



Sen. Andy Manar

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09800SB3512sam001

LRB098 19554 MRW 57106 a

1 AMENDMENT TO SENATE BILL 3512

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3512 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Disease Testing for Public Safety Officials and Volunteers Act.

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

7 "Blood or body fluids" means blood, saliva, amniotic fluid,  
8 pericardial fluid, peritoneal fluid, pleural fluid, synovial  
9 fluid, cerebrospinal fluid, semen, and vaginal secretions, and  
10 any body fluid visibly contaminated by blood.

11 "Certified local health department" means a health  
12 department of a unit of local government that is certified  
13 under Section 600.210 of Part 600 of Title 77 of the Illinois  
14 Administrative Code (77 Illinois Administrative Code 600.210).

15 "Communicable disease" means a disease that can be  
16 transmitted from person to person directly or indirectly,

1 including diseases transmitted by blood or body fluid or any  
2 other communicable reportable diseases as established by the  
3 Department in Section 6.08 of the Hospital Licensing Act.

4 "Department" means the Department of Public Health.

5 "Emergency services provider" means a sheriff's law  
6 enforcement employee as defined under Section 7-109.3 of  
7 Article 7 of the Illinois Pension Code, law enforcement officer  
8 or fireman as defined under Section 2 of the Line of Duty  
9 Compensation Act, federal law enforcement officer as defined  
10 under Section 5 of the Federal Law Enforcement Officer Immunity  
11 Act, or medical personnel licensed under the Emergency Medical  
12 Services (EMS) Systems Act.

13 "First aid volunteer" means a person who provides voluntary  
14 emergency assistance or first aid medical care to an injured  
15 person prior to the arrival of an emergency medical services  
16 provider or public safety officer.

17 "Significant exposure" or "significantly exposed" means:

18 (1) exposure of the body of one person to the blood or  
19 body fluids of another person by:

20 (A) percutaneous injury, including a needle stick,  
21 cut with a sharp object or instrument, or a wound  
22 resulting from a human bite, scratch, or similar force;  
23 or

24 (B) contact with an open wound, mucous membrane, or  
25 non-intact skin because of a cut, abrasion,  
26 dermatitis, or other damage; or

1           (2) exposure that occurs by any other method of  
2 transmission as defined by the Department.

3 Section 10. Petition.

4           (a) An emergency services provider or first aid volunteer  
5 who is significantly exposed during the course of performing  
6 his or her duties or during the course of performing emergency  
7 assistance or first aid may:

8           (1) request that the person to whom the emergency  
9 services provider or first aid volunteer was significantly  
10 exposed voluntarily submit to testing; or

11           (2) petition the circuit court for an order requiring  
12 that the person to whom the emergency services provider or  
13 first aid volunteer was significantly exposed submit to  
14 testing to determine the presence of a communicable disease  
15 and that the results of that test be disclosed to the  
16 petitioner by the Department.

17           (b) The petitioner shall file a petition with the circuit  
18 court seeking an order to submit to testing and to disclose the  
19 results in accordance with the provisions of this Section. The  
20 petition shall be sealed upon filing and made accessible only  
21 to the petitioner, the subject of the petition, and his or her  
22 attorneys, upon court order.

23           (c) The petition described in subsection (b) shall be  
24 accompanied by an affidavit in which the petitioner certifies  
25 that the petitioner has been significantly exposed to the

1 person who is the subject of the petition and describes that  
2 exposure. The petitioner shall submit to testing to determine  
3 the presence of a disease when the petition is filed or within  
4 3 days after the petition is filed.

5 (d) The petitioner shall cause the petition required under  
6 this Section to be served on the person who the petitioner is  
7 requesting to be tested in a manner that will best preserve the  
8 confidentiality of that person.

9 (e) The court shall set a time for a hearing on the matter  
10 within 10 days after the petition is filed and shall give the  
11 petitioner and the person who is the subject of the petition  
12 notice of the hearing at least 72 hours prior to the hearing.  
13 The person who is the subject of the petition shall also be  
14 notified that he or she may have an attorney present at the  
15 hearing and that his or her attorney may examine and  
16 cross-examine witnesses. The hearing shall be conducted in  
17 camera.

18 (f) The circuit court may enter an order requiring that the  
19 person submit to testing, including blood testing, for a  
20 communicable disease if the court finds probable cause to  
21 believe:

22 (1) the petitioner was significantly exposed; and

23 (2) the exposure occurred during the course of the  
24 emergency services provider's duties or the provision of  
25 emergency assistance or first aid by a first aid volunteer.

26 (g) The court may order that the specimen be obtained by

1 the use of reasonable force if the person who is the subject of  
2 the petition is incarcerated.

3 (h) The court may order that additional testing be  
4 conducted and that the person submit to that testing, as it  
5 determines to be necessary and appropriate.

6 (i) The court is not required to order the person to submit  
7 to a test under this Section if it finds that there is a  
8 substantial reason, relating to the life or health of the  
9 person, not to enter the order.

10 (j) Upon order of the circuit court that a person submit to  
11 testing for a communicable disease, that person shall report to  
12 the designated certified local health department within 10 days  
13 from the issuance of the order, and thereafter as designated by  
14 the court, or be held in contempt of court. The court shall  
15 send the order to the Department and to the certified local  
16 health department ordered to conduct the test. The Department  
17 and a certified local health department may disclose the test  
18 results under a court order as provided in this Section.

19 (k) The certified local health department or the Department  
20 shall inform the subject of the petition and the petitioner of  
21 the results of the test and advise both parties that the test  
22 results are confidential. That information shall be maintained  
23 as confidential by all parties to the action.

24 (l) The court, its personnel, the process server, the  
25 Department, certified local health department, and petitioner  
26 shall maintain confidentiality of the name and any other

1 identifying information regarding the person tested and the  
2 results of the test except as specifically authorized by this  
3 Act.

4 (m) Except as provided in this subsection, the petitioner  
5 shall remit payment for the testing and the analysis of the  
6 specimen for the mandatory disease testing to the entity that  
7 conducts the test. If the petitioner is an emergency services  
8 provider, the agency that employs the emergency services  
9 provider shall remit payment for the testing and the analysis  
10 of the specimen for the mandatory disease testing to the entity  
11 that conducts the test.

12 (n) The entity that conducts the test shall cause the  
13 specimen and the payment for the analysis of the specimen to be  
14 delivered to the Department for analysis.

15 (o) If the subject of the petition is incarcerated, the  
16 incarcerating authority shall either collect the specimen or  
17 shall pay the expenses of having the person's specimen  
18 collected.

19 Section 15. Confidentiality of test results. Any person or  
20 entity entitled to receive confidential information under this  
21 Act, other than the person tested and identified in the  
22 information, who violates any provision of this Act by  
23 releasing or making public that confidential information, or by  
24 otherwise breaching the confidentiality requirements of this  
25 Act, is guilty of a Class B misdemeanor.

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