



Sen. Mattie Hunter

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1 AMENDMENT TO HOUSE BILL 3922

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3922 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Public Health Act is amended  
5 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 isolation, and may declare and enforce  
12 quarantine and isolation when none exists, and may modify or  
13 relax quarantine and isolation when it has been established.  
14 The Department may adopt, promulgate, repeal and amend rules  
15 and regulations and make such sanitary investigations and  
16 inspections as it may from time to time deem necessary for the

1 preservation and improvement of the public health, consistent  
2 with law regulating the following:

3 (1) Transportation of the remains of deceased persons.

4 (2) Sanitary practices relating to drinking water made  
5 accessible to the public for human consumption or for  
6 lavatory or culinary purposes.

7 (3) Sanitary practices relating to rest room  
8 facilities made accessible to the public or to persons  
9 handling food served to the public.

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

13 The provisions of the Illinois Administrative Procedure  
14 Act are hereby expressly adopted and shall apply to all  
15 administrative rules and procedures of the Department of Public  
16 Health under this Act, except that Section 5-35 of the Illinois  
17 Administrative Procedure Act relating to procedures for  
18 rule-making does not apply to the adoption of any rule required  
19 by federal law in connection with which the Department is  
20 precluded by law from exercising any discretion.

21 All local boards of health, health authorities and  
22 officers, police officers, sheriffs and all other officers and  
23 employees of the state or any locality shall enforce the rules  
24 and regulations so adopted and orders issued by the Department  
25 pursuant to this Section.

26 The Department of Public Health shall conduct a public

1 information campaign to inform Hispanic women of the high  
2 incidence of breast cancer and the importance of mammograms and  
3 where to obtain a mammogram. This requirement may be satisfied  
4 by translation into Spanish and distribution of the breast  
5 cancer summaries required by Section 2310-345 of the Department  
6 of Public Health Powers and Duties Law (20 ILCS 2310/2310-345).  
7 The information provided by the Department of Public Health  
8 shall include (i) a statement that mammography is the most  
9 accurate method for making an early detection of breast cancer,  
10 however, no diagnostic tool is 100% effective and (ii)  
11 instructions for performing breast self-examination and a  
12 statement that it is important to perform a breast  
13 self-examination monthly.

14 The Department of Public Health shall investigate the  
15 causes of dangerously contagious or infectious diseases and the  
16 health effects, health conditions, or health ailments related  
17 to a biological, chemical, radiological, or nuclear event,  
18 especially when existing in epidemic form, and take means to  
19 restrict and suppress the same, and whenever such disease or  
20 event becomes, or threatens to become epidemic, in any locality  
21 and the local board of health or local authorities neglect or  
22 refuse to enforce efficient measures for its restriction or  
23 suppression or to act with sufficient promptness or efficiency,  
24 or whenever the local board of health or local authorities  
25 neglect or refuse to promptly enforce efficient measures for  
26 the restriction or suppression of dangerously contagious or

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

6 (b) Subject to the provisions of subsection (c), the  
7 Department may order a person or group of persons to be  
8 quarantined or isolated or may order a place to be closed and  
9 made off limits to the public to prevent the probable spread of  
10 a dangerously contagious or infectious disease or biological,  
11 chemical, radiological, or nuclear agent, including  
12 non-compliant tuberculosis patients, until such time as the  
13 condition can be corrected or the danger to the public health  
14 eliminated or reduced in such a manner that no substantial  
15 danger to the public's health any longer exists. Orders for  
16 isolation of a person or quarantine of a place to prevent the  
17 probable spread of a sexually transmissible disease shall be  
18 governed by the provisions of Section 7 of the Illinois  
19 Sexually Transmissible Disease Control Act and not this  
20 Section.

