



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3492

Introduced 2/9/2024, by Sen. Ann Gillespie

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102

from Ch. 68, par. 1-102

775 ILCS 5/1-103

from Ch. 68, par. 1-103

Amends the Illinois Human Rights Act. Adds to the definition of unlawful discrimination to include discrimination of reproductive health decisions. Reproductive health decisions mean any decision by a person affecting the use or intended use of health care, goods, or services related to reproductive processes, functions, and systems, including, but not limited to, family planning, pregnancy testing, and contraception; fertility or sterilization care; miscarriage; continuation or termination of pregnancy; prenatal, intranatal, and postnatal care. Provides that discrimination based on reproductive health decisions includes unlawful discrimination against a person because of the person's association with another person's reproductive health decisions.

LRB103 38433 JRC 68569 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 Illinois Human Rights Act is amended by
5 changing Sections 1-102 and 1-103 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

8 Sec. 1-102. Declaration of policy. It is the public
9 policy of this State:

10 (A) Freedom from Unlawful Discrimination. To secure for
11 all individuals within Illinois the freedom from
12 discrimination against any individual because of his or her
13 race, color, religion, sex, national origin, ancestry, age,
14 order of protection status, marital status, physical or mental
15 disability, military status, sexual orientation, pregnancy,
16 reproductive health decisions, or unfavorable discharge from
17 military service in connection with employment, real estate
18 transactions, access to financial credit, and the availability
19 of public accommodations.

20 (B) Freedom from Sexual Harassment-Employment and
21 Elementary, Secondary, and Higher Education. To prevent sexual
22 harassment in employment and sexual harassment in elementary,
23 secondary, and higher education.

1 (C) Freedom from Discrimination Based on Citizenship
2 Status-Employment. To prevent discrimination based on
3 citizenship status in employment.

4 (C-5) Freedom from Discrimination Based on Work
5 Authorization Status-Employment. To prevent discrimination
6 based on the specific status or term of status that
7 accompanies a legal work authorization.

8 (D) Freedom from Discrimination Based on Familial Status
9 or Source of Income-Real Estate Transactions. To prevent
10 discrimination based on familial status or source of income in
11 real estate transactions.

12 (E) Public Health, Welfare and Safety. To promote the
13 public health, welfare and safety by protecting the interest
14 of all people in Illinois in maintaining personal dignity, in
15 realizing their full productive capacities, and in furthering
16 their interests, rights and privileges as citizens of this
17 State.

18 (F) Implementation of Constitutional Guarantees. To secure
19 and guarantee the rights established by Sections 17, 18 and 19
20 of Article I of the Illinois Constitution of 1970.

21 (G) Equal Opportunity, Affirmative Action. To establish
22 Equal Opportunity and Affirmative Action as the policies of
23 this State in all of its decisions, programs and activities,
24 and to assure that all State departments, boards, commissions
25 and instrumentalities rigorously take affirmative action to
26 provide equality of opportunity and eliminate the effects of

1 past discrimination in the internal affairs of State
2 government and in their relations with the public.

3 (H) Unfounded Charges. To protect citizens of this State
4 against unfounded charges of unlawful discrimination, sexual
5 harassment in employment and sexual harassment in elementary,
6 secondary, and higher education, and discrimination based on
7 citizenship status or work authorization status in employment.
8 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23.)

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

10 Sec. 1-102. Declaration of policy. It is the public
11 policy of this State:

12 (A) Freedom from Unlawful Discrimination. To secure for
13 all individuals within Illinois the freedom from
14 discrimination based on race, color, religion, sex, national
15 origin, ancestry, age, order of protection status, marital
16 status, physical or mental disability, military status, sexual
17 orientation, pregnancy, reproductive health decisions, or
18 unfavorable discharge from military service in connection with
19 employment, real estate transactions, access to financial
20 credit, and the availability of public accommodations,
21 including in elementary, secondary, and higher education.

22 (B) Freedom from Sexual Harassment-Employment and
23 Elementary, Secondary, and Higher Education. To prevent sexual
24 harassment in employment and sexual harassment in elementary,
25 secondary, and higher education.

1 (C) Freedom from Discrimination Based on Citizenship
2 Status-Employment. To prevent discrimination based on
3 citizenship status in employment.

