

AN ACT concerning health.

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

Section 1. Short title. This Act may be cited as the Reproductive Health Records Privacy Act.

Section 5. Definitions. As used in this Act:

"Abortion" has the meaning given to that term in Section 1-10 of the Reproductive Health Act.

"Abortion-related health care services" means all supplies, care, and services of a medical, behavioral health, mental health, physical health, surgical, psychiatric, therapeutic, diagnostic, preventive, rehabilitative, or supportive nature relating to an abortion.

"Coded private health care information" means the health information contained in an electronic health network, related to the following, unless expanded, narrowed, or otherwise changed by rule adopted by the Department of Public Health under this Act:

(1) codes for designating diagnoses, treatments, outcomes, or other health care information, including, without limitation, Current Procedural Terminology (CPT) codes, Healthcare Common Procedure Coding System (HCPCS) codes, or National Drug Codes, associated with any of the

following:

(A) complications following induced termination of pregnancy;

(B) failed attempted termination of pregnancy;

(C) continuing pregnancy after selective reduction of one fetus or more;

(D) encounter for elective termination of pregnancy;

(E) induced abortion;

(F) multifetal pregnancy reductions;

(G) mifepristone; or

(H) medically induced abortion by oral ingestion of medication, including all associated services and supplies except drugs or medications; and

(2) medical diagnosis codes associated with gender dysphoria.

"Covered entity" has the meaning given to that term in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as specified in 45 CFR 160.103.

"Electronic health network" means an entity, other than a health care provider or a hospital licensed under the Illinois Hospital Licensing Act or a hospital licensed under the University of Illinois Hospital Act, that is responsible for facilitating the exchange of health information and is either:

(1) an entity that provides software or services that allow health care providers to maintain health care

information electronically and make that information available to other authorized persons, providers, or entities; or

(2) a health information technology developer of certified health information technology that develops or offers health information technology, as that term is defined in 42 U.S.C. 300jj(5).

"Health care provider" has the meaning given to that term in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as specified in 45 CFR 160.103.

"Patient" means any person who has received or is receiving health care services in this State from an individual or institution licensed to provide health care services in this State.

"Private health care information" means the health information contained in an electronic health network related to the following, unless expanded, narrowed, or otherwise changed by rule adopted by the Department of Public Health under this Act:

- (1) coded private health care information; and
- (2) abortion or abortion-related health care services.

Section 10. Segregation of information; technological capabilities.

(a) An electronic health network shall prevent the disclosure of a patient's coded private health care

information to a provider, business entity, other electronic health network, or health information exchange located outside this State unless the disclosure is:

- (1) for technical support purposes;
- (2) for quality assurance purposes;
- (3) for payment or health care operations, as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA); or

(4) to a specific covered entity with the consent of:

(A) the patient, for health care services for which the patient can provide consent under the laws of this State; or

(B) the patient's parent, guardian, health care surrogate decision maker, or power of attorney for health care for health care services for which the parent, guardian, health care surrogate decision maker, or power of attorney for health care can provide consent under the laws of this State.

(b) An electronic health network shall develop and enable the technological capabilities to, with respect to out-of-state disclosures:

(1) parse coded private health care information and convey all other information in a patient's electronic health record that is not prohibited by law;

(2) allow a health care provider to manually segregate or otherwise prevent the sharing or disclosure of private

health care information from a patient's electronic health record;

(3) allow a patient to request and consent to the exchange of private health care information to a specific covered entity; and

(4) allow a patient to opt out of segregating private health care information in a patient's electronic health record.

(c) An electronic health network shall not notify a health care provider, business entity, other electronic health network, or health information exchange located outside this State that private health care information may have been segregated from a patient's electronic health record.

(d) The Department of Public Health may adopt rules as necessary to administer and implement this Act. If the Department adopts rules regarding the definition of private health care information, the Department shall consider any necessary exceptions to segregation and adopt rules that set forth those exceptions as determined.

(e) Nothing in this Act shall be interpreted to undermine the existing protections against disclosure of confidential health information or lawful health care activity, including, but not limited to, pursuant to the Lawful Health Care Activity Act and the Personal Information Protection Act.

(f) Nothing in this Act shall be interpreted to require health care providers to use electronic health networks.

Section 15. Patient direction to share health information.

(a) A patient may direct private health care information to be shared, in whole or in part, with a specific covered entity located outside the State through an electronic health network in accordance with 45 CFR 171.202(b)(1). A patient may also revoke a prior decision to direct private health care information to be shared or not to be shared.

(b) An electronic health network shall make available to covered entities meaningful information regarding a patient's right to direct the electronic health network to share the patient's private health care information.

(c) The Department of Public Health may publish, on its website, information about this Act in English, Spanish, and any other languages the Department deems necessary.

Section 20. Violations. Any person aggrieved by a violation of this Act by an electronic health network may bring an action against that electronic health network. Actual damages, injunctive relief, and reasonable attorney's fees and costs, as well as any other relief which the court deems proper, may be awarded to a successful plaintiff in any action under this Act. Nothing contained in this Act shall be deemed to authorize the bringing of any action against any health care provider.

Public Act 104-0471

HB5295 Enrolled

LRB104 20300 BDA 34136 b

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect July 1, 2027.