



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1594

Introduced 1/28/2025, by Rep. Laura Faver Dias

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-102  
775 ILCS 5/5-102.3 new

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation for an employer, employment agency, or labor organization to take certain employment-related actions on the basis of an individual's weight and size. Provides that it is a civil rights violation for the owner, lessee, proprietor, manager, superintendent, agent, or employee of a place of public accommodation, because of the weight and size of any person, directly or indirectly, to refuse, withhold from, or deny to any individual any of the accommodations, advantages, facilities, or privileges of the place of public accommodation.

LRB104 06954 JRC 16991 b

1 AN ACT concerning human rights.

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 2-102 and by adding Section 5-102.3 as  
6 follows:

7 (775 ILCS 5/2-102)

8 (Text of Section before amendment by P.A. 103-804)

9 Sec. 2-102. Civil rights violations; employment violations  
10 ~~employment~~. It is a civil rights violation:

11 (A) Employers. For any employer to refuse to hire, to  
12 segregate, to engage in harassment as defined in  
13 subsection (E-1) of Section 2-101, or to act with respect  
14 to recruitment, hiring, promotion, renewal of employment,  
15 selection for training or apprenticeship, discharge,  
16 discipline, tenure or terms, privileges or conditions of  
17 employment on the basis of unlawful discrimination,  
18 citizenship status, work authorization status, or family  
19 responsibilities. An employer is responsible for  
20 harassment by the employer's nonmanagerial and  
21 nonsupervisory employees only if the employer becomes  
22 aware of the conduct and fails to take reasonable  
23 corrective measures.

1 (A-5) Language. For an employer to impose a  
2 restriction that has the effect of prohibiting a language  
3 from being spoken by an employee in communications that  
4 are unrelated to the employee's duties.

5 For the purposes of this subdivision (A-5), "language"  
6 means a person's native tongue, such as Polish, Spanish,  
7 or Chinese. "Language" does not include such things as  
8 slang, jargon, profanity, or vulgarity.

9 (A-10) Harassment of nonemployees. For any employer,  
10 employment agency, or labor organization to engage in  
11 harassment of nonemployees in the workplace. An employer  
12 is responsible for harassment of nonemployees by the  
13 employer's nonmanagerial and nonsupervisory employees only  
14 if the employer becomes aware of the conduct and fails to  
15 take reasonable corrective measures. For the purposes of  
16 this subdivision (A-10), "nonemployee" means a person who  
17 is not otherwise an employee of the employer and is  
18 directly performing services for the employer pursuant to  
19 a contract with that employer. "Nonemployee" includes  
20 contractors and consultants. This subdivision applies to  
21 harassment occurring on or after January 1, 2020 (the  
22 effective date of Public Act 101-221) ~~this amendatory Act~~  
23 ~~of the 101st General Assembly.~~

24 (B) Employment agency. For any employment agency to  
25 fail or refuse to classify properly, accept applications  
26 and register for employment referral or apprenticeship

1 referral, refer for employment, or refer for  
2 apprenticeship on the basis of unlawful discrimination,  
3 citizenship status, work authorization status, or family  
4 responsibilities or to accept from any person any job  
5 order, requisition or request for referral of applicants  
6 for employment or apprenticeship which makes or has the  
7 effect of making unlawful discrimination or discrimination  
8 on the basis of citizenship status, work authorization  
9 status, or family responsibilities a condition of  
10 referral.

11 (C) Labor organization. For any labor organization to  
12 limit, segregate or classify its membership, or to limit  
13 employment opportunities, selection and training for  
14 apprenticeship in any trade or craft, or otherwise to  
15 take, or fail to take, any action which affects adversely  
16 any person's status as an employee or as an applicant for  
17 employment or as an apprentice, or as an applicant for  
18 apprenticeships, or wages, tenure, hours of employment or  
19 apprenticeship conditions on the basis of unlawful  
20 discrimination, citizenship status, work authorization  
21 status, or family responsibilities.

22 (D) Sexual harassment. For any employer, employee,  
23 agent of any employer, employment agency or labor  
24 organization to engage in sexual harassment; provided,  
25 that an employer shall be responsible for sexual  
26 harassment of the employer's employees by nonemployees or

1 nonmanagerial and nonsupervisory employees only if the  
2 employer becomes aware of the conduct and fails to take  
3 reasonable corrective measures.

