

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS- CHANCERY DIVISION

ABIGAIL WOMEN’S CLINIC, a not-for-profit Illinois corporation; CHOICES PREGNANCY AND HEALTH, a not-for-profit Illinois corporation; CORBELLA CLINIC, a not-for-profit Illinois corporation; FAMILY LIFE CENTER, INC., a not-for-profit Illinois corporation; FIRST STEP WOMEN’S CENTER, a not-for-profit Illinois corporation; FREEPORT PREGNANCY CENTER, a not-for-profit Illinois corporation; LIGHTHOUSE PREGNANCY CENTER, a not-for-profit Illinois corporation; NEW LIFE PREGNANCY CENTER, a not-for-profit Illinois corporation; OPTIONS NOW, a not-for-profit Illinois corporation; PREGNANCY INFORMATION CENTER, a not-for-profit Illinois corporation; PREGNANCY RESOURCES, a not-for-profit Illinois corporation; PREGNANCY RESOURCE CENTER, a not-for-profit Illinois corporation; SOUTHSIDE PREGNANCY CENTER, INC., a not-for-profit Illinois corporation; SPOON RIVER PREGNANCY RESOURCE CENTER, a not-for-profit Illinois corporation; WATERLEAF WOMEN’S CENTER, a not-for-profit Illinois corporation; WE CARE PREGNANCY CENTER, a not-for-profit Illinois corporation;

Plaintiffs,

v.

BRUCE RAUNER, in his official capacity as Governor of the State of Illinois, BRYAN A. SCHNEIDER, in his official capacity as Secretary of the Illinois Department of Financial and Professional Regulation, in his official capacity,

Defendants.

Electronically Filed
Feb 09 2017 03:12PM
Paul Palazzolo
Clerk of the Circuit Court
Case Number: 2017CH000066
Transaction ID: 60191466

CASE NO.

VERIFIED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF

The above named Plaintiffs, through counsel, file this complaint against the Defendants,

BRUCE RAUNER, in his official capacity as Governor of Illinois, BRYAN A. SCHNEIDER, in his official capacity as Secretary of the Illinois Department of Financial and Professional

Regulation (“Defendants”), and respectfully request that this Honorable Court enter a judgment providing the relief requested herein. In support of their Complaint, Plaintiffs allege:

NATURE OF THE CASE

1. Each of the Plaintiffs is a pregnancy medical center (commonly referred to as a PMC, and collectively referred to herein as “Plaintiffs” or “PMCs”). Plaintiffs reach out to pregnant women who may be contemplating abortion. They provide information and resources to pregnant women about alternatives to abortion, including adoption and parenting, in the hope that the women so informed or counseled will choose life for their unborn children. Plaintiffs operate in accordance with Christian principles, which teach that an unborn child is a human being entitled to continued life, and that drugs, devices, and procedures which end the life of the unborn child are morally wrong.

2. Effective January 1, 2017, the Illinois Health Care Right of Conscience Act, 745 ILCS 70/1 et seq. (“IHRCA”), was amended by Public Act 99-690 (“P.A. 99-690”). The amendment compels Plaintiffs, under penalty of law, to give their clients a state-mandated message about abortion and contraception which contradicts their sincerely held religious beliefs on these subjects, and so frustrates their ability to complete their faith-based mission to encourage pregnant women to make life-affirming choices for their unborn children.

3. This lawsuit alleges that P.A. 99-690 unlawfully violates Plaintiffs’ rights guaranteed to them under the laws and the Constitution of the State of Illinois.

PARTIES, JURISDICTION, AND VENUE

4. Plaintiff ABIGAIL WOMEN’S CLINIC (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “ABIGAIL”) is a not-for-profit corporation organized under Illinois law. It has offices in Mendota, IL.

5. Plaintiff CHOICES PREGNANCY AND HEALTH (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “CHOICES”) is, a not-for-profit corporation organized under Illinois law. It has offices in Charleston IL.

6. Plaintiff CORBELLA CLINIC (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “CORBELLA”) is a not-for-profit corporation organized under Illinois law. It has offices in South Elgin, IL.

7. Plaintiff FAMILY LIFE CENTER, INC. (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “FAMILY LIFE”) is a not-for-profit corporation organized under Illinois law. It has offices in Effingham, IL.

8. Plaintiff FIRST STEP WOMEN’S CENTER (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “FIRST STEP”) is a not-for-profit corporation organized under Illinois law. It has offices in Springfield, IL.

9. Plaintiff FREEPORT PREGNANCY CENTER (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “FREEPORTPC”) is a not-for-profit corporation organized under Illinois law. It has offices in Freeport, IL.

10. Plaintiff LIGHTHOUSE PREGNANCY CENTER (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “LIGHTHOUSE”) is a not-for-profit corporation organized under Illinois law. It has offices in Vandalia, IL.
11. Plaintiff NEW LIFE PREGNANCY CENTER (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “NEW LIFE PC”) is a not-for-profit corporation organized under Illinois law. It has offices in Decatur, IL.
12. Plaintiff OPTIONS NOW (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “OPTIONS NOW”) is a not-for-profit corporation organized under Illinois law. It has offices in Godfrey, IL.
13. Plaintiff PREGNANCY INFORMATION CENTER (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “PIC”) is a not-for-profit corporation organized under Illinois law. It has offices in Aurora, IL.
14. Plaintiff PREGNANCY RESOURCES (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “PR”) is a not-for-profit corporation organized under Illinois law. It has offices in Moline, IL.
15. Plaintiff PREGNANCY RESOURCE CENTER (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “PREGNANCY RC”) is a not-for-profit corporation organized under Illinois law. It has offices in Rushville, IL.
16. Plaintiff SOUTHSIDE PREGNANCY CENTER, INC (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “SOUTHSIDE PC”) is a not-for-profit corporation organized under Illinois law. It has offices in Oak Lawn, IL.

