

# HB4498



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB4498**

Introduced 1/20/2026, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

New Act  
735 ILCS 5/13-228 new

Creates the Negligent Testing for Paternity Act. Creates a civil cause of action if an entity negligently performs genetic testing for paternity. Authorizes the aggrieved person to recover actual damages, including, but not limited to, emotional distress. Amends the Code of Civil Procedure. Creates a statute of limitation of two years from the date when the person knew or should have reasonably known of the negligence. Applies to all conduct occurring on or after January 1, 1980. Effective immediately.

LRB104 17484 JRC 30910 b

A BILL FOR

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 1. Short title. This Act may be cited as the  
5 Negligent Testing for Paternity Act.

6 Section 5. Cause of action.

7 (a) A civil cause of action is created for negligent  
8 genetic testing for paternity. Any person who was the subject  
9 of negligent genetic testing for paternity that resulted in an  
10 incorrect determination or report regarding biological  
11 paternity may bring an action under this Act against any  
12 person or persons who negligently performed, processed,  
13 handled, analyzed, reported, or interpreted the genetic  
14 paternity testing. A person who is entitled to file an action  
15 under this Act may recover actual damages, to include, but not  
16 be limited to, emotional distress, loss of consortium, loss of  
17 relationship, loss of companionship, loss of parent-child  
18 society, economic losses, reasonable attorney's fees and  
19 costs, including expert witness fees and other litigation  
20 expenses.

21 (b) In cases in which the defendant's conduct demonstrated  
22 a reckless disregard for the accuracy of genetic testing  
23 results, a punitive damages may be awarded in accordance with

1 Illinois law.

2 Section 10. No immunity for private for-profit paternity  
3 testing laboratories.

4 (a) If a private for-profit laboratory or testing facility  
5 has a contract with the State to perform genetic testing for  
6 paternity as part of a paternity proceeding by the State, it  
7 may not claim or assert the common law defense of  
8 quasi-judicial immunity in an action against it under this Act  
9 for negligence because it is performing a professional  
10 laboratory service that is not a judicial function.

11 (b) This Section does not affect the immunity of State  
12 employees or agencies under the State Lawsuit Immunity Act or  
13 the Illinois Local Governmental and Governmental Employees  
14 Tort Immunity Act.

15 (c) This Section does not affect the ability of private  
16 for-profit laboratories or testing facilities to assert any  
17 immunity defenses that may be applicable in cases that do not  
18 arise under this Act.

19 Section 95. Severability. If any provision of this Act or  
20 its application to any person or circumstance is held invalid,  
21 the invalidity of that provision or application does not  
22 affect other provisions or applications of this Act that can  
23 be given effect without the invalid provision or application.

1 Section 97. Retroactive application. This Act applies to  
2 all conduct occurring on or after January 1, 1980.

3 Section 900. The Code of Civil Procedure is amended by  
4 adding Section 13-228 as follows:

5 (735 ILCS 5/13-228 new)

6 Sec. 13-228. Negligent genetic testing. A person who  
7 pursues an action under the Negligent Testing for Paternity  
8 Act must file an action within 2 years from the date that the  
9 person knew or reasonably should have known of the negligence  
10 or within 2 years of the date the person who was the subject of  
11 any prior incorrect determination of biological paternity  
12 receive any subsequent genetic paternity testing  
13 determinations from an accredited lab that report different  
14 biological paternity between the same person, whichever is  
15 later.

16 Section 999. Effective date. This Act takes effect upon  
17 becoming law.