

SUPPORT FAIRNESS FOR THE DISABLED –HB 1000

This bill fills gaps in the Illinois Human Rights Act's definition of public accommodations. At present, a dentist can refuse to treat someone because he is blind, and the victim will have no state remedy. This bill adopts the public accommodations definition of the Americans with Disabilities Act (ADA) to fill this gap. It provides all victims a more accessible state remedy.

Why Illinois needs this bill: Although the present definition of *public accommodation* in the Act seems to offer broad coverage, it has been narrowly interpreted to exclude a number of important businesses and service providers from this protection. As a result, Illinois citizens are vulnerable to discrimination from businesses and service providers that should be open to all. Currently, dentists, doctors, medical clinics and other medical providers; psychologists, social workers and other therapists; lawyers and accountants; and insurance companies may discriminate and the victim does not have a state remedy.

This bill amends the current definition of *public accommodation* to conform to the definition used in the ADA that already applies to Illinois public accommodations. It goes no further than does federal law.

Why Illinois needs a state remedy:

1. Certain disabled victims no longer have a remedy under the ADA. Because the federal courts have narrowly interpreted the ADA in such a way that many persons, such as certain persons with epilepsy or diabetes, no longer have a federal remedy, the Human Rights Act is all that is available to them. Illinois has offered protection against employment and other forms of discrimination to disabled persons who are no longer protected by the ADA. However, the present narrow definition of public accommodation leaves them without either a federal or state remedy against a refusal of medical services, for example. This bill would protect them.

2. The ADA provides very few Illinois victims with a remedy and it is difficult for victims who do not have a lawyer to have their cases given any consideration at all. They may bring claims under federal law, but can only be granted injunctive relief unless the Department of Justice intervenes in the case. Without the prospect of being awarded financial damages, victims do not have an incentive to seek relief and may find it difficult to obtain counsel to assist them. Victims of discrimination who are unable to obtain counsel have two remaining options:

- They may file a complaint with the Department of Justice, which handles very few public accommodation cases every year (approximately 300-350 nationwide).
- Or they may file a *pro se* claim in federal court. The complexity and cost associated with filing such an action is an insurmountable bar to most victims of discrimination.

A Human Rights Act provides a procedure to review these discrimination claims and a damage remedy when there is proof of discrimination for more victims than does the ADA and makes it more likely that anti-discrimination laws will be followed.

HB 1000 reinforces the important public policy that the State of Illinois will not permit discrimination in places of public accommodation and restores the coverage that the General Assembly originally intended. It deserves your support.

SUPPORTING ORGANIZATIONS

EQUIP FOR EQUALITY, ACCESS LIVING, ACLU, AIDS FOUNDATION OF CHICAGO, AIDS LEGAL COUNCIL, ARC OF IL, COALITION OF CITIZENS WITH DISABILITIES IN IL, HEALTH AND DISABILITY ADVOCATES