17. Plaintiff SPOON RIVER PREGNANCY CENTER (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “SPOON RIVER PC”) is a not-for-profit corporation organized under Illinois law. It has offices in Canton, IL.

18. Plaintiff WATERLEAF WOMEN’S CENTER (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “WATERLEAF”) is a not-for-profit corporation organized under Illinois law. It has offices in Aurora and Bolingbrook, IL.

19. Plaintiff WE CARE PREGNANCY CENTER, INC. (referred to hereafter along with its board members, officers, staff and licensed and unlicensed volunteers, as “WE CARE”) is a not-for-profit corporation organized under Illinois law. It has offices in DeKalb, IL. WE CARE does business as WE CARE PREGNANCY CLINIC.

20. Defendant BRUCE RAUNER, sued in his official capacity, is the Governor of Illinois. He is the chief executive officer of the State of Illinois. He is ultimately responsible for the enforcement of the IHRCA. He is responsible for the enforcement activities of Defendant Bryan A. Schneider, and any other state official who may seek to enforce the requirements of the IHRCA, as amended by P.A. 99-690.

21. Defendant BRYAN A. SCHNEIDER, sued in his official capacity, is the Secretary of the Illinois Department of Financial and Professional Regulation (“IDFPR”), the agency which is primarily responsible for enforcing the IHRCA, as amended by P.A. 99-690.

22. This case arises under the Constitution and laws of the State of Illinois. This Court has subject matter jurisdiction pursuant to the State of Illinois Constitution. (Ill. Const. of 1970, Article 1, §§ 2, 3, 4, 6; 775 ILCS 35/1, et seq.)

23. This Court has power to issue the requested declaratory relief pursuant to 735 ILCS 5/2-701 of the Illinois Code of Civil Procedure. The Court has power to award the requested injunctive relief under 735 ILCS 5/11-101 of the Illinois Code of Civil Procedure.

24. Venue is proper in this Court pursuant to 735 ILCS 5/2/105 because Defendants have their principal offices in Sangamon County.

GENERAL ALLEGATIONS

25. Each Plaintiff PMC is a faith-based organization inspired by the Christian religion which affirms, inter alia, the infinite value of human life, both before and after birth, and the command to share Christian values and to extend help and compassion to others in their time of need. Each PMC's mission is to reach out to pregnant women considering abortion and to provide them with information, emotional support, material resources, and/or medical services all in order to affirm their dignity as mothers and the dignity of their unborn children, and hopefully to empower and encourage each to make a life-affirming choice for her unborn child, a choice which each PMC is convinced is the best choice for both the mother and her unborn baby.

26. The PMCs' services are free of charge, although a few centers pass along to clients the cost of lab fees associated with STI testing. The PMCs make no profit from their services.

27. Since each PMC's mission is shaped and directed by its sincerely held belief in, and understanding of, Christian principles, each PMC objects, out of conscience, to P.A. 99-690's requirement to give its clients a government message, contrary to its sincerely held belief, about supposed "benefits" of abortion and other abortifacient "treatment options," and to provide clients with, on their request, the names of abortion and contraception providers. The Plaintiffs

cannot in good conscience deliver such a message, because to do so would immorally implicate them in a potential decision to abort a child, an act which terminates the life of a human being, who has infinite dignity before God, and which interferes with God's plan for human sexuality. The Plaintiffs simply cannot comply with the requirements of P.A. 99-690. Since each PMC's board members, officers, staff, and volunteers who further its mission share the same sincerely held religious beliefs, they likewise cannot in good conscience comply with the requirements of P.A. 99-690.

28. A PMC's staff includes both licensed professionals (often a medical director, sonographers, nurses, and sometimes licensed counselors) as well as unlicensed staff and volunteers who assist the licensed staff. Both staff and volunteers agree to a faith statement before working at a PMC.

29. Medical services offered by most PMCs include a pregnancy test and ultrasound. Some centers offer Sexually Transmitted Infections (STI) testing and treatment and even prenatal care. Some PMCs provide non-medical support including material assistance (such as clothes, diapers, and baby furniture), financial support (for such needs as education, employment and medical care), and parenting education. PMCs also sometimes offer education about sexual integrity, post-abortive assistance and adoption agency referrals. Some PMCs offer counseling from a licensed counselor.

30. The process for seeing a client at a PMC often begins with scheduling an appointment, although most centers also take walk-ins. When the woman comes into the PMC, the woman receives and signs an intake form identifying the services offered. Often the form provides that

the PMC does not provide or refer for abortion. In an affirming environment, each client is invited to share her circumstances and concerns. A pregnancy test is routinely given. A client may be given an ultrasound and information about her baby's gestational age and fetal development.

31. The center's staff and volunteers offer information about all legal pregnancy options, which include parenting, adoption and abortion. The objective is to empower a client with information on all three options so she feels informed and confident in making a decision about the outcome of her pregnancy. The PMC hopes that it can empower and encourage each client to chart a path to the birth of her baby, but it recognizes that a client must make her own decision on that score. The PMC does not try to coerce her decision but to give her the information she needs to make an informed decision that she feels is good for her and her baby.