4 (D-5) Sexual harassment of nonemployees. For any  
5 employer, employee, agent of any employer, employment  
6 agency, or labor organization to engage in sexual  
7 harassment of nonemployees in the workplace. An employer  
8 is responsible for sexual harassment of nonemployees by  
9 the employer's nonmanagerial and nonsupervisory employees  
10 only if the employer becomes aware of the conduct and  
11 fails to take reasonable corrective measures. For the  
12 purposes of this subdivision (D-5), "nonemployee" means a  
13 person who is not otherwise an employee of the employer  
14 and is directly performing services for the employer  
15 pursuant to a contract with that employer. "Nonemployee"  
16 includes contractors and consultants. This subdivision  
17 applies to sexual harassment occurring on or after January  
18 1, 2020 (the effective date of Public Act 101-221) ~~this~~  
19 ~~amendatory Act of the 101st General Assembly.~~

20 (E) Public employers. For any public employer to  
21 refuse to permit a public employee under its jurisdiction  
22 who takes time off from work in order to practice his or  
23 her religious beliefs to engage in work, during hours  
24 other than such employee's regular working hours,  
25 consistent with the operational needs of the employer and  
26 in order to compensate for work time lost for such

1 religious reasons. Any employee who elects such deferred  
2 work shall be compensated at the wage rate which he or she  
3 would have earned during the originally scheduled work  
4 period. The employer may require that an employee who  
5 plans to take time off from work in order to practice his  
6 or her religious beliefs provide the employer with a  
7 notice of his or her intention to be absent from work not  
8 exceeding 5 days prior to the date of absence.

9 (E-5) Religious discrimination. For any employer to  
10 impose upon a person as a condition of obtaining or  
11 retaining employment, including opportunities for  
12 promotion, advancement, or transfer, any terms or  
13 conditions that would require such person to violate or  
14 forgo a sincerely held practice of his or her religion  
15 including, but not limited to, the wearing of any attire,  
16 clothing, or facial hair in accordance with the  
17 requirements of his or her religion, unless, after  
18 engaging in a bona fide effort, the employer demonstrates  
19 that it is unable to reasonably accommodate the employee's  
20 or prospective employee's sincerely held religious belief,  
21 practice, or observance without undue hardship on the  
22 conduct of the employer's business.

23 Nothing in this Section prohibits an employer from  
24 enacting a dress code or grooming policy that may include  
25 restrictions on attire, clothing, or facial hair to  
26 maintain workplace safety or food sanitation.

1 (F) Training and apprenticeship programs. For any  
2 employer, employment agency or labor organization to  
3 discriminate against a person on the basis of age in the  
4 selection, referral for or conduct of apprenticeship or  
5 training programs.

6 (G) Immigration-related practices.

7 (1) for an employer to request for purposes of  
8 satisfying the requirements of Section 1324a(b) of  
9 Title 8 of the United States Code, as now or hereafter  
10 amended, more or different documents than are required  
11 under such Section or to refuse to honor documents  
12 tendered that on their face reasonably appear to be  
13 genuine or to refuse to honor work authorization based  
14 upon the specific status or term of status that  
15 accompanies the authorization to work; or

16 (2) for an employer participating in the E-Verify  
17 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
18 Programs for Employment Eligibility Confirmation  
19 (enacted by PL 104-208, div. C title IV, subtitle A) to  
20 refuse to hire, to segregate, or to act with respect to  
21 recruitment, hiring, promotion, renewal of employment,  
22 selection for training or apprenticeship, discharge,  
23 discipline, tenure or terms, privileges or conditions  
24 of employment without following the procedures under  
25 the E-Verify Program.

26 (H) (Blank).

1           (H-5) Weight and size.

2           (1) For an employer or licensing agency, on the  
3 basis of an individual's weight and size, to refuse to  
4 hire or employ the individual, to bar or discharge the  
5 individual from employment, or to discriminate against  
6 the individual in compensation or in terms,  
7 conditions, or privileges of employment.

8           (2) For an employment agency, on the basis of an  
9 individual's weight and size, to discriminate in  
10 receiving, classifying, disposing, or otherwise acting  
11 upon an application for the employment agency's  
12 services or in referring an individual to an employer.

