



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5187

by Rep. Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.666
410 ILCS 303/1
410 ILCS 303/5
410 ILCS 303/10
410 ILCS 303/15
410 ILCS 303/25
410 ILCS 303/27
410 ILCS 303/30

Amends the African-American HIV/AIDS Response Act. Provides that the Act may be cited as the African-American and Latinx HIV/AIDS Response Act. Throughout the Act, refers to Latinxs in conjunction with African-Americans. Amends the State Finance Act. Changes the name of the African-American HIV/AIDS Response Fund to the African-American and Latinx HIV/AIDS Response Fund. Effective immediately.

LRB101 18930 CPF 68389 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 5. The State Finance Act is amended by changing
5 Section 5.666 as follows:

6 (30 ILCS 105/5.666)

7 (Section scheduled to be repealed on July 1, 2026)

8 Sec. 5.666. The African-American and Latinx HIV/AIDS
9 Response Fund. This Section is repealed on July 1, 2026.

10 (Source: P.A. 99-54, eff. 1-1-16.)

11 Section 10. The African-American HIV/AIDS Response Act is
12 amended by changing Sections 1, 5, 10, 15, 25, 27, and 30 as
13 follows:

14 (410 ILCS 303/1)

15 Sec. 1. Short title. This Act may be cited as the
16 African-American and Latinx HIV/AIDS Response Act.

17 (Source: P.A. 94-629, eff. 1-1-06.)

18 (410 ILCS 303/5)

19 Sec. 5. Legislative finding. The General Assembly finds
20 that HIV/AIDS in the African-American and Latinx communities

1 ~~community~~ is a crisis separate and apart from the overall issue
2 of HIV/AIDS in other communities.

3 (Source: P.A. 94-629, eff. 1-1-06.)

4 (410 ILCS 303/10)

5 Sec. 10. African-American and Latinx HIV/AIDS Response
6 Officer. An African-American and Latinx HIV/AIDS Response
7 Officer, responsible for coordinating efforts to address the
8 African-American and Latinx AIDS crisis within his or her
9 respective Office or Department and serving as a liaison to
10 governmental and non-governmental entities beyond his or her
11 respective Office or Department regarding the same, shall be
12 designated in each of the following:

- 13 (1) The Office of the Governor.
14 (2) The Department of Human Services.
15 (3) The Department of Public Health.
16 (4) The Department of Corrections.

17 (Source: P.A. 94-629, eff. 1-1-06.)

18 (410 ILCS 303/15)

19 Sec. 15. State agencies; HIV testing.

20 (a) In this Section:

21 "High-risk community" means a community designated as
22 high-risk by the Department of Public Health in rules.

23 "High-traffic facility" means a high-traffic facility as
24 defined by the State agency operating the facility.

1 "State agency" means (i) any department of State government
2 created under Section 5-15 of the Departments of State
3 Government Law of the Civil Administrative Code of Illinois or
4 (ii) the Office of the Secretary of State.

5 (b) The Department of Public Health shall coordinate the
6 response to HIV/AIDS in the African-American and Latinx
7 communities ~~community~~.

8 (c) A State agency that operates a facility that (i) is
9 accessible to the public, (ii) is a high-traffic facility, and
10 (iii) serves a high-risk community must provide the following
11 in each such facility where space and security reasonably
12 permit: space for free HIV counseling and antibody testing to a
13 community-based organization licensed to do testing, in
14 accordance with the AIDS Confidentiality Act and rules adopted
15 by the Department of Public Health. The State agency or its
16 employees shall not conduct any counseling or testing required
17 to be provided under this subsection, but the agency shall make
18 appropriate arrangements with one or more certified
19 community-based organizations to conduct the counseling or
20 testing. The testing required to be provided under this
21 subsection is the rapid testing authorized under Section 5.5 of
22 the AIDS Confidentiality Act.

23 (d) Neither the State of Illinois nor any State agency
24 supplying space for services authorized by this Section shall
25 be liable for damages based on the provision of such space or
26 claimed to result from any services performed in such space,

1 except that this immunity does not apply in the case of willful
2 and wanton misconduct.

3 (Source: P.A. 94-629, eff. 1-1-06.)

4 (410 ILCS 303/25)

5 Sec. 25. HIV/AIDS Response Review Panel.

6 (a) The HIV/AIDS Response Review Panel is established
7 within the Office of the Governor. The Panel shall consist of
8 the following members:

9 (1) One member appointed by the Governor. This member
10 shall serve as the Chair of the Panel.