21 (c) Except as provided in this Section, no person or a  
22 group of persons may be ordered to be quarantined or isolated  
23 and no place may be ordered to be closed and made off limits to  
24 the public except with the consent of the person or owner of  
25 the place or upon the prior order of a court of competent  
26 jurisdiction. The Department may, however, order a person or a

1 group of persons to be quarantined or isolated or may order a  
2 place to be closed and made off limits to the public on an  
3 immediate basis without prior consent or court order if, in the  
4 reasonable judgment of the Department, immediate action is  
5 required to protect the public from a dangerously contagious or  
6 infectious disease or biological, chemical, radiological, or  
7 nuclear agent. In the event of an immediate order issued  
8 without prior consent or court order, the Department shall, as  
9 soon as practical, within 48 hours after issuing the order,  
10 obtain the consent of the person or owner or file a petition  
11 requesting a court order authorizing the isolation or  
12 quarantine or closure. When exigent circumstances exist that  
13 cause the court system to be unavailable or that make it  
14 impossible to obtain consent or file a petition within 48 hours  
15 after issuance of an immediate order, the Department must  
16 obtain consent or file a petition requesting a court order as  
17 soon as reasonably possible. To obtain a court order, the  
18 Department, by clear and convincing evidence, must prove that  
19 the public's health and welfare are significantly endangered by  
20 a person or group of persons that has, that is suspected of  
21 having, that has been exposed to, or that is reasonably  
22 believed to have been exposed to a dangerously contagious or  
23 infectious disease or biological, chemical, radiological, or  
24 nuclear agent, including non-compliant tuberculosis patients  
25 or by a place where there is a significant amount of activity  
26 likely to spread a dangerously contagious or infectious disease

1 or biological, chemical, radiological, or nuclear agent. The  
2 Department must also prove that all other reasonable means of  
3 correcting the problem have been exhausted and no less  
4 restrictive alternative exists. For purposes of this  
5 subsection, in determining whether no less restrictive  
6 alternative exists, the court shall consider evidence showing  
7 that, under the circumstances presented by the case in which an  
8 order is sought, quarantine or isolation is the measure  
9 provided for in a rule of the Department or in guidelines  
10 issued by the Centers for Disease Control and Prevention or the  
11 World Health Organization. Persons who are or are about to be  
12 ordered to be isolated or quarantined and owners of places that  
13 are or are about to be closed and made off limits to the public  
14 shall have the right to counsel. If a person or owner is  
15 indigent, the court shall appoint counsel for that person or  
16 owner. Persons who are ordered to be isolated or quarantined or  
17 who are owners of places that are ordered to be closed and made  
18 off limits to the public, shall be given a written notice of  
19 such order. The written notice shall additionally include the  
20 following: (1) notice of the right to counsel; (2) notice that  
21 if the person or owner is indigent, the court will appoint  
22 counsel for that person or owner; (3) notice of the reason for  
23 the order for isolation, quarantine, or closure; (4) notice of  
24 whether the order is an immediate order, and if so, the time  
25 frame for the Department to seek consent or to file a petition  
26 requesting a court order as set out in this subsection; and (5)

1 notice of the anticipated duration of the isolation,  
2 quarantine, or closure.

3 (d) The Department may order physical examinations and  
4 tests and collect laboratory specimens as necessary for the  
5 diagnosis or treatment of individuals in order to prevent the  
6 probable spread of a dangerously contagious or infectious  
7 disease or biological, chemical, radiological, or nuclear  
8 agent. Physical examinations, tests, or collection of  
9 laboratory specimens must not be such as are reasonably likely  
10 to lead to serious harm to the affected individual. To prevent  
11 the spread of a dangerously contagious or infectious disease or  
12 biological, chemical, radiological, or nuclear agent, the  
13 Department may, pursuant to the provisions of subsection (c) of  
14 this Section, isolate or quarantine any person whose refusal of  
15 physical examination or testing or collection of laboratory  
16 specimens results in uncertainty regarding whether he or she  
17 has been exposed to or is infected with a dangerously  
18 contagious or infectious disease or biological, chemical,  
19 radiological, or nuclear agent or otherwise poses a danger to  
20 the public's health. An individual may refuse to consent to a  
21 physical examination, test, or collection of laboratory  
22 specimens. An individual shall be given a written notice that  
23 shall include notice of the following: (i) that the individual  
24 may refuse to consent to physical examination, test, or  
25 collection of laboratory specimens; (ii) that if the individual  
26 consents to physical examination, tests, or collection of