13           (3) For a labor organization, on the basis of an  
14 individual's weight and size, to exclude an  
15 individual, to expel an individual from its  
16 membership, or to discriminate in any way against any  
17 of its members or against any employer or any  
18 individual employed by an employer.

19           (4) For any employer or employment agency to print  
20 or circulate, or cause to be printed or circulated,  
21 any statement, advertisement, or publication, or to  
22 use any form of application for employment or to make  
23 any inquiry in connection with prospective employment  
24 which expresses, directly or indirectly, any  
25 limitation, specification, or discrimination as to  
26 weight and size, or any intent to make a weight and

1           size limitation, specification, or discrimination,  
2           unless based upon a bona fide occupational  
3           qualification.

4           (I) Pregnancy. For an employer to refuse to hire, to  
5 segregate, or to act with respect to recruitment, hiring,  
6 promotion, renewal of employment, selection for training  
7 or apprenticeship, discharge, discipline, tenure or terms,  
8 privileges or conditions of employment on the basis of  
9 pregnancy, childbirth, or medical or common conditions  
10 related to pregnancy or childbirth. Women affected by  
11 pregnancy, childbirth, or medical or common conditions  
12 related to pregnancy or childbirth shall be treated the  
13 same for all employment-related purposes, including  
14 receipt of benefits under fringe benefit programs, as  
15 other persons not so affected but similar in their ability  
16 or inability to work, regardless of the source of the  
17 inability to work or employment classification or status.

18           (J) Pregnancy; reasonable accommodations.

19           (1) If after a job applicant or employee,  
20 including a part-time, full-time, or probationary  
21 employee, requests a reasonable accommodation, for an  
22 employer to not make reasonable accommodations for any  
23 medical or common condition of a job applicant or  
24 employee related to pregnancy or childbirth, unless  
25 the employer can demonstrate that the accommodation  
26 would impose an undue hardship on the ordinary

1 operation of the business of the employer. The  
2 employer may request documentation from the employee's  
3 health care provider concerning the need for the  
4 requested reasonable accommodation or accommodations  
5 to the same extent documentation is requested for  
6 conditions related to disability if the employer's  
7 request for documentation is job-related and  
8 consistent with business necessity. The employer may  
9 require only the medical justification for the  
10 requested accommodation or accommodations, a  
11 description of the reasonable accommodation or  
12 accommodations medically advisable, the date the  
13 reasonable accommodation or accommodations became  
14 medically advisable, and the probable duration of the  
15 reasonable accommodation or accommodations. It is the  
16 duty of the individual seeking a reasonable  
17 accommodation or accommodations to submit to the  
18 employer any documentation that is requested in  
19 accordance with this paragraph. Notwithstanding the  
20 provisions of this paragraph, the employer may require  
21 documentation by the employee's health care provider  
22 to determine compliance with other laws. The employee  
23 and employer shall engage in a timely, good faith, and  
24 meaningful exchange to determine effective reasonable  
25 accommodations.

26 (2) For an employer to deny employment

1 opportunities or benefits to or take adverse action  
2 against an otherwise qualified job applicant or  
3 employee, including a part-time, full-time, or  
4 probationary employee, if the denial or adverse action  
5 is based on the need of the employer to make reasonable  
6 accommodations to the known medical or common  
7 conditions related to the pregnancy or childbirth of  
8 the applicant or employee.

9 (3) For an employer to require a job applicant or  
10 employee, including a part-time, full-time, or  
11 probationary employee, affected by pregnancy,  
12 childbirth, or medical or common conditions related to  
13 pregnancy or childbirth to accept an accommodation  
14 when the applicant or employee did not request an  
15 accommodation and the applicant or employee chooses  
16 not to accept the employer's accommodation.

17 (4) For an employer to require an employee,  
18 including a part-time, full-time, or probationary  
19 employee, to take leave under any leave law or policy  
20 of the employer if another reasonable accommodation  
21 can be provided to the known medical or common  
22 conditions related to the pregnancy or childbirth of  
23 an employee. No employer shall fail or refuse to  
24 reinstate the employee affected by pregnancy,  
25 childbirth, or medical or common conditions related to  
26 pregnancy or childbirth to her original job or to an

1 equivalent position with equivalent pay and  
2 accumulated seniority, retirement, fringe benefits,  
3 and other applicable service credits upon her  
4 signifying her intent to return or when her need for  
5 reasonable accommodation ceases, unless the employer  
6 can demonstrate that the accommodation would impose an  
7 undue hardship on the ordinary operation of the  
8 business of the employer.

