



Human Services Committee

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1 AMENDMENT TO HOUSE BILL 2354

2 AMENDMENT NO. _____. Amend House Bill 2354 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Reproductive Health and Access Act.

6 Section 5. Findings and policy. The General Assembly finds
7 and declares that every individual possesses a fundamental
8 right of privacy with respect to reproductive decisions.

9 It is the public policy of this State to ensure that all
10 individuals have appropriate and necessary access to the full
11 range of reproductive education, healthcare and services,
12 including but not limited to prenatal care, adoption,
13 contraceptive care including timely access to emergency
14 contraception, pregnancy termination, comprehensive sexual
15 health education, and screening and treatment for sexually
16 transmitted infections.

1 Section 10. Definitions. In this Act:

2 "Physician" means a person licensed to practice medicine in
3 all of its branches under the Medical Practice Act of 1987.

4 "Pregnancy termination" or "termination of pregnancy"
5 means any medical treatment intended to terminate a pregnancy.
6 Pregnancy termination shall not include medical treatment
7 conducted for the purpose of increasing the probability of the
8 birth of a sustainable life.

9 "Viability" means that stage of pregnancy when, in the good
10 faith medical judgment of the attending physician, based on the
11 particular medical facts of the case before the physician,
12 there is a reasonable likelihood of the sustained survival of
13 the fetus outside of the uterus without the application of
14 extraordinary medical measures.

15 Section 15. Prohibition of interference and retaliation.

16 (a) Notwithstanding any other provision of this Act or any
17 other law to the contrary, the State or any municipality,
18 political subdivision, or other governmental unit or agency
19 shall not:

20 (1) deny or interfere with an individual's right to use
21 or refuse contraception;

22 (2) deny or interfere with a pregnant woman's right to
23 bear a child;

24 (3) deny or interfere with a pregnant woman's right to

1 terminate a pregnancy: (i) prior to the viability of the
2 fetus or (ii) when the abortion is necessary to protect the
3 life or health of the pregnant woman; or

4 (4) require any woman to terminate pregnancy without
5 her consent.

6 (b) Any party aggrieved by conduct that violates
7 subsections (1) through (4) of this Section may bring a civil
8 lawsuit in a State circuit court or as a supplemental claim in
9 a federal district court, against the offending unit of
10 government. If a federal or State court finds that a violation
11 of any of subsections (1) through (4) of this Section has
12 occurred, the court may award to the plaintiff actual damages,
13 declaratory or injunctive relief, a temporary restraining
14 order, or other relief. Upon a motion, the court shall award
15 reasonable attorneys' fees and costs, including expert witness
16 and other other litigation expenses, to a plaintiff who is a
17 prevailing party, including where the plaintiff's pursuit of a
18 non-frivolous claim was the a catalyst for a unilateral change
19 in position by the opposing party relative to the relief
20 sought.

21 Section 20. Non-discrimination in funding. Notwithstanding
22 any other provision of this Act or any other law to the
23 contrary, the State shall ensure that individuals eligible for
24 State medicaid assistance, or other State medical assistance,
25 receive financial assistance for reproductive healthcare at

1 least to the same extent as other comparable services.
2 Violation of this provision shall constitute a denial or
3 interference in contravention of Section 15 of this Act.

4 Section 25. Pregnancy terminations.

5 (a) Pregnancy terminations shall be performed in
6 accordance with accepted standards of medical practice, by the
7 method that, in the clinical judgment of the attending medical
8 professional, will best serve the interests of the pregnant
9 patient. Notwithstanding any other provision of this Act or any
10 other law to the contrary, a qualified medical professional is
11 not liable for civil damages or subject to criminal penalty
12 relating to a pregnancy termination performed in good faith, in
13 accordance with the attending medical professional's good
14 faith clinical judgment and accepted standards of medical
15 practice.

16 (b) Notwithstanding any other provision of this Act or any
17 other law to the contrary, a report of each pregnancy
18 termination performed shall be made to the Illinois Department
19 of Public Health on forms prescribed by the Department. Such
20 report forms shall not identify the patient by name and shall
21 preserve the anonymity of each woman who has obtained a
22 pregnancy termination. The Department of Public Health shall
23 promulgate and enforce regulations regarding the
24 administration of these reporting requirements that secure
25 protection of patient identity and ensure the anonymity of each

1 woman who has undergone a pregnancy termination. Failure of the
2 Department to preserve confidentiality and anonymity shall
3 constitute interference in contravention of Section 15 of this
4 Act.

5 Section 30. Sexual health education. Notwithstanding any
6 other provision of this Act or any other law, all Illinois
7 public schools shall offer medically accurate, age
8 appropriate, comprehensive sexual health education as a part of
9 the Comprehensive Health Education Program established in
10 Section 3 of the Critical Health Problems and Comprehensive
11 Health Education Act. Course material and instruction shall be
12 free of bias regarding race, color, sex, sexual orientation,
13 gender identity, religion, disability, or national or ethnic
14 origin. The Illinois Department of Public Health shall
15 promulgate and enforce regulations consistent with this
16 provision.

17 Section 35. Patient access.

18 (a) Pursuant to this Act, all individuals shall have
19 appropriate and necessary access to the full range of
20 reproductive healthcare. Notwithstanding any other provision
21 of this Act or any other law to the contrary, individual health
22 care professionals who object to providing certain
23 reproductive health care based on religion or personal
24 conscience may refuse to provide such services only under the

1 following conditions:

2 (1) the objecting health care professional provides
3 prior written notice to patients, or, where the objecting
4 professional is an employee, to his or her employer, of his
5 or her intention to refuse to provide such health care
6 services;

7 (2) the objecting health care professional or another
8 health care professional within his or her practice or
9 place of employment provides the patient with timely,
10 accurate, and complete information about the patient's
11 care options in a balanced and professional manner;

12 (3) the objecting health care professional or another
13 health care professional within his or her practice or
14 place of employment assists the patient in obtaining such
15 care in a timely fashion; and

16 (4) where the objecting health care professional is an
17 employee, the employer can accommodate the employee's
18 objection without undue hardship.

