

Illinois

Rylatt et al., v. Christensen et al., Case No. 4-24-0032 (April 10, 2025). The appellate court reversed a previous decision, ruling that Rockland, Illinois officials and a lower court both erred in allowing an abortion facility to operate in a residential neighborhood as a “home business.”

Ronald L. Schroeder, et al., v. Mario Treto Jr., Case No. 17 CV 4663 (April 4, 2025). The court ruled that 745 ILCS 70/6.1(1), violates the First Amendment’s Freedom of Speech Clause as it sought to compel pro-life physicians and pregnancy centers to promote pro-abortion talking points with women in need.

210 ILCS 80/1. Requirements to provide emergency medical care.

- (a) Every hospital required to be licensed by the Department of Public Health pursuant to the Hospital Licensing Act which provides general medical and surgical hospital services, except long-term acute care hospitals and rehabilitation hospitals identified in Section 1.3 of this Act, shall provide a hospital emergency service in accordance with rules and regulations adopted by the Department of Public Health and shall furnish such hospital emergency services to any applicant who applies for the same in case of injury or acute medical condition where the same is liable to cause death or severe injury or serious illness. For purposes of this Act, "applicant" includes any person who presents at the hospital or who is brought to a hospital by ambulance or specialized emergency medical services vehicle as defined in the Emergency Medical Services (EMS) Systems Act. Hospitals shall furnish hospital emergency services, including as described in subsections (b-1) and (b-2), in accordance with the procedures required by the federal Emergency Medical Treatment and Active Labor Act (EMTALA), including, but not limited to, medical screening, the provision of necessary stabilizing treatment, procedures for refusals to consent, restricting transfers until the individual is stabilized, appropriate transfers of patients, nondiscrimination, no delay in examination or treatment, and whistleblower protections.
- (b-1) For purposes of this Act, "injury or acute medical condition where the same is liable to cause death or severe injury or serious illness" includes, but is not limited to, when a pregnant patient is experiencing ectopic pregnancy, complications of pregnancy loss, risks to future fertility, previable preterm premature rupture of membranes (PPROM), or emergent hypertensive disorders, such as preeclampsia.
- (b-2) For purposes of this Act, "stabilizing treatment" includes abortion when abortion is necessary to resolve the patient's injury or acute medical condition that is liable to cause death or severe injury or serious illness.
- (c) The amendments to this Section are declarative of existing law.
- (d) Nothing in this Section shall be construed to alter existing legal statuses and rights.

215 ILCS 5/356z.4a. Coverage for abortion.

- (a) Except as otherwise provided in this Section, no individual or group policy of accident and health insurance that provides pregnancy-related benefits may be issued, amended, delivered, or renewed in this State after the effective date of this amendatory Act of the 101st General Assembly unless the policy provides a covered person with coverage for abortion care. Regardless of whether the policy otherwise provides prescription drug benefits, abortion care coverage must include medications that are obtained through a prescription and used to terminate a pregnancy, regardless of whether there is proof of a pregnancy.
- (b) Coverage for abortion care may not impose any deductible, coinsurance, waiting period, or other cost sharing limitation. This subsection does not apply to the extent that such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to Section 223 of the Internal Revenue Code.
- (c) Except as otherwise authorized under this Section, a policy shall not impose any restrictions or delays on the coverage required under this Section.

(d) This section does not, pursuant to 42 U.S.C. 18054(a)(6), apply to a multistate plan that does not provide coverage for abortion.

(e) If the Department concludes that enforcement of this Section may adversely affect the allocation of federal funds to this State, the Department may grant an exemption to the requirements, but only to the minimum extent necessary to ensure the continued receipt of federal funds.

775 ILCS 5/1-102 Declaration of policy.

It is the public policy of this State:

(A) Freedom from Unlawful Discrimination. To secure for all individuals within Illinois the freedom from discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, reproductive health decisions, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations, including in elementary, secondary, and higher education.

(O-2) Reproductive Health Decisions.