9 For the purposes of this subdivision (J), "reasonable  
10 accommodations" means reasonable modifications or  
11 adjustments to the job application process or work  
12 environment, or to the manner or circumstances under which  
13 the position desired or held is customarily performed,  
14 that enable an applicant or employee affected by  
15 pregnancy, childbirth, or medical or common conditions  
16 related to pregnancy or childbirth to be considered for  
17 the position the applicant desires or to perform the  
18 essential functions of that position, and may include, but  
19 is not limited to: more frequent or longer bathroom  
20 breaks, breaks for increased water intake, and breaks for  
21 periodic rest; private non-bathroom space for expressing  
22 breast milk and breastfeeding; seating; assistance with  
23 manual labor; light duty; temporary transfer to a less  
24 strenuous or hazardous position; the provision of an  
25 accessible worksite; acquisition or modification of  
26 equipment; job restructuring; a part-time or modified work

1 schedule; appropriate adjustment or modifications of  
2 examinations, training materials, or policies;  
3 reassignment to a vacant position; time off to recover  
4 from conditions related to childbirth; and leave  
5 necessitated by pregnancy, childbirth, or medical or  
6 common conditions resulting from pregnancy or childbirth.

7 For the purposes of this subdivision (J), "undue  
8 hardship" means an action that is prohibitively expensive  
9 or disruptive when considered in light of the following  
10 factors: (i) the nature and cost of the accommodation  
11 needed; (ii) the overall financial resources of the  
12 facility or facilities involved in the provision of the  
13 reasonable accommodation, the number of persons employed  
14 at the facility, the effect on expenses and resources, or  
15 the impact otherwise of the accommodation upon the  
16 operation of the facility; (iii) the overall financial  
17 resources of the employer, the overall size of the  
18 business of the employer with respect to the number of its  
19 employees, and the number, type, and location of its  
20 facilities; and (iv) the type of operation or operations  
21 of the employer, including the composition, structure, and  
22 functions of the workforce of the employer, the geographic  
23 separateness, administrative, or fiscal relationship of  
24 the facility or facilities in question to the employer.  
25 The employer has the burden of proving undue hardship. The  
26 fact that the employer provides or would be required to

1 provide a similar accommodation to similarly situated  
2 employees creates a rebuttable presumption that the  
3 accommodation does not impose an undue hardship on the  
4 employer.

5 No employer is required by this subdivision (J) to  
6 create additional employment that the employer would not  
7 otherwise have created, unless the employer does so or  
8 would do so for other classes of employees who need  
9 accommodation. The employer is not required to discharge  
10 any employee, transfer any employee with more seniority,  
11 or promote any employee who is not qualified to perform  
12 the job, unless the employer does so or would do so to  
13 accommodate other classes of employees who need it.

14 (K) Notice.

15 (1) For an employer to fail to post or keep posted  
16 in a conspicuous location on the premises of the  
17 employer where notices to employees are customarily  
18 posted, or fail to include in any employee handbook  
19 information concerning an employee's rights under this  
20 Article, a notice, to be prepared or approved by the  
21 Department, summarizing the requirements of this  
22 Article and information pertaining to the filing of a  
23 charge, including the right to be free from unlawful  
24 discrimination, the right to be free from sexual  
25 harassment, and the right to certain reasonable  
26 accommodations. The Department shall make the

1 documents required under this paragraph available for  
2 retrieval from the Department's website.

3 (2) Upon notification of a violation of paragraph  
4 (1) of this subdivision (K), the Department may launch  
5 a preliminary investigation. If the Department finds a  
6 violation, the Department may issue a notice to show  
7 cause giving the employer 30 days to correct the  
8 violation. If the violation is not corrected, the  
9 Department may initiate a charge of a civil rights  
10 violation.

11 (Source: P.A. 102-233, eff. 8-2-21; 103-797, eff. 1-1-25;  
12 revised 10-7-24.)