19 (B) Violations of this Section shall be sanctioned under
20 State licensing statutes by the appropriate State agency.

21 Section 40. Construction. This Act and the rules now or
22 hereafter applicable thereto shall be liberally construed
23 consistent with the public policies announced in this Act.

24 Section 45. The Critical Health Problems and Comprehensive

1 Health Education Act is amended by changing Section 3 as
2 follows:

3 (105 ILCS 110/3) (from Ch. 122, par. 863)

4 Sec. 3. Comprehensive Health Education Program. The
5 program established under this Act shall include, but not be
6 limited to, the following major educational areas as a basis
7 for curricula in all elementary and secondary schools in this
8 State: human ecology and health, human growth and development,
9 the emotional, psychological, physiological, hygienic and
10 social responsibilities of family life, including
11 comprehensive sexual health education that complies with
12 Section 30 of Reproductive Health and Access Act, sexual
13 abstinence until marriage, prevention and control of disease,
14 including instruction in grades 6 through 12 on the prevention,
15 transmission and spread of AIDS, sexual assault awareness in
16 secondary schools, public and environmental health, consumer
17 health, safety education and disaster survival, mental health
18 and illness, personal health habits, alcohol, drug use, and
19 abuse including the medical and legal ramifications of alcohol,
20 drug, and tobacco use, abuse during pregnancy, sexual
21 abstinence until marriage, tobacco, nutrition, and dental
22 health. The program shall also provide course material and
23 instruction to advise pupils of the Abandoned Newborn Infant
24 Protection Act. Notwithstanding the above educational areas,
25 the following areas may also be included as a basis for

1 curricula in all elementary and secondary schools in this
2 State: basic first aid (including, but not limited to,
3 cardiopulmonary resuscitation and the Heimlich maneuver),
4 early prevention and detection of cancer, heart disease,
5 diabetes, stroke, and the prevention of child abuse, neglect,
6 and suicide.

7 The school board of each public elementary and secondary
8 school in the State shall encourage all teachers and other
9 school personnel to acquire, develop, and maintain the
10 knowledge and skills necessary to properly administer
11 life-saving techniques, including without limitation the
12 Heimlich maneuver and rescue breathing. The training shall be
13 in accordance with standards of the American Red Cross, the
14 American Heart Association, or another nationally recognized
15 certifying organization. A school board may use the services of
16 non-governmental entities whose personnel have expertise in
17 life-saving techniques to instruct teachers and other school
18 personnel in these techniques. Each school board is encouraged
19 to have in its employ, or on its volunteer staff, at least one
20 person who is certified, by the American Red Cross or by
21 another qualified certifying agency, as qualified to
22 administer first aid and cardiopulmonary resuscitation. In
23 addition, each school board is authorized to allocate
24 appropriate portions of its institute or inservice days to
25 conduct training programs for teachers and other school
26 personnel who have expressed an interest in becoming qualified

1 to administer emergency first aid or cardiopulmonary
2 resuscitation. School boards are urged to encourage their
3 teachers and other school personnel who coach school athletic
4 programs and other extracurricular school activities to
5 acquire, develop, and maintain the knowledge and skills
6 necessary to properly administer first aid and cardiopulmonary
7 resuscitation in accordance with standards and requirements
8 established by the American Red Cross or another qualified
9 certifying agency. Subject to appropriation, the State Board of
10 Education shall establish and administer a matching grant
11 program to pay for half of the cost that a school district
12 incurs in training those teachers and other school personnel
13 who express an interest in becoming qualified to administer
14 cardiopulmonary resuscitation (which training must be in
15 accordance with standards of the American Red Cross, the
16 American Heart Association, or another nationally recognized
17 certifying organization) or in learning how to use an automated
18 external defibrillator. A school district that applies for a
19 grant must demonstrate that it has funds to pay half of the
20 cost of the training for which matching grant money is sought.
21 The State Board of Education shall award the grants on a
22 first-come, first-serve basis.

23 No pupil shall be required to take or participate in any
24 class or course on AIDS or family life instruction if his
25 parent or guardian submits written objection thereto, and
26 refusal to take or participate in the course or program shall

1 not be reason for suspension or expulsion of the pupil.

2 Curricula developed under programs established in
3 accordance with this Act in the major educational area of
4 alcohol and drug use and abuse shall include classroom
5 instruction in grades 5 through 12. The instruction, which
6 shall include matters relating to both the physical and legal
7 effects and ramifications of drug and substance abuse, shall be
8 integrated into existing curricula; and the State Board of
9 Education shall develop and make available to all elementary
10 and secondary schools in this State instructional materials and
11 guidelines which will assist the schools in incorporating the
12 instruction into their existing curricula. In addition, school
13 districts may offer, as part of existing curricula during the
14 school day or as part of an after school program, support
15 services and instruction for pupils or pupils whose parent,
16 parents, or guardians are chemically dependent.

17 (Source: P.A. 94-933, eff. 6-26-06; 95-43, eff. 1-1-08; 95-764,
18 eff. 1-1-09; revised 9-5-08.)

19 Section 97. Severability. If any portion of this Act or any
20 amendments thereto, or its applicability to any person or
21 circumstance is held invalid by a court, the remainder of this
22 Act or its applicability to other persons or circumstances
23 shall not be affected.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".