



# ACLU Illinois AFFIRMATIVE LEGISLATIVE AGENDA

## 2025

### Protect Health Data Privacy Act – HB 3494 & SB 2273 (Rep. A. Williams & Sen. Villanueva)

Entities in the United States today share most people's personal information without their consent. The Protect Health Data Privacy Act ("PHDPA") will help safeguard the privacy of every Illinoisans' sensitive health information by implementing new privacy protections that will significantly reduce the likelihood that any Illinoisan's health information will end up in the wrong hands.

The PHDPA requires entities that collect health data and/or offer health services ("regulated entities") to offer greater privacy protections to all Illinoisans over their health data. The PHDPA is built on three pillars: (1) transparency, (2) consent, and (3) rights.

The PHDPA will require regulated entities to adopt and publish a Health Data Privacy Policy. HB 4093 makes consent an essential prerequisite to the collection, sharing, sale or storing of any health data. The PHDPA also prohibits regulated entities from selling health data unless provided written consent in a separate agreement specifically authorizing the sale of health data. The PHDPA establishes new privacy rights to empower Illinoisans to protect their health data.

**ACLU Lobbyist:** *Khadine Bennett*

### End of Life Options for Terminally Ill Patients Act – HB 1328 & SB 9 (Rep. Gabel & Sen. Holmes)

**In Partnership:** *Compassion & Choices and Final Options Illinois*

The Illinois End of Life Options for Terminally Ill Patients Act would allow a mentally capable, terminally ill adult with a prognosis of six months or less the option to obtain a prescription medication they may decide to take so they can die peacefully and end their suffering. Qualified individuals must be able to self-administer (i.e., self-ingest) the medication and physicians must inform the requesting individual about all their end-of-life care options, including comfort care, hospice, palliative care, and pain control.

The legislation includes multiple protections to prevent coercion including strict eligibility requirements, two separate physician assessments, and mandatory counseling on all treatment options. No physician, health care provider or pharmacist is required to participate in the law and the individual can withdraw their request for medication or change their mind after receiving the medication and decide not to take it. Medical aid in dying is authorized in 10 states and Washington, D.C. It is a time-tested medical practice that is part of the full spectrum of end-of-life care options, including hospice and palliative care. In the 26 years since the first medical aid-in-dying law went into effect in 1997 in Oregon, there have been no substantiated cases of abuse or coercion. Terminally ill adults deserve access to the full range of end-of-life options in their home state.

**ACLU Lobbyist:** *Khadine Bennett*

## Improved Data Collection in Civil Asset Forfeiture Cases – HB 1628 & SB 1485 (Rep. Guzzardi & Sen. Aquino)

Civil asset forfeiture laws allow the government to permanently take a person's money or property away—even if that person was never arrested or convicted of any crime—and to utilize the proceeds of the forfeited property for various purposes. Tens of millions of dollars of Illinoisans' property are forfeited every year with little transparency. In 2018, Illinois passed significant reforms, but much more needs to be done to accurately assess the impact of these laws. This bill improves both the substance and process of collecting and reporting data about asset forfeiture cases from the initial seizure through the legal process to forfeit the property, and the purposes for which forfeiture proceeds are ultimately used by the government.

**ACLU Lobbyist:** Benjamin Ruddell

## Artificial Intelligence (AI) Civil Rights Act (Rep. Rashid)

AI is already being used to make and recommend decisions that have profound consequences on our lives including in areas traditionally protected by civil rights law. We already have documented cases of AI recommending and making decisions in biased and discriminatory ways. These issues are further compounded by a near total lack of transparency into how AI works. The AI bill is drafted to address these issues by prohibiting the most harmful uses, requiring assessments for discrimination including steps to remedy any identified, providing for meaningful human oversight in decision-making, mandating explanations for the involvement of AI before and after decision making, and empowering people through a private right of action.

**ACLU Lobbyist:** Stephen Ragan

## Public Expression Protection – HB 1077 & SB 1181 (Rep. Didech & Sen. Stadelman)

**In Partnership:** Better Government Association, Freedom of the Press Foundation, Illinois Press Foundation, Uniform Law Commission

The bill addresses the problem of “SLAPPs,” or “strategic lawsuits against public participation.” The goal of a SLAPP is not to win the lawsuit, but to bury the target in expensive litigation that punishes them for speaking out on an issue of public concern or for exercising First Amendment rights. This could be a parent who speaks out in a school board meeting or a citizen who protests a proposed development before the zoning board.

Illinois’s existing anti-SLAPP law is nearly 20 years old and is not working as intended. Reform is needed now to ensure that all First Amendment rights—freedom of speech, freedom of the press, the right to assemble or petition, and the right of association—are protected in Illinois.

This bill creates a process for the efficient review and dismissal of SLAPPs by:

- Providing an early “off ramp” to dismiss lawsuits that infringe on First Amendment rights
- Requiring an expedited hearing and ruling from the judge
- Protecting conduct not protected under current Illinois anti-SLAPP law
- Saving the defendant time and money
- Conserving court resources

**ACLU Lobbyist:** Khadine Bennett



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