1 laboratory specimens, the results of that examination, test, or  
2 collection of laboratory specimens may subject the individual  
3 to isolation or quarantine pursuant to the provisions of  
4 subsection (c) of this Section; (iii) that if the individual  
5 refuses to consent to physical examination, tests, or  
6 collection of laboratory specimens and that refusal results in  
7 uncertainty regarding whether he or she has been exposed to or  
8 is infected with a dangerously contagious or infectious disease  
9 or otherwise poses a danger to the public's health, the  
10 individual may be subject to isolation or quarantine pursuant  
11 to the provisions of subsection (c) of this Section; and (iv)  
12 that if the individual refuses to consent to physical  
13 examinations, tests, or collection of laboratory specimens and  
14 becomes subject to isolation and quarantine as provided in this  
15 subsection (d), he or she shall have the right to counsel  
16 pursuant to the provisions of subsection (c) of this Section.  
17 To the extent feasible without endangering the public's health,  
18 the Department shall respect and accommodate the religious  
19 beliefs of individuals in implementing this subsection.

20 (e) The Department may order the administration of  
21 vaccines, medications, or other treatments to persons as  
22 necessary in order to prevent the probable spread of a  
23 dangerously contagious or infectious disease or biological,  
24 chemical, radiological, or nuclear agent. A vaccine,  
25 medication, or other treatment to be administered must not be  
26 such as is reasonably likely to lead to serious harm to the



1 affected individual. To prevent the spread of a dangerously  
2 contagious or infectious disease or biological, chemical,  
3 radiological, or nuclear agent, the Department may, pursuant to  
4 the provisions of subsection (c) of this Section, isolate or  
5 quarantine persons who are unable or unwilling to receive  
6 vaccines, medications, or other treatments pursuant to this  
7 Section. An individual may refuse to receive vaccines,  
8 medications, or other treatments. An individual shall be given  
9 a written notice that shall include notice of the following:  
10 (i) that the individual may refuse to consent to vaccines,  
11 medications, or other treatments; (ii) that if the individual  
12 refuses to receive vaccines, medications, or other treatments,  
13 the individual may be subject to isolation or quarantine  
14 pursuant to the provisions of subsection (c) of this Section;  
15 and (iii) that if the individual refuses to receive vaccines,  
16 medications, or other treatments and becomes subject to  
17 isolation or quarantine as provided in this subsection (e), he  
18 or she shall have the right to counsel pursuant to the  
19 provisions of subsection (c) of this Section. To the extent  
20 feasible without endangering the public's health, the  
21 Department shall respect and accommodate the religious beliefs  
22 of individuals in implementing this subsection.

23 (f) The Department may order observation and monitoring of  
24 persons to prevent the probable spread of a dangerously  
25 contagious or infectious disease or biological, chemical,  
26 radiological, or nuclear agent. To prevent the spread of a

1 dangerously contagious or infectious disease or biological,  
2 chemical, radiological, or nuclear agent, the Department may,  
3 pursuant to the provisions of subsection (c) of this Section,  
4 isolate or quarantine persons whose refusal to undergo  
5 observation and monitoring results in uncertainty regarding  
6 whether he or she has been exposed to or is infected with a  
7 dangerously contagious or infectious disease or biological,  
8 chemical, radiological, or nuclear agent or otherwise poses a  
9 danger to the public's health. An individual may refuse to  
10 undergo observation and monitoring. An individual shall be  
11 given written notice that shall include notice of the  
12 following: (i) that the individual may refuse to undergo  
13 observation and monitoring; (ii) that if the individual  
14 consents to observation and monitoring, the results of that  
15 observation and monitoring may subject the individual to  
16 isolation or quarantine pursuant to the provisions of  
17 subsection (c) of this Section; (iii) that if the individual  
18 refuses to undergo observation and monitoring and that refusal  
19 results in uncertainty regarding whether he or she has been  
20 exposed to or is infected with a dangerously contagious or  
21 infectious disease or biological, chemical, radiological, or  
22 nuclear agent or otherwise poses a danger to the public's  
23 health, the individual may be subject to isolation or  
24 quarantine pursuant to the provisions of subsection (c) of this  
25 Section; and (iv) that if the individual refuses to undergo  
26 observation and monitoring and becomes subject to isolation or

1 quarantine as provided in this subsection (f), he or she shall  
2 have the right to counsel pursuant to the provisions of  
3 subsection (c) of this Section.

