

HB3002



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3002

by Rep. John Cavaletto

SYNOPSIS AS INTRODUCED:

New Act

Creates the Infectious Disease Testing Act. Provides that an individual shall be required to submit, and informed consent shall not be required, to a test to detect an infectious disease upon the request of a health care provider, employee of a health facility, PHRN, EMR, EMT, EMT-I, A-EMT, paramedic, firefighter, or law enforcement officer who, accidentally or in the line of duty, comes into direct skin or mucous membrane contact with the blood or bodily fluids of the individual that is of a nature that may transmit an infectious disease, as determined by a physician in his or her medical judgment. Defines terms. Effective immediately.

LRB100 06109 MJP 16141 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the
5 Infectious Disease Testing Act.

6 Section 5. Definitions. Definitions. As used in this Act:

7 "Health care provider" has the meaning ascribed to it under
8 HIPAA, as specified in 45 CFR 160.103.

9 "Health facility" means a hospital, nursing home, blood
10 bank, blood center, sperm bank, or other health care
11 institution, including any "health facility" as that term is
12 defined in the Illinois Finance Authority Act.

13 "HIPAA" means the Health Insurance Portability and
14 Accountability Act of 1996, Public Law 104-191, as amended by
15 the Health Information Technology for Economic and Clinical
16 Health Act of 2009, Public Law 111-05, and any subsequent
17 amendments thereto and any regulations promulgated thereunder.

18 "Law enforcement officer" means any person employed by the
19 State, a county, or a municipality as a policeman, peace
20 officer, auxiliary policeman, or correctional officer or in
21 some like position involving the enforcement of the law and
22 protection of the public interest at the risk of that person's
23 life.

1 Section 10. Infectious disease testing. An individual
2 shall be required to submit to a test to detect an infectious
3 disease upon the request of a health care provider, employee of
4 a health facility, PHRN, EMR, EMT, EMT-I, A-EMT, paramedic,
5 firefighter, or law enforcement officer who, accidentally or in
6 the line of duty, comes into direct skin or mucous membrane
7 contact with the blood or bodily fluids of the individual that
8 is of a nature that may transmit an infectious disease, as
9 determined by a physician in his or her medical judgment.

10 Informed consent is not required for a health care provider
11 or health facility to perform a test on an individual to detect
12 an infectious disease when a health care provider, employee of
13 a health facility, PHRN, EMR, EMT, EMT-I, A-EMT, paramedic,
14 firefighter, or law enforcement officer who, accidentally or in
15 the line of duty, comes into direct skin or mucous membrane
16 contact with the blood or bodily fluids of the individual that
17 is of a nature that may transmit an infectious disease, as
18 determined by a physician in his or her medical judgment.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.