

HB3853



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3853

Introduced 2/18/2025, by Rep. Hoan Huynh - Theresa Mah

SYNOPSIS AS INTRODUCED:

New Act

Creates the Protective Medical Equipment Freedom Act. Provides that every individual has the right to wear protective medical equipment in any place of public accommodation where they have a lawful right to be without obligation to disclose health status or any other protected information, and no person, entity, or authority shall deny, restrict, or infringe upon this right. Operators and public officials shall not discriminate against or penalize medical device wearers for exercising their right to wear protective medical equipment. Discrimination under this Act includes, but is not limited to: denial of service; eviction from premises; any form of harassment to remove or refrain from wearing such equipment for any amount of time; and specified actions taken by employers. Sets forth provisions concerning protection against retaliation; exceptions for security requirements and operational safety; enforcement by the Attorney General; and penalties for violating the Act. Effective immediately.

LRB104 09928 BAB 19998 b

A BILL FOR

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 1. Short title. This Act may be cited as the
5 Protective Medical Equipment Freedom Act.

6 Section 5. Purpose. The purpose of this Act is to ensure
7 that all individuals have the right to wear protective medical
8 equipment in any place of public accommodation, thereby
9 promoting public health and individual safety without
10 discrimination or undue restriction.

11 Section 10. Definitions. As used in this Act:

12 "Protective medical equipment" means equipment worn to
13 reduce or minimize exposure to health risks to oneself or
14 others, which includes, but is not limited to:

15 (1) face masks and respirators, including KN-95, N-95,
16 FFP-2, and FFP-3 quality protection;

17 (2) elastomeric protection, such as, but not limited
18 to, P-100 protection;

19 (3) powered air purifying respirators; and

20 (4) gas masks, gloves, face shields, protective
21 eyewear, full bodysuits, gowns, and small air purifiers
22 worn on a lanyard.

1 "Place of public accommodation" includes, but is not
2 limited to:

3 (1) an inn, hotel, motel, or other place of lodging,
4 except for an establishment located within a building that
5 contains not more than 5 units for rent or hire and that is
6 actually occupied by the proprietor of such establishment
7 as the residence of such proprietor;

8 (2) a restaurant, bar, or other establishment serving
9 food or drink;

10 (3) a movie theater, theater, concert hall, stadium,
11 or other place of exhibition or entertainment;

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

14 (5) a bakery, grocery store, clothing store, hardware
15 store, shopping center, or other sales or rental
16 establishment;

17 (6) a laundromat, drycleaner, bank, barber shop,
18 beauty shop, travel service, shoe repair service, funeral
19 parlor, gas station, office of an accountant or lawyer,
20 pharmacy, insurance office, professional office of a
21 health care provider, hospital, or other service
22 establishment;

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

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

26 (9) a museum, library, gallery, or other place of

1 public display or collection;

2 (10) a park, zoo, amusement park, or other place of
3 recreation;

4 (11) a nonsectarian nursery, day care center,
5 elementary, secondary, undergraduate, or postgraduate
6 school, or other place of education;

7 (12) a senior citizen center, homeless shelter, food
8 bank, nonsectarian adoption agency, or other social
9 service center establishment; and

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

12 "Operator" means any owner, lessee, proprietor, manager,
13 superintendent, agent, or occupant of a place of public
14 accommodation or an employee of any such person or persons.

15 "Public official" means any officer or employee of the
16 State or any agency, including State political subdivisions,
17 municipal corporations, park districts, forest preserve
18 districts, educational institutions, and schools.

19 "Medical device wearer" means any individual using
20 protective medical equipment.

21 Section 15. Right to wear protective medical equipment.

22 (a) General right.

23 (1) Every individual has the right to wear protective
24 medical equipment in any place of public accommodation
25 where they have a lawful right to be without obligation to

1 disclose health status or any other protected information.

2 (2) No person, entity, or authority shall deny,
3 restrict, or infringe upon this right.

4 (b) Nondiscrimination.

5 (1) Operators and public officials shall not
6 discriminate against or penalize medical device wearers
7 for exercising their right to wear protective medical
8 equipment.

