



Sen. Celina Villanueva

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10400HB5295sam001

LRB104 20300 JDS 38018 a

1 AMENDMENT TO HOUSE BILL 5295

2 AMENDMENT NO. _____. Amend House Bill 5295 by replacing
3 everything after the enacting clause with the following:

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

1 changed by rule adopted by the Department of Public Health
2 under this Act:

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

9 (A) complications following induced termination of
10 pregnancy;

11 (B) failed attempted termination of pregnancy;

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

14 (D) encounter for elective termination of
15 pregnancy;

16 (E) induced abortion;

17 (F) multifetal pregnancy reductions;

18 (G) mifepristone; or

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

22 (2) medical diagnosis codes associated with gender
23 dysphoria.

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

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

6 (1) an entity that provides software or services that
7 allow health care providers to maintain health care
8 information electronically and make that information
9 available to other authorized persons, providers, or
10 entities; or

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

15 "Health care provider" has the meaning given to that term
16 in the Health Insurance Portability and Accountability Act of
17 1996 (HIPAA), as specified in 45 CFR 160.103.

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

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

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

3 Section 10. Segregation of information; technological
4 capabilities.

5 (a) An electronic health network shall prevent the
6 disclosure of a patient's coded private health care
7 information to a provider, business entity, other electronic
8 health network, or health information exchange located outside
9 this State unless the disclosure is:

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

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

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

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

25 (b) An electronic health network shall develop and enable

1 the technological capabilities to, with respect to
2 out-of-state disclosures:

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

6 (2) allow a health care provider to manually segregate
7 or otherwise prevent the sharing or disclosure of private
8 health care information from a patient's electronic health
9 record;

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

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

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

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

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

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

8 Section 15. Patient direction to share health information.

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

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

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

22 Section 20. Violations. Any person aggrieved by a
23 violation of this Act by an electronic health network may
24 bring an action against that electronic health network. Actual

1 damages, injunctive relief, and reasonable attorney's fees and
2 costs, as well as any other relief which the court deems
3 proper, may be awarded to a successful plaintiff in any action
4 under this Act. Nothing contained in this Act shall be deemed
5 to authorize the bringing of any action against any health
6 care provider.

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

9 Section 99. Effective date. This Act takes effect July 1,
10 2027.".