13 (Text of Section after amendment by P.A. 103-804)

14 Sec. 2-102. Civil rights violations; employment violations  
15 ~~employment~~. It is a civil rights violation:

16 (A) Employers. For any employer to refuse to hire, to  
17 segregate, to engage in harassment as defined in  
18 subsection (E-1) of Section 2-101, or to act with respect  
19 to recruitment, hiring, promotion, renewal of employment,  
20 selection for training or apprenticeship, discharge,  
21 discipline, tenure or terms, privileges or conditions of  
22 employment on the basis of unlawful discrimination,  
23 citizenship status, work authorization status, or family  
24 responsibilities. An employer is responsible for  
25 harassment by the employer's nonmanagerial and

1 nonsupervisory employees only if the employer becomes  
2 aware of the conduct and fails to take reasonable  
3 corrective measures.

4 (A-5) Language. For an employer to impose a  
5 restriction that has the effect of prohibiting a language  
6 from being spoken by an employee in communications that  
7 are unrelated to the employee's duties.

8 For the purposes of this subdivision (A-5), "language"  
9 means a person's native tongue, such as Polish, Spanish,  
10 or Chinese. "Language" does not include such things as  
11 slang, jargon, profanity, or vulgarity.

12 (A-10) Harassment of nonemployees. For any employer,  
13 employment agency, or labor organization to engage in  
14 harassment of nonemployees in the workplace. An employer  
15 is responsible for harassment of nonemployees by the  
16 employer's nonmanagerial and nonsupervisory employees only  
17 if the employer becomes aware of the conduct and fails to  
18 take reasonable corrective measures. For the purposes of  
19 this subdivision (A-10), "nonemployee" means a person who  
20 is not otherwise an employee of the employer and is  
21 directly performing services for the employer pursuant to  
22 a contract with that employer. "Nonemployee" includes  
23 contractors and consultants. This subdivision applies to  
24 harassment occurring on or after January 1, 2020 (the  
25 effective date of Public Act 101-221) ~~this amendatory Act~~  
26 ~~of the 101st General Assembly.~~

1           (B) Employment agency. For any employment agency to  
2 fail or refuse to classify properly, accept applications  
3 and register for employment referral or apprenticeship  
4 referral, refer for employment, or refer for  
5 apprenticeship on the basis of unlawful discrimination,  
6 citizenship status, work authorization status, or family  
7 responsibilities or to accept from any person any job  
8 order, requisition or request for referral of applicants  
9 for employment or apprenticeship which makes or has the  
10 effect of making unlawful discrimination or discrimination  
11 on the basis of citizenship status, work authorization  
12 status, or family responsibilities a condition of  
13 referral.

14           (C) Labor organization. For any labor organization to  
15 limit, segregate or classify its membership, or to limit  
16 employment opportunities, selection and training for  
17 apprenticeship in any trade or craft, or otherwise to  
18 take, or fail to take, any action which affects adversely  
19 any person's status as an employee or as an applicant for  
20 employment or as an apprentice, or as an applicant for  
21 apprenticeships, or wages, tenure, hours of employment or  
22 apprenticeship conditions on the basis of unlawful  
23 discrimination, citizenship status, work authorization  
24 status, or family responsibilities.

25           (D) Sexual harassment. For any employer, employee,  
26 agent of any employer, employment agency or labor

1 organization to engage in sexual harassment; provided,  
2 that an employer shall be responsible for sexual  
3 harassment of the employer's employees by nonemployees or  
4 nonmanagerial and nonsupervisory employees only if the  
5 employer becomes aware of the conduct and fails to take  
6 reasonable corrective measures.

7 (D-5) Sexual harassment of nonemployees. For any  
8 employer, employee, agent of any employer, employment  
9 agency, or labor organization to engage in sexual  
10 harassment of nonemployees in the workplace. An employer  
11 is responsible for sexual harassment of nonemployees by  
12 the employer's nonmanagerial and nonsupervisory employees  
13 only if the employer becomes aware of the conduct and  
14 fails to take reasonable corrective measures. For the  
15 purposes of this subdivision (D-5), "nonemployee" means a  
16 person who is not otherwise an employee of the employer  
17 and is directly performing services for the employer  
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21 1, 2020 (the effective date of Public Act 101-221) ~~this~~  
22 ~~amendatory Act of the 101st General Assembly.~~

