



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0593

Introduced 2/8/2007, by Sen. John J. Cullerton

#### 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
775 ILCS 5/3-102.1	from Ch. 68, par. 3-102.1
775 ILCS 5/3-104.1	from Ch. 68, par. 3-104.1
775 ILCS 5/5-101	from Ch. 68, par. 5-101
775 ILCS 5/5-102	from Ch. 68, par. 5-102
775 ILCS 5/5-102.1 new	

Amends the Illinois Human Rights Act. Provides that references throughout the Act to people with a disability will be by use of the term "person with a disability" or the term "disabled" (at present, "handicapped"). In the definition of "place of public accommodation", deletes the existing examples and inserts language listing facilities that are considered public accommodations for purposes of the Article. Provides that it is a civil rights violation to deny or refuse full and equal enjoyment of goods of any place of public accommodation. Provides that it is not a civil rights violation for a health care professional to respond to a person protected under the Act by referring the person to another professional or to refuse to treat or provide services to that person, if in the normal exercise of his or her profession the health care professional would for the same reason respond in the same way to an individual who is not protected under the Act who seeks or requires the same or similar treatment or services. Effective immediately.

LRB095 08838 AJ0 29024 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, 1-103, 3-102.1, 3-104.1, 5-101, and  
6 5-102 and by adding Section 5-102.1 as follows:

7 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

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

19 (B) Freedom from Sexual Harassment-Employment and Higher  
20 Education. To prevent sexual harassment in employment and  
21 sexual harassment in higher education.

22 (C) Freedom from Discrimination Based on Citizenship  
23 Status-Employment. To prevent discrimination based on

1 citizenship status in employment.

2 (D) Freedom from Discrimination Based on Familial  
3 Status-Real Estate Transactions. To prevent discrimination  
4 based on familial status in real estate transactions.

5 (E) Public Health, Welfare and Safety. To promote the  
6 public health, welfare and safety by protecting the interest of  
7 all people in Illinois in maintaining personal dignity, in  
8 realizing their full productive capacities, and in furthering  
9 their interests, rights and privileges as citizens of this  
10 State.

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

14 (G) Equal Opportunity, Affirmative Action. To establish  
15 Equal Opportunity and Affirmative Action as the policies of  
16 this State in all of its decisions, programs and activities,  
17 and to assure that all State departments, boards, commissions  
18 and instrumentalities rigorously take affirmative action to  
19 provide equality of opportunity and eliminate the effects of  
20 past discrimination in the internal affairs of State government  
21 and in their relations with the public.

22 (H) Unfounded Charges. To protect citizens of this State  
23 against unfounded charges of unlawful discrimination, sexual  
24 harassment in employment and sexual harassment in higher  
25 education, and discrimination based on citizenship status in  
26 employment.

1 (Source: P.A. 93-1078, eff. 1-1-06.)

2 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

3 Sec. 1-103. General Definitions. When used in this Act,  
4 unless the context requires otherwise, the term:

5 (A) Age. "Age" means the chronological age of a person who  
6 is at least 40 years old, except with regard to any practice  
7 described in Section 2-102, insofar as that practice concerns  
8 training or apprenticeship programs. In the case of training or  
9 apprenticeship programs, for the purposes of Section 2-102,  
10 "age" means the chronological age of a person who is 18 but not  
11 yet 40 years old.

12 (B) Aggrieved Party. "Aggrieved party" means a person who  
13 is alleged or proved to have been injured by a civil rights  
14 violation or believes he or she will be injured by a civil  
15 rights violation under Article 3 that is about to occur.

16 (C) Charge. "Charge" means an allegation filed with the  
17 Department by an aggrieved party or initiated by the Department  
18 under its authority.

19 (D) Civil Rights Violation. "Civil rights violation"  
20 includes and shall be limited to only those specific acts set  
21 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,  
22 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this  
23 Act.

24 (E) Commission. "Commission" means the Human Rights  
25 Commission created by this Act.

1 (F) Complaint. "Complaint" means the formal pleading filed  
2 by the Department with the Commission following an  
3 investigation and finding of substantial evidence of a civil  
4 rights violation.

5 (G) Complainant. "Complainant" means a person including  
6 the Department who files a charge of civil rights violation  
7 with the Department or the Commission.

8 (H) Department. "Department" means the Department of Human  
9 Rights created by this Act.

