



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5586

Introduced 2/9/2024, by Rep. Hoan Huynh

#### SYNOPSIS AS INTRODUCED:

725 ILCS 225/2	from Ch. 60, par. 19
725 ILCS 225/6	from Ch. 60, par. 23
735 ILCS 35/3.5	
735 ILCS 40/28-10	
735 ILCS 40/28-20	
750 ILCS 36/207	

Amends the Uniform Criminal Extradition Act. Provides that no person shall be arrested or extradited for acts committed or services received in this State involving gender-affirming care, as defined by the World Health Organization, or for any other lawful health care as defined in the Lawful Health Care Activity Act. Amends the Uniform Interstate Depositions and Discovery Act. Prohibits a clerk from issuing a subpoena based on a foreign subpoena that is related to enforcement of another state's law that would interfere with an individual's right to receive gender-affirming care. Amends the Lawful Health Care Activity Act. Expands the definition of "lawful health care" to include gender-affirming care. Amends the Uniform Child-Custody Jurisdiction and Enforcement Act. In any child custody case that involves the provision of gender-affirming care for a child, prohibits a court from determining that this State is an inconvenient forum if the law or policy of another state that may take jurisdiction limits the ability of a parent to obtain gender-affirming care for the child.

LRB103 38527 JRC 68663 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 5. The Uniform Criminal Extradition Act is amended  
5 by changing Sections 2 and 6 as follows:

6 (725 ILCS 225/2) (from Ch. 60, par. 19)

7 Sec. 2. Fugitives from justice: duty of Governor.

8 Subject to the provisions of this Act, the provisions of  
9 the Constitution of the United States controlling, and any and  
10 all acts of Congress enacted in pursuance thereof, it is the  
11 duty of the Governor of this State to have arrested and  
12 delivered up to the Executive Authority of any other state of  
13 the United States any person charged in that State with  
14 treason, felony, or other crime, who has fled from justice and  
15 is found in this State, except that no person shall be so  
16 arrested for acts committed or services received in this State  
17 involving gender-affirming care as defined by the World Health  
18 Organization, or for any other lawful health care as defined  
19 in the Lawful Health Care Activity Act.

20 (Source: Laws 1955, p. 1982.)

21 (725 ILCS 225/6) (from Ch. 60, par. 23)

22 Sec. 6. Extradition of persons not present in demanding

1 state at time of commission of crime.

2 The Governor of this State may also surrender, on demand  
3 of the Executive Authority of any other state, any person in  
4 this State charged in such other state in the manner provided  
5 in Section 3 with committing an act in this State, or in a  
6 third state, intentionally resulting in a crime in the state  
7 whose Executive Authority is making the demand. However, the  
8 Governor of this State shall not surrender such a person if the  
9 charge is based on conduct that involves seeking, providing,  
10 receiving, assisting in seeking, providing, or receiving,  
11 providing material support for, or traveling to obtain lawful  
12 health care, including gender-affirming care, as defined by  
13 Section 28-10 of the Lawful Health Care Activity Act, that is  
14 not unlawful under the laws of this State, including a charge  
15 based on any theory of vicarious, joint, several, or  
16 conspiracy liability.

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

18 Section 10. The Uniform Interstate Depositions and  
19 Discovery Act is amended by changing Section 3.5 as follows:

20 (735 ILCS 35/3.5)

21 Sec. 3.5. Unenforceable foreign subpoenas.

22 (a) If a request for issuance of a subpoena pursuant to  
23 this Act seeks documents or information related to lawful  
24 health care activity, as defined in the Lawful Health Care

1 Activity Act, or seeks documents in support of any claim that  
2 interferes with rights under the Reproductive Health Act, then  
3 the person or entity requesting the subpoena shall include an  
4 attestation, signed under penalty of perjury, confirming and  
5 identifying that an exemption in subsection (c) applies. Any  
6 false attestation submitted under this Section or the failure  
7 to submit an attestation required by this Section shall be  
8 subject to a statutory penalty of \$10,000 per violation.  
9 Submission of such attestation shall subject the attestor to  
10 the jurisdiction of the courts of this State for any suit,  
11 penalty, or damages arising out of a false attestation under  
12 this Section.

13 (b) No clerk of court shall issue a subpoena based on a  
14 foreign subpoena that:

15 (1) requests information or documents related to  
16 lawful health care activity, as defined in the Lawful  
17 Health Care Activity Act; or

18 (2) is related to the enforcement of another state's  
19 law that would interfere with an individual's rights under  
20 the Reproductive Health Act; or

21 (3) is related to enforcement of another state's law  
22 that would interfere with an individual's right to receive  
23 gender-affirming care, as described in the Lawful Health  
24 Care Activity Act and as defined by the World Health  
25 Organization.