23 (E) Public employers. For any public employer to  
24 refuse to permit a public employee under its jurisdiction  
25 who takes time off from work in order to practice his or  
26 her religious beliefs to engage in work, during hours

1 other than such employee's regular working hours,  
2 consistent with the operational needs of the employer and  
3 in order to compensate for work time lost for such  
4 religious reasons. Any employee who elects such deferred  
5 work shall be compensated at the wage rate which he or she  
6 would have earned during the originally scheduled work  
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17 forgo a sincerely held practice of his or her religion  
18 including, but not limited to, the wearing of any attire,  
19 clothing, or facial hair in accordance with the  
20 requirements of his or her religion, unless, after  
21 engaging in a bona fide effort, the employer demonstrates  
22 that it is unable to reasonably accommodate the employee's  
23 or prospective employee's sincerely held religious belief,  
24 practice, or observance without undue hardship on the  
25 conduct of the employer's business.

26 Nothing in this Section prohibits an employer from

1           enacting a dress code or grooming policy that may include  
2           restrictions on attire, clothing, or facial hair to  
3           maintain workplace safety or food sanitation.

4           (F) Training and apprenticeship programs. For any  
5           employer, employment agency or labor organization to  
6           discriminate against a person on the basis of age in the  
7           selection, referral for or conduct of apprenticeship or  
8           training programs.

9           (G) Immigration-related practices.

10           (1) for an employer to request for purposes of  
11           satisfying the requirements of Section 1324a(b) of  
12           Title 8 of the United States Code, as now or hereafter  
13           amended, more or different documents than are required  
14           under such Section or to refuse to honor documents  
15           tendered that on their face reasonably appear to be  
16           genuine or to refuse to honor work authorization based  
17           upon the specific status or term of status that  
18           accompanies the authorization to work; or

19           (2) for an employer participating in the E-Verify  
20           Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
21           Programs for Employment Eligibility Confirmation  
22           (enacted by PL 104-208, div. C title IV, subtitle A) to  
23           refuse to hire, to segregate, or to act with respect to  
24           recruitment, hiring, promotion, renewal of employment,  
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26           discipline, tenure or terms, privileges or conditions

1 of employment without following the procedures under  
2 the E-Verify Program.

3 (H) (Blank).

4 (H-5) Weight and size.

5 (1) For an employer or licensing agency, on the  
6 basis of an individual's weight and size, to refuse to  
7 hire or employ the individual, to bar or discharge the  
8 individual from employment, or to discriminate against  
9 the individual in compensation or in terms,  
10 conditions, or privileges of employment.

11 (2) For an employment agency, on the basis of an  
12 individual's weight and size, to discriminate in  
13 receiving, classifying, disposing, or otherwise acting  
14 upon an application for the employment agency's  
15 services or in referring an individual to an employer.

16 (3) For a labor organization, on the basis of an  
17 individual's weight and size, to exclude an  
18 individual, to expel an individual from its  
19 membership, or to discriminate in any way against any  
20 of its members or against any employer or any  
21 individual employed by an employer.

22 (4) For any employer or employment agency to print  
23 or circulate, or cause to be printed or circulated,  
24 any statement, advertisement, or publication, or to  
25 use any form of application for employment or to make  
26 any inquiry in connection with prospective employment

1           which expresses, directly or indirectly, any  
2           limitation, specification, or discrimination as to  
3           weight and size, or any intent to make a weight and  
4           size limitation, specification, or discrimination,  
5           unless based upon a bona fide occupational  
6           qualification.

7           (I) Pregnancy. For an employer to refuse to hire, to  
8           segregate, or to act with respect to recruitment, hiring,  
9           promotion, renewal of employment, selection for training  
10          or apprenticeship, discharge, discipline, tenure or terms,  
11          privileges or conditions of employment on the basis of  
12          pregnancy, childbirth, or medical or common conditions  
13          related to pregnancy or childbirth. Women affected by  
14          pregnancy, childbirth, or medical or common conditions  
15          related to pregnancy or childbirth shall be treated the  
16          same for all employment-related purposes, including  
17          receipt of benefits under fringe benefit programs, as  
18          other persons not so affected but similar in their ability  
19          or inability to work, regardless of the source of the  
20          inability to work or employment classification or status.

21          (J) Pregnancy; reasonable accommodations.

