

8 The Illinois Department shall provide information to all
9 families, orally by an intake worker and in writing when the
10 application is filed, about the availability and location of
11 immunization services.

12 (5) Once an applicant is determined eligible for aid, he
13 or she has the right to request to have the case transferred to
14 another local office of the Department of Human Services for
15 his or her convenience based on one of the following factors:
16 the location of his or her employer; the location of his or her
17 child care provider; access to reliable transportation; or the
18 location of a social service provider that he or she sees on a
19 regular basis. Within 5 business days after the request for
20 transfer, the Department shall transfer the case, assign a
21 caseworker, make appropriate entries in the computer system,
22 and issue a written notice to the recipient that includes the
23 name of and contact information for the caseworker. The
24 location of the recipient's case may be reconsidered on the
25 recipient's request or at the time of redetermination of
26 eligibility.

1 (Source: P.A. 96-867, eff. 1-1-11.)

2 Section 15. The Lawful Health Care Activity Act is amended
3 by changing Section 28-10 and by adding Sections 28-11, 28-12,
4 28-13, and 28-14 as follows:

5 (735 ILCS 40/28-10)

6 Sec. 28-10. Definitions. As used in this Act:

7 "Lawful health care" means:

8 (1) reproductive health care that is not unlawful
9 under the laws of this State, including on any theory of
10 vicarious, joint, several, or conspiracy liability; or

11 (2) the treatment of gender dysphoria or the
12 affirmation of an individual's gender identity or gender
13 expression, including, but not limited to, all supplies,
14 care, and services of a medical, behavioral health, mental
15 health, surgical, psychiatric, therapeutic, diagnostic,
16 preventative, rehabilitative, or supportive nature that is
17 not unlawful under the laws of this State, including on
18 any theory of vicarious, joint, several, or conspiracy
19 liability.

20 "Lawful health care activity" means seeking, providing,
21 receiving, assisting in seeking, providing, or receiving,
22 providing material support for, or traveling to obtain lawful
23 health care.

24 "Health records related to lawful health care" means

1 records that identify a person who has sought or received
2 lawful healthcare, including, but not limited to, information
3 regarding an individual's medical history, mental or physical
4 condition, or medical treatment or diagnosis by a healthcare
5 professional, and insurance and billing records for medical
6 care.

7 "Location information related to lawful health care" means
8 precise location information that could be reasonably used to
9 identify a person's attempt to acquire or receive lawful
10 health care, including, but not limited to, records of the
11 location of a person's license plate, records of the location
12 of a cell phone or other device that tracks location, or
13 records of observations of a person's location when the
14 location is near a provider of lawful health care.

15 "Reproductive health care" shall have the same meaning as
16 Section 1-10 of the Reproductive Health Act.

17 "State" has the meaning given in Section 1-10 of the
18 Reproductive Health Act.

19 (Source: P.A. 102-1117, eff. 1-13-23.)

20 (735 ILCS 40/28-11 new)

21 Sec. 28-11. Prohibited State actions.

22 (a) Unless otherwise necessary to comply with Illinois or
23 federal law, the State shall not provide any information or
24 expend or use any time, money, facilities, property,
25 equipment, personnel, or other resources to assist any

1 individual, or out-of-state officer, official, agency, entity,
2 or department seeking to impose civil or criminal liability
3 upon a person or entity for lawful healthcare activity.

4 (b) Location information related to lawful health care and
5 health records related to lawful health care are confidential
6 and exempt from disclosure under the Freedom of Information
7 Act.

8 (c) This Section does not apply if an individual or
9 out-of-state officer, official, agency, entity, or department
10 is investigating conduct that would be subject to civil or
11 criminal liability under the laws of Illinois.

12 (735 ILCS 40/28-12 new)

13 Sec. 28-12. Cause of action.

14 (a) Any party aggrieved by conduct or regulation in
15 violation of Section 28-11 of this Act may bring a civil action
16 in a federal district court or State circuit court against the
17 offending unit of government. Any State claim brought in
18 federal district court shall be a supplemental claim to a
19 federal claim. Any action brought under this Act shall be
20 commenced within 2 years after the cause of action was
21 discovered.

22 (b) Upon motion, a court shall award reasonable attorney's
23 fees, court costs, and litigation expenses, including expert
24 witness fees and other litigation expenses, to a plaintiff who
25 is a prevailing party in any action brought under this Act. In

1 awarding reasonable attorney's fees, the court shall consider
2 the degree to which the relief obtained relates to the relief
3 sought.

4 (735 ILCS 40/28-13 new)

5 Sec. 28-13. Reservation of rights. Nothing in this Section
6 shall be construed to narrow, restrict, or otherwise limit in
7 any way any rights, protections, or causes of action with
8 respect to lawful health care, including, but not limited to,
9 any rights, protections, or causes of action set forth in the
10 Reproductive Health Act.

11 (735 ILCS 40/28-14 new)

12 Sec. 28-14. Home rule preemption. The regulation of lawful
13 health care activity is an exclusive power and function of the
14 State. A home rule unit may not regulate lawful health care
15 activity. This Section is a denial and limitation of home rule
16 powers and functions under subsection (h) of Section 6 of
17 Article VII of the Illinois Constitution.

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other

1 Public Act.

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