

SB2078



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2078

Introduced 2/6/2025, by Sen. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

New Act
410 ILCS 35/Act rep.
775 ILCS 5/1-103

from Ch. 68, par. 1-103

Creates the Defending Women from Gender Ideology Extremism Act. Requires the Secretary of State to implement changes to require all Illinois-issued identification documents to reflect the holder's sex as defined in the Act. Requires all State agencies to remove or change their forms and communications to reflect the changes in the Act. Requires the Department of Human Rights to issue guidance to ensure the freedom to express the binary nature of sex and the right to single-sex space in workplaces. Requires the Department of Human Rights to prioritize investigation and litigation to the right and freedoms identified and created under the Act. Provides that the Act takes priority over and supersedes any other State law or rule that appears to or purports to be in conflict with the Act. Makes other changes. Repeals the Equitable Restroom Act. Amends the Illinois Human Rights Act to delete "gender-related identity" from the definition of "sexual orientation."

LRB104 11327 JRC 21414 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 Defending Women from Gender Ideology Extremism Act.

6 Section 5. Legislative intent. Across the country,
7 ideologues who deny the biological reality of sex have
8 increasingly used legal and other socially coercive means to
9 permit men to self-identify as women and gain access to
10 intimate single-sex spaces and activities designed for women,
11 from women's domestic abuse shelters to women's workplace
12 showers. This is wrong. Efforts to eradicate the biological
13 reality of sex fundamentally attack women by depriving them of
14 their dignity, safety, and well-being. The erasure of sex in
15 language and policy has a corrosive impact not just on women
16 but on the validity of the entire American system. Basing
17 policy on truth is critical to scientific inquiry, public
18 safety, morale, and trust in government itself.

19 This unhealthy road is paved by an ongoing and purposeful
20 attack against the ordinary and longstanding use and
21 understanding of biological and scientific terms, replacing
22 the immutable biological reality of sex with an internal,
23 fluid, and subjective sense of self unmoored from biological

1 facts. Invalidating the true and biological category of
2 "woman" improperly transforms laws and policies designed to
3 protect sex-based opportunities into laws and policies that
4 undermine them, replacing longstanding, cherished legal rights
5 and values with an identity-based, inchoate social concept.

6 It is the policy of the State to recognize 2 sexes: male
7 and female. These sexes are not changeable and are grounded in
8 fundamental and incontrovertible reality. Accordingly, the
9 State will defend women's rights and protect freedom of
10 conscience by using clear and accurate language and policies
11 that recognize women are biologically female, and men are
12 biologically male.

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

14 "Female" means a person belonging, at conception, to the
15 sex that produces the large reproductive cell.

16 "Gender identity" means a fully internal and subjective
17 sense of self disconnected from biological reality and sex and
18 existing on an infinite continuum that does not provide a
19 meaningful basis for identification and cannot be recognized
20 as a replacement for sex.

21 "Gender ideology" means the replacement of the biological
22 category of sex with an ever-shifting concept of self-assessed
23 gender identity, permitting the false claim that males can
24 identify as and thus become women and vice versa, and
25 requiring all institutions of society to regard this false

1 claim as true. "Gender ideology" includes the idea that there
2 is a vast spectrum of genders that are disconnected from one's
3 sex. "Gender ideology" is internally inconsistent in that it
4 diminishes sex as an identifiable or useful category but
5 nevertheless maintains that it is possible for a person to be
6 born in the wrong sexed body.

7 "Male" means a person belonging, at conception, to the sex
8 that produces the small reproductive cell.

9 "Men" or "man" and "boys" or "boy" means adult and
10 juvenile human males, respectively.

11 "Sex" means an individual's immutable biological
12 classification as either male or female. "Sex" is not a
13 synonym for and does not include the concept of gender
14 identity.

15 "Women" or "woman" and "girls" or "girl" means adult and
16 juvenile human females, respectively.

17 Section 15. Recognizing women are biologically distinct
18 from men.

19 (a) Within 30 days of the date of this Act, the Secretary
20 of the Department of Human Services shall provide to State
21 agencies and employees, contractors, and the public clear
22 guidance expanding on the sex-based definitions set forth in
23 this Act.

24 (b) Each agency and all State employees shall enforce this
25 Act governing sex-based rights, protections, opportunities,

1 and accommodations to protect men and women as biologically
2 distinct sexes. Each agency shall give the terms "sex",
3 "male", "female", "men", "women", "boys" and "girls" the
4 meanings set forth in Section 5 when interpreting or applying
5 statutes, regulations, rules, or guidance and in all other
6 official agency business, documents, and communications.

7 (c) When administering or enforcing sex-based
8 distinctions, every State agency and all State employees
9 acting in an official capacity on behalf of their agency shall
10 use the term "sex" and not "gender" in all applicable State
11 policies and documents.

12 (d) The Secretary of State shall implement changes to
13 require that government-issued identification documents to
14 accurately reflect the holder's sex, as defined under Section
15 5, and the Director of Central Management Services shall
16 ensure that applicable personnel records accurately report
17 State employees' sex, as defined by Section 5.