32. The PMC does not inform a pregnant client of supposed "benefits" of a chemical or surgical abortion because the PMC's belief and experience is that an abortion never offers "benefits" to a mother-to-be, when her situation is evaluated holistically (from a physical, mental, and spiritual point of view). The mother-to-be is informed of abortion's potential negative effects to her physical and psychological well-being based on research and post-abortive women's own reported evaluations. A PMC likewise does not educate a client on the supposed "benefits" of artificial contraceptives such as birth control, but rather gives her far better information to help her secure sexual integrity and the valuable physical and psychological benefits that flow from it.

33. Most PMCs have licensed staff and volunteers who perform medical tests such as STI tests and ultrasounds, and pregnancy tests, and discuss the results of such tests with clients. Unlicensed staff and volunteers do not render health care as that term is commonly understood and do not hold themselves out as licensed health care professionals. The medical director guides and reviews the centers' medical services. Non-licensed staff and volunteers interact with clients informally, as private citizens, and discuss personal matters, commonly including religion and spirituality. Some PMCs provide individual situational assessments to assist clients with the challenges an unplanned pregnancy may present. Clients are encouraged to consider their individual support network, and are notified of resources available in the community to help address their needs, including information as appropriate to sources of medical and non-medical assistance. The support offered by PMCs is designed to help pregnant women see options available to them that will allow them to carry their child to term. The mission of each PMC is to educate and encourage each client to avoid the tragic consequences of choosing to abort.

34. As it seeks to help women, PMCs reject deception or manipulation. If asked, and in many PMCs' limitation of services forms, PMCs informs clients openly that they do not offer or make referrals for abortion, abortifacients, or artificial contraception, and do not provide information about providers of such products and services. Clients are free to disagree and go elsewhere. Most choose to hear the PMC's message.

35. PMCs are effective. A large percentage of their clients confidently choose adoption or parenting for their unborn babies. For example, the results at Options Now have been:

Fiscal Year : July 1 - June 30	2016/2017 YTD	%	2015/2016	%	2014/2015	%	2013/2014	%
Patient Visits	692		1196		1373		2003	
Pregnancy Tests	184		359		443		476	
Total Abortion Minded Patients	73	40%	51	14%	26	6%	31	7%
Abortion Minded Patients who Chose Life for Their Baby	48	66%	30	59%	8	31%	18	58%
Total Abortion Vulnerable Patients	89	48%	216	60%	344	78%	329	69%
Abortion Vulnerable Patients who Chose Life for Their Baby	71	80%	191	88%	282	82%	240	73%
Initial Assessment Likely to Carry	19		82		66		106	

(“Abortion Minded” means a client who has indicated to PMC personnel that she is considering an abortion. “Abortion Vulnerable” means a client who is in circumstances that PMC experience indicates could influence her to choose an abortion.)

36. The statistics at Options Now are characteristic of results at other PMCs. The PMCs believe their success comes from creating an atmosphere where clients are given the freedom to explore all three pregnancy options free from pressure, judgment and financial conflict of interest. The PMCs have no financial interest in the client’s choice. Abortion clinics charge for abortion and therefore have a bias in favor of an abortion decision. PMCs do not pressure or judge clients. Still, choosing life is the PMCs’ hoped-for outcome for their clients, and, as Options Now’s statistics show, many clients make a pro-life choice. P.A. 99-690 threatens the PMCs ability to present a pro-life option to its clients.

The IHRCA

37. Prior to its amendment by P.A. 99-690, the IHRCA was part of a comprehensive statutory scheme that protected Plaintiffs’ right to provide health care in a manner consistent with their sincerely held religious beliefs. The law prohibited discrimination, coercion, disability, or imposition of liability upon persons who refuse to obtain, receive, accept, deliver,

pay for or arrange for the payment of health care services and medical care because of conscience-based beliefs. 745 ILCS 70/2.

38. The IHRCA broadly defines health care to include:

any phase of patient care, including...family planning, counselling, referrals, or any other advice in connection with the use or procurement of contraceptives and sterilization or abortion procedures; medication; or surgery or other care or treatment rendered by a physician or physicians, nurses, paraprofessionals, or health care facility, intended for the physical, emotional, and mental well-being of persons;

See 745 ILCS 70/3(a).

39. Upon information and belief, services provided by PMCs such as sonograms, pregnancy tests administered by licensed nurses, and counselling and advice fall within P.A. 99-690's definition of "health care."

40. "Health care personnel" means any "nurse...professional, paraprofessional or any other person who assists in the furnishing of, health care services." *Id.* at 70/3(b), (c). Health care facility includes any "location wherein health care services are provided to any person..." *Id.* at 70/3(d).

41. Upon information and belief, P.A.99-690's broad definition of health care personnel includes all licensed and unlicensed personnel of a PMC.

42. Upon information and belief, prior to the passage of P.A. 99-690 physicians, other health care professionals, persons working with licensed professionals, and health care facilities themselves, could, consistent with applicable standards of medical care, freely limit the health care services they offered, including limiting their services consistent with their sincerely held

religious convictions, as long as they communicated the service limitations to their clients in a timely way.

