



Illinois | RANKING 37

Illinois provides scant protections for women considering abortion. Further, Illinois funds and promotes unethical forms of research including destructive embryo research and human cloning. In 2017, Illinois passed legislation requiring taxpayer funds to be used to pay for abortions and in 2019, expanded the “right to abortion” beyond *Roe*.

ABORTION

- In 2019, Illinois passed the Reproductive Health Act which asserts there is a fundamental right to have an abortion. It also asserts a fertilized egg, embryo, or fetus does not have independent rights under Illinois law.
- The Reproductive Health Act prohibits the state from denying, restricting, or interfering with an individual’s right to abortion.
- Illinois requires notice to a parent or other adult family member at least 48 hours prior to a minor’s abortion. The law provides exceptions in cases of rape, incest, child abuse by an adult family member, or in a medical emergency and permits a minor to seek a court order to bypass the notice requirement.
- Illinois’ abortion facility regulations are not uniformly applied to all of the state’s abortion clinics.
- Illinois expanded the scope of individuals allowed to perform abortions to include physicians, physicians’ assistants, and advanced practice registered nurses.
- Illinois has an enforceable abortion reporting law but does not require the reporting of information to the Centers for Disease Control (CDC).
- Illinois requires abortion providers, as well as those who provide abortion referrals, to report suspected child abuse or neglect.
- Illinois taxpayers are required by court order to fund “medically necessary” abortions for women eligible for public assistance. This requirement essentially equates to funding abortion-on-demand in light of the U.S. Supreme Court’s broad definition of “health” in the context of abortion.
- Illinois Department of Children and Family Services grants may be made to non-profit agencies and organizations which do not use such grants to refer for, counsel for, or perform abortions.
- The state health plan provides coverage for all abortions.

LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- Illinois does not require medical attention be provided to infants born alive after an attempted abortion.
- Under Illinois criminal law, the killing of an unborn child at any stage of gestation is defined as a form of homicide.
- Illinois defines a nonfatal assault on an unborn child as a crime.

- Illinois allows a wrongful death (civil) action when an unborn child at any stage of development is killed through a negligent or criminal act.
- Illinois maintains an Abandoned Newborn Infant Protection Act, or “Baby Moses” law, which includes a prohibition preventing persons accepting an infant under the Act from publicly discussing the circumstances surrounding the infant’s legal surrender.
- Illinois defines substance abuse during pregnancy as “child abuse” under its civil child-welfare statutes. Illinois also requires healthcare professionals to report suspected prenatal drug exposure and funds drug treatment programs for pregnant women and newborns.

BIOETHICS LAWS

- Under the Stem Cell Research and Human Cloning Prohibition Act, Illinois permits and funds destructive embryo research. While the Act prohibits cloning to produce children, it specifically allows “therapeutic cloning,” making it a “clone-and-kill” state.
- The state Department of Public Health has been directed to establish a network of human cord blood banks. The Department also encourages healthcare providers to distribute a state-produced publication on umbilical cord blood banking and urges all licensed hospitals to offer pregnant women the option of donating cord blood.
- Illinois provides no meaningful regulation of assisted reproductive technologies, does not regulate human egg harvesting, and permits gestational surrogacy.

PATIENT PROTECTION LAWS

- In Illinois, assisting a suicide is a felony.

HEALTHCARE FREEDOM OF CONSCIENCE

PARTICIPATION IN ABORTION AND CONTRACEPTION

- Illinois allows physicians, healthcare personnel, and institutions who conscientiously object to participating in healthcare services, including abortion, to refuse to participate. However, if requested, the provider must give a referral, transfer the patient, or give written information on other available providers.
- Health insurance plans that provide prescription coverage must also provide coverage for contraception. A conscience exemption is provided for religious employers.

PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE

- By statute, Illinois protects the civil rights of all healthcare providers who conscientiously object to participating in procedures such as human cloning or destructive embryo research.

WHAT HAPPENS AFTER *ROE* IS OVERTURNED?

- Abortion will be legal throughout pregnancy.

RECOMMENDATIONS FOR ILLINOIS

WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
 - Women's Right to Know Act with reflection period
 - Coercive Abuse Against Mothers Prevention Act
 - Women's Health Protection Act (abortion clinic regulations, emergency transfer and admission provisions)
 - Abortion Reporting Act
 - Drug-Induced Abortion Information and Reporting Act
 - Parental Involvement Enhancement Act
 - Components of the Child Protection Act related to evidence retention and remedies for third-party interference with parental rights
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INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
 - Prenatal Nondiscrimination Act
 - Perinatal Hospice Information Act
 - Reinstate the Partial-birth Abortion Ban Act
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PATIENT PROTECTION ACT PRIORITIES

- Joint Resolution Opposing Suicide by Physician
 - Charlie Gard Act (formerly the Life Sustaining Care Act)
 - Pain Management Education Act
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ADDITIONAL PRIORITIES

ABORTION

- Defunding the Abortion Industry and Advancing Women's Health Act
- Federal Abortion-Mandate Opt-Out Act

LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Pregnant Woman's Protection Act

BIOETHICS

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

HEALTHCARE FREEDOM OF CONSCIENCE

- Repeal 2016 mandate on healthcare providers to provide information on where to obtain abortions
- Repeal a 2019 mandate that private insurance cover abortions