



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2547

Introduced 2/20/2009, by Rep. John A. Fritchey

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/5-101 from Ch. 68, par. 5-101  
775 ILCS 5/5-102.1  
775 ILCS 5/5-102.2 new

Amends the Illinois Human Rights Act. Provides that with respect to a non-sectarian nursery, day care center, school, or other place of education that is a place of public accommodation, as defined in the Act: (a) the exercise of free speech, free expression, free exercise of religion or expression of religiously based views by any individual or group of individuals that is protected under the First Amendment to the United States Constitution or under Article I of the Illinois Constitution, shall not be a civil rights violation; and (b) the jurisdiction of the Department is limited to: (1) the failure to enroll an individual; (2) the denial of access to facilities, goods, or services; (3) harassment, bullying, or similar acts against an individual; or (4) the failure of a covered entity to take corrective action to stop harassment, bullying, or similar acts against an individual (instead of in regard to the failure to enroll an individual or the denial of access to its facilities, goods, or services, except that the Department shall not have jurisdiction over charges involving curriculum content, course content, or course offerings, conduct of the class by the teacher or instructor, or any activity within the classroom or connected with a class activity such as physical education). Effective immediately.

LRB096 04297 AJO 14343 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 5. The Illinois Human Rights Act is amended by  
5 changing Sections 5-101 and 5-102.1 and by adding Section  
6 5-102.2 as follows:

7 (775 ILCS 5/5-101) (from Ch. 68, par. 5-101)

8 Sec. 5-101. Definitions) The following definitions are  
9 applicable strictly in the context of this Article:

10 (A) Place of Public Accommodation. "Place of public  
11 accommodation" includes, but is not limited to:

12 (1) an inn, hotel, motel, or other place of lodging,  
13 except for an establishment located within a building that  
14 contains not more than 5 units for rent or hire and that is  
15 actually occupied by the proprietor of such establishment  
16 as the residence of such proprietor;

17 (2) a restaurant, bar, or other establishment serving  
18 food or drink;

19 (3) a motion picture house, theater, concert hall,  
20 stadium, or other place of exhibition or entertainment;

21 (4) an auditorium, convention center, lecture hall, or  
22 other place of public gathering;

23 (5) a bakery, grocery store, clothing store, hardware

1 store, shopping center, or other sales or rental  
2 establishment;

3 (6) a laundromat, dry-cleaner, bank, barber shop,  
4 beauty shop, travel service, shoe repair service, funeral  
5 parlor, gas station, office of an accountant or lawyer,  
6 pharmacy, insurance office, professional office of a  
7 health care provider, hospital, or other service  
8 establishment;

9 (7) public conveyances on air, water, or land;

10 (8) a terminal, depot, or other station used for  
11 specified public transportation;

12 (9) a museum, library, gallery, or other place of  
13 public display or collection;

14 (10) a park, zoo, amusement park, or other place of  
15 recreation;

16 (11) a non-sectarian nursery, day care center,  
17 elementary, secondary, undergraduate, or postgraduate  
18 school, or other place of education ~~in regard to the~~  
19 ~~failure to enroll an individual or the denial of access to~~  
20 ~~its facilities, goods, or services, except that the~~  
21 ~~Department shall not have jurisdiction over charges~~  
22 ~~involving curriculum content, course content, or course~~  
23 ~~offerings, conduct of the class by the teacher or~~  
24 ~~instructor, or any activity within the classroom or~~  
25 ~~connected with a class activity such as physical education;~~

26 (12) a senior citizen center, homeless shelter, food

1 bank, non-sectarian adoption agency, or other social  
2 service center establishment; and

3 (13) a gymnasium, health spa, bowling alley, golf  
4 course, or other place of exercise or recreation.

5 (B) Operator. "Operator" means any owner, lessee,  
6 proprietor, manager, superintendent, agent, or occupant of a  
7 place of public accommodation or an employee of any such person  
8 or persons.

9 (C) Public Official. "Public official" means any officer or  
10 employee of the state or any agency thereof, including state  
11 political subdivisions, municipal corporations, park  
12 districts, forest preserve districts, educational institutions  
13 and schools.

14 (Source: P.A. 95-668, eff. 10-10-07.)

15 (775 ILCS 5/5-102.1)

16 Sec. 5-102.1. No Civil Rights Violation: Public  
17 Accommodations.

18 (a) It is not a civil rights violation for a medical,  
19 dental, or other health care professional or a private  
20 professional service provider such as a lawyer, accountant, or  
21 insurance agent to refer or refuse to treat or provide services  
22 to an individual in a protected class for any  
23 non-discriminatory reason if, in the normal course of his or  
24 her operations or business, the professional would for the same  
25 reason refer or refuse to treat or provide services to an

1 individual who is not in the protected class of the individual  
2 who seeks or requires the same or similar treatment or  
3 services.

4 (b) With respect to a place of public accommodation defined  
5 in paragraph (11) of Section 5-101, the exercise of free  
6 speech, free expression, free exercise of religion or  
7 expression of religiously based views by any individual or  
8 group of individuals that is protected under the First  
9 Amendment to the United States Constitution or under Section 3  
10 of Article I, or Section 4 of Article I, of the Illinois  
11 Constitution, shall not be a civil rights violation.

12 (Source: P.A. 95-668, eff. 10-10-07.)

13 (775 ILCS 5/5-102.2 new)

14 Sec. 5-102.2. Jurisdiction limited. In regard to places of  
15 public accommodation defined in paragraph (11) of Section  
16 5-101, the jurisdiction of the Department is limited to: (1)  
17 the failure to enroll an individual; (2) the denial of access  
18 to facilities, goods, or services; (3) harassment, bullying, or  
19 similar acts against an individual; or (4) the failure of a  
20 covered entity to take corrective action to stop harassment,  
21 bullying, or similar acts against an individual.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.