

HB5506



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5506

by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

New Act

Creates the Reproductive FACT (Freedom, Accountability, Comprehensive Care, and Transparency) Act. Requires crisis pregnancy centers to display a specified notice regarding planning services, prenatal care, and abortion. Requires unlicensed covered facilities to provide notice regarding the lack of a medical provider who provides or directly supervises the provision of services. Contains requirements for the notice. Provides a civil penalty of \$500 for a first offense and \$1,000 for each subsequent offense. Provides that the Act shall not apply to a clinic directly conducted, maintained, or operated by the United States or any of its departments, officers, or agencies. Defines "crisis pregnancy center" and "unlicensed covered facility". Contains other provisions.

LRB101 18875 CPF 68333 b

FISCAL NOTE ACT
MAY APPLY

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 FACT (Freedom, Accountability, Comprehensive
6 Care, and Transparency) Act.

7 Section 5. Definitions. In this Act:

8 "Crisis pregnancy center" means a health care facility as
9 defined under Section 3 of the Health Care Right of Conscience
10 Act whose primary purpose is providing family planning or
11 pregnancy-related services, and that satisfies 2 or more of the
12 following:

13 (1) The health care facility offers obstetric
14 ultrasounds, obstetric sonograms, or prenatal care to
15 pregnant women.

16 (2) The health care facility provides, or offers
17 counseling about, contraception or contraceptive methods.

18 (3) The health care facility offers pregnancy testing
19 or pregnancy diagnosis.

20 (4) The health care facility advertises or solicits
21 patrons with offers to provide prenatal sonography,
22 pregnancy tests, or pregnancy options counseling.

23 (5) The health care facility offers abortion services.

1 (6) The health care facility has staff or volunteers
2 who collect health information from clients.

3 "Unlicensed covered facility" means a facility that is not
4 licensed by the State and does not have a licensed medical
5 provider on staff or under contract who provides or directly
6 supervises the provision of all of the services, whose primary
7 purpose is providing pregnancy-related services, and that
8 satisfies 2 or more of the following:

9 (1) The facility offers obstetric ultrasounds,
10 obstetric sonograms, or prenatal care to pregnant women.

11 (2) The facility offers pregnancy testing or pregnancy
12 diagnosis.

13 (3) The facility advertises or solicits patrons with
14 offers to provide prenatal sonography, pregnancy tests, or
15 pregnancy options counseling.

16 (4) The facility has staff or volunteers who collect
17 health information from clients.

18 Section 10. Notice.

19 (a) A crisis pregnancy center shall disseminate to clients
20 on site the following notice in English and in the primary
21 threshold languages for Illinois Medical Assistance
22 beneficiaries as determined by the Department of Healthcare and
23 Family Services for the county in which the crisis pregnancy
24 center is located. The notice shall state:

25 "Illinois has public programs that provide immediate

1 free or low-cost access to comprehensive family planning
2 services (including all FDA-approved methods of
3 contraception), prenatal care, and abortion for eligible
4 women. To determine whether you qualify, contact the county
5 social services office at [insert the telephone number]."

6 The information shall be disclosed in one of the following
7 ways:

8 (1) A public notice posted in a conspicuous place where
9 individuals wait that may be easily read by those seeking
10 services from the crisis pregnancy center. The notice shall
11 be at least 8.5 inches by 11 inches and written in no less
12 than 22-point type.

13 (2) A printed notice distributed to all clients in no
14 less than 14-point type.

15 (3) A digital notice distributed to all clients that
16 can be read at the time of check in or arrival, in the same
17 point type as other digital disclosures. A printed notice
18 as described in paragraph (2) shall be available for all
19 clients who cannot or do not wish to receive the
20 information in a digital format.

21 The notice may be combined with other mandated disclosures.

22 (b) An unlicensed covered facility shall disseminate to
23 clients on site and in any print and digital advertising
24 materials, including, but not limited to, websites, the
25 following notice in English and in the primary threshold
26 languages for beneficiaries of medical assistance under

1 Article V of the Illinois Public Aid Code as determined by the
2 Department of Healthcare and Family Services for the county in
3 which the unlicensed covered facility is located. The notice
4 shall state:

5 "This facility is not licensed as a medical facility by
6 the State of Illinois and has no licensed medical provider
7 who provides or directly supervises the provision of
8 services.".

9 The on site notice shall be a sign at least 8.5 inches by
10 11 inches and written in no less than 48-point type and shall
11 be posted conspicuously in the entrance of the facility and at
12 least one additional area where clients wait to receive
13 services.

14 The notice in the advertising material shall be clear and
15 conspicuous. As used in this paragraph, "clear and conspicuous"
16 means: in larger point type than the surrounding text; in
17 contrasting type, font, or color to the surrounding text of the
18 same size; or set off from the surrounding text of the same
19 size by symbols or other marks that call attention to the
20 language.

21 Section 15. Civil penalties.

22 (a) A crisis pregnancy center or unlicensed covered
23 facility that fails to comply with the requirements of this Act
24 is liable for a civil penalty of \$500 for a first offense and
25 \$1,000 for each subsequent offense. The Attorney General or the

1 State's Attorney of the county in which a violation occurred
2 may bring an action to impose a civil penalty under this
3 Section after doing both of the following:

4 (1) Providing the crisis pregnancy center or
5 unlicensed covered facility with reasonable notice of
6 noncompliance that informs the crisis pregnancy center or
7 unlicensed covered facility that it is subject to a civil
8 penalty if it does not correct the violation within 30 days
9 after the date the notice is sent to the crisis pregnancy
10 center or unlicensed covered facility.

11 (2) Verifying that the violation was not corrected
12 within the 30-day period described in paragraph (1).

13 (b) The civil penalty shall be deposited into the General
14 Revenue Fund if the action is brought by the Attorney General.
15 If the action is brought by the State's Attorney of the county
16 in which a violation occurred, the civil penalty shall be paid
17 to the treasurer of the unit of local government in which the
18 judgment is entered.

19 Section 20. Application. This Act shall not apply to a
20 clinic directly conducted, maintained, or operated by the
21 United States or any of its departments, officers, or agencies.

22 Section 25. Severability. The provisions of this Act are
23 severable under Section 1.31 of the Statute on Statutes.