26 (c) A clerk of court may issue the subpoena if the subpoena

1 includes the attestation as described in subsection (a) and  
2 the subpoena relates to:

3 (1) an out-of-state action founded in tort, contract,  
4 or statute brought by the patient who sought or received  
5 the lawful health care or the patient's authorized legal  
6 representative, for damages suffered by the patient or  
7 damages derived from an individual's loss of consortium of  
8 the patient, and for which a similar claim would exist  
9 under the laws of this State; or

10 (2) an out-of-state action founded in contract brought  
11 or sought to be enforced by a party with a contractual  
12 relationship with the individual whose documents or  
13 information are the subject of the subpoena and for which  
14 a similar claim would exist under the laws of this State.

15 (d) Any person or entity served with a subpoena reasonably  
16 believed to be issued in violation of this Section shall not  
17 comply with the subpoena.

18 (e) Any person or entity who is the recipient of, or whose  
19 lawful health care is the subject of, a subpoena reasonably  
20 believed to be issued in violation of this Section may, but is  
21 not required to, move to modify or quash the subpoena.

22 (f) No court shall issue an order compelling a person or  
23 entity to comply with a subpoena found to be in violation of  
24 this Section.

25 (g) As used in this Section, "lawful health care" and  
26 "lawful health care activity" have the meanings given to those

1 terms in Section 28-10 of the Lawful Health Care Activity Act.

2 (h) The Supreme Court shall have jurisdiction to adopt  
3 rules for the implementation of this Section.

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

5 Section 15. The Lawful Health Care Activity Act is amended  
6 by changing Sections 28-10 and 28-20 as follows:

7 (735 ILCS 40/28-10)

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

9 "Lawful health care" means:

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

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

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

1 health care.

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

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

5 (735 ILCS 40/28-20)

6 Sec. 28-20. Limits on execution of foreign judgments. In  
7 any action filed to enforce the judgment of a foreign state,  
8 issued in connection with any litigation concerning lawful  
9 health care, the court hearing the action shall not give any  
10 force or effect to any judgment issued regarding activity that  
11 is lawful under the laws of this State ~~without jurisdiction.~~

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

13 Section 20. The Uniform Child-Custody Jurisdiction and  
14 Enforcement Act is amended by changing Section 207 as follows:

15 (750 ILCS 36/207)

16 Sec. 207. Inconvenient Forum.

17 (a) A court of this State which has jurisdiction under  
18 this Act to make a child-custody determination may decline to  
19 exercise its jurisdiction at any time if it determines that it  
20 is an inconvenient forum under the circumstances and that a  
21 court of another state is a more appropriate forum. The issue  
22 of inconvenient forum may be raised upon motion of a party, the  
23 court's own motion, or request of another court.

1 (b) Before determining whether it is an inconvenient  
2 forum, a court of this State shall consider whether it is  
3 appropriate for a court of another state to exercise  
4 jurisdiction. For this purpose, the court shall allow the  
5 parties to submit information and shall consider all relevant  
6 factors, including:

7 (1) whether domestic violence has occurred and is  
8 likely to continue in the future and which state could  
9 best protect the parties and the child;

10 (2) the length of time the child has resided outside  
11 this State;

12 (3) the distance between the court in this State and  
13 the court in the state that would assume jurisdiction;

14 (4) the relative financial circumstances of the  
15 parties;

16 (5) any agreement of the parties as to which state  
17 should assume jurisdiction;

18 (6) the nature and location of the evidence required  
19 to resolve the pending litigation, including testimony of  
20 the child;

21 (7) the ability of the court of each state to decide  
22 the issue expeditiously and the procedures necessary to  
23 present the evidence; and

24 (8) the familiarity of the court of each state with  
25 the facts and issues in the pending litigation.

26 (c) If a court of this State determines that it is an



1 inconvenient forum and that a court of another state is a more  
2 appropriate forum, it shall stay the proceedings upon  
3 condition that a child-custody proceeding be promptly  
4 commenced in another designated state and may impose any other  
5 condition the court considers just and proper.

6 (d) A court of this State may decline to exercise its  
7 jurisdiction under this Act if a child-custody determination  
8 is incidental to an action for divorce or another proceeding  
9 while still retaining jurisdiction over the divorce or other  
10 proceeding.

11 (e) In a case where the provision of gender-affirming care  
12 for a child is at issue, a court of this State shall not  
13 determine that this State is an inconvenient forum if the law  
14 or policy of another state that may take jurisdiction limits  
15 the ability of a parent to obtain for the parent's child  
16 gender-affirming care as described in the Lawful Health  
17 Activity Act and as defined by the World Health Organization.

18 (Source: P.A. 93-108, eff. 1-1-04.)