



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2590

Introduced 2/15/2023, by Rep. Adam M. Niemerg

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Coercive Abuse Against Mothers Prevention Act. Provides that it is illegal to coerce or force a pregnant woman to have an abortion. Provides that whoever coerces or forces a pregnant woman to have an abortion is guilty of a petty offense with a fine of \$500 and a business offense with a fine of \$1,500. Allows a pregnant woman injured by an abuser's violation of the Act to bring a civil suit to recover damages for such injury regardless of whether the abuser is criminally prosecuted and whether the pregnant woman has an abortion. Requires a reproductive health care facility to conspicuously post signs visible to all who enter its waiting, consultation, and procedure rooms specified notices and information. Requires a mandatory reporter to personally report every instance of alleged or suspected coerced abortion to the Department of Children and Family Services or the local law enforcement authority of the county the facility is in. Requires an attending health care professional to orally ask a pregnant woman, in a private room and without any individual accompanying her, if she is being coerced or forced to have an abortion. Provides that any mandatory reporter who has reason to believe a woman is or has been a victim of coercion and willfully and knowingly does not report such coercion, force, attempted coercion, threatened coercion, or threatened force is guilty of a business offense with a fine of \$5,000. Provides that any health care professional who willfully violates the mandatory reporting requirements shall be referred to the Illinois State Medical Board for action on whether to suspend or revoke his or her license. Allows a pregnant woman injured by a facility's violation of the Act to bring a civil suit to recover damages for such injury. Makes other changes. Effective 90 days after becoming law.

LRB103 30221 LNS 56649 b

1 AN ACT concerning civil law.

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 Coercive Abuse Against Mothers Prevention Act.

6 Section 5. Legislative findings; intent.

7 (a) The General Assembly finds that:

8 (1) Research indicates that violence against pregnant  
9 women is a serious problem. Many women report that they  
10 were coerced into abortions and have suffered grievous  
11 physical, emotional, psychological, and spiritual harm as  
12 a result.

13 (2) Reproductive health care facilities are often the  
14 only and last opportunities of hope for victims of  
15 coercive abuse. As such, they are uniquely situated to  
16 help these women.

17 (3) More cases of coerced or attempted coerced  
18 abortions are reported if women are informed of their  
19 rights and given information concerning treatment and  
20 protection options.

21 (4) More women may receive treatment for coercive  
22 abuse if clinics inform them of their rights and give them  
23 information concerning treatment and protection options.

1           (5) Coercive abuse is a serious women's health issue  
2           because it violates a woman's rights to physical and  
3           emotional health, her freedom of conscience, and to freely  
4           choose either to continue her pregnancy or to have an  
5           abortion where it is legal.

6           (b) Based on the findings in subsection (a), it is the  
7           intent of the General Assembly to:

8           (1) prohibit actions intended to coerce or otherwise  
9           force a woman to abort her unborn child; and

10          (2) empower all mothers in the State to exercise their  
11          freedom of conscience in choosing life for their unborn  
12          children, free of violent and abusive coercion.

13          Section 10. Definitions. As used in this Act:

14          "Abortion" has the same meaning as used in Section 1-10 of  
15          the Reproductive Health Act.

16          "Abuser" means any person who attempts to, conspires to,  
17          or successfully coerces, forces a woman to have an abortion.

18          "Advanced practice registered nurse" has the same meaning  
19          as used in Section 50-10 of the Nurse Practice Act.

20          "Coercion" means when any person, with purpose to restrict  
21          a pregnant woman's freedom of action to her detriment, engages  
22          in conduct where the person coerces or forces an abortion on  
23          the pregnant woman.