22                 (1) If after a job applicant or employee,  
23                 including a part-time, full-time, or probationary  
24                 employee, requests a reasonable accommodation, for an  
25                 employer to not make reasonable accommodations for any  
26                 medical or common condition of a job applicant or

1 employee related to pregnancy or childbirth, unless  
2 the employer can demonstrate that the accommodation  
3 would impose an undue hardship on the ordinary  
4 operation of the business of the employer. The  
5 employer may request documentation from the employee's  
6 health care provider concerning the need for the  
7 requested reasonable accommodation or accommodations  
8 to the same extent documentation is requested for  
9 conditions related to disability if the employer's  
10 request for documentation is job-related and  
11 consistent with business necessity. The employer may  
12 require only the medical justification for the  
13 requested accommodation or accommodations, a  
14 description of the reasonable accommodation or  
15 accommodations medically advisable, the date the  
16 reasonable accommodation or accommodations became  
17 medically advisable, and the probable duration of the  
18 reasonable accommodation or accommodations. It is the  
19 duty of the individual seeking a reasonable  
20 accommodation or accommodations to submit to the  
21 employer any documentation that is requested in  
22 accordance with this paragraph. Notwithstanding the  
23 provisions of this paragraph, the employer may require  
24 documentation by the employee's health care provider  
25 to determine compliance with other laws. The employee  
26 and employer shall engage in a timely, good faith, and

1 meaningful exchange to determine effective reasonable  
2 accommodations.

3 (2) For an employer to deny employment  
4 opportunities or benefits to or take adverse action  
5 against an otherwise qualified job applicant or  
6 employee, including a part-time, full-time, or  
7 probationary employee, if the denial or adverse action  
8 is based on the need of the employer to make reasonable  
9 accommodations to the known medical or common  
10 conditions related to the pregnancy or childbirth of  
11 the applicant or employee.

12 (3) For an employer to require a job applicant or  
13 employee, including a part-time, full-time, or  
14 probationary employee, affected by pregnancy,  
15 childbirth, or medical or common conditions related to  
16 pregnancy or childbirth to accept an accommodation  
17 when the applicant or employee did not request an  
18 accommodation and the applicant or employee chooses  
19 not to accept the employer's accommodation.

20 (4) For an employer to require an employee,  
21 including a part-time, full-time, or probationary  
22 employee, to take leave under any leave law or policy  
23 of the employer if another reasonable accommodation  
24 can be provided to the known medical or common  
25 conditions related to the pregnancy or childbirth of  
26 an employee. No employer shall fail or refuse to

1           reinstatement the employee affected by pregnancy,  
2           childbirth, or medical or common conditions related to  
3           pregnancy or childbirth to her original job or to an  
4           equivalent position with equivalent pay and  
5           accumulated seniority, retirement, fringe benefits,  
6           and other applicable service credits upon her  
7           signifying her intent to return or when her need for  
8           reasonable accommodation ceases, unless the employer  
9           can demonstrate that the accommodation would impose an  
10          undue hardship on the ordinary operation of the  
11          business of the employer.

12          For the purposes of this subdivision (J), "reasonable  
13          accommodations" means reasonable modifications or  
14          adjustments to the job application process or work  
15          environment, or to the manner or circumstances under which  
16          the position desired or held is customarily performed,  
17          that enable an applicant or employee affected by  
18          pregnancy, childbirth, or medical or common conditions  
19          related to pregnancy or childbirth to be considered for  
20          the position the applicant desires or to perform the  
21          essential functions of that position, and may include, but  
22          is not limited to: more frequent or longer bathroom  
23          breaks, breaks for increased water intake, and breaks for  
24          periodic rest; private non-bathroom space for expressing  
25          breast milk and breastfeeding; seating; assistance with  
26          manual labor; light duty; temporary transfer to a less

1 strenuous or hazardous position; the provision of an  
2 accessible worksite; acquisition or modification of  
3 equipment; job restructuring; a part-time or modified work  
4 schedule; appropriate adjustment or modifications of  
5 examinations, training materials, or policies;  
6 reassignment to a vacant position; time off to recover  
7 from conditions related to childbirth; and leave  
8 necessitated by pregnancy, childbirth, or medical or  
9 common conditions resulting from pregnancy or childbirth.