“Reproductive Health Decisions” means a person’s decisions regarding the person’s use of: contraception; fertility or sterilization care; assisted reproductive technologies; miscarriage management care; healthcare related to the continuation or termination of pregnancy; or prenatal, intranatal, or postnatal care.

(Q) Unlawful discrimination.

“Unlawful discrimination” means discrimination against a person because of his or her actual or perceived: race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, reproductive health decisions, or unfavorable discharge from military service as those terms are defined in this Section.

775 ILCS 55/1-5 Reproductive Health Act.

Sec. 1-10. Definitions. As used in this Act:

"Abortion" means the use of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of an individual known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

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

"Assisted reproduction" means a method of achieving a pregnancy through the handling of human oocytes, sperm, zygotes, or embryos for the purpose of establishing a pregnancy. "Assisted reproduction" includes, but is not limited to, methods of artificial insemination, in vitro fertilization, embryo transfer, zygote transfer, embryo biopsy, preimplantation genetic diagnosis, embryo cryopreservation, oocyte, gamete, zygote, and embryo donation, and gestational surrogacy.

"Department" means the Illinois Department of Public Health.

"Fetal viability" means that, in the professional judgment of the attending health care professional, based on the particular facts of the case, there is a significant likelihood of a fetus' sustained survival outside the uterus without the application of extraordinary medical measures.

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

"Health of the patient" means all factors that are relevant to the patient's health and well-being, including, but not limited to, physical, emotional, psychological, and familial health and age.

"Maternity care" means the health care provided in relation to pregnancy, labor and childbirth, and the postpartum period, and includes prenatal care, care during labor and birthing, and postpartum care extending through one-year postpartum. Maternity care shall seek to optimize positive outcomes for the patient, and be provided on the basis of the physical and psychosocial needs of the patient. Notwithstanding any of the above,

all care shall be subject to the informed and voluntary consent of the patient, or the patient's legal proxy, when the patient is unable to give consent.

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

"Physician assistant" has the same meaning as it does in Section 4 of the Physician Assistant Practice Act of 1987.

"Pregnancy" means the human reproductive process, beginning with the implantation of an embryo.

"Prevailing party" has the same meaning as in the Illinois Civil Rights Act of 2003.

"Reproductive health care" means health care offered, arranged, or furnished for the purpose of preventing pregnancy, terminating a pregnancy, managing pregnancy loss, or improving maternal health and birth outcomes. "Reproductive health care" includes, but is not limited to: contraception; sterilization; preconception care; assisted reproduction; maternity care; abortion care; and counseling regarding reproductive health care.

"State" includes any branch, department, agency, instrumentality, and official or other person acting under color of law of this State or a political subdivision of the State, including any unit of local government (including a home rule unit), school district, instrumentality, or public subdivision.

775 ILCS 55/1-15 Fundamental reproductive health rights.

(a) Every individual has a fundamental right to make autonomous decisions about the individual's own reproductive health, including the fundamental right to use or refuse reproductive health care.

(b) Every individual who becomes pregnant has a fundamental right to continue the pregnancy and give birth or to have an abortion, and to make autonomous decisions about how to exercise that right.

(c) A fertilized egg, embryo, or fetus does not have independent rights under the laws of this State.

775 ILCS 55/1-20 Prohibited State actions; causes of action.

(a) The State shall not:

- (1) deny, restrict, interfere with, or discriminate against an individual's exercise of the fundamental rights set forth in this Act, including individuals under State custody, control, or supervision; or
- (2) prosecute, punish, or otherwise deprive any individual of the individual's rights for any act or failure to act during the individual's own pregnancy, if the predominant basis for such prosecution, punishment, or deprivation of rights is the potential, actual, or perceived impact on the pregnancy or its outcomes or on the pregnant individual's own health.

(b) Any party aggrieved by conduct or regulation in violation of this Act may bring a civil lawsuit, in a federal district court or State circuit court, against the offending unit of government. Any State claim brought in federal district court shall be a supplemental claim to a federal claim. Any lawsuit brought pursuant to this Act shall be commenced within 2 years after the cause of action was discovered.

