

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****SB2731**

Introduced 10/28/2025, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:110 ILCS 330/15 new
210 ILCS 85/6.14h new

Amends the Hospital Licensing Act. Provides that the amendatory provisions may be referred to as the Health Care Sanctity and Privacy Law. Requires hospitals to adopt and implement a policy regarding interactions with law enforcement agents. Sets forth minimum requirements for the policy, including designating a contact person or persons to be notified of all law enforcement presence or information requests and establishing the following procedures: procedures to respond to such requests; procedures to verify the identity and authority of any law enforcement agent involved in civil immigration activities at a hospital site; procedures for designating space for law enforcement agents to remain and wait at a hospital; procedures for patients to request an amendment to their medical records; and procedures concerning the release of information to law enforcement agents. Requires the policy to be submitted to the Department of Public Health. Establishes a fine for hospitals that fail to submit the policy. Sets forth provisions concerning complaints of noncompliance with the provisions; holding hospital personnel harmless from any civil, criminal, or other liability that may arise as a result of their reasonable compliance with the amendatory provisions; obligations as a mandated reporter; and conflicts with federal law. Amends the University of Illinois Hospital Act to require compliance with the provisions of the amendatory Act. Effective immediately.

LRB104 16071 RPS 29349 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The University of Illinois Hospital Act is
5 amended by adding Section 15 as follows:

6 (110 ILCS 330/15 new)

7 Sec. 15. Compliance with the Health Care Sanctity and
8 Privacy Law. The University of Illinois Hospital shall comply
9 with Section 6.14h of the Hospital Licensing Act.

10 Section 10. The Hospital Licensing Act is amended by
11 adding Section 6.14h as follows:

12 (210 ILCS 85/6.14h new)

13 Sec. 6.14h. The Health Care Sanctity and Privacy Law.

14 (a) This Section may be referred to as the Health Care
15 Sanctity and Privacy Law.

16 (b) As used in this Section:

17 "Administrative volunteer" means an individual who serves
18 as a volunteer at a hospital in only an administrative
19 capacity.

20 "Law enforcement agent" means an agent, subcontractor, or
21 designee of a federal, State, or local law enforcement agency

1 with the power to arrest or detain individuals, to manage the
2 custody of detained individuals, or to issue a subpoena for a
3 law enforcement purpose, including, but not limited to, civil
4 immigration enforcement.

5 "Patient" means any person who has received or is
6 receiving medical care, treatment, or services from an
7 individual or institution licensed to provide medical care or
8 treatment in this State.

9 (c) Each general acute care hospital shall adopt and
10 implement a policy regarding interactions with law enforcement
11 agents by January 1, 2026, and all other hospitals shall adopt
12 and implement a policy regarding interactions with law
13 enforcement agents by March 1, 2026. Each policy adopted under
14 this subsection must include, at a minimum:

15 (1) The designation of a contact person or persons to
16 be notified of all law enforcement presence or information
17 requests at the hospital and procedures to respond to
18 those requests. The designated contact person or persons
19 shall be legal counsel of the hospital or other
20 individuals within the administration of the hospital.

21 (2) Procedures to verify the identity and authority of
22 any law enforcement agent involved in civil immigration
23 activities at the hospital site, including, but not
24 limited to, the use of best efforts to request and
25 document the first and last name of the law enforcement
26 agent, the name of the law enforcement agency, and the

1 badge number of any law enforcement agent presenting with
2 a patient or requesting information about a patient.

3 (3) Procedures for designating space for law
4 enforcement agents to remain and wait at a hospital,
5 considering public interest, staff safety, and patient
6 needs; provided, however, that a law enforcement agent may
7 access such areas of the hospital as the hospital's
8 designated contact person approves if the law enforcement
9 agent: (i) complies with hospital policy and State and
10 federal law, including, but not limited to, that the law
11 enforcement agent has a valid judicial warrant or court
12 order signed by a judge or magistrate to accompany a
13 patient in the law enforcement agent's custody or
14 otherwise be present in the facility or (ii) is requested
15 by hospital staff to respond to a safety or security issue
16 within the hospital.

