

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 Records Privacy Act.

6 Section 5. Definitions. As used in this Act:

7 "Abortion" has the meaning given to that term in Section
8 1-10 of the Reproductive Health Act.

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

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

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

1 following:

2 (A) complications following induced termination of
3 pregnancy;

4 (B) failed attempted termination of pregnancy;

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

7 (D) encounter for elective termination of
8 pregnancy;

9 (E) induced abortion;

10 (F) multifetal pregnancy reductions;

11 (G) mifepristone; or

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

15 (2) medical diagnosis codes associated with gender
16 dysphoria.

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

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

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

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

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

8 "Health care provider" has the meaning given to that term
9 in the Health Insurance Portability and Accountability Act of
10 1996 (HIPAA), as specified in 45 CFR 160.103.

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

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

20 (1) coded private health care information; and

21 (2) abortion or abortion-related health care services.

22 Section 10. Segregation of information; technological
23 capabilities.

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

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

4 (1) for technical support purposes;

5 (2) for quality assurance purposes;

6 (3) for payment or health care operations, as defined
7 by the Health Insurance Portability and Accountability Act
8 of 1996 (HIPAA); or

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 15. Patient direction to share health information.

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

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

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

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

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

3 Section 99. Effective date. This Act takes effect July 1,
4 2027.