



Rep. Dagmara Avelar

Filed: 5/14/2024

10300HB0581ham001

LRB103 04166 LNS 73391 a

1 AMENDMENT TO HOUSE BILL 581

2 AMENDMENT NO. _____. Amend House Bill 581 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Hospital Emergency Service Act is amended
5 by changing Sections 1 and 2 and by adding Sections 3 and 97 as
6 follows:

7 (210 ILCS 80/1) (from Ch. 111 1/2, par. 86)

8 Sec. 1. Requirements to provide emergency medical care.

9 (a) Every hospital required to be licensed by the
10 Department of Public Health pursuant to the Hospital Licensing
11 Act which provides general medical and surgical hospital
12 services, except long-term acute care hospitals and
13 rehabilitation hospitals identified in Section 1.3 of this
14 Act, shall provide a hospital emergency service in accordance
15 with rules and regulations adopted by the Department of Public
16 Health and in accordance with the procedures required by the

1 federal Emergency Medical Treatment and Active Labor Act,
2 including, but not limited to, medical screening, the
3 provision of necessary stabilizing treatment, procedures for
4 refusals to consent, restricting transfers until the
5 individual is stabilized, appropriate transfers of patients,
6 nondiscrimination, no delay in examination or treatment, and
7 whistleblower protections, and shall furnish such hospital
8 emergency services to any applicant who applies for the same
9 in case of injury or acute medical condition where the same is
10 liable to cause death or severe injury or serious illness.

11 (b) For purposes of this Act: ~~"applicant"~~

12 "Applicant" includes any person who presents at the
13 hospital or who is brought to a hospital by ambulance or
14 specialized emergency medical services vehicle as defined in
15 the Emergency Medical Services (EMS) Systems Act.

16 "Hospital emergency service" includes abortion when
17 abortion is the stabilizing treatment necessary to resolve the
18 patient's injury or acute medical condition that is liable to
19 cause death or severe injury or serious illness.

20 "Injury or acute medical condition where the same is
21 liable to cause death or severe injury or serious illness"
22 includes, but is not limited to, when a pregnant patient is
23 experiencing ectopic pregnancy, complications of pregnancy
24 loss, risks to future fertility, previable preterm premature
25 rupture of membranes (PPROM), or emergent hypertensive
26 disorders, such as preeclampsia.

1 (c) The amendments to this Section are declarative of
2 existing law. Nothing in this Section shall be construed to
3 alter existing legal statutes and rights.

4 (Source: P.A. 97-667, eff. 1-13-12; 98-683, eff. 6-30-14.)

5 (210 ILCS 80/2) (from Ch. 111 1/2, par. 87)

6 Sec. 2. Violations. Any hospital or other person violating
7 any of the provisions of this Act or refusing to perform any
8 duties imposed by this Act shall be guilty of a business
9 offense and subject to a fine not exceeding \$10,000 for each
10 violation, and any fine imposed shall be paid into the general
11 corporate funds of the city, incorporated town, or village in
12 which the hospital is located, or of the county, in case such
13 hospital is outside the limits of any incorporated
14 municipality.

15 The Department of Public Health shall also have the
16 authority to investigate violations of this Act, including a
17 medical clinical review by a physician, and issue a minimum
18 monetary penalty of \$50,000 for violating this Act. The
19 Department of Public Health shall adopt rules for purposes of
20 enforcing this Act and identifying factors to be considered
21 when issuing a monetary penalty.

22 (Source: P.A. 81-1518.)

23 (210 ILCS 80/3 new)

24 Sec. 3. Private right of action.

1 (a) A patient who is aggrieved by a violation of Section 1
2 shall have a right of action in a State circuit court or as a
3 supplemental claim in federal district court against the
4 hospital. A prevailing party may recover:

5 (1) all remedies available by law;

6 (2) reasonable attorney's fees and costs, including
7 expert witness fees and other litigation expenses; and

8 (3) other relief, including an injunction, as the
9 State or federal court may deem appropriate.

10 (b) An action under this Section must be brought not later
11 than 2 years after the violation of Section 1 has occurred.

12 (210 ILCS 80/97 new)

13 Sec. 97. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.".