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09500SB2256ham001

LRB095 18027 AJ0 51268 a

1 AMENDMENT TO SENATE BILL 2256

2 AMENDMENT NO. _____. Amend Senate Bill 2256 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 5-101 and 5-102.1 and by adding Section
6 5-102.2 as follows:

7 (775 ILCS 5/5-101) (from Ch. 68, par. 5-101)

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

10 (A) Place of Public Accommodation. "Place of public
11 accommodation" includes, but is not limited to:

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

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

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

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

7 (5) a bakery, grocery store, clothing store, hardware
8 store, shopping center, or other sales or rental
9 establishment;

10 (6) a laundromat, dry-cleaner, bank, barber shop,
11 beauty shop, travel service, shoe repair service, funeral
12 parlor, gas station, office of an accountant or lawyer,
13 pharmacy, insurance office, professional office of a
14 health care provider, hospital, or other service
15 establishment;

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

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

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

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

23 (11) a non-sectarian nursery, day care center,
24 elementary, secondary, undergraduate, or postgraduate
25 school, or other place of education ~~in regard to the~~
26 ~~failure to enroll an individual or the denial of access to~~

1 ~~its facilities, goods, or services, except that the~~
2 ~~Department shall not have jurisdiction over charges~~
3 ~~involving curriculum content, course content, or course~~
4 ~~offerings, conduct of the class by the teacher or~~
5 ~~instructor, or any activity within the classroom or~~
6 ~~connected with a class activity such as physical education;~~

7 (12) a senior citizen center, homeless shelter, food
8 bank, non-sectarian adoption agency, or other social
9 service center establishment; and

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

12 (B) Operator. "Operator" means any owner, lessee,
13 proprietor, manager, superintendent, agent, or occupant of a
14 place of public accommodation or an employee of any such person
15 or persons.

16 (C) Public Official. "Public official" means any officer or
17 employee of the state or any agency thereof, including state
18 political subdivisions, municipal corporations, park
19 districts, forest preserve districts, educational institutions
20 and schools.

21 Notwithstanding any other rulemaking authority that may
22 exist, neither the Governor nor any agency or agency head under
23 the jurisdiction of the Governor has any authority to make or
24 promulgate rules to implement or enforce the provisions of this
25 amendatory Act of the 95th General Assembly. If, however, the
26 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th
2 General Assembly, the Governor may suggest rules to the General
3 Assembly by filing them with the Clerk of the House and
4 Secretary of the Senate and by requesting that the General
5 Assembly authorize such rulemaking by law, enact those
6 suggested rules into law, or take any other appropriate action
7 in the General Assembly's discretion. Nothing contained in this
8 amendatory Act of the 95th General Assembly shall be
9 interpreted to grant rulemaking authority under any other
10 Illinois statute where such authority is not otherwise
11 explicitly given. For the purposes of this Section, "rules" is
12 given the meaning contained in Section 1-70 of the Illinois
13 Administrative Procedure Act, and "agency" and "agency head"
14 are given the meanings contained in Sections 1-20 and 1-25 of
15 the Illinois Administrative Procedure Act to the extent that
16 such definitions apply to agencies or agency heads under the
17 jurisdiction of the Governor.

18 (Source: P.A. 95-668, eff. 10-10-07.)

19 (775 ILCS 5/5-102.1)

20 Sec. 5-102.1. No Civil Rights Violation: Public
21 Accommodations.

22 (a) It is not a civil rights violation for a medical,
23 dental, or other health care professional or a private
24 professional service provider such as a lawyer, accountant, or
25 insurance agent to refer or refuse to treat or provide services

1 to an individual in a protected class for any
2 non-discriminatory reason if, in the normal course of his or
3 her operations or business, the professional would for the same
4 reason refer or refuse to treat or provide services to an
5 individual who is not in the protected class of the individual
6 who seeks or requires the same or similar treatment or
7 services.

8 (b) With respect to a place of public accommodation defined
9 in paragraph (11) of Section 5-101, the exercise of free
10 speech, free expression, free exercise of religion or
11 expression of religiously based views by any individual or
12 group of individuals that is protected under the First
13 Amendment to the United States Constitution or under Section 3
14 of Article I, or Section 4 of Article I, of the Illinois
15 Constitution, shall not be a civil rights violation.

16 (Source: P.A. 95-668, eff. 10-10-07.)

17 (775 ILCS 5/5-102.2 new)

18 Sec. 5-102.2. Jurisdiction limited. In regard to places of
19 public accommodation defined in paragraph (11) of Section
20 5-101, the jurisdiction of the Department is limited to: (1)
21 the failure to enroll an individual; (2) the denial of access
22 to facilities, goods, or services; (3) harassment, bullying, or
23 similar acts against an individual; or (4) the failure of a
24 covered entity to take corrective action to stop harassment,
25 bullying, or similar acts against an individual.

1 Notwithstanding any other rulemaking authority that may
2 exist, neither the Governor nor any agency or agency head under
3 the jurisdiction of the Governor has any authority to make or
4 promulgate rules to implement or enforce the provisions of this
5 amendatory Act of the 95th General Assembly. If, however, the
6 Governor believes that rules are necessary to implement or
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14 amendatory Act of the 95th General Assembly shall be
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17 explicitly given. For the purposes of this Section, "rules" is
18 given the meaning contained in Section 1-70 of the Illinois
19 Administrative Procedure Act, and "agency" and "agency head"
20 are given the meanings contained in Sections 1-20 and 1-25 of
21 the Illinois Administrative Procedure Act to the extent that
22 such definitions apply to agencies or agency heads under the
23 jurisdiction of the Governor.

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