43. The IHRCA, prior to its modification by P.A. 99-690, recognized physicians' "obligation[] under the law [to] provid[e] emergency medical care," and to comply with "any duty, which may exist under any laws concerning current standards of normal medical practices and procedures, to inform his or her patient of the patient's condition, prognosis, and risks," but the IHRCA also provided that "such physician shall be under no duty to perform, assist, counsel, suggest, recommend, refer or participate in any way in any form of medical practice or health care that is contrary to [the provider's] conscience." 745 ILCS 70/6.

44. As of January 1, 2017, while, as discussed below, P.A. 99-690 is vague and unclear, P.A. 99-690 no longer permits Plaintiffs freely to limit the health care services they offer consistent with applicable medical standards of care. P.A. 99-690 now requires that health care facilities, physicians and health care personnel, even if they limit the services they offer based on their conscience-based objections:

- a. to "inform a patient" of "legal treatment options," see 745 ILCS 70/6;
- b. to "adopt written access to care and information protocols" to ensure that patients are informed of their "condition, prognosis, legal treatment options, and risks and benefits of the treatment options in a timely manner, consistent with current standards of medical practice or care" see 745 ILCS 70/6.1(1); and
- c. to ensure, in the event a patient requests a diagnostic or treatment option that is contrary to the conscience of a health care facility, physician or health care personnel,

that the “patient shall either be provided the requested health care service by others in the facility or be notified that the health care will not be provided and be referred, transferred, or given information” “in writing” “about other health care providers who they reasonably believe may offer the health care service” requested. See 745 ILCS 70/6.1(2), (3).

45. As a result, beginning January 1, 2017, P.A. 99-690 compels Plaintiffs to engage in government-mandated speech and conduct they were not previously required to engage in on topics (abortion, contraception and sterilization) they oppose because of their sincerely held religious convictions. P.A. 99-690 requires Plaintiffs to discuss such health care “treatment options” of “contraceptives and sterilization or abortion procedures,” see 745 ILCS 70/3(a) (definition of “health care”), and describe their so-called “benefits.” 745 ILCS 70/6.1(1). Plaintiffs cannot do this consistent with their religious convictions. In addition, the new law requires Plaintiffs to provide referrals for individuals or entities who offer abortions, contraception, or sterilizations, or deliver a list upon request of individuals or entities who Plaintiffs reasonably believe will provide these entities or services, all against Plaintiffs’ religious convictions. 745 ILCS 70/6.1(2), (3).

46. If they refuse to comply, the law subjects them to discrimination, sanctions, and liability because the P.A. 99-690 conditions IHRCA’s protections on compliance with the new law. See 745 ILCS 70/6.1 (“The protections of Sections 4, 5, 7, 8, 9, 10, and 11 of this Act only apply if conscience-based refusals occur in accordance with these protocols.”) Sections 4 and 5 of IHRCA protects physicians and health care personnel from liability to and discrimination from

any public “entity” or “official” because of their conscience-based objections. These protections are now unavailable without compliance to the new law.

47. Defendant Bryan A. Scheider, as Secretary of the IDFPR, regulates physicians and other health care professionals practicing in the State of Illinois and acts under color of state law.

IDFPR has authority to discipline physicians, nurses, and other licensed medical professionals, through fines and license revocation. See 225 ILCS 60/22 (physicians); 225 ILCS 65/70-5 (nurses). As a result, absent compliance with P.A. 99-690’s provisions, Plaintiffs will be subject to adverse action and liability by Defendants, from which they were protected prior to the passage of P.A. 99-690.

48. The State of Illinois is currently defending P.A. 99-690 in Court and has not agreed to withhold enforcement pending the litigation. Upon information and belief the IDFPR will enforce the provisions of P.A. 99-690 against the Plaintiffs and any licensed health care professionals who collaborate with them to deliver health care services.

49. In sum, P.A. 99-690 coerces Plaintiffs to engage in speech and conduct they believe is gravely wrong and sinful. By requiring Plaintiffs and their associates to mouth a governmental message about abortion and contraception, the IHRCA amendment frustrates the the right of Plaintiffs and their associates to fashion their own message to help pregnant women in need.

50. Plaintiffs, medical professionals, and other individuals who collaborate with them, fear prosecution, sanctions, and liability that will result from enforcement of P.A. 99-690. In fact, individuals who associated with PMCs for the purpose of furthering their good work have ceased

to do so for fear of discrimination, sanctions, and liability because they cannot, consistent with their moral convictions, comply with the law.

51. Upon information and belief health care providers in Illinois have never been required under current standards of medical care to take the steps they must now take under P.A. 99-690.

52. Upon information and belief, other health care providers who have no religious or conscience-based objections against abortion are not subject to the obligations set forth in P.A. 99-690 and so will not be subject to liability if they do not perform the actions or provide the information the law requires of conscientious objectors.

53. P.A. 99-690 violates Plaintiffs' constitutional and statutory rights as alleged herein and therefore subjects them to immediate, ongoing, and irreparable harm for which there is no adequate remedy at law.

CLAIMS FOR RELIEF

COUNT I VIOLATION OF RIGHT TO FREE SPEECH ILLINOIS CONSTITUTION ARTICLE 1, § 4

54. Plaintiffs reaffirm and reallege each foregoing allegation as if fully set forth herein.

55. Article 1, § 4, of the Constitution of the State of Illinois, provides, in pertinent part, that: "All persons may speak, write, and publish freely * * *". Ill. Const. of 1970, Art. 1, § 4.