10 For the purposes of this subdivision (J), "undue  
11 hardship" means an action that is prohibitively expensive  
12 or disruptive when considered in light of the following  
13 factors: (i) the nature and cost of the accommodation  
14 needed; (ii) the overall financial resources of the  
15 facility or facilities involved in the provision of the  
16 reasonable accommodation, the number of persons employed  
17 at the facility, the effect on expenses and resources, or  
18 the impact otherwise of the accommodation upon the  
19 operation of the facility; (iii) the overall financial  
20 resources of the employer, the overall size of the  
21 business of the employer with respect to the number of its  
22 employees, and the number, type, and location of its  
23 facilities; and (iv) the type of operation or operations  
24 of the employer, including the composition, structure, and  
25 functions of the workforce of the employer, the geographic  
26 separateness, administrative, or fiscal relationship of

1 the facility or facilities in question to the employer.  
2 The employer has the burden of proving undue hardship. The  
3 fact that the employer provides or would be required to  
4 provide a similar accommodation to similarly situated  
5 employees creates a rebuttable presumption that the  
6 accommodation does not impose an undue hardship on the  
7 employer.

8 No employer is required by this subdivision (J) to  
9 create additional employment that the employer would not  
10 otherwise have created, unless the employer does so or  
11 would do so for other classes of employees who need  
12 accommodation. The employer is not required to discharge  
13 any employee, transfer any employee with more seniority,  
14 or promote any employee who is not qualified to perform  
15 the job, unless the employer does so or would do so to  
16 accommodate other classes of employees who need it.

17 (K) Notice.

18 (1) For an employer to fail to post or keep posted  
19 in a conspicuous location on the premises of the  
20 employer where notices to employees are customarily  
21 posted, or fail to include in any employee handbook  
22 information concerning an employee's rights under this  
23 Article, a notice, to be prepared or approved by the  
24 Department, summarizing the requirements of this  
25 Article and information pertaining to the filing of a  
26 charge, including the right to be free from unlawful

1 discrimination, the right to be free from sexual  
2 harassment, and the right to certain reasonable  
3 accommodations. The Department shall make the  
4 documents required under this paragraph available for  
5 retrieval from the Department's website.

6 (2) Upon notification of a violation of paragraph  
7 (1) of this subdivision (K), the Department may launch  
8 a preliminary investigation. If the Department finds a  
9 violation, the Department may issue a notice to show  
10 cause giving the employer 30 days to correct the  
11 violation. If the violation is not corrected, the  
12 Department may initiate a charge of a civil rights  
13 violation.

14 (L) Use of artificial intelligence.

15 (1) With respect to recruitment, hiring,  
16 promotion, renewal of employment, selection for  
17 training or apprenticeship, discharge, discipline,  
18 tenure, or the terms, privileges, or conditions of  
19 employment, for an employer to use artificial  
20 intelligence that has the effect of subjecting  
21 employees to discrimination on the basis of protected  
22 classes under this Article or to use zip codes as a  
23 proxy for protected classes under this Article.

24 (2) For an employer to fail to provide notice to an  
25 employee that the employer is using artificial  
26 intelligence for the purposes described in paragraph

1 (1).

2 The Department shall adopt any rules necessary for the  
3 implementation and enforcement of this subdivision,  
4 including, but not limited to, rules on the circumstances  
5 and conditions that require notice, the time period for  
6 providing notice, and the means for providing notice.

7 (Source: P.A. 102-233, eff. 8-2-21; 103-797, eff. 1-1-25;  
8 103-804, eff. 1-1-26; revised 11-26-24.)

9 (775 ILCS 5/5-102.3 new)

10 Sec. 5-102.3. Public accommodations; weight and size. It  
11 is a civil rights violation for any person, being the owner,  
12 lessee, proprietor, manager, superintendent, agent, or  
13 employee of any place of public accommodation, because of the  
14 weight and size of any person, directly or indirectly, to  
15 refuse, withhold from, or deny to any individual any of the  
16 accommodations, advantages, facilities, or privileges thereof.

17 Section 95. No acceleration or delay. Where this Act makes  
18 changes in a statute that is represented in this Act by text  
19 that is not yet or no longer in effect (for example, a Section  
20 represented by multiple versions), the use of that text does  
21 not accelerate or delay the taking effect of (i) the changes  
22 made by this Act or (ii) provisions derived from any other  
23 Public Act.