102ND GENERAL ASSEMBLY
State of Illinois
2021 and 2022
HB4239


SYNOPSIS AS INTRODUCED:

New Act

Creates the COVID-19 Religious Exemption Act. Provides that it shall be unlawful for any person, public or private institution, or public official to discriminate against any person in any manner because of such person's refusal to obtain, receive, or accept a COVID-19 vaccination contrary to his or her belief. Requires all health care facilities to adopt written access to care and information protocols that are designed to ensure that belief-based objections do not cause impairment of patients' health and that explain how belief-based objections will be addressed in a timely manner to facilitate patient care. Provides that it is unlawful for any public or private employer, entity, agency, institution, official, or person to deny admission because of, to place any reference in its application form concerning, to orally question about, to impose any burdens in terms or conditions of employment on, or to otherwise discriminate against, any applicant, in terms of employment, admission to or participation in any programs for which the applicant is eligible, or to discriminate in relation thereto, in any other manner, on account of the applicant's refusal to obtain, receive, or accept a COVID-19 vaccination that is against the applicant's beliefs. Provides that it is unlawful for any public official, guardian, agency, institution, or entity to deny any form of aid, assistance, or benefits, or to condition the reception in any way of any form of aid, assistance, or benefits, or in any other manner to coerce, disqualify, or discriminate against any person, otherwise entitled to such aid, assistance, or benefits, because that person refuses to obtain, receive, or accept a COVID-19 vaccination contrary to the person's belief. Allows any person injured by any public or private person, association, agency, entity, or corporation by reason of any action prohibited by the Act to bring an action. Provides that a person who brings an action shall recover threefold the actual damages, the costs of the action, and reasonable attorney's fees, but in no case shall recovery for each violation be less than $2,500 plus costs of the action and reasonable attorney's fees. Makes other changes. Effective immediately.
AN ACT concerning civil law.

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

Section 1. Short title; references to Act.
(a) Short title. This Act may be cited as the COVID-19 Religious Exemption Act.
(b) References to Act. This Act may be referred to as the Freedom Act.

Section 5. Findings and policy. The General Assembly finds and declares that individuals, not government officials, have the right to make their own health care decisions and that they hold different beliefs about whether a COVID-19 vaccination is in their own best interests. It is the public policy of the State to respect and protect the right of all individuals to refuse to act contrary to their beliefs on their own behalf or the behalf of a minor or ward in their care to obtain, receive, or accept a COVID-19 vaccination, and to prohibit all forms of discrimination, disqualification, coercion, disability, or imposition of liability upon such individuals for refusing on their own behalf or on the behalf of a minor or ward in their care to act contrary to their beliefs in refusing to obtain, receive, or accept a COVID-19 vaccination. It is also the public policy of the State to ensure that individuals receive
timely access to information and medically appropriate care.

Section 10. Definitions. As used in this Act:

"Belief" means a sincerely held conviction based on an individual's religious faith, morals, or views on health care.

"COVID-19 vaccination" means any vaccine intended to provide acquired immunity against severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), the virus that causes coronavirus disease 2019 (COVID-19), or any of its subsequent variants.

"Health care facility" means any public or private hospital, clinic, center, medical school, medical training institution, laboratory or diagnostic facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein COVID-19 vaccinations are provided to any person, including physician organizations and associations, networks, joint ventures, and all other combinations of those organizations.

"Health care personnel" means any nurse, nurses' aide, medical school student, professional, paraprofessional, or other person who furnishes or assists in furnishing a COVID-19 vaccination.

"Physician" means any person who is licensed by the State under the Medical Practice Act of 1987.

"Undue delay" means unreasonable delay that causes impairment of the patient's health.
The above definitions include not only the traditional combinations and forms of these persons and organizations but also all new and emerging forms and combinations of these persons and organizations.

Section 15. Discrimination. It is unlawful for any person, public or private institution, or public official to discriminate against any person in any manner, including, but not limited to, in relation to licensing, hiring, firing, promotion, transfer, appointment, or any other rights or privileges, because of the person's refusal, on the person's own behalf or on the behalf of a minor or ward in the person's care, to obtain, receive, or accept a COVID-19 vaccination contrary to the person's belief.

Section 20. Duty of physicians and other health care personnel. Nothing in this Act shall relieve a physician from any duty, which may exist under any law concerning current standards of medical practice or care, to inform a patient of the patient's condition, prognosis, legal treatment options, and risks and benefits of treatment options. Nothing in this Act shall be construed to relieve a physician or other health care personnel from obligations under the law of providing emergency medical care.

Section 25. Access to care and information protocols. All
health care facilities shall adopt written access to care and information protocols that are designed to ensure that belief-based objections do not cause impairment of patients' health and that explain how belief-based objections will be addressed in a timely manner to facilitate patient care. These protocols shall, at a minimum, address the following:

(1) The health care facility, physician, or health care personnel shall inform a patient of the patient's condition, prognosis, legal treatment options, and risks and benefits of the treatment options in a timely manner, consistent with current standards of medical practice or care.

(2) If requested by the patient or the legal representative of the patient, the health care facility, physician, or health care personnel shall (i) refer the patient to, (ii) transfer the patient to, or (iii) provide in writing information to the patient about other health care providers who they reasonably believe may refrain from requiring a COVID-19 vaccination in accordance with the beliefs of the patient or legal representative of the patient.

(3) If requested by the patient or the legal representative of the patient, the health care facility, physician, or health care personnel shall provide copies of medical records to the patient or to another health care professional or health care facility designated by
the patient in accordance with State law, without undue

delay.

Section 30. Permissible acts related to access to care and
information protocols. Nothing in this Act shall be construed
to prevent a health care facility from requiring that
physicians or health care personnel working in the facility
comply with access to care and information protocols that
comply with the provisions of this Act.

Section 35. Discrimination by employers or institutions.
It is unlawful for any public or private employer, entity,
agency, institution, official, or person, including, but not
limited to, a medical, nursing, or other medical training
institution, to deny admission because of, to place any
reference in its application form concerning, to orally
question about, to impose any burdens in terms or conditions
of employment on, or to otherwise discriminate against, any
applicant, in terms of employment, admission, or participation
in any programs for which the applicant is eligible, or to
discriminate in relation thereto, in any other manner, on
account of the applicant's refusal, on the applicant's own
behalf or on the behalf of a minor or ward in the applicant's
care, to obtain, receive, or accept a COVID-19 vaccination
that is against the applicant's beliefs.
Section 40. Denial of aid or benefits. It is unlawful for any public official, guardian, agency, institution, or entity to deny any form of aid, assistance, or benefits, or to condition the reception in any way of any form of aid, assistance, or benefits, or in any other manner to coerce, disqualify, or discriminate against any person otherwise entitled to such aid, assistance, or benefits, because that person refuses, on the person's behalf or on the behalf of a minor or ward in the person's care, to obtain, receive, or accept a COVID-19 vaccination contrary to the person's belief.

Section 45. Actions; damages. Any person injured by any public or private person, association, agency, entity, or corporation by reason of any action prohibited by this Act may commence an action therefor, and shall recover threefold the actual damages, including pain and suffering, sustained by the person, the costs of the action, and reasonable attorney's fees, but in no case shall recovery for each violation be less than $2,500 plus costs of the action and reasonable attorney's fees. These damage remedies shall be cumulative and not exclusive of other remedies afforded under any other State or federal law.

Section 50. Other Acts. This Act supersedes all other Acts or parts of Acts to the extent that any Act or parts of an Act is inconsistent with the terms or operation of this Act.
Section 99. Effective date. This Act takes effect upon becoming law.