24          "Coerce an abortion" or "force an abortion" means when a  
25          person:

- 1 (1) knows of or suspects the pregnancy of a woman;
- 2 (2) engages or conspires with another to engage in any
- 3 of the following conduct:
- 4 (A) committing, attempting to commit, or
- 5 threatening to commit physical harm to the woman,
- 6 unborn child, or another person;
- 7 (B) holding, attempting to hold, or threatening to
- 8 hold in confinement the woman or unborn child;
- 9 (C) committing, attempting to commit, or
- 10 threatening to commit any act prohibited by any
- 11 statute of this State;
- 12 (D) revoking, attempting to revoke, or threatening
- 13 to revoke a scholarship awarded to the woman by a
- 14 public or private institution of higher education;
- 15 (E) discharging, attempting to discharge, or
- 16 threatening to discharge the woman or another person
- 17 or changing, attempting to change, or threatening to
- 18 change her or the other person's compensation, terms,
- 19 conditions, or privileges of employment;
- 20 (F) denying, attempting to deny, or threatening to
- 21 deny any social assistance for which a pregnant woman
- 22 or another person has applied, has been approved for,
- 23 or has been receiving and for which she or the other
- 24 person is otherwise eligible; or
- 25 (G) denying, removing, or threatening to deny or
- 26 remove financial support or housing from a dependent;

1           (3) that is intentionally or purposely aimed at  
2 causing or directing the pregnant woman to have an  
3 abortion; and

4           (4) solely conditioned upon the pregnant woman  
5 disregarding or refusing the person's demand that she seek  
6 an abortion, regardless of whether the abortion has been  
7 attempted or completed.

8           "Coerce an abortion" or "force an abortion" does not  
9 include constitutionally protected speech, conduct, or  
10 expressions of conscience.

11           "Course of conduct" means a pattern of conduct composed of  
12 a series of 2 or more separate acts evincing a continuity of  
13 purpose.

14           "Dependent" has the same meaning as "child" as used in  
15 Section 3 of the Abused and Neglected Child Reporting Act, or  
16 has the same meaning as "intellectual disability" as used in  
17 Section 1-116 of the Mental Health and Developmental  
18 Disabilities Code.

19           "Health care professional" means a person who is a  
20 licensed physician, advanced practice registered nurse, or  
21 physician assistant.

22           "Mandatory reporter" means any individual who provides  
23 health care services, including:

- 24           (1) a physician;  
25           (2) a surgeon;  
26           (3) a physician assistant;

- 1 (4) a physical therapist;
- 2 (5) a psychiatrist;
- 3 (6) a psychologist;
- 4 (7) a medical resident;
- 5 (8) a medical intern;
- 6 (9) a hospital staff member;
- 7 (10) an advanced practice registered nurse;
- 8 (11) a licensed nurse;
- 9 (12) a nurse's aide;
- 10 (13) an emergency medical technician;
- 11 (14) a paramedic; and
- 12 (15) any employee, staff member, or volunteer at a
- 13 reproductive health care facility.

14 "Physician" means any person licensed to practice medicine  
15 in all its branches under the Medical Practice Act of 1987.

16 "Physician assistant" has the same meaning as used in  
17 Section 4 of the Physician Assistant Practice Act of 1987.

18 "Pregnant woman" means any biological female of any age  
19 who is in the reproductive condition of having an unborn child  
20 in her uterus.

21 "Reproductive health care facility" or "facility" means  
22 any office, clinic, or other physical location licensed by the  
23 State to provide:

- 24 (1) surgical or medical abortions;
- 25 (2) abortion counseling;
- 26 (3) abortion referrals; or

1 (4) gynecological care and services.

2 "Solely" means the conduct described in Section 15 must be  
3 such that it would not have occurred but for the woman's  
4 pregnancy, including the possibility that an actor may have  
5 multiple motives for engaging in the conduct described in  
6 Section 15.

7 "Threat" means a statement or a course of conduct by an  
8 individual that would cause a reasonable person to believe  
9 that the individual is likely to act in accordance with the  
10 statements or as implied by a course of conduct. "Threat" does  
11 not exclude constitutionally protected speech or any  
12 generalized statement regarding a lawful pregnancy option,  
13 such as an emotional expression by a family or household  
14 member of the pregnant woman.