10 (I) Disability Handicap. "Disability" "~~Handicap~~" means a  
11 determinable physical or mental characteristic of a person,  
12 including, but not limited to, a determinable physical  
13 characteristic which necessitates the person's use of a guide,  
14 hearing or support dog, the history of such characteristic, or  
15 the perception of such characteristic by the person complained  
16 against, which may result from disease, injury, congenital  
17 condition of birth or functional disorder and which  
18 characteristic:

19 (1) For purposes of Article 2 is unrelated to the  
20 person's ability to perform the duties of a particular job  
21 or position and, pursuant to Section 2-104 of this Act, a  
22 person's illegal use of drugs or alcohol is not a  
23 disability handicap;

24 (2) For purposes of Article 3, is unrelated to the  
25 person's ability to acquire, rent or maintain a housing  
26 accommodation;

1           (3) For purposes of Article 4, is unrelated to a  
2           person's ability to repay;

3           (4) For purposes of Article 5, is unrelated to a  
4           person's ability to utilize and benefit from a place of  
5           public accommodation.

6           (J) Marital Status. "Marital status" means the legal status  
7           of being married, single, separated, divorced or 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, United  
13          States Marine Corps Reserve, United States Navy Reserve, United  
14          States Air Force Reserve, and United States Coast Guard  
15          Reserve, or status as a current member or veteran of the  
16          Illinois Army National Guard or Illinois Air National Guard.

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

19          (L) Person. "Person" includes one or more individuals,  
20          partnerships, associations or organizations, labor  
21          organizations, labor unions, joint apprenticeship committees,  
22          or union labor associations, corporations, the State of  
23          Illinois and its instrumentalities, political subdivisions,  
24          units of local government, legal representatives, trustees in  
25          bankruptcy or receivers.

26          (M) Public Contract. "Public contract" includes every

1 contract to which the State, any of its political subdivisions  
2 or any municipal corporation is a party.

3 (N) Religion. "Religion" includes all aspects of religious  
4 observance and practice, as well as belief, except that with  
5 respect to employers, for the purposes of Article 2, "religion"  
6 has the meaning ascribed to it in paragraph (F) of Section  
7 2-101.

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

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

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

21 (Q) Unlawful Discrimination. "Unlawful discrimination"  
22 means discrimination against a person because of his or her  
23 race, color, religion, national origin, ancestry, age, sex,  
24 marital status, disability ~~handicap~~, military status, sexual  
25 orientation, or unfavorable discharge from military service as  
26 those terms are defined in this Section.

1 (Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06;  
2 94-803, eff. 5-26-06.)

3 (775 ILCS 5/3-102.1) (from Ch. 68, par. 3-102.1)

4 Sec. 3-102.1. Disability Handicap. (A) It is a civil rights  
5 violation to refuse to sell or rent or to otherwise make  
6 unavailable or deny a dwelling to any buyer or renter because  
7 of a disability handicap of that buyer or renter, a disability  
8 handicap of a person residing or intending to reside in that  
9 dwelling after it is sold, rented or made available or a  
10 disability handicap of any person associated with the buyer or  
11 renter.

12 (B) It is a civil rights violation to alter the terms,  
13 conditions or privileges of sale or rental of a dwelling or the  
14 provision of services or facilities in connection with such  
15 dwelling because of a disability of a person with a disability  
16 person's handicap or a disability handicap of any person  
17 residing or intending to reside in that dwelling after it is  
18 sold, rented or made available, or a disability handicap of any  
19 person associated with that person.

20 (C) It is a civil rights violation:

21 (1) to refuse to permit, at the expense of the ~~handicapped~~  
22 person with a disability, reasonable modifications of existing  
23 premises occupied or to be occupied by such person if such  
24 modifications may be necessary to afford such person full  
25 enjoyment of the premises; except that, in the case of a



1 rental, the landlord may, where it is reasonable to do so,  
2 condition permission for a modification on the renter agreeing  
3 to restore the interior of the premises to the condition that  
4 existed before modifications, reasonable wear and tear  
5 excepted. The landlord may not increase for ~~handicapped~~ persons  
6 with a disability any customarily required security deposit.  
7 However, where it is necessary in order to ensure with  
8 reasonable certainty that funds will be available to pay for  
9 the restorations at the end of the tenancy, the landlord may  
10 negotiate as part of such a restoration agreement a provision  
11 requiring that the tenant pay into an interest bearing escrow  
12 account, over a reasonable period, a reasonable amount of money  
13 not to exceed the cost of the restorations. The interest in any  
14 such account shall accrue to the benefit of the tenant. A  
15 landlord may condition permission for a modification on the  
16 renter providing a reasonable description of the proposed  
17 modifications as well as reasonable assurances that the work  
18 will be done in a workmanlike manner and that any required  
19 building permits will be obtained;

20 (2) to refuse to make reasonable accommodations in rules,  
21 policies, practices, or services, when such accommodations may  
22 be necessary to afford such person equal opportunity to use and  
23 enjoy a dwelling; or