4 (g) To prevent the spread of a dangerously contagious or  
5 infectious disease or biological, chemical, radiological, or  
6 nuclear agent among humans, the Department may examine, test,  
7 disinfect, seize, or destroy animals or other related property  
8 believed to be sources of infection. An owner of such animal or  
9 other related property shall be given written notice regarding  
10 such examination, testing, disinfection, seizure, or  
11 destruction. When the Department determines that any animal or  
12 related property is infected with or has been exposed to a  
13 dangerously contagious or infectious disease or biological,  
14 chemical, radiological, or nuclear agent, it may agree with the  
15 owner upon the value of the animal or of any related property  
16 that it may be found necessary to destroy, and in case such an  
17 agreement cannot be made, the animals or related property shall  
18 be appraised by 3 competent and disinterested appraisers, one  
19 to be selected by the Department, one by the claimant, and one  
20 by the 2 appraisers thus selected. The appraisers shall  
21 subscribe to an oath made in writing to fairly value the  
22 animals or related property in accordance with the requirements  
23 of this Act. The oath, together with the valuation fixed by the  
24 appraisers, shall be filed with the Department and preserved by  
25 it. Upon the appraisal being made, the owner or the Department  
26 shall immediately destroy the animals by "humane euthanasia" as

1 that term is defined in Section 2.09 of the Humane Care for  
2 Animals Act. Dogs and cats, however, shall be euthanized  
3 pursuant to the provisions of the Humane Euthanasia in Animal  
4 Shelters Act. The owner or the Department shall additionally,  
5 dispose of the carcasses, and disinfect, change, or destroy the  
6 premises occupied by the animals, in accordance with rules  
7 prescribed by the Department governing such destruction and  
8 disinfection. Upon his or her failure so to do or to cooperate  
9 with the Department, the Department shall cause the animals or  
10 related property to be destroyed and disposed of in the same  
11 manner, and thereupon the owner shall forfeit all right to  
12 receive any compensation for the destruction of the animals or  
13 related property. All final administrative decisions of the  
14 Department hereunder shall be subject to judicial review  
15 pursuant to the provisions of the Administrative Review Law,  
16 and all amendments and modifications thereof, and the rules  
17 adopted pursuant thereto. The term "administrative decision"  
18 is defined as in Section 3-101 of the Code of Civil Procedure.

19 (h) To prevent the spread of a dangerously contagious or  
20 infectious disease or biological, chemical, radiological, or  
21 nuclear agent, the Department, local boards of health, and  
22 local public health authorities shall have emergency access to  
23 medical or health information or records or data upon the  
24 condition that the Department, local boards of health, and  
25 local public health authorities shall protect the privacy and  
26 confidentiality of any medical or health information or records

1 or data obtained pursuant to this Section in accordance with  
2 federal and State law. Additionally, any such medical or health  
3 information or records or data shall be exempt from inspection  
4 and copying under the Freedom of Information Act. Other than a  
5 hearing for the purpose of this Act, any information, records,  
6 reports, statements, notes, memoranda, or other data in the  
7 possession of the Department, local boards of health, or local  
8 public health authorities shall not be admissible as evidence,  
9 nor discoverable in any action of any kind in any court or  
10 before any tribunal, board, agency, or person. The access to or  
11 disclosure of any of this information or data by the  
12 Department, a local board of health, or a local public  
13 authority shall not waive or have any effect upon its  
14 non-discoverability or non-admissibility. Any person,  
15 facility, institution, or agency that provides emergency  
16 access to health information and data under this subsection  
17 shall have immunity from any civil or criminal liability, or  
18 any other type of liability that might otherwise result by  
19 reason of these actions except in the event of willful and  
20 wanton misconduct. The privileged quality of communication  
21 between any professional person or any facility shall not  
22 constitute grounds for failure to provide emergency access.  
23 Nothing in this subsection shall prohibit the sharing of  
24 information as authorized in Section 2.1 of this Act. The  
25 disclosure of any of this information, records, reports,  
26 statements, notes, memoranda, or other data obtained in any

1 activity under this Act, except that necessary for the purposes  
2 of this Act, is unlawful, and any person convicted of violating  
3 this provision is guilty of a Class A misdemeanor.