17 (4) Procedures to ensure that patients are provided
18 with:

19 (A) a notice of privacy policies in accordance
20 with 45 CFR 164.520, including information about the
21 patient's right to request an amendment to the
22 patient's medical record, which shall be made
23 available in the languages of the populations of
24 persons living within the geographic area served by
25 the hospital in compliance with the Language
26 Assistance Services Act and which may include a

1 request that any of the following information be
2 deleted, redacted, or amended:

3 (i) place of birth;

4 (ii) immigration or citizenship status; or

5 (iii) information from birth certificates,
6 passports, permanent resident cards, alien
7 registration cards, or employment authorization
8 documents; and

9 (B) an opportunity, at the earliest reasonable
10 moment, to sign an authorization form in order to
11 permit the disclosure of information by the hospital
12 to parents, guardians, relatives, or other designees
13 of the patient about the patient's health status or
14 hospital admission and discharge, which shall also be
15 made available in languages of the populations of
16 persons living within the geographic area served by
17 the hospital in compliance with the Language
18 Assistance Services Act.

19 (5) Procedures to ensure that any protected health
20 information requested by a law enforcement agent is
21 released only in strict accordance with all applicable
22 local, State, and federal law, including, but not limited
23 to, the Health Insurance Portability and Accountability
24 Act of 1996, as amended, and its implementing regulations,
25 including, but not limited to, the Privacy Rule (45 CFR
26 Parts 160, 162, and 164) and, including, but not limited

1 to, 45 CFR 164.512(e) and (f).

2 (6) In the case of a law enforcement agent seeking
3 information for the purpose of immigration enforcement, to
4 the extent not in conflict with 45 CFR 164.512(e) and (f),
5 a procedure to release information only when the following
6 circumstances are met, and in strict compliance with:

7 (A) a valid and accurate subpoena issued by a
8 federal judge or magistrate;

9 (B) a valid and accurate order issued by a federal
10 judge or magistrate to require access; or

11 (C) a valid and accurate warrant issued by a
12 federal judge or magistrate.

13 (7) Procedures to ensure annual and, as deemed
14 reasonably necessary by the hospital, episodic training on
15 such policy to:

16 (A) all hospital clinical health care staff,
17 including, but not limited to, intake staff, emergency
18 room staff, and independent contractors who provide
19 clinical services;

20 (B) security personnel;

21 (C) designated contact persons; and

22 (D) administrative volunteers.

23 (8) Procedures to ensure all policies of the hospital
24 comply with this Section.

25 (9) A requirement that a hospital or its agents shall
26 not retaliate against a patient, employee, or agent who

1 files a complaint under this Section.

2 (d) The policies required by subsection (c) shall be
3 submitted to the Department. General acute care hospitals
4 shall submit the policies to the Department no later than
5 January 1, 2026, and all other hospitals shall submit the
6 policies to the Department no later than March 1, 2026.

7 (e) Hospitals shall post, either by physical or electronic
8 means, in a conspicuous place within the hospital, which is
9 accessible to patients, employees, and visitors, a
10 description, provided by the Department, regarding the phone
11 number that individuals can call to learn about their
12 immigration rights. Notices under this Section shall be posted
13 in the predominant language or languages spoken in the
14 hospital's service area.

15 (f) By January 15, 2026, the Department shall notify any
16 general acute care hospital that has failed to provide a copy
17 of the policy required under this Section, and by March 15,
18 2026, the Department shall notify all other hospitals that
19 have failed to provide a copy of the policy required under this
20 Section.

21 A hospital receiving such a notice shall have 7 working
22 days to provide a copy of the policy. The failure of a hospital
23 to submit a copy of such a policy within 7 working days may
24 subject the hospital to the imposition of a fine by the
25 Department. The Department may impose a fine of up to \$500 per
26 day until the hospital files the policy.

1 (g) The Department shall have the authority to investigate
2 and respond to complaints from patients, employees, and the
3 public alleging noncompliance with subsection (c). A hospital
4 and its agents shall not retaliate against a patient,
5 employee, or agent who files a complaint under this Section.

6 (h) All hospital personnel, including administrative
7 volunteers, shall be forever held harmless from any civil,
8 criminal, or other liability that may arise, now or in the
9 future, as a result of their reasonable compliance with the
10 provisions of this Section.

11 (i) Nothing in this Section affects a hospital's
12 obligation as a mandated reporter or to otherwise respond to
13 instances of suspected crime on the premises.

14 (j) This Section is not intended to conflict with federal
15 law or stand as an obstacle to the enforcement of federal laws.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.