24 (3) in connection with the design and construction of  
25 covered multifamily dwellings for first occupancy after March  
26 13, 1991, to fail to design and construct those dwellings in

1 such a manner that:

2 (a) the public use and common use portions of such  
3 dwellings are readily accessible to and usable by ~~handicapped~~  
4 persons with a disability;

5 (b) all the doors designed to allow passage into and within  
6 all premises within such dwellings are sufficiently wide to  
7 allow passage by ~~handicapped~~ persons with a disability in  
8 wheelchairs; and

9 (c) all premises within such dwellings contain the  
10 following features of adaptive design:

11 (i) an accessible route into and through the dwelling;

12 (ii) light switches, electrical outlets, thermostats, and  
13 other environmental controls in accessible locations;

14 (iii) reinforcements in bathroom walls to allow later  
15 installation of grab bars; and

16 (iv) usable kitchens and bathrooms such that an individual  
17 in a wheelchair can maneuver about the space.

18 (D) Compliance with the appropriate standards of the  
19 Illinois Accessibility Code for adaptable dwelling units (71  
20 Illinois Administrative Code Section 400.350 (e) 1-6) suffices  
21 to satisfy the requirements of subsection (C) (3) (c).

22 (E) If a unit of local government has incorporated into its  
23 law the requirements set forth in subsection (C) (3),  
24 compliance with its law shall be deemed to satisfy the  
25 requirements of that subsection.

26 (F) A unit of local government may review and approve newly

1 constructed covered multifamily dwellings for the purpose of  
2 making determinations as to whether the design and construction  
3 requirements of subsection (C) (3) are met.

4 (G) The Department shall encourage, but may not require,  
5 units of local government to include in their existing  
6 procedures for the review and approval of newly constructed  
7 covered multifamily dwellings, determinations as to whether  
8 the design and construction of such dwellings are consistent  
9 with subsection (C) (3), and shall provide technical assistance  
10 to units of local government and other persons to implement the  
11 requirements of subsection (C) (3).

12 (H) Nothing in this Act shall be construed to require the  
13 Department to review or approve the plans, designs or  
14 construction of all covered multifamily dwellings to determine  
15 whether the design and construction of such dwellings are  
16 consistent with the requirements of subsection (C) (3).

17 (I) Nothing in subsections (E), (F), (G) or (H) shall be  
18 construed to affect the authority and responsibility of the  
19 Department to receive and process complaints or otherwise  
20 engage in enforcement activities under State and local law.

21 (J) Determinations by a unit of local government under  
22 subsections (E) and (F) shall not be conclusive in enforcement  
23 proceedings under this Act if those determinations are not in  
24 accord with the terms of this Act.

25 (K) Nothing in this Section requires that a dwelling be  
26 made available to an individual whose tenancy would constitute

1 a direct threat to the health or safety of others or would  
2 result in substantial physical damage to the property of  
3 others.

4 (Source: P.A. 86-910.)

5 (775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

6 Sec. 3-104.1. Refusal to sell or rent because a person has  
7 a guide, hearing or support dog. It is a civil rights violation  
8 for the owner or agent of any housing accommodation to:

9 (A) refuse to sell or rent after the making of a bonafide  
10 offer, or to refuse to negotiate for the sale or rental of, or  
11 otherwise make unavailable or deny property to any blind,  
12 hearing impaired or physically disabled ~~handicapped~~ person  
13 because he has a guide, hearing or support dog; or

14 (B) discriminate against any blind, hearing impaired or  
15 physically disabled ~~handicapped~~ person in the terms,  
16 conditions, or privileges of sale or rental property, or in the  
17 provision of services or facilities in connection therewith,  
18 because he has a guide, hearing or support dog; or

19 (C) require, because a blind, hearing impaired or  
20 physically disabled ~~handicapped~~ person has a guide, hearing or  
21 support dog, an extra charge in a lease, rental agreement, or  
22 contract of purchase or sale, other than for actual damage done  
23 to the premises by the dog.

24 (Source: P.A. 83-93.)