56. The IHRCA, as amended by Public Act 99-690, violates Plaintiffs' freedom of speech by requiring health-care providers, over their sincerely-held religious objections, to discuss the so-called benefits of abortion, contraception and sterilization treatment options, and to provide

transfer, referral or information regarding providers of abortion, contraception and related drugs, devices, or procedures.

57. P.A. 99-690 is a content based regulation because it compels speech about certain subjects.

58. P.A. 99-690 discriminates because of viewpoint because it targets health-care providers with sincerely-held religious objections about abortion, contraception and related procedures, and requires them to speak, but it leaves unregulated entities or persons who do not have sincerely-held religious objections on these subjects.

59. Because it is content-based and viewpoint discriminatory, P.A. 99-690 is subject to strict judicial scrutiny requiring proof of a compelling state interest to regulate and that the regulation is narrowly tailored to the interest to be addressed.

60. P.A. 99-690 regulates speech without a substantial, let alone compelling, governmental interest to do so. The content of the coerced speech -- information concerning abortion, contraception, sterilization and their providers -- is already readily available to the public from many governmental and private sources. The federal government and State of Illinois spend millions of dollars to inform residents about available contraceptive drugs and devices, sterilization, and abortion services. Private providers widely promote and advertise these products and services, for which they charge. For example, abortion services are widely advertised by providers such as the Planned Parenthood Federation of America throughout the U.S. via the web and other advertising channels. See <https://www.plannedparenthood.org> (last visited 1/17/17). Because information describing abortion and contraception providers is readily

available from a variety of sources, including the web, telephone yellow pages, governmental health and other agencies, billboards along public thoroughfares, print media, public libraries, and from public advocacy groups, to name just a few, the state does not have a compelling or even a substantial interest in requiring Plaintiffs to provide similar, redundant information about abortion providers.

61. Even if the state could articulate a compelling interest to regulate, its measure is not a narrowly tailored or least restrictive means to advance its interest. The State cannot show why additional efforts on its own part, such as public service announcements on T.V., radio, and the internet, fliers posted in public libraries or youth centers, or other advertising or publicity, would not equally achieve its claimed purpose. It cannot explain why it did not regulate uniformly, but mandated speech only from conscience-based objectors rather than from all health care providers, including those who might have equally strong, non-conscience-based reasons not to comply with the requirements of P.A. 99-690.

62. P.A. 99-690 is constitutionally overbroad in that it regulates speech far broader than the State has any interest in regulating. It regulates and compels speech of the PMCs despite the limitation of services agreements their clients knowingly accept. And it regulates and compels the speech of the PMCs' lay staff and volunteers who speak to clients on private matters without relation to medical care.

COUNT II VIOLATION OF EQUAL PROTECTION OF LAW

63. Plaintiffs reaffirm and reallege each foregoing allegation as if fully set forth herein.

64. Article 1, § 2 of the Constitution of the State of Illinois, provides, in pertinent part that “No person shall be * * *denied the equal protection of the laws.” Ill. Const. of 1970, Art. 1, § 2.

65. The IHRCRA, as amended by Public Act 99-690, violates the guarantee of equal protection under the Illinois Constitution by discriminating against health care providers who seek to practice medicine consistent with their religious beliefs, and by regulating and compelling their speech under threat of discrimination, sanctions, and liability, when similarly situated persons without conscience-based objections are not subjected to such exposure.

66. P.A. 99-690 on its face, by its purpose, and in its operation, unlawfully regulates Plaintiffs by preventing them, and those cooperating with them, from limiting the scope of health care services they discuss or participate in so as to conform to their religious convictions, when it does not so regulate similarly situated health care providers without conscience-based objections.

67. Public Act 99-690 violates Plaintiffs’ right to equal protection because it targets health-care providers with sincerely-held religious objections against cooperating with certain treatments and compels them to transfer to, refer to, or provide information about providers of treatments the health care provider objects to, while similarly situated health care providers without conscience-based objections are not so regulated.

68. P.A. 99-690 infringes Plaintiffs’ right to free speech and religious liberty by targeting health-care providers with sincerely-held religious objections against cooperation with certain treatments, and compelling them to discuss benefits of various treatment options, while leaving other similarly situated persons free not to do so.

69. Public Act 99-690 targets health care providers with religious convictions, stripping them of their right to conform their speech and conduct to their sincerely-held religious convictions, while leaving similarly situated persons without conscience-based objections free to structure the services they provide as they please and with no requirement to comply with P.A. 99-690.

**COUNT III
RELIGIOUS FREEDOM
ILLINOIS CONSTITUTION, ARTICLE 1, § 3**

70. Plaintiffs reaffirm and reallege each foregoing allegation as if fully set forth herein.

71. Article 1, § 3, of the Constitution of the State of Illinois, provides, in pertinent part, that: “The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions * * *” Ill. Const. of 1970, Art. 1, § 3.

72. The IHRCAs, as amended by Public Act 99-690, violates Plaintiffs’ constitutional guarantee of religious freedom under the Illinois Constitution, because it forces Plaintiffs to make a choice between adhering to their religious convictions or abiding by the mandates of the Statute.

73. The IHRCAs, as amended by Public Act 99-690, abridges Plaintiffs’ constitutional right to the “free exercise and enjoyment of religious profession” because the State by P.A. 99-690 coerces Plaintiffs to engage in conduct which conflicts with their religious beliefs to comply with Section 6.1(2)&(3), upon pain of discrimination, sanctions, and liability under state law.

