



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4149

Introduced 10/19/2021, by Rep. David A. Welter, Amy Grant, Andrew S. Chesney, Chris Miller and Brad Halbrook

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Parental Medical Choice Act. Provides that no State or local entity, agency, institution, official, or person shall require a minor to obtain a health care service or take a health-related precaution. Provides that no State or local entity, agency, institution, official, or person shall discriminate against a minor because the child has or has not obtained a health care service or has or has not taken any health-related precaution. Provides that no public institution of higher education shall require any health care service or health-related precaution to be taken as a condition on enrollment or in-person classroom attendance. Makes other requirements concerning the prohibition against compulsory health care service or health-related precautions for children. Provides that any person aggrieved by a violation of the Act shall have a right of action in a State circuit court against an offending State or local entity, agency, institution, official, or person. Provides that a prevailing party may recover liquidated damages in the amount of \$1,000 per day for the duration of a violation of the Act. Provides findings and policy provisions. Defines terms.

LRB102 20011 RJF 28820 b

1 AN ACT concerning government.

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 Parental Medical Choice Act.

6 Section 5. Findings. The General Assembly finds the  
7 following:

8 (1) that Illinois parents often hold different beliefs  
9 about whether certain health care services are morally  
10 acceptable, safe, or appropriate to be administered to  
11 children; and

12 (2) that Illinois parents should be the decision maker  
13 when deciding what health care measures are and are not  
14 provided or administered to their minor child and what  
15 health care precautions their children should take.

16 Section 10. Policy. It is the policy of the State of  
17 Illinois to respect, protect, and uphold the fundamental right  
18 of Illinois parents to make informed medical decisions on  
19 behalf of their minor children, independent from any State or  
20 local government agency.

21 Section 15. Definitions. As used in this Act:

1 "Health care" includes, but is not limited to, testing,  
2 diagnosis, prognosis, medication, vaccination, surgery, or  
3 other care or treatment rendered by a physician or physicians,  
4 nurses, paraprofessionals, or health care facility, intended  
5 for the physical, emotional, and mental well-being of persons.

6 "Health-related precaution" includes facial masking or  
7 quarantining.

8 "Minor" means a person who has not attained the age of 18  
9 years.

10 "Public institutions of higher education" has the same  
11 meaning as provided under Section 1 of the Board of Higher  
12 Education Act.

13 Section 20. Prohibitions.

14 (a) No State or local entity, agency, institution,  
15 official, or person shall require a minor to obtain a health  
16 care service or take a health-related precaution.

17 (b) No State or local entity, agency, institution,  
18 official, or person shall discriminate against a minor because  
19 the child has or has not obtained a health care service or has  
20 or has not taken any health-related precaution.

21 (c) The prohibitions contained in subsections (a) and (b)  
22 include any action that would require a private entity to  
23 enforce requirements or discriminate in a manner that a State  
24 or local entity, agency, institution, official, or person is  
25 prohibited from under subsections (a) and (b).

1           (d) No public institutions of higher education in this  
2 State shall require any health care service or health-related  
3 precaution to be taken as a condition on enrollment or  
4 in-person classroom attendance.

5           (e) Nothing in this Act shall limit the Department of  
6 Public Health from declaring and enforcing a quarantine as  
7 provided under Section 2 of the Department of Public Health  
8 Act.

9           Section 25. Enforcement. Notwithstanding any other statute  
10 to the contrary, any person aggrieved by a violation of this  
11 Act shall have a right of action in a State circuit court  
12 against an offending State or local entity, agency,  
13 institution, official, or person. A prevailing party may  
14 recover liquidated damages in the amount of \$1,000 per day for  
15 the duration of a violation of this Act.