

SB3771



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3771

Introduced 2/5/2026, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

New Act
410 ILCS 50/3

from Ch. 111 1/2, par. 5403

Creates the Reproductive Health Records Privacy Act. Requires health information exchanges to implement policies and technical capabilities by July 1, 2027, to segregate medical information related to abortion care, restrict access by out-of-state entities, and limit disclosure. Provides enforcement through private actions and civil actions by the Attorney General, including injunctive relief and civil penalties. Defines terms. Amends the Medical Patient Rights Act to clarify patient privacy rights and allow segregation of abortion-related information in health information exchanges. Provides for severability.

LRB104 20640 BDA 34137 b

A BILL FOR

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

12 "Health information exchange" means an entity that
13 facilitates the electronic exchange of health information by
14 operating a health information exchange or by providing
15 software or services that allow health care providers to
16 maintain medical information electronically and make that
17 information available to other authorized persons or providers
18 for purposes of diagnosis, treatment, or care management.

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

1 Section 10. Segregation of information.

2 (a) By July 1, 2027, a health information exchange shall
3 develop capabilities, policies, and procedures to enable and
4 shall enable features to do the following:

5 (1) limit user access privileges to information
6 systems that contain medical information related to the
7 provision of abortion care;

8 (2) prevent the disclosure, access, transfer,
9 transmission, or processing of medical information related
10 to the provision of abortion care to persons and entities
11 outside of the State;

12 (3) segregate medical information related to the
13 provision of abortion care from the rest of the patient's
14 record; and

15 (4) provide the ability to automatically disable
16 access to segregated medical information related to the
17 provision of abortion care by individuals and entities
18 outside of the State.

19 (b) Any fees charged to health care providers to comply
20 with this Section shall be consistent with 45 CFR 171.302.

21 (c) This Section does not apply to a health care provider.

22 Section 15. Violations.

23 (a) Any person aggrieved by a violation of this Act may sue
24 for damages, an injunction, or other appropriate relief.
25 Reasonable attorney's fees and costs may be awarded to the

1 successful plaintiff in any action under this Act.

2 (b) The Attorney General may bring a civil action for
3 injunctive or other equitable relief to enforce this Section.
4 In an action brought by the Attorney General under this
5 Section, the court may also award a civil penalty not
6 exceeding \$50,000, taking into consideration:

7 (1) whether the defendant has made a good faith
8 attempt to comply;

9 (2) the harm to patients;

10 (3) the number of violations and magnitude of the
11 violation;

12 (4) the length of time over which the violations
13 occurred; and

14 (5) the defendant's assets, liabilities, and net
15 worth.

16 Section 80. The Medical Patient Rights Act is amended by
17 changing Section 3 as follows:

18 (410 ILCS 50/3) (from Ch. 111 1/2, par. 5403)

19 Sec. 3. The following rights are hereby established:

20 (a) The right of each patient to care consistent with
21 sound nursing and medical practices, to be informed of the
22 name of the physician responsible for coordinating his or
23 her care, to receive information concerning his or her
24 condition and proposed treatment, to refuse any treatment

1 to the extent permitted by law, and to privacy and
2 confidentiality of records except as otherwise provided by
3 law.

4 (b) The right of each patient, regardless of source of
5 payment, to examine and receive a reasonable explanation
6 of his total bill for services rendered by his physician
7 or health care provider, including the itemized charges
8 for specific services received. Each physician or health
9 care provider shall be responsible only for a reasonable
10 explanation of those specific services provided by such
11 physician or health care provider.

12 (c) In the event an insurance company or health
13 services corporation cancels or refuses to renew an
14 individual policy or plan, the insured patient shall be
15 entitled to timely, prior notice of the termination of
16 such policy or plan.

17 An insurance company or health services corporation
18 that requires any insured patient or applicant for new or
19 continued insurance or coverage to be tested for infection
20 with human immunodeficiency virus (HIV) or any other
21 identified causative agent of acquired immunodeficiency
22 syndrome (AIDS) shall (1) give the patient or applicant
23 prior written notice of such requirement, (2) proceed with
24 such testing only upon the written authorization of the
25 applicant or patient, and (3) keep the results of such
26 testing confidential. Notice of an adverse underwriting or

1 coverage decision may be given to any appropriately
2 interested party, but the insurer may only disclose the
3 test result itself to a physician designated by the
4 applicant or patient, and any such disclosure shall be in
5 a manner that assures confidentiality.

6 The Department of Insurance shall enforce the
7 provisions of this subsection.

8 (d) The right of each patient to privacy and
9 confidentiality in health care. Each physician, health
10 care provider, health services corporation and insurance
11 company shall refrain from disclosing the nature or
12 details of services provided to patients, except that such
13 information may be disclosed: (1) to the patient, (2) to
14 the party making treatment decisions if the patient is
15 incapable of making decisions regarding the health
16 services provided, (3) for treatment in accordance with 45
17 CFR 164.501 and 164.506, (4) for payment in accordance
18 with 45 CFR 164.501 and 164.506, (5) to those parties
19 responsible for peer review, utilization review, and
20 quality assurance, (6) for health care operations in
21 accordance with 45 CFR 164.501 and 164.506, (7) to those
22 parties required to be notified under the Abused and
23 Neglected Child Reporting Act or the Illinois Sexually
24 Transmitted Infection Control Act, or (8) as otherwise
25 permitted, authorized, or required by State or federal
26 law. This right may be waived in writing by the patient or

1 the patient's guardian or legal representative, but a
2 physician or other health care provider may not condition
3 the provision of services on the patient's, guardian's, or
4 legal representative's agreement to sign such a waiver. In
5 the interest of public health, safety, and welfare,
6 patient information, including, but not limited to, health
7 information, demographic information, and information
8 about the services provided to patients, may be
9 transmitted to or through a health information exchange,
10 as that term is defined in Section 2 of the Mental Health
11 and Developmental Disabilities Confidentiality Act, in
12 accordance with the disclosures permitted pursuant to this
13 Section. Patients shall be provided the opportunity to opt
14 out of their health information being transmitted to or
15 through a health information exchange in accordance with
16 Section 9.6 of the Mental Health and Developmental
17 Disabilities Confidentiality Act, Section 9.6 of the AIDS
18 Confidentiality Act, or Section 31.8 of the Genetic
19 Information Privacy Act, as applicable. Medical
20 information related to the provision of abortion care in a
21 health information exchange may be segregated and access
22 to such information may be limited in accordance with the
23 Reproductive Health Records Privacy Act. In the case of a
24 patient choosing to opt out of having his or her
25 information available on an HIE, nothing in this Act shall
26 cause the physician or health care provider to be liable

1 for the release of a patient's health information by other
2 entities that may possess such information, including, but
3 not limited to, other health professionals, providers,
4 laboratories, pharmacies, hospitals, ambulatory surgical
5 centers, and nursing homes.

6 (Source: P.A. 103-508, eff. 8-4-23; 103-1049, eff. 8-9-24.)

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