74. The IHRCA, as amended by Public Act 99-690, is not religiously neutral or generally applicable. It unlawfully discriminates against Plaintiffs and other faith-based medical providers, in that it subjects them to discrimination, discipline by the State and potential civil liability if they follow their sincerely held religious beliefs and refuse to follow the mandates of the statute, whereas other similarly situated health care providers without conscience-based objections are not required to comply with the law and are not subject to discrimination, sanctions, and liability by the law. Ill. Const. of 1970, Art. 1, § 3.

75. The IHRCA, as amended by P.A. 99-690, violates the religious liberty of Plaintiffs and those who associate with them for the purpose of achieving Plaintiffs' mission.

**COUNT IV - 745 ILCS 70/6.1(1)
VIOLATION OF DUE PROCESS (VAGUENESS)
ILLINOIS CONSTITUTION, ARTICLE 1, § 2**

76. Plaintiffs reaffirm and reallege each foregoing allegation as if fully set forth herein.

77. PA 99-690 is unlawfully vague in that it is susceptible to differing interpretations and therefore fails to give fair notice of conduct that is forbidden or required.

78. P.A. 99-690 provides, "The health care facility, physician, or health care personnel shall inform a patient of the patient's condition, prognosis, legal treatment options, and risks and benefits of the treatment options in a timely manner, *consistent with current standards of medical practice or care.*" [Emphasis added.] 745 ILCS 70/6.1(1).

79. Because opinions may differ among reasonable health care professionals as to what the “current standards of medical practice or care” might require given the particular facts relating to any particular patient, P.A. 99-690 is vague because the nature and scope of the statutory duty is unclear. P.A. 99-690 fails to recognize that reasonable professionals can and do differ as to what is required by the standard of care in a vast range of situations.

80. For example, Plaintiffs assert that the current standards of medical practice or care permit them to limit their discussion of the legal treatment option of abortion by disclosing the limitation to clients or potential clients. Plaintiffs do, either orally or in writing, expressly limit the scope of the services they provide to exclude primary care as well as abortion, contraception, or sterilization services, including referrals for such services. When limitation on services is given in writing, Plaintiffs’ clients agree in writing to the limitation before services are delivered by Plaintiffs. When given orally to a client in response to a question, the limitation of service is still clearly stated, and as a result the client is made fully aware of services not provided by the PMC and is always free to leave and seek a provider who provides the desired services.

81. But P.A.99-690 can also be read, and, on information and belief, the State does read P.A.99-690 this way, that the standard of care requires, in all circumstances and without reference to the particular facts relating to any particular patient, a discussion of abortion as a legal treatment option.

82. As a result of this ambiguity, the IHRCA, as amended by Public Act 99-690, fails to provide the type of notice that would allow a person of ordinary intelligence to understand what

conduct is mandated under the statute and the law is open to arbitrary interpretation and enforcement.

83. Because P.A. 99-690 fails to provide reasonable notice of the conduct required by the law and the conduct that subjects Plaintiffs to legal sanction and liability, and because it is open to arbitrary interpretation and enforcement, P.A. 99-690, violates the due process clause of the Illinois Constitution on its face and as applied to Plaintiffs.

**COUNT V-745 ILCS /6.1(1)
RELIGIOUS FREEDOM
ILLINOIS CONSTITUTION, ARTICLE 1, § 3**

84. Plaintiffs reaffirm and reallege each foregoing allegation as if fully set forth herein.

85. Article 1, § 3, of the Constitution of the State of Illinois, provides, in pertinent part, that: “The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions * * *” Ill. Const. of 1970, Art. 1, § 3.

86. The IHRCA, as amended by Public Act 99-690, violates Plaintiffs’ constitutional guarantee of religious freedom under the Illinois Constitution, because it forces Plaintiffs to make a choice between adhering to their religious convictions or abiding by the mandates of the Statute.

87. The IHRCA, as amended by Public Act 99-690, abridges Plaintiffs’ constitutional right to the “free exercise and enjoyment of religious profession” because the State by P.A. 99-690 effectively coerces Plaintiffs to engage in conduct which conflicts with their religious beliefs by

telling clients about the supposed benefits of abortion, sterilization, or contraception upon pain of discrimination, sanctions, and liability under state law.

88. The IHRCA, as amended by Public Act 99-690, is not religiously neutral or generally applicable. It unlawfully discriminates against Plaintiffs and other faith-based medical providers, in that it subjects them to discrimination, discipline by the State and civil liability if they follow their sincerely held religious beliefs and refuse to follow the mandates of the statute, whereas other similarly situated health care providers without conscience-based objections are not required to comply with the law and are not subject to discrimination, sanctions, and liability by the law. Ill. Const. of 1970, Art. 1, § 3.

89. The IHRCA, as amended by P.A. 99-690, violates the religious liberty of Plaintiffs and those who associate with them for the purpose of achieving Plaintiffs' mission.

PRAYER FOR RELIEF

Plaintiffs respectfully request this Honorable Court provide the following relief:

1. Enter a declaratory judgment order, declaring that 6.1(1)-(3) of Public Act 99-690, are unconstitutional, and thus, void and unenforceable;
2. Enter both a preliminary and permanent injunction, prohibiting the State from enforcing Section 6.1(1)-(3) of Public Act 99-690, and nominal and actual damages;
3. Enter an award for attorney's' fees and costs in favor of Plaintiffs under 775 ILCS 35/20 and 740 ILCS 23/5(c)(2);
4. Enter an order for such other and further relief as this Court deems just and proper.

