



Rep. Barbara Flynn Currie

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1 AMENDMENT TO HOUSE BILL 2354

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

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

7 Section 5. Findings and policy. The General Assembly finds
8 and declares that every healthcare professional possesses a
9 fundamental right of religious liberty and that every
10 individual possesses a fundamental right of privacy with
11 respect to reproductive decisions.

12 It is the public policy of this State to ensure that all
13 individuals have appropriate and necessary access to the full
14 range of reproductive education, healthcare and services,
15 including but not limited to prenatal care, adoption,
16 contraceptive care including timely access to emergency

1 contraception, pregnancy termination, comprehensive sexual
2 health education, and screening and treatment for sexually
3 transmitted infections.

4 Section 10. Definitions. In this Act:

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

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

12 "Viability" means that stage of fetal development when, in
13 the medical judgment of the attending physician based on the
14 particular medical facts of the case before the physician,
15 there is a reasonable likelihood of the sustained survival of
16 the fetus outside the womb with or without artificial support.

17 Section 15. Prohibition of interference and retaliation.

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

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

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

1 bear a child;

2 (3) deny or interfere with a pregnant woman's right to
3 terminate a pregnancy: (i) prior to the viability of the
4 fetus or (ii) when the abortion is necessary to protect the
5 life or health of the pregnant woman; or

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

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

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

1 receive financial assistance for reproductive healthcare at
2 least to the same extent as other comparable services.
3 Violation of this provision shall constitute a denial or
4 interference in contravention of Section 15 of this Act.

5 Section 25. Pregnancy terminations.

6 (a) Pregnancy terminations shall be performed in
7 accordance with accepted standards of medical practice, by the
8 method that, in the clinical judgment of the attending
9 physician, will best serve the interests of the pregnant
10 patient. A qualified medical professional is not liable for
11 civil damages or subject to criminal penalty relating to a
12 pregnancy termination performed in good faith and in accordance
13 with accepted standards of medical practice.

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

1 constitute interference in contravention of Section 15 of this
2 Act.

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

15 Section 35. Religious and conscience refusals and patient
16 access.

17 (a) Pursuant to this Act, all health care professionals
18 licensed under the Medical Practice Act of 1987, Nurse Practice
19 Act, Physician Assistant Act of 1987, and Pharmacy Practice Act
20 who object to providing reproductive health care based on
21 religion or personal conscience may refuse to provide such
22 services. The objecting health care professional must provide
23 prior written or oral notice to patients. If an objecting
24 professional is an employee, he or she must provide notice to

1 the employer of the intention to refuse. Timely and accurate
2 information and referral must also be given to the patient. The
3 information and referral may be given by a professional
4 employee of the employer other than the objecting medical
5 professional. The employer must accommodate an employee's
6 objection in accordance with the standards set forth in the
7 federal Civil Rights Act of 1964, Title VII, 42 U.S.C.
8 2000e-2(a) and 42 U.S.C. 2000e(j).

9 (b) Violations of this Section shall be sanctioned under
10 State licensing statutes by the appropriate State agency.

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

14 Section 45. The Critical Health Problems and Comprehensive
15 Health Education Act is amended by changing Section 3 as
16 follows:

17 (105 ILCS 110/3) (from Ch. 122, par. 863)

18 Sec. 3. Comprehensive Health Education Program. The
19 program established under this Act shall include, but not be
20 limited to, the following major educational areas as a basis
21 for curricula in all elementary and secondary schools in this
22 State: human ecology and health, human growth and development,
23 the emotional, psychological, physiological, hygienic and

1 social responsibilities of family life, including
2 comprehensive sexual health education that complies with
3 Section 30 of Reproductive Health and Access Act, sexual
4 abstinence until marriage, prevention and control of disease,
5 including instruction in grades 6 through 12 on the prevention,
6 transmission and spread of AIDS, sexual assault awareness in
7 secondary schools, public and environmental health, consumer
8 health, safety education and disaster survival, mental health
9 and illness, personal health habits, alcohol, drug use, and
10 abuse including the medical and legal ramifications of alcohol,
11 drug, and tobacco use, abuse during pregnancy, sexual
12 abstinence until marriage, tobacco, nutrition, and dental
13 health. The program shall also provide course material and
14 instruction to advise pupils of the Abandoned Newborn Infant
15 Protection Act. Notwithstanding the above educational areas,
16 the following areas may also be included as a basis for
17 curricula in all elementary and secondary schools in this
18 State: basic first aid (including, but not limited to,
19 cardiopulmonary resuscitation and the Heimlich maneuver),
20 early prevention and detection of cancer, heart disease,
21 diabetes, stroke, and the prevention of child abuse, neglect,
22 and suicide.

23 The school board of each public elementary and secondary
24 school in the State shall encourage all teachers and other
25 school personnel to acquire, develop, and maintain the
26 knowledge and skills necessary to properly administer

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

1 program to pay for half of the cost that a school district
2 incurs in training those teachers and other school personnel
3 who express an interest in becoming qualified to administer
4 cardiopulmonary resuscitation (which training must be in
5 accordance with standards of the American Red Cross, the
6 American Heart Association, or another nationally recognized
7 certifying organization) or in learning how to use an automated
8 external defibrillator. A school district that applies for a
9 grant must demonstrate that it has funds to pay half of the
10 cost of the training for which matching grant money is sought.
11 The State Board of Education shall award the grants on a
12 first-come, first-serve basis.

13 No pupil shall be required to take or participate in any
14 class or course on comprehensive sexual health education, AIDS,
15 or family life instruction if his parent or guardian submits
16 written objection thereto, and refusal to take or participate
17 in the course or program shall not be reason for suspension or
18 expulsion of the pupil.

19 Curricula developed under programs established in
20 accordance with this Act in the major educational area of
21 alcohol and drug use and abuse shall include classroom
22 instruction in grades 5 through 12. The instruction, which
23 shall include matters relating to both the physical and legal
24 effects and ramifications of drug and substance abuse, shall be
25 integrated into existing curricula; and the State Board of
26 Education shall develop and make available to all elementary

1 and secondary schools in this State instructional materials and
2 guidelines which will assist the schools in incorporating the
3 instruction into their existing curricula. In addition, school
4 districts may offer, as part of existing curricula during the
5 school day or as part of an after school program, support
6 services and instruction for pupils or pupils whose parent,
7 parents, or guardians are chemically dependent.

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

10 Section 97. Severability. If any portion of this Act or any
11 amendments thereto, or its applicability to any person or
12 circumstance is held invalid by a court, the remainder of this
13 Act or its applicability to other persons or circumstances
14 shall not be affected.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."