

1 AN ACT in relation to public health.

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

4 Section 5. The Department of Public Health Act is
5 amended by changing Section 2 as follows:

6 (20 ILCS 2305/2) (from Ch. 111 1/2, par. 22)

7 Sec. 2. Powers.

8 (a) The State Department of Public Health has general
9 supervision of the interests of the health and lives of the
10 people of the State. It has supreme authority in matters of
11 quarantine, and may declare and enforce quarantine when none
12 exists, and may modify or relax quarantine when it has been
13 established. The Department may adopt, promulgate, repeal
14 and amend rules and regulations and make such sanitary
15 investigations and inspections as it may from time to time
16 deem necessary for the preservation and improvement of the
17 public health, consistent with law regulating the following:

18 (1) Transportation of the remains of deceased
19 persons.

20 (2) Sanitary practices relating to drinking water
21 made accessible to the public for human consumption or
22 for lavatory or culinary purposes.

23 (3) Sanitary practices relating to rest room
24 facilities made accessible to the public or to persons
25 handling food served to the public.

26 (4) Sanitary practices relating to disposal of
27 human wastes in or from all buildings and places where
28 people live, work or assemble.

29 The provisions of the Illinois Administrative Procedure
30 Act are hereby expressly adopted and shall apply to all
31 administrative rules and procedures of the Department of

1 Public Health under this Act, except that Section 5-35 of the
2 Illinois Administrative Procedure Act relating to procedures
3 for rule-making does not apply to the adoption of any rule
4 required by federal law in connection with which the
5 Department is precluded by law from exercising any
6 discretion.

7 All local boards of health, health authorities and
8 officers, police officers, sheriffs and all other officers
9 and employees of the state or any locality shall enforce the
10 rules and regulations so adopted.

11 The Department of Public Health shall conduct a public
12 information campaign to inform Hispanic women of the high
13 incidence of breast cancer and the importance of mammograms
14 and where to obtain a mammogram. This requirement may be
15 satisfied by translation into Spanish and distribution of the
16 breast cancer summaries required by Section 2310-345 of the
17 Department of Public Health Powers and Duties Law (20 ILCS
18 2310/2310-345). The information provided by the Department of
19 Public Health shall include (i) a statement that mammography
20 is the most accurate method for making an early detection of
21 breast cancer, however, no diagnostic tool is 100% effective
22 and (ii) instructions for performing breast self-examination
23 and a statement that it is important to perform a breast
24 self-examination monthly.

25 The Department of Public Health shall investigate the
26 causes of dangerously contagious or infectious diseases,
27 especially when existing in epidemic form, and take means to
28 restrict and suppress the same, and whenever such disease
29 becomes, or threatens to become epidemic, in any locality and
30 the local board of health or local authorities neglect or
31 refuse to enforce efficient measures for its restriction or
32 suppression or to act with sufficient promptness or
33 efficiency, or whenever the local board of health or local
34 authorities neglect or refuse to promptly enforce efficient

1 measures for the restriction or suppression of dangerously
2 contagious or infectious diseases, the Department of Public
3 Health may enforce such measures as it deems necessary to
4 protect the public health, and all necessary expenses so
5 incurred shall be paid by the locality for which services are
6 rendered.

7 (b) Subject to the provisions of subsection (c), the
8 Department may order a person to be quarantined or isolated
9 or a place to be closed and made off limits to the public to
10 prevent the probable spread of a dangerously contagious or
11 infectious disease, including non-compliant tuberculosis
12 patients, until such time as the condition can be corrected
13 or the danger to the public health eliminated or reduced in
14 such a manner that no substantial danger to the public's
15 health any longer exists.

16 (c) No person may be ordered to be quarantined or
17 isolated and no place may be ordered to be closed and made
18 off limits to the public except with the consent of the
19 person or owner of the place or upon the order of a court of
20 competent jurisdiction. To obtain a court order, the
21 Department, by clear and convincing evidence, must prove that
22 the public's health and welfare are significantly endangered
23 by a person with a dangerously contagious or infectious
24 disease including non-compliant tuberculosis patients or by a
25 place where there is a significant amount of activity likely
26 to spread a dangerously contagious or infectious disease.
27 The Department must also prove that all other reasonable
28 means of correcting the problem have been exhausted and no
29 less restrictive alternative exists.

30 (d) This Section shall be considered supplemental to the
31 existing authority and powers of the Department and shall not
32 be construed to restrain or restrict the Department in
33 protecting the public health under any other provisions of
34 the law.

1 (e) Any person who knowingly or maliciously disseminates
2 any false information or report concerning the existence of
3 any dangerously contagious or infectious disease in
4 connection with the Department's power of quarantine,
5 isolation and closure or refuses to comply with a quarantine,
6 isolation or closure order is guilty of a Class A
7 misdemeanor.

8 (f) The Department of Public Health may establish and
9 maintain a chemical and bacteriologic laboratory for the
10 examination of water and wastes, and for the diagnosis of
11 diphtheria, typhoid fever, tuberculosis, malarial fever and
12 such other diseases as it deems necessary for the protection
13 of the public health.

14 As used in this Act, "locality" means any governmental
15 agency which exercises power pertaining to public health in
16 an area less than the State.

17 The terms "sanitary investigations and inspections" and
18 "sanitary practices" as used in this Act shall not include or
19 apply to "Public Water Supplies" or "Sewage Works" as defined
20 in the Environmental Protection Act.

21 (Source: P.A. 91-239, eff. 1-1-00.)