9 (2) Discrimination under this Act includes, but is not
10 limited to:

11 (A) denial of service;

12 (B) eviction from premises;

13 (C) any form of harassment to remove or refrain
14 from wearing such equipment for any amount of time;
15 and

16 (D) actions taken by employers, including, but not
17 limited to:

18 (i) creating a hostile work environment; and

19 (ii) termination of employment.

20 Section 20. Protection against retaliation.

21 (a) Operators and public officials shall not retaliate or
22 take adverse action against a medical device wearer for
23 exercising their right to wear protective medical equipment or
24 for reporting violations of this Act.

25 (b) Retaliation under this Act includes, but is not

1 limited to:

2 (1) intimidation or harassment;

3 (2) denying future service;

4 (3) reducing or changing pay or hours;

5 (4) disciplining; and

6 (5) reassignment to a less desirable position.

7 Section 25. Exceptions.

8 (a) Security requirements. Protective medical equipment
9 may be removed by the medical device wearer upon request
10 temporarily by law enforcement under reasonable suspicion
11 provided that reasonable accommodation is offered.

12 (b) Operational safety. Specific types of protective
13 medical equipment may be restricted if proven to interfere
14 with the safe operation of machinery or hazardous
15 environments, provided that alternative accommodation or
16 equivalent protection is offered to the individual.

17 Section 30. Enforcement and penalties.

18 (a) The Illinois Attorney General is responsible for
19 ensuring compliance with this Act, including the development
20 of any rules necessary for the implementation and enforcement
21 of this Act.

22 (b) The Illinois Attorney General shall develop and
23 implement a process for receiving and handling complaints from
24 individuals regarding possible violations of this Act.

(c) Whenever the Illinois Attorney General has reasonable cause to believe that a violation of this Act has occurred, the Illinois Attorney General may commence a civil action in the name of the People of the State to obtain appropriate equitable and declaratory relief. Such actions shall be commenced no later than 2 years after the occurrence.

(d) Prior to initiating a civil action, the Illinois Attorney General may conduct a preliminary investigation to determine whether there is reasonable cause to believe that a violation of this Act has occurred. In conducting this investigation, the Illinois Attorney General may:

(1) require the individual or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;

(2) examine under oath any person alleged to have participated in or with knowledge of the alleged pattern and practice violation; or

(3) issue subpoenas or conduct hearings in aid of any investigation.

(e) Service by the Illinois Attorney General of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made:

(1) personally, by delivery of a duly executed copy to the person to be served or, if a person is not a natural person, in the manner provided in the Code of Civil

1 Procedure when a complaint is filed; or

2 (2) by mailing by certified mail a duly executed copy
3 of the notice or subpoena to the person to be served at his
4 or her last known abode or principal place of business
5 within this State or, if a person is not a natural person,
6 in the manner provided in the Code of Civil Procedure when
7 a complaint is filed.

8 (3) The Illinois Attorney General may compel
9 compliance with investigative demands under this Section
10 through an order by any court of competent jurisdiction.

11 (f) (1) In any civil action brought pursuant to subsection
12 (c) of this Section, the Illinois Attorney General may obtain
13 as a remedy equitable and declaratory relief (including any
14 permanent or preliminary injunction, temporary restraining
15 order, or other order, including an order enjoining the
16 defendant from engaging in such violation or ordering any
17 action as may be appropriate). In addition, the Illinois
18 Attorney General may request and the Court may impose a civil
19 penalty to vindicate the public interest in an amount not
20 exceeding \$25,000 per violation, or if the defendant has been
21 adjudged to have committed one other violations of this Act
22 within 5 years of the occurrence of the violation that is the
23 basis of the complaint, in an amount not exceeding \$50,000.

24 (2) A civil penalty imposed under this subsection shall be
25 deposited into the Attorney General Court Ordered and
26 Voluntary Compliance Payment Projects Fund, which is a special

1 fund in the State treasury. Moneys in the Fund shall be used,
2 subject to appropriation, for the performance of any function
3 pertaining to the exercise of the duties of the Attorney
4 General, including, but not limited to, enforcement of any law
5 of this State and conducting public education programs;
6 however, any moneys in the Fund that are required by the court
7 or by an agreement to be used for a particular purpose shall be
8 used for that purpose.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.