

**SB0078**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**SB0078**

Introduced 1/17/2025, by Sen. Adriane Johnson

**SYNOPSIS AS INTRODUCED:**

405 ILCS 20/1	from Ch. 91 1/2, par. 301
405 ILCS 20/2	from Ch. 91 1/2, par. 302
405 ILCS 20/3	from Ch. 91 1/2, par. 303
405 ILCS 20/3a	from Ch. 91 1/2, par. 303a
405 ILCS 20/8	from Ch. 91 1/2, par. 308

Amends the Community Mental Health Act. Authorizes any public library district to construct, repair, operate, maintain, and regulate community mental health facilities. Provides that a public library district authorized to levy an annual tax under the Act shall establish a community mental health board whose members are appointed by the president of the public library district's board of trustees.

LRB104 06049 KTG 16082 b

**A BILL FOR**

1 AN ACT concerning mental health.

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

4 Section 5. The Community Mental Health Act is amended by  
5 changing Sections 1, 2, 3, 3a, and 8 as follows:

6 (405 ILCS 20/1) (from Ch. 91 1/2, par. 301)

7 Sec. 1. As used in this Act:

8 "Direct recipient services" means only those services  
9 required to carry out a completed individualized treatment  
10 plan that is signed by a service recipient or legal guardian.  
11 Crisis assessment and stabilization services are excluded,  
12 although these services may be anticipated in a treatment  
13 plan.

14 "Governmental unit" means any public library district,  
15 county, city, village, incorporated town, or township.

16 "Person with a developmental disability" means any person  
17 or persons so diagnosed and as defined in the Mental Health and  
18 Developmental Disabilities Code. Community mental health  
19 boards operating under this Act may in their jurisdiction, by  
20 a majority vote, add to the definition of "person with a  
21 developmental disability".

22 "Mental illness" has the meaning ascribed to that term in  
23 the Mental Health and Developmental Disabilities Code.

1 Community mental health boards operating under this Act may in  
2 their jurisdiction, by a majority vote, add to the definition  
3 of "mental illness".

4 "Substance use disorder" encompasses substance abuse,  
5 dependence, and addiction, not inconsistent with federal or  
6 State definitions.

7 (Source: P.A. 97-813, eff. 7-13-12.)

8 (405 ILCS 20/2) (from Ch. 91 1/2, par. 302)

9 Sec. 2. Any public library district, county, city,  
10 village, incorporated town, township, public health district,  
11 county health department, multiple-county health department,  
12 school district or any combination thereof, in consultation  
13 with and being advised by the Department of Human Services,  
14 shall have the power to construct, repair, operate, maintain  
15 and regulate community mental health facilities to provide  
16 mental health services as defined by the local community  
17 mental health board, including services for, persons with a  
18 developmental disability or substance use disorder, for  
19 residents thereof and/or to contract therefor with any private  
20 or public entity which provides such facilities and services,  
21 either in or without such county, city, village, incorporated  
22 town, township, public health district, county health  
23 department, multiple-county health department, school district  
24 or any combination thereof.

25 (Source: P.A. 95-336, eff. 8-21-07.)

1 (405 ILCS 20/3) (from Ch. 91 1/2, par. 303)

2 Sec. 3. Any such public library district, county, city,  
3 village, incorporated town, township, public health district,  
4 county health department, multiple-county health department,  
5 school district, community mental health board or any  
6 combination thereof, may accept donations of property and  
7 funds for the purposes specified in this Act.

8 (Source: P.A. 81-898.)

9 (405 ILCS 20/3a) (from Ch. 91 1/2, par. 303a)

10 Sec. 3a. Every governmental unit authorized to levy an  
11 annual tax under any of the provisions of this Act shall,  
12 before it may levy such tax, establish a 7 member community  
13 mental health board who shall administer this Act. Such board  
14 shall be appointed by the president of the public library  
15 district's board of trustees, the chairman of the governing  
16 body of a county, the mayor of a city, the president of a  
17 village, the president of an incorporated town, or the  
18 supervisor of a township, as the case may be, with the advice  
19 and consent of the governing body of such public library  
20 district, county, city, village, incorporated town or the town  
21 board of trustees of any township, except in any county with a  
22 county executive form of government, if applicable, the county  
23 executive shall appoint the board with the advice and consent  
24 of the county board. Members of the community mental health

1 board shall be residents of the government unit and, as nearly  
2 as possible, be representative of interested groups of the  
3 community such as local health departments, local  
4 comprehensive health planning agencies, hospital boards, lay  
5 associations concerned with mental health, developmental  
6 disabilities and substance abuse, and individuals with  
7 professional or lived expertise in mental health,  
8 developmental disabilities, and substance abuse. General  
9 public representation may also be considered for appointment  
10 when there are gaps in board duties and qualifications that  
11 cannot be filled from the above stated categories. Only one  
12 member shall be a member of the governing body, with the term  
13 of membership on the board to run concurrently with the  
14 elected term of the member. The chairman of the governing body  
15 may, upon the request of the community mental health board,  
16 appoint 2 additional members to the community mental health  
17 board. No member of the community mental health board may be a  
18 full-time or part-time employee of the Department of Human  
19 Services or a board member, employee or any other individual  
20 receiving compensation from any facility or service operating  
21 under contract to the board. If a successful referendum is  
22 held under Section 5 of this Act, all members of such board  
23 shall be appointed within 60 days after the local election  
24 authority certifies the passage of the referendum. If a  
25 community mental health board has been established by a county  
26 with a population of less than 500,000 and the community

1 mental health board is funded in whole or in part by a special  
2 mental health sales tax described in paragraph (4) of  
3 subsection (a) of Section 5-1006.5 of the Counties Code, the  
4 largest municipality in the county with at least 125,000  
5 residents may appoint 2 additional members to the board. The  
6 members shall be appointed by the mayor of the municipality  
7 with the advice and consent of the municipality's governing  
8 body.

9 Home rule units are exempt from this Act. However, they  
10 may, by ordinance, adopt the provisions of this Act, or any  
11 portion thereof, that they may deem advisable.

12 The tax rate set forth in Section 4 may be levied by any  
13 non-home rule unit only pursuant to the approval by the voters  
14 at a referendum. Such referendum may have been held at any time  
15 subsequent to the effective date of the Community Mental  
16 Health Act.

17 (Source: P.A. 103-274, eff. 1-1-24; 103-565, eff. 11-17-23;  
18 103-592, eff. 6-7-24.)

19 (405 ILCS 20/8) (from Ch. 91 1/2, par. 308)

20 Sec. 8. The Secretary of Human Services may make  
21 grants-in-aid to such public library district, county, city,  
22 village, incorporated town, township, public health district,  
23 county health department, multiple-county health department,  
24 school district or any combination thereof in accordance with  
25 the provisions of Section 34 of the Mental Health and

1 Developmental Disabilities Administrative Act. However, no  
2 such grants shall be made without first considering the review  
3 and comments made by the board as set forth in Section 3e and  
4 responding thereto. The Department shall make all rules  
5 necessary for carrying out the provisions of this Section,  
6 including the setting of standards of eligibility for state  
7 assistance.

8 (Source: P.A. 91-357, eff. 7-29-99.)