11 (2) One representative of each of the following,
12 appointed by the head of the department: the Department of
13 Corrections; the Department of Human Services; and the
14 Department of Public Health.

15 (3) Two ex-offenders who are familiar with the issue of
16 HIV/AIDS as it relates to incarceration, appointed by
17 Governor. One of these members must be from Cook County,
18 and the other must be from a county other than Cook. Both
19 of these members must have received a final discharge from
20 the Department of Corrections.

21 (4) Three representatives of HIV/AIDS organizations
22 that have been in business for at least 2 years, appointed
23 by Governor. In the case of such an organization that
24 represents a constituency the majority of whom are
25 African-American or Latinx, the organization's

1 representative who is a member of the Panel must be
2 African-American or Latinx.

3 (b) The Panel shall review the implementation of this Act
4 within the Department of Corrections and shall file a report
5 with the General Assembly and with the Governor every January 1
6 stating the results of its review.

7 (Source: P.A. 94-629, eff. 1-1-06.)

8 (410 ILCS 303/27)

9 (Section scheduled to be repealed on July 1, 2026)

10 Sec. 27. African-American and Latinx HIV/AIDS Response
11 Fund.

12 (a) The African-American and Latinx HIV/AIDS Response Fund
13 is created as a special fund in the State treasury. Moneys
14 deposited into the Fund shall, subject to appropriation, be
15 used for grants for programs to prevent the transmission of HIV
16 and other programs and activities consistent with the purposes
17 of this Act, including, but not limited to, preventing and
18 treating HIV/AIDS, the creation of an HIV/AIDS service delivery
19 system, and the administration of the Act. Moneys for the Fund
20 shall come from appropriations by the General Assembly, federal
21 funds, and other public resources.

22 (b) The Fund shall provide resources for communities in
23 Illinois to create an HIV/AIDS service delivery system that
24 reduces the disparity of HIV infection and AIDS cases between
25 African-Americans and Latinxs and other population groups in

1 Illinois that may be impacted by the disease by, including but,
2 not limited to:

3 (1) developing, implementing, and maintaining a
4 comprehensive, culturally sensitive HIV Prevention Plan
5 targeting communities that are identified as high-risk in
6 terms of the impact of the disease on African-Americans and
7 Latinxs;

8 (2) developing, implementing, and maintaining a stable
9 HIV/AIDS service delivery infrastructure in Illinois
10 communities that will meet the needs of African-Americans
11 and Latinxs;

12 (3) developing, implementing, and maintaining a
13 statewide HIV/AIDS testing program;

14 (4) providing funding for HIV/AIDS social and
15 scientific research to improve prevention and treatment;

16 (5) providing comprehensive technical and other
17 assistance to African-American and Latinx community
18 service organizations that are involved in HIV/AIDS
19 prevention and treatment;

20 (6) developing, implementing, and maintaining an
21 infrastructure for African-American and Latinx community
22 service organizations to make them less dependent on
23 government resources; and

24 (7) creating and maintaining at least 17 one-stop
25 shopping HIV/AIDS facilities across the State.

26 (c) When providing grants pursuant to this Fund, the

1 Department of Public Health shall give priority to the
2 development of comprehensive medical and social services to
3 African-Americans and Latinxs at risk of infection from or
4 infected with HIV/AIDS in areas of the State determined to have
5 the greatest geographic prevalence of HIV/AIDS in the
6 African-American and Latinx population.

7 (d) The Section is repealed on July 1, 2026.

8 (Source: P.A. 99-54, eff. 1-1-16.)

9 (410 ILCS 303/30)

10 Sec. 30. Rules.

11 (a) No later than March 15, 2006, the Department of Public
12 Health shall issue proposed rules for designating high-risk
13 communities and for implementing subsection (c) of Section 15.
14 The rules must include, but may not be limited to, a standard
15 testing protocol, training for staff, community-based
16 organization experience, and the removal and proper disposal of
17 hazardous waste.

18 (b) The Department of Human Services, the Department of
19 Public Health, and the Department of Corrections shall adopt
20 rules as necessary to ensure that this Act is implemented
21 within 6 months after the effective date of this Act.

22 (c) The Department of Public Health shall adopt rules
23 necessary to implement and administer the African-American and
24 Latinx HIV/AIDS Response Fund.

25 (Source: P.A. 94-629, eff. 1-1-06; 94-797, eff. 1-1-07.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.