Submitted this 9th day of February, 2017.

/s/Thomas Olp

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*Petition for permission to appear pro
hac vice to be filed.

Attorneys for Plaintiffs

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to ABIGAIL WOMEN'S CLINIC are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

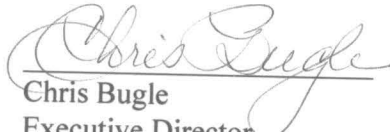
This 6 day of February, 2017



Betty Pappas
Executive Director
ABIGAIL WOMEN'S CLINIC

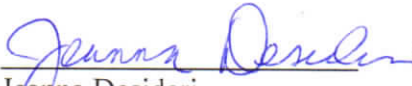
Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to CHOICES PREGNANCY AND HEALTH are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

This 6th day of February, 2017


Chris Bugle
Executive Director
CHOICES PREGNANCY AND HEALTH

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to CORBELLA CLINIC are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

This 6TH day of February, 2017


Jeanna Desideri
Executive Director
CORBELLA CLINIC

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to FAMILY LIFE CENTER, INC. are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.


This ___ day of February, 2017

A handwritten signature in cursive script, appearing to read "Tami Shull", written over a horizontal line.

Tami Shull
Executive Director
FAMILY LIFE CENTER, INC.

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to FIRST STEP are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

This 7 day of February, 2017


Debbie Shultz
Executive Director

FIRST STEP WOMEN'S CENTER

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to FREEPORT PREGNANCY CENTER are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

This 6 day of February, 2017



Sherrie Bicksler
Executive Director
FREEPORT PREGNANCY CENTER

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to LIGHTHOUSE PREGNANCY CENTER are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

This 6 day of February, 2017



Tameka Polanin
Executive Director
LIGHTHOUSE PREGNANCY CENTER

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to NEW LIFE PREGNANCY CENTER are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

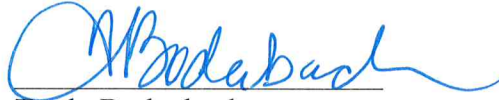
This 6 day of February, 2017



Penny Weaver
Executive Director
NEW LIFE PREGNANCY CENTER

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to OPTIONS NOW are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

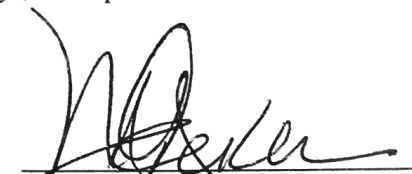
This 6th day of February, 2017



Trudy Bodenbach
Executive Director
OPTIONS NOW

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to PREGNANCY INFORMATION CENTER are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

This 6 day of February, 2017



Michelle Gerken
Executive Director
PREGNANCY INFORMATION CENTER

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to PREGNANCY RESOURCE CENTER are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.


This 6 day of February, 2017



Cheri Triplett
Executive Director
PREGNANCY RESOURCE CENTER

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to PREGNANCY RESOURCES are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

This 6 day of February, 2017


Susan Skoglund
Executive Director
PREGNANCY RESOURCES

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to SOUTHSIDE PREGNANCY CENTER, INC. are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

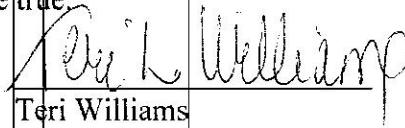
This 7th day of February, 2017



Kathy Bozyk
Executive Director
SOUTHSIDE PREGNANCY CENTER, INC.

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to SPOON RIVER PREGNANCY RESOURCE CENTER are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

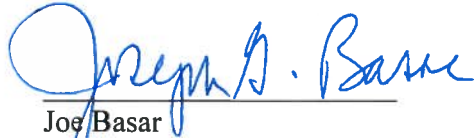
This 5th day of February, 2017



Teri Williams
Executive Director
SPOON RIVER PREGNANCY RESOURCE
CENTER

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to WATERLEAF WOMEN'S CENTER are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

This 9th day of February, 2017



Joe Basar
Executive Director
WATERLEAF WOMEN'S CENTER

Under penalty of law as provided by Section 1-109 of the Code of Civil Procedure, I certify that the statements above set forth relating to WE CARE PREGNANCY CENTER are true and correct to the best of my personal knowledge, except as to matters stated to be on information and belief, which I believe to be true.

This 6 day of February, 2017



Kathleen Mehe
Executive Director
WE CARE PREGNANCY CENTER

EXHIBIT ONE

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Health Care Right of Conscience Act is amended by changing Sections 2, 3, 6, and 9 and by adding Sections 6.1 and 6.2 as follows:

(745 ILCS 70/2) (from Ch. 111 1/2, par. 5302)

Sec. 2. Findings and policy. The General Assembly finds and declares that people and organizations hold different beliefs about whether certain health care services are morally acceptable. It is the public policy of the State of Illinois to respect and protect the right of conscience of all persons who refuse to obtain, receive or accept, or who are engaged in, the delivery of, arrangement for, or payment of health care services and medical care whether acting individually, corporately, or in association with other persons; and to prohibit all forms of discrimination, disqualification, coercion, disability or imposition of liability upon such persons or entities by reason of their refusing to act contrary to their conscience or conscientious convictions in providing, paying for, or refusing to obtain, receive, accept, deliver, pay for, or arrange for the payment of health care services and medical care. It is also the public policy of the State of

Illinois to ensure that patients receive timely access to information and medically appropriate care.

