

KNOW YOUR RIGHTS

REPRODUCTIVE RIGHTS UNDER THE RHA

The Illinois Reproductive Health Act (RHA) was signed into law in 2019. The RHA establishes the fundamental right to make your own decisions about your reproductive health.

What does it mean to have a fundamental right under the RHA?

- The RHA guarantees that people have the right to make decisions about their own reproductive health and care.
- This right protects you if a State, County, and/or Local government official or employee tries to interfere with or limit your ability to make those decisions.

What is considered reproductive health care?

Some examples of reproductive health care include:

- birth control such as the pill, IUD, condoms, Plan B etc.
- sterilization (i.e. tying your tubes or having a vasectomy)
- pre-pregnancy care, which is medical care before you are pregnant to improve the chance of getting pregnant, like a doctor appointment to help find issues that could affect your pregnancy or to prescribe a certain routine to promote a health pregnancy
- pre-natal care, which is care that you get during a pregnancy, like regular checkup appointments or prenatal testing like getting an ultrasound
- care during labor and delivery, like receiving medication before delivery or choosing the type of delivery you'd like to have (c-section or vaginal delivery)
- post-partum care, which is care that you get after delivery and throughout the first year following child birth, like regular checkup visits for both the birthing parent and baby
- abortion care

Who does the RHA apply to?

The RHA protects the reproductive rights of ALL people regardless of age, gender identity, gender expression, sexual orientation, sexual behavior, class, immigration status, race, ethnicity, language ability, or disability status.

If I'm incarcerated in jail or prison, are my rights under the RHA taken away?

No. Even if you are in State custody, control, or supervision, you still have the right to make your own decisions about your reproductive health and care.

- This includes people in jails and prisons, and other people in the custody, control, or supervision of the state including young people in the juvenile justice system.

If I'm in the child welfare system, (i.e. foster care), are my rights under the RHA taken away?

No. Even if you are in State custody, control, or supervision, you still have the right to make your own decisions about your reproductive health and care.

Can I be punished for decisions I make that may affect my pregnancy?

No. The RHA protects you from being punished by State, County, and Local Government agencies for decisions that you make that may affect your pregnancy. For example, you can't be punished for:

- refusing medical treatment during pregnancy like medication or having a c-section
- experiencing a substance abuse disorder during pregnancy (for example, having a positive drug test during pregnancy)

What else is required by the RHA?

If your private insurance is an Illinois policy that covers pregnancy-related care, the RHA requires that the insurance policy must also cover abortion-related care.

- This only applies to insurance plans issued in Illinois, so some insurance policies like multi-state insurance plans (plans that provide coverage in more than one state) are not included. It also does not apply if you are covered under an employer's "self-insured" or "self-funded" plan, which means your employer pays for insurance claims out of pocket as they occur instead of paying a regular fixed amount to insurance companies.

If you have further questions about how the RHA impacts your insurance coverage, contact the Illinois Department of Insurance:

- Insurance Information Desk Email: DOI.InfoDesk@illinois.gov
- Office of Consumer Health Insurance: (877) 527-9431 (Toll-Free)
- Consumer Assistance Hotline: (866) 445-5364 (Toll-Free)

What do I do if I think my rights under the RHA have been violated?

If you have questions or concerns about whether your rights protected by the RHA have been violated, we may be able to help.

Fill out our intake form on the ACLU of Illinois website:
www.aclu-il.org/legalhelp