4 (C-5) Freedom from Discrimination Based on Work
5 Authorization Status-Employment. To prevent discrimination
6 based on the specific status or term of status that
7 accompanies a legal work authorization.

8 (D) Freedom from Discrimination Based on Familial Status
9 or Source of Income-Real Estate Transactions. To prevent
10 discrimination based on familial status or source of income in
11 real estate transactions.

12 (E) Public Health, Welfare and Safety. To promote the
13 public health, welfare and safety by protecting the interest
14 of all people in Illinois in maintaining personal dignity, in
15 realizing their full productive capacities, and in furthering
16 their interests, rights and privileges as citizens of this
17 State.

18 (F) Implementation of Constitutional Guarantees. To secure
19 and guarantee the rights established by Sections 17, 18 and 19
20 of Article I of the Illinois Constitution of 1970.

21 (G) Equal Opportunity, Affirmative Action. To establish
22 Equal Opportunity and Affirmative Action as the policies of
23 this State in all of its decisions, programs and activities,
24 and to assure that all State departments, boards, commissions
25 and instrumentalities rigorously take affirmative action to
26 provide equality of opportunity and eliminate the effects of

1 past discrimination in the internal affairs of State
2 government and in their relations with the public.

3 (H) Unfounded Charges. To protect citizens of this State
4 against unfounded charges of prohibited discrimination in
5 employment, real estate transactions, financial credit, and
6 public accommodations, including in elementary, secondary, and
7 higher education.

8 (Source: P.A. 102-233, eff. 8-2-21; 102-896, eff. 1-1-23;
9 103-472, eff. 8-1-24.)

10 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

11 Sec. 1-103. General definitions. When used in this Act,
12 unless the context requires otherwise, the term:

13 (A) Age. "Age" means the chronological age of a person who
14 is at least 40 years old, except with regard to any practice
15 described in Section 2-102, insofar as that practice concerns
16 training or apprenticeship programs. In the case of training
17 or apprenticeship programs, for the purposes of Section 2-102,
18 "age" means the chronological age of a person who is 18 but not
19 yet 40 years old.

20 (B) Aggrieved party. "Aggrieved party" means a person who
21 is alleged or proved to have been injured by a civil rights
22 violation or believes he or she will be injured by a civil
23 rights violation under Article 3 that is about to occur.

24 (B-5) Arrest record. "Arrest record" means:

25 (1) an arrest not leading to a conviction;

1 (2) a juvenile record; or

2 (3) criminal history record information ordered
3 expunged, sealed, or impounded under Section 5.2 of the
4 Criminal Identification Act.

5 (C) Charge. "Charge" means an allegation filed with the
6 Department by an aggrieved party or initiated by the
7 Department under its authority.

8 (D) Civil rights violation. "Civil rights violation"
9 includes and shall be limited to only those specific acts set
10 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
11 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
12 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

13 (E) Commission. "Commission" means the Human Rights
14 Commission created by this Act.

15 (F) Complaint. "Complaint" means the formal pleading filed
16 by the Department with the Commission following an
17 investigation and finding of substantial evidence of a civil
18 rights violation.

19 (G) Complainant. "Complainant" means a person including
20 the Department who files a charge of civil rights violation
21 with the Department or the Commission.

22 (G-5) Conviction record. "Conviction record" means
23 information indicating that a person has been convicted of a
24 felony, misdemeanor or other criminal offense, placed on
25 probation, fined, imprisoned, or paroled pursuant to any law
26 enforcement or military authority.

1 (H) Department. "Department" means the Department of Human
2 Rights created by this Act.

3 (I) Disability.

4 (1) "Disability" means a determinable physical or mental
5 characteristic of a person, including, but not limited to, a
6 determinable physical characteristic which necessitates the
7 person's use of a guide, hearing or support dog, the history of
8 such characteristic, or the perception of such characteristic
9 by the person complained against, which may result from
10 disease, injury, congenital condition of birth or functional
11 disorder and which characteristic:

12 (a) For purposes of Article 2, is unrelated to the
13 person's ability to perform the duties of a particular job
14 or position and, pursuant to Section 2-104 of this Act, a
15 person's illegal use of drugs or alcohol is not a
16 disability;

17 (b) For purposes of Article 3, is unrelated to the
18 person's ability to acquire, rent, or maintain a housing
19 accommodation;

20 (c) For purposes of Article 4, is unrelated to a
21 person's ability to repay;

22 (d) For purposes of Article 5, is unrelated to a
23 person's ability to utilize and benefit from a place of
24 public accommodation;

25 (e) For purposes of Article 5, also includes any
26 mental, psychological, or developmental disability,

1 including autism spectrum disorders.

