



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6205

Introduced 2/11/2010, by Rep. Barbara Flynn Currie - Naomi D. Jakobsson - Sara Feigenholtz, Karen May, Elaine Nekritz, et al.

SYNOPSIS AS INTRODUCED:

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Creates the Reproductive Health and Access Act. Provides that the State or any municipality, political subdivision, or other governmental unit or agency shall not: (1) deny or interfere with an individual's right to use or refuse contraception; (2) deny or interfere with a pregnant woman's right to bear a child; (3) deny or interfere with a pregnant woman's right to terminate a pregnancy: (i) prior to the viability of the fetus or (ii) when the termination of pregnancy is necessary to protect the life or health of the pregnant woman; or (4) require any woman to terminate pregnancy without her consent. Provides that party aggrieved by conduct that violates the Act may bring a civil lawsuit against the offending unit of government. Provides that the State shall ensure that individuals eligible for State medicaid assistance, or other State medical assistance, receive financial assistance for reproductive healthcare at least to the same extent as other comparable services. Provides that pregnancy terminations shall be performed in accordance with accepted standards of medical practice, by the method that, in the clinical judgment of the attending physician, will best serve the interests of the pregnant patient. Provides that all Illinois public schools shall offer medically accurate, age appropriate, comprehensive sexual health education as a part of the Comprehensive Health Education Program established in the Critical Health Problems and Comprehensive Health Education Act. Amends the Critical Health Problems and Comprehensive Health Education Act to provide that the Comprehensive Health Education Program shall comply with the Reproductive Health and Access Act. Provides that the provisions of the Act are severable. Contains other provisions.

LRB096 20273 RPM 35870 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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.

17 Section 10. Definitions. In this Act:

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

20 "Pregnancy termination" or "termination of pregnancy"
21 means any medical treatment intended to terminate a pregnancy.
22 Pregnancy termination shall not include medical treatment

1 conducted for the purpose of increasing the probability of the
2 birth of a sustainable life.

3 "Viability" means that stage of fetal development when, in
4 the medical judgment of the attending physician, based on the
5 particular medical facts of the case before the physician,
6 there is a reasonable likelihood of the sustained survival of
7 the fetus outside of the uterus with or without artificial
8 support.

9 Section 15. Prohibition of interference.

10 (a) Notwithstanding any other provision of this Act or any
11 other law to the contrary, the State of Illinois, any
12 municipality, county, township, school district, or other
13 political subdivision of the State, or any agency, department,
14 or division of any governmental entity shall not:

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

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

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

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

25 (b) Any party aggrieved by conduct that violates subsection

1 (a) of this Section may bring a civil lawsuit against the
2 offending governmental entity, including the State or Illinois
3 or any city, county, township, school district, or other
4 political subdivision of the State, or any agency, department
5 or division of any such governmental entity, in a State circuit
6 court or in a federal district court, for declaratory or
7 injunctive relief, compensatory and punitive damages, and any
8 other appropriate relief. A prevailing plaintiff shall, upon
9 motion, be awarded reasonable attorneys' fees, costs and
10 expenses, including expert witness and other litigation
11 expenses, including where the plaintiff's pursuit of a
12 non-frivolous claim was a catalyst for a unilateral change in
13 position by the opposing party.

14 Section 20. Non-discrimination in funding. Notwithstanding
15 any other provision of this Act or any other law to the
16 contrary, the State shall ensure that individuals eligible for
17 State medicaid assistance, or other State medical assistance,
18 receive financial assistance for reproductive healthcare at
19 least to the same extent as other comparable services.
20 Violation of this provision shall constitute a denial or
21 interference in contravention of Section 15 of this Act.

22 Section 25. Pregnancy terminations.

23 (a) Pregnancy terminations shall be performed in
24 accordance with accepted standards of medical practice, by the

1 method that, in the clinical judgment of the attending
2 physician, will best serve the interests of the pregnant
3 patient. A qualified medical professional shall not be liable
4 for civil damages or subject to criminal penalty relating to a
5 pregnancy termination performed in good faith and in accordance
6 with accepted standards of medical practice.

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

21 Section 30. Sexual health education. Notwithstanding any
22 other provision of this Act or any other law, all Illinois
23 public schools shall offer medically accurate, age
24 appropriate, comprehensive sexual health education as a part of
25 the Comprehensive Health Education Program established in

1 Section 3 of the Critical Health Problems and Comprehensive
2 Health Education Act. Course material and instruction shall be
3 free of bias in accordance with the nondiscrimination
4 provisions of the Illinois Human Rights Act. The State Board of
5 Education shall promulgate and enforce rules consistent with
6 this provision.

7 Section 35. Construction. This Act and the rules now or
8 hereafter applicable thereto shall be liberally construed
9 consistent with the public policies announced in this Act.

10 Section 40. Parental notice. Notwithstanding any other
11 provision of this Act, nothing in this Act shall be construed
12 to repeal the Illinois Parental Notice of Abortion Act of 1995.

13 Section 90. The Critical Health Problems and Comprehensive
14 Health Education Act is amended by changing Section 3 as
15 follows:

16 (105 ILCS 110/3)

17 Sec. 3. Comprehensive Health Education Program. The
18 program established under this Act shall include, but not be
19 limited to, the following major educational areas as a basis
20 for curricula in all elementary and secondary schools in this
21 State: human ecology and health, human growth and development,
22 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 the 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. The program shall include information about
16 cancer, including without limitation types of cancer, signs and
17 symptoms, risk factors, the importance of early prevention and
18 detection, and information on where to go for help.
19 Notwithstanding the above educational areas, the following
20 areas may also be included as a basis for curricula in all
21 elementary and secondary schools in this State: basic first aid
22 (including, but not limited to, cardiopulmonary resuscitation
23 and the Heimlich maneuver), heart disease, diabetes, stroke,
24 the prevention of child abuse, neglect, and suicide, and teen
25 dating violence in grades 8 through 12.

26 The school board of each public elementary and secondary

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

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

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

22 Curricula developed under programs established in
23 accordance with this Act in the major educational area of
24 alcohol and drug use and abuse shall include classroom
25 instruction in grades 5 through 12. The instruction, which
26 shall include matters relating to both the physical and legal

1 effects and ramifications of drug and substance abuse, shall be
2 integrated into existing curricula; and the State Board of
3 Education shall develop and make available to all elementary
4 and secondary schools in this State instructional materials and
5 guidelines which will assist the schools in incorporating the
6 instruction into their existing curricula. In addition, school
7 districts may offer, as part of existing curricula during the
8 school day or as part of an after school program, support
9 services and instruction for pupils or pupils whose parent,
10 parents, or guardians are chemically dependent.

11 (Source: P.A. 95-43, eff. 1-1-08; 95-764, eff. 1-1-09; 96-128,
12 eff. 1-1-10; 96-328, eff. 8-11-09; 96-383, eff. 1-1-10; revised
13 9-25-09.)

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

1	INDEX
2	Statutes amended in order of appearance
3	New Act
4	105 ILCS 110/3