

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 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;

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

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

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

23 (5) a bakery, grocery store, clothing store, hardware

1 store, shopping center, or other sales or rental
2 establishment;

3 (6) a laundromat, dry-cleaner, bank, barber shop,
4 beauty shop, travel service, shoe repair service, funeral
5 parlor, gas station, office of an accountant or lawyer,
6 pharmacy, insurance office, professional office of a
7 health care provider, hospital, or other service
8 establishment;

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

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

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

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

16 (11) a non-sectarian nursery, day care center,
17 elementary, secondary, undergraduate, or postgraduate
18 school, or other place of education ~~in regard to the~~
19 ~~failure to enroll an individual or the denial of access to~~
20 ~~its facilities, goods, or services, except that the~~
21 ~~Department shall not have jurisdiction over charges~~
22 ~~involving curriculum content, course content, or course~~
23 ~~offerings, conduct of the class by the teacher or~~
24 ~~instructor, or any activity within the classroom or~~
25 ~~connected with a class activity such as physical education;~~

26 (12) a senior citizen center, homeless shelter, food

1 bank, non-sectarian adoption agency, or other social
2 service center establishment; and

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

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

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

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

15 (775 ILCS 5/5-102.1)

16 Sec. 5-102.1. No Civil Rights Violation: Public
17 Accommodations.

18 (a) It is not a civil rights violation for a medical,
19 dental, or other health care professional or a private
20 professional service provider such as a lawyer, accountant, or
21 insurance agent to refer or refuse to treat or provide services
22 to an individual in a protected class for any
23 non-discriminatory reason if, in the normal course of his or
24 her operations or business, the professional would for the same
25 reason refer or refuse to treat or provide services to an

1 individual who is not in the protected class of the individual
2 who seeks or requires the same or similar treatment or
3 services.

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

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

13 (775 ILCS 5/5-102.2 new)

14 Sec. 5-102.2. Jurisdiction limited. In regard to places of
15 public accommodation defined in paragraph (11) of Section
16 5-101, the jurisdiction of the Department is limited to: (1)
17 the failure to enroll an individual; (2) the denial of access
18 to facilities, goods, or services; or (3) severe or pervasive
19 harassment of an individual when the covered entity fails to
20 take corrective action to stop the severe or pervasive
21 harassment.

22 Section 99. Effective date. This Act takes effect January
23 1, 2010.