(c) Upon motion, a court shall award reasonable attorney's fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought pursuant to this Section. In awarding reasonable attorney's fees, the court shall consider the degree to which the relief obtained relates to the relief sought.

775 ILCS 55/1-25 Reporting of abortions performed by health care professionals.

(a) A health care professional may provide abortion care in accordance with the health care professional's professional judgment and training and based on accepted standards of clinical practice consistent with the scope of his or her practice under the Medical Practice Act of 1987 [225 ILCS 60/1 et seq.], the Nurse Practice Act [225 ILCS 65/50-1 et seq.], or the Physician Assistant Practice Act of 1987 [225 ILCS 95/1 et seq.]. If the health care professional determines that there is fetal viability, the health care professional may provide abortion care only if, in the professional judgment of the health care professional, the abortion is necessary to protect the life or health of the patient.

(b) A report of each abortion performed by a health care professional shall be made to the Department on forms prescribed by it. Such reports shall be transmitted to the Department not later than 10 days following the end of the month in which the abortion is performed.

(c) The abortion reporting forms prescribed by the Department shall not request or require information that identifies a patient by name or any other identifying information, and the Department shall secure anonymity of all patients and health care professionals.

(d) All reports received by the Department pursuant to this Section shall be treated as confidential and exempt from the Freedom of Information Act [225 ILCS 95/1 et seq.]. Access to such reports shall be limited to authorized Department staff who shall use the reports for statistical purposes only. Such reports must be destroyed within 2 years after date of receipt.

815 ILCS 505/2BBBB. Deceptive practices related to limited services pregnancy centers.

(a) As used in this Section:

"Abortion" means the use of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of an individual known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus, as defined in Section 1-10 of the Reproductive Health Act.

"Affiliates" has the meaning given to the term "hospital affiliate" as defined in subsection (b) of Section 10.8 of the Hospital Licensing Act.

"Emergency contraception" means one or more prescription drugs (i) used separately or in combination for the purpose of preventing pregnancy, (ii) administered to or self-administered by a patient within a medically recommended amount of time after sexual intercourse, and (iii) dispensed for such purpose in accordance with professional standards of **practice**.

"Limited services pregnancy center" means an organization or facility, including a mobile facility, that:

- (1) does not directly provide abortions or provide or prescribe emergency contraception, or provide referrals for abortions or emergency contraception, and has no affiliation with any organization or provider who provides abortions or provides or prescribes emergency contraception; and
- (2) has a primary purpose to offer or provide pregnancy-related services to an individual who is or has reason to believe the individual may be pregnant, whether or not a fee is charged for such services." Limited services pregnancy center" does not include:
 - (1) a health care professional licensed by the Department of Financial and Professional Regulation;
 - (2) a hospital licensed under the Hospital Licensing Act and its affiliates; or

- (3) a hospital licensed under the University of Illinois Hospital Act and its affiliates. "Limited services pregnancy center" includes an organization or facility that has employees, volunteers, or agents who are health care professionals licensed by the Department of Financial and Professional Regulation.

"Pregnancy-related services" means any medical service, or health counseling service, related to the prevention, preservation, or termination of pregnancy, including, but not limited to, contraception and contraceptive **counseling**, pregnancy testing, pregnancy diagnosis, pregnancy options counseling, limited obstetric ultrasound, obstetric ultrasound, obstetric sonogram, sexually transmitted infections testing, and prenatal care.

(b) A limited services pregnancy center shall not engage in unfair methods of competition or unfair or deceptive acts or practices, including the use or employment of any deception, fraud, false pretense, false promise, or misrepresentation, or the concealment, suppression, or omission of any material fact, with the intent that others rely upon the concealment, suppression, or omission of such material fact:

- (1) to interfere with or prevent an individual from seeking to gain entry or access to a provider of abortion or emergency contraception;
- (2) to induce an individual to enter or access the limited services pregnancy center;
- (3) in advertising, soliciting, or otherwise offering pregnancy-related services; or
- (4) in conducting, providing, or performing pregnancy-related services.

(c) A violation of this Section constitutes a violation of this Act.