1 (775 ILCS 5/5-101) (from Ch. 68, par. 5-101)

2 Sec. 5-101. Definitions) The following definitions are  
3 applicable strictly in the context of this Article:

4 (A) Place of Public Accommodation. ~~(1)~~ "Place of public  
5 accommodation" means: ~~a business, accommodation, refreshment,  
6 entertainment, recreation, or transportation facility of any  
7 kind, whether licensed or not, whose goods, services,  
8 facilities, privileges, advantages or accommodations are  
9 extended, offered, sold, or otherwise made available to the  
10 public.~~

11 (1) an inn, hotel, motel, or other place of lodging,  
12 except for an establishment located within a building that  
13 contains not more than 5 rooms for rent or hire and that is  
14 actually occupied by the proprietor of such establishment  
15 as the residence of such proprietor;

16 (2) a restaurant, bar, or other establishment serving  
17 food or drink;

18 (3) a motion picture house, theater, concert hall,  
19 stadium, or other place of exhibition or entertainment;

20 (4) an auditorium, convention center, lecture hall, or  
21 other place of public gathering;

22 (5) a bakery, grocery store, clothing store, hardware  
23 store, shopping center, or other sales or rental  
24 establishment;

25 (6) a laundromat, dry-cleaner, bank, barber shop,  
26 beauty shop, travel service, shoe repair service, funeral

1 parlor, gas station, office of an accountant or lawyer,  
2 pharmacy, insurance office, professional office of a  
3 health care provider, hospital, or other service  
4 establishment;

5 (7) public conveyances on air, water, or land;

6 (8) a terminal, depot, or other station used for  
7 specified public transportation;

8 (9) a museum, library, gallery, or other place of  
9 public display or collection;

10 (10) a park, zoo, amusement park, or other place of  
11 recreation;

12 (11) a non-sectarian nursery, day care center,  
13 elementary, secondary, undergraduate, or postgraduate  
14 school, or other place of education;

15 (12) a senior citizen center, homeless shelter, food  
16 bank, adoption agency, or other social service center  
17 establishment; and

18 (13) a gymnasium, health spa, bowling alley, golf  
19 course, or other place of exercise or recreation.

20 ~~(2) By way of example, but not of limitation, "place of~~  
21 ~~public accommodation" includes facilities of the following~~  
22 ~~types: inns, restaurants, eating houses, hotels, soda~~  
23 ~~fountains, soft drink parlors, taverns, roadhouses, barber~~  
24 ~~shops, department stores, clothing stores, hat stores, shoe~~  
25 ~~stores, bathrooms, restrooms, theatres, skating rinks, public~~  
26 ~~golf courses, public golf driving ranges, concerts, cafes,~~

1 ~~bicycle rinks, elevators, ice cream parlors or rooms,~~  
2 ~~railroads, omnibuses, busses, stages, airplanes, street cars,~~  
3 ~~boats, funeral hearses, crematories, cemeteries, and public~~  
4 ~~conveyances on land, water, or air, public swimming pools and~~  
5 ~~other places of public accommodation and amusement.~~

6 (B) Operator. "Operator" means any owner, lessee,  
7 proprietor, manager, superintendent, agent, or occupant of a  
8 place of public accommodation or an employee of any such person  
9 or persons.

10 (C) Public Official. "Public official" means any officer or  
11 employee of the state or any agency thereof, including state  
12 political subdivisions, municipal corporations, park  
13 districts, forest preserve districts, educational institutions  
14 and schools.

15 (Source: P.A. 81-1267.)

16 (775 ILCS 5/5-102) (from Ch. 68, par. 5-102)

17 Sec. 5-102. Civil Rights Violations: Public  
18 Accommodations. It is a civil rights violation for any person  
19 on the basis of unlawful discrimination to:

20 (A) Enjoyment of Facilities, Goods, and Services. Deny or  
21 refuse to another the full and equal enjoyment of the  
22 facilities, goods, and services of any public place of  
23 accommodation;

24 (B) Written Communications. Directly or indirectly, as the  
25 operator of a place of public accommodation, publish,

1 circulate, display or mail any written communication, except a  
2 private communication sent in response to a specific inquiry,  
3 which the operator knows is to the effect that any of the  
4 facilities of the place of public accommodation will be denied  
5 to any person or that any person is unwelcome, objectionable or  
6 unacceptable because of unlawful discrimination;

7 (C) Public Officials. Deny or refuse to another, as a  
8 public official, the full and equal enjoyment of the  
9 accommodations, advantage, facilities or privileges of the  
10 official's office or services or of any property under the  
11 official's care because of unlawful discrimination.

12 (Source: P.A. 81-1216.)

13 (775 ILCS 5/5-102.1 new)

14 Sec. 5-102.1. No Civil Rights Violation: Public  
15 Accommodations. It is not a civil rights violation for a  
16 medical, dental, or other health care professional to refer or  
17 to refuse to treat or provide services to an individual  
18 protected under this Act for any non-discriminatory reason if,  
19 in the normal course of his or her operations, the medical,  
20 dental, or other health care professional would for the same  
21 reason refer or refuse to treat or provide services to an  
22 individual who is not protected under this Act and seeks or  
23 requires the same or similar treatment or services.

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.