15 "Unborn child" or "preborn child" means the offspring of  
16 human beings from conception to birth.

17 Section 15. Coerced or forced abortion prohibited; civil  
18 remedies.

19 (a) It is illegal to coerce or force a pregnant woman to  
20 have an abortion.

21 (b) Whoever is guilty of engaging in conduct described in  
22 and proscribed by this Section is, in addition to any other  
23 crimes described in the Criminal Code of 2012, guilty of a  
24 petty offense with a fine of \$500 and a business offense with a  
25 fine of \$1,500 for each subsequent violation.

1           (c) If the father or putative father of the unborn child  
2 commits a violation of this Section against a pregnant woman  
3 who is less than 18 years of age, and the father or putative  
4 father is 18 years of age or older, he is guilty of a petty  
5 offense with a fine of \$500 and a business offense with a fine  
6 of \$1,500 for each subsequent violation.

7           (d) A pregnant woman injured by an abuser's violation of  
8 this Act may bring a civil suit to recover damages for such  
9 injury, including wrongful death on behalf of an aborted child  
10 under the Wrongful Death Act, regardless of whether the abuser  
11 is criminally prosecuted and whether the pregnant woman has an  
12 abortion. In such civil suit, the pregnant woman shall be  
13 entitled to recover, in addition to any other damages, her  
14 reasonable attorney's fees and costs if she is the prevailing  
15 party.

16           (e) Any dependent or woman who is threatened with  
17 coercion, as defined in Section 10, may apply to a court of  
18 competent jurisdiction for relief. The court shall provide the  
19 dependent or woman with counsel, give the matter expedited  
20 consideration, and grant such relief as may be necessary to  
21 prevent such coercion.

22           (f) If a dependent's parent, guardian, or custodian denies  
23 financial support to a dependent because of the dependent's  
24 refusal to have an abortion, the dependent is considered an  
25 emancipated minor for the purposes of public assistance  
26 benefits eligibility. Any public assistance benefits may not



1 be used to obtain an abortion.

2 Section 20. Reproductive health care facility  
3 requirements; civil remedies; professional sanctions.

4 (a) A facility shall conspicuously post signs visible to  
5 all who enter in its waiting, consultation, and procedure  
6 rooms to be clearly readable, which state the following  
7 notices and information:

8 (1) "It is against the law for anyone, regardless of  
9 his or her relationship to you, to force you to have an  
10 abortion."

11 (2) "You have the right to contact any local or State  
12 law enforcement or social service agency to receive  
13 protection from any actual or threatened physical,  
14 emotional, or psychological abuse."

15 (3) "It is against the law to perform, induce,  
16 prescribe for, or provide you with the means for an  
17 abortion without your voluntary consent."

18 (4) Local and State law enforcement and social service  
19 agency telephone numbers.

20 The continued posting of such signs shall be a condition  
21 of licensure of any reproductive health care facility under  
22 the Department of Public Health.

23 The display of such signs does not discharge the duty of a  
24 reproductive health care facility to have a health care  
25 professional orally inform the pregnant woman of information

1 required by subsections (b) and (c).

2 (b) A mandatory reporter shall personally report every  
3 instance of alleged or suspected coerced abortion as defined  
4 in and proscribed by Section 15 to the Department of Children  
5 and Family Services or the local law enforcement authority of  
6 the county the facility is in. The mandatory reporter may not  
7 decide what cases should or should not be reported to the  
8 appropriate law enforcement or the Department of Children and  
9 Family Services, nor may he or she delegate the duties  
10 described in this Section to another person.

11 The standard to be applied to a mandatory reporter in  
12 determining a reportable suspicion is reasonability in good  
13 faith.