18 (e) State agencies shall remove all statements, policies,
19 regulations, rules, forms, communications, or other internal
20 and external messages that promote or otherwise inculcate
21 gender ideology and shall cease issuing such statements,
22 policies, regulations, forms, communications, or other
23 messages. State agency forms that require an individual's sex
24 shall list male or female and may not request gender identity.
25 State agencies shall take all necessary steps, as permitted by
26 law, to end the State funding of gender ideology. Each State

1 agency shall assess grant conditions and grantee preferences
2 and ensure grant funds do not promote gender ideology.

3 Section 20. Privacy in intimate spaces.

4 (a) The Director of the Department of Corrections shall
5 ensure that males are not detained in women's prisons or
6 housed in women's detention centers, revise its policies
7 concerning medical care to be consistent with this Act, and
8 shall ensure that no State funds are expended for any medical
9 procedure, treatment, or drug for the purpose of conforming an
10 inmate's appearance to that of the opposite sex.

11 (b) State agencies shall effectuate this policy by taking
12 appropriate action to ensure that intimate spaces designated
13 for women, girls, or females, or for men, boys, or males, are
14 designated by sex and not identity.

15 Section 25. Protecting rights. The Department of Human
16 Rights shall issue guidance to ensure the freedom to express
17 the binary nature of sex and the right to single-sex spaces in
18 workplaces. The Department shall prioritize investigations and
19 litigation to enforce the rights and freedoms identified and
20 created under this Act.

21 Section 30. Agency implementation and reporting.

22 (a) Within 120 days of the date of this Act, each State
23 Agency shall submit an update on implementation of this order

1 to the Governor, the Senate President, the Minority Leader of
2 the Senate, the Speaker of the House of Representatives, and
3 the Minority Leader of the House of Representatives. That
4 update shall address:

5 (1) changes to agency documents, including
6 regulations, rules guidance, forms, and communications
7 made to comply with this Act; and

8 (2) agency-imposed requirements on State funded
9 entities, including contractors, to achieve the policy of
10 this Act.

11 (b) Each State agency shall promptly rescind all guidance
12 documents inconsistent with the requirements of this Act or
13 rescind such parts of such documents that are inconsistent in
14 such a manner.

15 Section 35. General provisions.

16 (a) Nothing in this Act may be construed to impair or
17 otherwise affect the authority granted by law to a
18 constitutional officer, State agency, or director of any State
19 agency.

20 (b) This order is not intended to, and does not, create any
21 right or benefit, substantive or procedural, enforceable at
22 law or in equity by any party against the State, its
23 departments, agencies, or entities, its officers, employees,
24 or agents, or any other person.

1 Section 95. Applicability. This Act takes priority over
2 and supersedes any other State law or rule that appears to or
3 purports to be in conflict with this Act.

4 Section 97. Severability. If any provision of this Act or
5 its application to any person or circumstance is held invalid,
6 the invalidity of that provision or application does not
7 affect other provisions or applications of this Act that can
8 be given effect without the invalid provision or application.

9 (410 ILCS 35/Act rep.)

10 Section 900. The Equitable Restrooms Act is repealed.

11 Section 905. The Illinois Human Rights Act is amended by
12 changing Section 1-103 as follows:

13 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

14 Sec. 1-103. General definitions. When used in this Act,
15 unless the context requires otherwise, the term:

16 (A) Age. "Age" means the chronological age of a person who
17 is at least 40 years old, except with regard to any practice
18 described in Section 2-102, insofar as that practice concerns
19 training or apprenticeship programs. In the case of training
20 or apprenticeship programs, for the purposes of Section 2-102,
21 "age" means the chronological age of a person who is 18 but not
22 yet 40 years old.

1 (B) Aggrieved party. "Aggrieved party" means a person who
2 is alleged or proved to have been injured by a civil rights
3 violation or believes he or she will be injured by a civil
4 rights violation under Article 3 that is about to occur.

5 (B-5) Arrest record. "Arrest record" means:

6 (1) an arrest not leading to a conviction;

7 (2) a juvenile record; or

8 (3) criminal history record information ordered
9 expunged, sealed, or impounded under Section 5.2 of the
10 Criminal Identification Act.

11 (C) Charge. "Charge" means an allegation filed with the
12 Department by an aggrieved party or initiated by the
13 Department under its authority.

14 (D) Civil rights violation. "Civil rights violation"
15 includes and shall be limited to only those specific acts set
16 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
17 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
18 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

19 (E) Commission. "Commission" means the Human Rights
20 Commission created by this Act.

21 (F) Complaint. "Complaint" means the formal pleading filed
22 by the Department with the Commission following an
23 investigation and finding of substantial evidence of a civil
24 rights violation.

25 (G) Complainant. "Complainant" means a person including
26 the Department who files a charge of civil rights violation

1 with the Department or the Commission.

2 (G-5) Conviction record. "Conviction record" means
3 information indicating that a person has been convicted of a
4 felony, misdemeanor or other criminal offense, placed on
5 probation, fined, imprisoned, or paroled pursuant to any law
6 enforcement or military authority.

