

Illinois

Shield Law Fact Sheet

August 2026

For both reproductive and gender-affirming care, Illinois's shield laws provide protections against out-of-state investigations and prosecutions, professional discipline, and civil liability. Additionally, Illinois's shield laws provide protections for health care providers' professional liability insurance and for medical information and other data related to reproductive and gender-affirming care.

Protection against Out-of-State Investigations and Prosecutions

Protection Barring State Agency/Employee Assistance

State agencies and individuals acting on their behalf may not provide any information or use any resources to assist any individual or out-of-state entity seeking to impose civil or criminal liability upon a person or entity for "lawful health care activity"—seeking, providing, receiving, assisting, providing material support for, or traveling to obtain healthcare lawful in Illinois, including reproductive and gender-affirming health care.¹

Protection against Extradition and Arrests

The Governor may not surrender a person charged in another state based on conduct involving seeking, providing, receiving, assisting, providing material support for, or traveling to obtain healthcare lawful in Illinois, including reproductive and gender-affirming health care.²

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¹ HB 5239 (Ill. 2024) (735 Ill. Comp. Stat. § 40/28-11). As relevant to the definition of "lawful health care activity," Illinois amended its state Food Drug and Cosmetic Act in 2025 to provide that drugs like mifepristone that were approved by the U.S. Food and Drug Administration (FDA) prior to January 1, 2025, and are recommended for use by the World Health Organization, will not be considered adulterated or misbranded in violation of the Illinois Food Drug and Cosmetic Act, even if FDA approval has been revoked, so long as the drug's labeling was accurate at the time of its manufacture. This subsection expires on January 1, 2035. HB 3637 (Ill. 2025) (410 Ill. Comp. Stat. §§ 620/14, 620/15). For more information on administrative and agency actions that could affect regulation of and access to mifepristone, visit [the Mifepristone Litigation and Federal Action Tracker](#).

² HB 4664 (Ill. 2023) (725 Ill. Comp. Stat. § 225/6).

Protection against Issuance of Search Warrants, Subpoenas, and Witness Summons

Courts may not issue out-of-state subpoenas requesting information or documents related to “lawful health care activity” or subpoenas relating to another state’s laws that would interfere with a person’s right to make their own decisions about their reproductive health, pregnancy, or abortion.³ Additionally, summons, subpoenas, or orders for a witness to provide information or testimony may not be issued in a proceeding if the charged conduct involves “lawful health care activity.”⁴

Protection from Professional Discipline

Protection against Adverse Actions related to Providers’ Licenses and Other Board Discipline

The departments governing the licenses and permits to practice of physicians, nurses, pharmacists, behavior analysts, clinical psychologists, clinical social workers, family therapists, clinical counselors, surgical assistants and technologists, genetic counselors, midwives, wholesale drug distributors, and physician assistants may not revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other action based solely on the person’s provision or participation in health care lawful in Illinois regardless of whether the patient was a resident of another state and regardless of whether that health care service violated another state’s laws.⁵

Protection against Denial or Restriction of Facility Privileges

Health care institutions may not take any adverse action against a person, including restricting or terminating their clinical privileges, because of another state’s action based on the person’s provision of or participation in health care services lawful in Illinois.⁶ Similarly, pharmacies may not take any adverse action, including disciplining or terminating pharmacists or pharmacist technicians, because of another state’s action based on the person’s provision of or participation in health care services lawful in Illinois.⁷

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³ HB 4664 (Ill. 2023) (735 Ill. Comp. Stat. § 35/3.5).

⁴ HB 4664 (Ill. 2023) (725 Ill. Comp. Stat. § 220/2).

⁵ HB 3637 (Ill. 2025) (225 Ill. Comp. Stat. §§ 60/22 (physicians), 65/70-5 (nurses), 85/30 (pharmacists), 6/60 (behavior analyst), 15/15 (clinical psychologists), 20/19 (clinical social workers), 55/85 (family therapists), 107/80 (clinical counselors), 130/75 (surgical assistants and technologists), 135/95 (genetic counselors), 64/100 (midwives), 120/55 (wholesale drug distributors), 95/21 (physician assistants)).

⁶ HB 4664 (Ill. 2023) (225 Ill. Comp. Stat. § 60/23).

⁷ HB 4664 (Ill. 2023) (225 Ill. Comp. Stat. § 85/30.1).

Protection against Civil Liability

Protection against Application or Enforcement of Another State’s Laws or Judgments in Illinois State Court

Courts must apply Illinois law to any case or controversy related to “lawful health care activity.”⁸ Courts may not give any force or effect to another state’s judgment related to reproductive and gender-affirming health care lawful in Illinois if it was issued without jurisdiction.⁹

Provision of a “Clawback Lawsuit” to Recover Damages from Litigation related to Protected Care

A person against whom a judgment has been entered in another state based on the alleged provision, receipt, material support for, or assistance in reproductive health care services lawful in Illinois may bring an action to recover the amount of the out-of-state judgment entered against them and related costs.¹⁰

Protection of Professional Liability Insurance and Protection Related to Health Plans

Protection against an Insurer’s Refusal to Issue Insurance, Increase in Premiums, or Denial of Coverage Based Solely on Providing Protected Care