2 (2) Discrimination based on disability includes unlawful
3 discrimination against an individual because of the
4 individual's association with a person with a disability.

5 (J) Marital status. "Marital status" means the legal
6 status of being married, single, separated, divorced, or
7 widowed.

8 (J-1) Military status. "Military status" means a person's
9 status on active duty in or status as a veteran of the armed
10 forces of the United States, status as a current member or
11 veteran of any reserve component of the armed forces of the
12 United States, including the United States Army Reserve,
13 United States Marine Corps Reserve, United States Navy
14 Reserve, United States Air Force Reserve, and United States
15 Coast Guard Reserve, or status as a current member or veteran
16 of the Illinois Army National Guard or Illinois Air National
17 Guard.

18 (K) National origin. "National origin" means the place in
19 which a person or one of his or her ancestors was born.

20 (K-5) "Order of protection status" means a person's status
21 as being a person protected under an order of protection
22 issued pursuant to the Illinois Domestic Violence Act of 1986,
23 Article 112A of the Code of Criminal Procedure of 1963, the
24 Stalking No Contact Order Act, or the Civil No Contact Order
25 Act, or an order of protection issued by a court of another
26 state.

1 (L) Person. "Person" includes one or more individuals,
2 partnerships, associations or organizations, labor
3 organizations, labor unions, joint apprenticeship committees,
4 or union labor associations, corporations, the State of
5 Illinois and its instrumentalities, political subdivisions,
6 units of local government, legal representatives, trustees in
7 bankruptcy or receivers.

8 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
9 or medical or common conditions related to pregnancy or
10 childbirth.

11 (M) Public contract. "Public contract" includes every
12 contract to which the State, any of its political
13 subdivisions, or any municipal corporation is a party.

14 (M-5) Race. "Race" includes traits associated with race,
15 including, but not limited to, hair texture and protective
16 hairstyles such as braids, locks, and twists.

17 (N) Religion. "Religion" includes all aspects of religious
18 observance and practice, as well as belief, except that with
19 respect to employers, for the purposes of Article 2,
20 "religion" has the meaning ascribed to it in paragraph (F) of
21 Section 2-101.

22 (N-5) Reproductive health decisions. "Reproductive health
23 decisions" means any decision by a person affecting the use or
24 intended use of health care, goods, or services related to
25 reproductive processes, functions, and systems, including, but
26 not limited to, family planning, pregnancy testing, and

1 contraception; fertility or sterilization care; miscarriage;
2 continuation or termination of pregnancy; prenatal,
3 intranatal, and postnatal care. Discrimination based on
4 reproductive health decisions includes unlawful discrimination
5 against a person because of the person's association with
6 another person's reproductive health decisions.

7 (O) Sex. "Sex" means the status of being male or female.

8 (O-1) Sexual orientation. "Sexual orientation" means
9 actual or perceived heterosexuality, homosexuality,
10 bisexuality, or gender-related identity, whether or not
11 traditionally associated with the person's designated sex at
12 birth. "Sexual orientation" does not include a physical or
13 sexual attraction to a minor by an adult.

14 (O-5) Source of income. "Source of income" means the
15 lawful manner by which an individual supports himself or
16 herself and his or her dependents.

17 (P) Unfavorable military discharge. "Unfavorable military
18 discharge" includes discharges from the Armed Forces of the
19 United States, their Reserve components, or any National Guard
20 or Naval Militia which are classified as RE-3 or the
21 equivalent thereof, but does not include those characterized
22 as RE-4 or "Dishonorable".

23 (Q) Unlawful discrimination. "Unlawful discrimination"
24 means discrimination against a person because of his or her
25 actual or perceived: race, color, religion, national origin,
26 ancestry, age, sex, marital status, order of protection

1 status, disability, military status, sexual orientation,
2 pregnancy, reproductive health decisions, or unfavorable
3 discharge from military service as those terms are defined in
4 this Section.

5 (Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22;
6 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff.
7 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23.)

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.