(Source: P.A. 90-246, eff. 1-1-98.)

(745 ILCS 70/3) (from Ch. 111 1/2, par. 5303)

Sec. 3. Definitions. As used in this Act, unless the context clearly otherwise requires:

(a) "Health care" means any phase of patient care, including but not limited to, testing; diagnosis; prognosis; ancillary research; instructions; family planning, counselling, referrals, or any other advice in connection with the use or procurement of contraceptives and sterilization or abortion procedures; medication; or surgery or other care or treatment rendered by a physician or physicians, nurses, paraprofessionals or health care facility, intended for the physical, emotional, and mental well-being of persons;

(b) "Physician" means any person who is licensed by the State of Illinois under the Medical Practice Act of 1987;

(c) "Health care personnel" means any nurse, nurses' aide, medical school student, professional, paraprofessional or any other person who furnishes, or assists in the furnishing of, health care services;

(d) "Health care facility" means any public or private hospital, clinic, center, medical school, medical training institution, laboratory or diagnostic facility, physician's office, infirmary, dispensary, ambulatory surgical treatment

center or other institution or location wherein health care services are provided to any person, including physician organizations and associations, networks, joint ventures, and all other combinations of those organizations;

(e) "Conscience" means a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths; ~~and~~

(f) "Health care payer" means a health maintenance organization, insurance company, management services organization, or any other entity that pays for or arranges for the payment of any health care or medical care service, procedure, or product; and -

(g) "Undue delay" means unreasonable delay that causes impairment of the patient's health.

The above definitions include not only the traditional combinations and forms of these persons and organizations but also all new and emerging forms and combinations of these persons and organizations.

(Source: P.A. 90-246, eff. 1-1-98.)

(745 ILCS 70/6) (from Ch. 111 1/2, par. 5306)

Sec. 6. Duty of physicians and other health care personnel. Nothing in this Act shall relieve a physician from any duty, which may exist under any laws concerning current standards, of

~~normal~~ medical practice or care ~~practices and procedures~~, to inform his or her patient of the patient's condition, prognosis, legal treatment options, and risks and benefits of treatment options, provided, however, that such physician shall be under no duty to perform, assist, counsel, suggest, recommend, refer or participate in any way in any form of medical practice or health care service that is contrary to his or her conscience.

Nothing in this Act shall be construed so as to relieve a physician or other health care personnel from obligations under the law of providing emergency medical care.

(Source: P.A. 90-246, eff. 1-1-98.)

(745 ILCS 70/6.1 new)

Sec. 6.1. Access to care and information protocols. All health care facilities shall adopt written access to care and information protocols that are designed to ensure that conscience-based objections do not cause impairment of patients' health and that explain how conscience-based objections will be addressed in a timely manner to facilitate patient health care services. The protections of Sections 4, 5, 7, 8, 9, 10, and 11 of this Act only apply if conscience-based refusals occur in accordance with these protocols. These protocols must, at a minimum, address the following:

(1) The health care facility, physician, or health care personnel shall inform a patient of the patient's

condition, prognosis, legal treatment options, and risks and benefits of the treatment options in a timely manner, consistent with current standards of medical practice or care.

(2) When a health care facility, physician, or health care personnel is unable to permit, perform, or participate in a health care service that is a diagnostic or treatment option requested by a patient because the health care service is contrary to the conscience of the health care facility, physician, or health care personnel, then the patient shall either be provided the requested health care service by others in the facility or be notified that the health care will not be provided and be referred, transferred, or given information in accordance with paragraph (3).

(3) If requested by the patient or the legal representative of the patient, the health care facility, physician, or health care personnel shall: (i) refer the patient to, or (ii) transfer the patient to, or (iii) provide in writing information to the patient about other health care providers who they reasonably believe may offer the health care service the health care facility, physician, or health personnel refuses to permit, perform, or participate in because of a conscience-based objection.

(4) If requested by the patient or the legal representative of the patient, the health care facility,

physician, or health care personnel shall provide copies of medical records to the patient or to another health care professional or health care facility designated by the patient in accordance with Illinois law, without undue delay.

(745 ILCS 70/6.2 new)

Sec. 6.2. Permissible acts related to access to care and information protocols. Nothing in this Act shall be construed to prevent a health care facility from requiring that physicians or health care personnel working in the facility comply with access to care and information protocols that comply with the provisions of this Act.

(745 ILCS 70/9) (from Ch. 111 1/2, par. 5309)

Sec. 9. Liability. No person, association, or corporation, which owns, operates, supervises, or manages a health care facility shall be civilly or criminally liable to any person, estate, or public or private entity by reason of refusal of the health care facility to permit or provide any particular form of health care service which violates the facility's conscience as documented in its ethical guidelines, mission statement, constitution, bylaws, articles of incorporation, regulations, or other governing documents.

Nothing in this Act ~~act~~ shall be construed so as to relieve a physician, ~~or other~~ health care personnel, or a health care

Public Act 099-0690

SB1564 Enrolled

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facility from obligations under the law of providing emergency medical care.

(Source: P.A. 90-246, eff. 1-1-98.)