

SUPPORT HB 2495

Illinois Reproductive Health Act

Lead Sponsors:

Representative Kelly Cassidy
Senator Melinda Bush

HB 2495 establishes the fundamental right to reproductive health which includes right to use/refuse contraception and the right to continue a pregnancy and give birth or have an abortion. It modernizes Illinois' reproductive rights laws by repealing outdated and unconstitutional prohibitions on reproductive healthcare and enacting a new Illinois Reproductive Health Act that regulates abortion like any other form of health care. The proposal includes the following provisions:

- **Enact the new Illinois Reproductive Health Act (IRHA).** The IRHA provides that every individual possesses fundamental rights with respect to personal decisions about their reproductive health, with limited governmental interference, including the right to choose or refuse birth control, the right to carry a pregnancy to term and give birth, and the right to choose or refuse abortion. Governmental entities would be permitted to establish reproductive health care regulations that are consistent with accepted standards of medical care and narrowly tailored for the limited purpose of protecting the health of people seeking such care and in the manner that least restricts a person's autonomous decision making.
- **Repeal the Illinois Abortion Law of 1975 and the long-blocked Partial-Birth Abortion Ban Act.** The Illinois Abortion Law of 1975 establishes criminal penalties for performing an abortion and fails to recognize many of the advances in healthcare. The Partial Birth Abortion Ban Act and many of the provisions of the Abortion Law of 1975 have been enjoined by courts and are unenforceable, but they have not been repealed. The bill repeals both laws and replaces with the Illinois Reproductive Health Act. These changes take regulation of abortion out of the criminal code and affirms that abortion care is health care, not criminal activity.
- **Require insurance companies to provide coverage for abortions.** The contraceptive coverage requirement in the Illinois Insurance Code does not include services related to abortion. The measure requires private health insurance plans in Illinois to cover abortion. Currently, insurance plans are required to cover contraception, infertility treatments, and maternity care. State employees and Medicaid recipients are guaranteed coverage, and the proposal expands this requirement for private insurance

Additionally, the Illinois Reproductive Health Act:

- Repeals criminal penalties imposed on doctors for offering abortion care and some contraceptives.
- Repeals the provision of the Code of Civil Procedure that allows a husband to get an injunction to prevent his wife from having an abortion.
- Repeals language that states that spouses and parents are not liable for expenses incurred from an abortion if the spouse or parent has not consented to the procedure. In doing so, the RHA treats the cost of abortion like any other medical expenses.
- Removes the restriction that only physicians can perform abortions and allows advanced practice clinicians to provide this care.
- Lifts decades-old disciplinary penalties aimed solely at physicians who perform abortions.
- Protects pregnant persons against punishment for conduct during a pregnancy that may be deemed adverse to the pregnancy.
- Amends Vital Records Act to remove requirement for a fetal death certificate following an abortion. This provision is currently enjoined.
- Amends the Environmental Protection Act to permit burial or cremation after a miscarriage or abortion, reaffirming that medical tissue can be handled the same way it currently is.
- Removes medically inappropriate regulations requiring that facilities that provide abortions must be licensed as an Ambulatory Surgical Treatment Centers.

The Illinois Reproductive Health Act improves access to a full range of reproductive health care in Illinois. More access to health care assures better health outcomes for all people in Illinois.