7 (H) Department. "Department" means the Department of Human
8 Rights created by this Act.

9 (I) Disability.

10 (1) "Disability" means a determinable physical or mental
11 characteristic of a person, including, but not limited to, a
12 determinable physical characteristic which necessitates the
13 person's use of a guide, hearing or support dog, the history of
14 such characteristic, or the perception of such characteristic
15 by the person complained against, which may result from
16 disease, injury, congenital condition of birth or functional
17 disorder and which characteristic:

18 (a) For purposes of Article 2, is unrelated to the
19 person's ability to perform the duties of a particular job
20 or position and, pursuant to Section 2-104 of this Act, a
21 person's illegal use of drugs or alcohol is not a
22 disability;

23 (b) For purposes of Article 3, is unrelated to the
24 person's ability to acquire, rent, or maintain a housing
25 accommodation;

26 (c) For purposes of Article 4, is unrelated to a

1 person's ability to repay;

2 (d) For purposes of Article 5, is unrelated to a
3 person's ability to utilize and benefit from a place of
4 public accommodation;

5 (e) For purposes of Article 5, also includes any
6 mental, psychological, or developmental disability,
7 including autism spectrum disorders.

8 (2) Discrimination based on disability includes unlawful
9 discrimination against an individual because of the
10 individual's association with a person with a disability.

11 (J) Marital status. "Marital status" means the legal
12 status of being married, single, separated, divorced, or
13 widowed.

14 (J-1) Military status. "Military status" means a person's
15 status on active duty in or status as a veteran of the armed
16 forces of the United States, status as a current member or
17 veteran of any reserve component of the armed forces of the
18 United States, including the United States Army Reserve,
19 United States Marine Corps Reserve, United States Navy
20 Reserve, United States Air Force Reserve, and United States
21 Coast Guard Reserve, or status as a current member or veteran
22 of the Illinois Army National Guard or Illinois Air National
23 Guard.

24 (K) National origin. "National origin" means the place in
25 which a person or one of his or her ancestors was born.

26 (K-5) "Order of protection status" means a person's status

1 as being a person protected under an order of protection
2 issued pursuant to the Illinois Domestic Violence Act of 1986,
3 Article 112A of the Code of Criminal Procedure of 1963, the
4 Stalking No Contact Order Act, or the Civil No Contact Order
5 Act, or an order of protection issued by a court of another
6 state.

7 (L) Person. "Person" includes one or more individuals,
8 partnerships, associations or organizations, labor
9 organizations, labor unions, joint apprenticeship committees,
10 or union labor associations, corporations, the State of
11 Illinois and its instrumentalities, political subdivisions,
12 units of local government, legal representatives, trustees in
13 bankruptcy or receivers.

14 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
15 or medical or common conditions related to pregnancy or
16 childbirth.

17 (M) Public contract. "Public contract" includes every
18 contract to which the State, any of its political
19 subdivisions, or any municipal corporation is a party.

20 (M-5) Race. "Race" includes traits associated with race,
21 including, but not limited to, hair texture and protective
22 hairstyles such as braids, locks, and twists.

23 (N) Religion. "Religion" includes all aspects of religious
24 observance and practice, as well as belief, except that with
25 respect to employers, for the purposes of Article 2,
26 "religion" has the meaning ascribed to it in paragraph (F) of

1 Section 2-101.

2 (O) Sex. "Sex" means the status of being male or female.

3 (O-1) Sexual orientation. "Sexual orientation" means
4 actual or perceived heterosexuality, homosexuality, or
5 bisexuality, ~~or gender related identity~~, whether or not
6 traditionally associated with the person's designated sex at
7 birth. "Sexual orientation" does not include a physical or
8 sexual attraction to a minor by an adult.

9 (O-2) Reproductive Health Decisions. "Reproductive Health
10 Decisions" means a person's decisions regarding the person's
11 use of: contraception; fertility or sterilization care;
12 assisted reproductive technologies; miscarriage management
13 care; healthcare related to the continuation or termination of
14 pregnancy; or prenatal, intranatal, or postnatal care.

15 (O-5) Source of income. "Source of income" means the
16 lawful manner by which an individual supports himself or
17 herself and his or her dependents.

18 (P) Unfavorable military discharge. "Unfavorable military
19 discharge" includes discharges from the Armed Forces of the
20 United States, their Reserve components, or any National Guard
21 or Naval Militia which are classified as RE-3 or the
22 equivalent thereof, but does not include those characterized
23 as RE-4 or "Dishonorable".

24 (Q) Unlawful discrimination. "Unlawful discrimination"
25 means discrimination against a person because of his or her
26 actual or perceived: race, color, religion, national origin,

1 ancestry, age, sex, marital status, order of protection
2 status, disability, military status, sexual orientation,
3 pregnancy, reproductive health decisions, or unfavorable
4 discharge from military service as those terms are defined in
5 this Section.

6 (Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22;
7 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff.
8 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23; 103-785,
9 eff. 1-1-25.)