14 If a mandatory reporter has cause to believe that a  
15 pregnant woman is or was a victim of conduct defined in and  
16 proscribed by Section 15, the mandatory reporter shall make a  
17 report no later than 48 hours after such coercion, force,  
18 attempted coercion, attempted force, threatened coercion, or  
19 threatened force has been brought to his or her attention or  
20 suspicion.

21 A mandatory reporter shall identify the pregnant woman's  
22 name and address, and, in the case of a dependent, the name and  
23 address of the person who is responsible for the care or  
24 custody of the minor. The mandatory reporter shall also report  
25 any pertinent information he or she may have relating to the  
26 alleged or suspected coercion, force, attempted coercion,

1 attempted force, threatened coercion, or threatened force.

2 The attending health care professional shall orally inform  
3 the pregnant woman that no one can force her to have an  
4 abortion.

5 (c) In a private room, the attending health care  
6 professional shall orally ask the pregnant woman, without any  
7 individual accompanying her, if she is being coerced or forced  
8 to have an abortion.

9 (1) If it is reasonably suspected that the woman is  
10 being coerced or forced into having an abortion, the  
11 health care professional shall inform the woman that:

12 (A) such coercion is illegal;

13 (B) the woman may have legal remedies;

14 (C) a request or demand by the father to have an  
15 abortion does not relieve his financial support  
16 responsibilities.

17 (2) The attending health care professional shall also  
18 provide the pregnant woman with:

19 (A) information about assistance, counseling, and  
20 protective services offered by:

21 (i) social programs; or

22 (ii) local or State law enforcement agencies;

23 (B) access to a telephone where she can make a  
24 private call; and

25 (C) an alternate exit from the facility so that,  
26 if necessary, she can exit the abortion facility

1           without being seen or confronted.

2           (d) Any mandatory reporter who has reason to believe a  
3 woman is or has been a victim of conduct defined in and  
4 proscribed by Section 15, and willfully and knowingly does not  
5 report such coercion, force, attempted coercion, attempted  
6 force, threatened coercion, or threatened force as required by  
7 this Act is guilty of a business offense with a fine of \$5,000.

8           Any person who performs an abortion which is inconsistent  
9 with this subsection is guilty of a business offense with a  
10 fine of \$5,000.

11           Any health care professional who willfully violates this  
12 subsection or subsection (b) or (c) shall be referred to the  
13 Illinois State Medical Board for action on whether to suspend  
14 or revoke his or her license.

15           A pregnant woman injured by a facility's violation of this  
16 Act may bring a civil suit to recover damages for such injury,  
17 including wrongful death on behalf of an aborted child as  
18 provided for under the Wrongful Death Act, regardless of  
19 whether the attending health care professional or the facility  
20 is criminally prosecuted and whether the pregnant woman had an  
21 abortion. In such a civil suit, the pregnant woman, if she is  
22 the prevailing party, is entitled to recover, in addition to  
23 any other damages, her reasonable attorney's fees and costs.

24           Initial and continuing adherence to the requirements of  
25 this Section shall be a condition of licensure for any  
26 reproductive health care facility under the Department of

1 Public Health.

2 A woman receiving an abortion inconsistent with any  
3 provision of this Act cannot be prosecuted or held civilly  
4 liable.

5 Section 25. Construction.

6 (a) This Act does not create, recognize, endorse, or  
7 condone a right to an abortion.

8 (b) This Act does not make lawful an abortion that is  
9 currently unlawful.

10 Section 30. Severability. Any provision of this Act held  
11 to be invalid or unenforceable by its terms, or as applied to  
12 any person or circumstance, is construed so as to give it the  
13 maximum effect permitted by law. If such holdings wholly  
14 invalidates or renders the provision unenforceable, the  
15 provision is severable from and does not affect the remainder  
16 of this Act or to other persons not similarly situated or to  
17 other, dissimilar circumstances.

18 Section 99. Effective date. This Act takes effect 90 days  
19 after becoming law.