A professional liability insurer may not deny or revoke coverage, increase rates, or take other adverse action against a medical professional or institution based solely on the violation of another state’s laws or disciplinary action by another state’s professional board if related to the provision of health care services lawful in Illinois.¹¹

Privacy of Medical Information and Other Data Related to Reproductive or Gender-Affirming Care

Protection Against Disclosure of Medical Information

Although physicians, nurses, and those operating a medical facility have a duty to notify local law enforcement if it reasonably appears that someone has sustained an injury in the commission of a criminal offense, that does not require reporting of “lawful health care activity,” regardless of whether such activity may constitute a violation of another state’s law.¹² Additionally, health records related

⁸ HB 4664 (Ill. 2023) (735 Ill. Comp. Stat. § 40/28-15).

⁹ HB 4664 (Ill. 2023) (735 Ill. Comp. Stat. § 40/28-20).

¹⁰ HB 4664 (Ill. 2023) (740 Ill. Comp. Stat. § 126/29-15).

¹¹ HB 4664 (Ill. 2023) (225 Ill. Comp. Stat. § 65/65-65).

¹² HB 4664 (Ill. 2023) (20 Ill. Comp. Stat. § 2630/3.2).

to lawful health care—including reproductive and gender-affirming health care legal in Illinois—are confidential and exempt from state disclosure under the Freedom of Information Act.¹³

By July 1, 2027, electronic health networks must develop technologies to segregate “private health care information”—defined as “coded private health care information”¹⁴ and any other health information related to abortion—and share all other information in a patient’s electronic health record not prohibited by law.¹⁵ Electronic health networks must also develop technology that allows health care providers to manually prevent the sharing of “private health care information” in a patient’s electronic health record, and allows patients to request and consent to share “private health care information” with other entities and to opt out of the segregation of “private health care information” within their electronic health record.¹⁶ Beginning July 1, 2027, electronic health networks must prevent the disclosure of “coded private health care information” associated with pregnancy termination and gender dysphoria of a patient who received health care services in Illinois from a provider licensed in Illinois to providers, business entities, other electronic health networks, or health information exchanges located outside Illinois, unless the disclosure is for technical support, quality assurance, payment or health care operations, or with the consent of the patient or their authorized representative.¹⁷ Any person aggrieved by a violation of these protections may bring an action against the electronic health network for damages, injunctive relief, and reasonable attorney’s fees and costs.¹⁸

Protection of Location Data

Automatic license plate readers may not sell, share, allow access to, or transfer any data to any out-of-state law enforcement for the purpose of investigating or enforcing a law that interferes with a person’s right to obtain reproductive and gender-affirming health care services lawful in Illinois.¹⁹ Additionally, location information related to lawful health care—including records locating a person’s license plate or cell phone near a provider of lawful health care—is also confidential and exempt from state disclosure under the Freedom of Information Act.²⁰

¹³ HB 5239 (Ill. 2024) (735 Ill. Comp. Stat. § 40/28-11).

¹⁴ “Coded private health care information” includes the medical diagnosis codes associated with gender dysphoria and the codes for designating diagnoses, treatments, outcomes, or other health care information associated with complications after induced pregnancy termination, failed attempted pregnancy termination, continuing pregnancy after selective reduction of one or more fetus, elective pregnancy termination, induced abortion, multifetal pregnancy reductions, mifepristone, or medically induced abortion by medication. HB 5295 § 5 (Ill. 2026) (effective July 1, 2027).

¹⁵ HB 5295 §§ 5, 10 (b) (Ill. 2026) (effective July 1, 2027).

¹⁶ *Id.*

¹⁷ HB 5295 §§ 5, 10 (a) (Ill. 2026) (effective July 1, 2027). The law provides that consent may be provided by the patient or an authorized representative—their parent, guardian, health care surrogate decision maker, or power of attorney for health care as permitted under Illinois law. HB 5295 § 10 (a) (Ill. 2026) (effective July 1, 2027).

¹⁸ HB 5295 § 20 (Ill. 2026) (effective July 1, 2027).

¹⁹ HB 3326 (Ill. 2023) (625 Ill. Comp. Stat. § 5/2-130).

²⁰ HB 5239 (Ill. 2024) (735 Ill. Comp. Stat. § 40/28-11).

ABOUT THE CENTER ON REPRODUCTIVE HEALTH, LAW, AND POLICY (CRHLP)

CRHLP is a nationwide think tank and research center created to meet the current national crisis in access to abortion while working towards long-term solutions to advance reproductive justice. CRHLP conducts analysis and research for legal, policy, and narrative change and serves as a trusted hub for convening and engaging academics, advocates, health care providers, policy makers, and community members to reimagine the landscape of reproductive health law and policy. CRHLP also trains the reproductive law and policy leaders of tomorrow. CRHLP is committed to the highest standards of independent inquiry, academic excellence, and rigor. Research findings and conclusions are never altered to accommodate other interests, including those of funders, other organizations, or government bodies and officials.

For more information

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To receive pro bono legal assistance on questions related to the shield laws or other reproductive rights or justice issues, email: larj@law.ucla.edu