4 (i) (A) The Department, in order to prevent and control  
5 disease, injury, or disability among citizens of the State  
6 of Illinois, may develop and implement, in consultation  
7 with local public health authorities, a Statewide system  
8 for syndromic data collection through the access to  
9 interoperable networks, information exchanges, and  
10 databases. The Department may also develop a system for the  
11 reporting of comprehensive, integrated data to identify  
12 and address unusual occurrences of disease symptoms and  
13 other medical complexes affecting the public's health.

14 (B) The Department may enter into contracts or  
15 agreements with individuals, corporations, hospitals,  
16 universities, not-for-profit corporations, governmental  
17 entities, or other organizations, whereby those  
18 individuals or entities agree to provide assistance in the  
19 compilation of the syndromic data collection and reporting  
20 system.

21 (C) The Department shall not release any syndromic data  
22 or information obtained pursuant to this subsection to any  
23 individuals or entities for purposes other than the  
24 protection of the public health. All access to data by the  
25 Department, reports made to the Department, the identity of  
26 or facts that would tend to lead to the identity of the

1 individual who is the subject of the report, and the  
2 identity of or facts that would tend to lead to the  
3 identity of the author of the report shall be strictly  
4 confidential, are not subject to inspection or  
5 dissemination, and shall be used only for public health  
6 purposes by the Department, local public health  
7 authorities, or the Centers for Disease Control and  
8 Prevention. Entities or individuals submitting reports or  
9 providing access to the Department shall not be held liable  
10 for the release of information or confidential data to the  
11 Department in accordance with this subsection.

12 (D) Nothing in this subsection prohibits the sharing of  
13 information as authorized in Section 2.1 of this Act.

14 (j) This Section shall be considered supplemental to the  
15 existing authority and powers of the Department and shall not  
16 be construed to restrain or restrict the Department in  
17 protecting the public health under any other provisions of the  
18 law.

19 (k) Any person who knowingly or maliciously disseminates  
20 any false information or report concerning the existence of any  
21 dangerously contagious or infectious disease in connection  
22 with the Department's power of quarantine, isolation and  
23 closure or refuses to comply with a quarantine, isolation or  
24 closure order is guilty of a Class A misdemeanor.

25 (l) The Department of Public Health may establish and  
26 maintain a chemical and bacteriologic laboratory for the

1 examination of water and wastes, and for the diagnosis of  
2 diphtheria, typhoid fever, tuberculosis, malarial fever and  
3 such other diseases as it deems necessary for the protection of  
4 the public health.

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

8 The terms "sanitary investigations and inspections" and  
9 "sanitary practices" as used in this Act shall not include or  
10 apply to "Public Water Supplies" or "Sewage Works" as defined  
11 in the Environmental Protection Act. The Department may adopt  
12 rules that are reasonable and necessary to implement and  
13 effectuate this amendatory Act of the 93rd General Assembly.

14 (m) The public health measures set forth in subsections (a)  
15 through (h) of this Section may be used by the Department to  
16 respond to chemical, radiological, or nuclear agents or events.  
17 The individual provisions of subsections (a) through (h) of  
18 this Section apply to any order issued by the Department under  
19 this Section. The provisions of subsection (k) apply to  
20 chemical, radiological, or nuclear agents or events. Prior to  
21 the Department issuing an order for public health measures set  
22 forth in this Act for chemical, radiological, or nuclear agents  
23 or events as authorized in subsection (m), the Department and  
24 the Illinois Emergency Management Agency shall consult in  
25 accordance with the Illinois emergency response framework.  
26 When responding to chemical, radiological, or nuclear agents or



1 events, the Department shall determine the health related risks  
2 and appropriate public health response measures, and provide  
3 recommendations for response to the Illinois Emergency  
4 Management Agency. Nothing in this Section shall supersede the  
5 current National Incident Management System and the Illinois  
6 Emergency Operation Plan or response plans and procedures  
7 established pursuant to IEMA statutes.

8 (Source: P.A. 93-829, eff. 7-28-04.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.".