

HB3459



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3459

by Rep. Lance Yednock

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-316 new
55 ILCS 5/3-3013

from Ch. 34, par. 3-3013

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Requires the Department of Public Health to annually report to the General Assembly the data collected by and reported to the Department concerning deaths in which an opioid overdose is determined to be a contributing factor. Amends the Counties Code. Provides that in every case in which an opioid overdose is determined to be a contributing factor in a death, the coroner shall report the death and the age, gender, race, and county of residence, if known, of the decedent to the Department.

LRB101 08112 CPF 53178 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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 Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-316 as follows:

7 (20 ILCS 2310/2310-316 new)

8 Sec. 2310-316. Opioid overdose reporting.

9 (a) The Department shall adopt rules to implement the
10 requirements of this amendatory Act of the 101st General
11 Assembly.

12 (b) The Department shall annually report to the General
13 Assembly the data collected under this Section and the data
14 reported to the Department concerning deaths in which an opioid
15 overdose is determined to be a contributing factor, as required
16 by Section 3-3013 of the Counties Code. The report shall
17 specify the data for each county.

18 Section 10. The Counties Code is amended by changing
19 Section 3-3013 as follows:

20 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

21 Sec. 3-3013. Preliminary investigations; blood and urine

1 analysis; summoning jury; reports. Every coroner, whenever, as
2 soon as he knows or is informed that the dead body of any
3 person is found, or lying within his county, whose death is
4 suspected of being:

5 (a) A sudden or violent death, whether apparently
6 suicidal, homicidal or accidental, including but not
7 limited to deaths apparently caused or contributed to by
8 thermal, traumatic, chemical, electrical or radiational
9 injury, or a complication of any of them, or by drowning or
10 suffocation, or as a result of domestic violence as defined
11 in the Illinois Domestic Violence Act of 1986;

12 (b) A maternal or fetal death due to abortion, or any
13 death due to a sex crime or a crime against nature;

14 (c) A death where the circumstances are suspicious,
15 obscure, mysterious or otherwise unexplained or where, in
16 the written opinion of the attending physician, the cause
17 of death is not determined;

18 (d) A death where addiction to alcohol or to any drug
19 may have been a contributory cause; or

20 (e) A death where the decedent was not attended by a
21 licensed physician;

22 shall go to the place where the dead body is, and take charge
23 of the same and shall make a preliminary investigation into the
24 circumstances of the death. In the case of death without
25 attendance by a licensed physician the body may be moved with
26 the coroner's consent from the place of death to a mortuary in

1 the same county. Coroners in their discretion shall notify such
2 physician as is designated in accordance with Section 3-3014 to
3 attempt to ascertain the cause of death, either by autopsy or
4 otherwise.

5 In cases of accidental death involving a motor vehicle in
6 which the decedent was (1) the operator or a suspected operator
7 of a motor vehicle, or (2) a pedestrian 16 years of age or
8 older, the coroner shall require that a blood specimen of at
9 least 30 cc., and if medically possible a urine specimen of at
10 least 30 cc. or as much as possible up to 30 cc., be withdrawn
11 from the body of the decedent in a timely fashion after the
12 accident causing his death, by such physician as has been
13 designated in accordance with Section 3-3014, or by the coroner
14 or deputy coroner or a qualified person designated by such
15 physician, coroner, or deputy coroner. If the county does not
16 maintain laboratory facilities for making such analysis, the
17 blood and urine so drawn shall be sent to the Department of
18 State Police or any other accredited or State-certified
19 laboratory for analysis of the alcohol, carbon monoxide, and
20 dangerous or narcotic drug content of such blood and urine
21 specimens. Each specimen submitted shall be accompanied by
22 pertinent information concerning the decedent upon a form
23 prescribed by such laboratory. Any person drawing blood and
24 urine and any person making any examination of the blood and
25 urine under the terms of this Division shall be immune from all
26 liability, civil or criminal, that might otherwise be incurred

1 or imposed.

2 In all other cases coming within the jurisdiction of the
3 coroner and referred to in subparagraphs (a) through (e) above,
4 blood, and whenever possible, urine samples shall be analyzed
5 for the presence of alcohol and other drugs. When the coroner
6 suspects that drugs may have been involved in the death, either
7 directly or indirectly, a toxicological examination shall be
8 performed which may include analyses of blood, urine, bile,
9 gastric contents and other tissues. When the coroner suspects a
10 death is due to toxic substances, other than drugs, the coroner
11 shall consult with the toxicologist prior to collection of
12 samples. Information submitted to the toxicologist shall
13 include information as to height, weight, age, sex and race of
14 the decedent as well as medical history, medications used by
15 and the manner of death of decedent.

16 When the coroner or medical examiner finds that the cause
17 of death is due to homicidal means, the coroner or medical
18 examiner shall cause blood and buccal specimens (tissue may be
19 submitted if no uncontaminated blood or buccal specimen can be
20 obtained), whenever possible, to be withdrawn from the body of
21 the decedent in a timely fashion. For proper preservation of
22 the specimens, collected blood and buccal specimens shall be
23 dried and tissue specimens shall be frozen if available
24 equipment exists. As soon as possible, but no later than 30
25 days after the collection of the specimens, the coroner or
26 medical examiner shall release those specimens to the police

1 agency responsible for investigating the death. As soon as
2 possible, but no later than 30 days after the receipt from the
3 coroner or medical examiner, the police agency shall submit the
4 specimens using the agency case number to a National DNA Index
5 System (NDIS) participating laboratory within this State, such
6 as the Illinois Department of State Police, Division of
7 Forensic Services, for analysis and categorizing into genetic
8 marker groupings. The results of the analysis and categorizing
9 into genetic marker groupings shall be provided to the Illinois
10 Department of State Police and shall be maintained by the
11 Illinois Department of State Police in the State central
12 repository in the same manner, and subject to the same
13 conditions, as provided in Section 5-4-3 of the Unified Code of
14 Corrections. The requirements of this paragraph are in addition
15 to any other findings, specimens, or information that the
16 coroner or medical examiner is required to provide during the
17 conduct of a criminal investigation.

18 In all counties, in cases of apparent suicide, homicide, or
19 accidental death or in other cases, within the discretion of
20 the coroner, the coroner may summon 8 persons of lawful age
21 from those persons drawn for petit jurors in the county. The
22 summons shall command these persons to present themselves
23 personally at such a place and time as the coroner shall
24 determine, and may be in any form which the coroner shall
25 determine and may incorporate any reasonable form of request
26 for acknowledgement which the coroner deems practical and

1 provides a reliable proof of service. The summons may be served
2 by first class mail. From the 8 persons so summoned, the
3 coroner shall select 6 to serve as the jury for the inquest.
4 Inquests may be continued from time to time, as the coroner may
5 deem necessary. The 6 jurors selected in a given case may view
6 the body of the deceased. If at any continuation of an inquest
7 one or more of the original jurors shall be unable to continue
8 to serve, the coroner shall fill the vacancy or vacancies. A
9 juror serving pursuant to this paragraph shall receive
10 compensation from the county at the same rate as the rate of
11 compensation that is paid to petit or grand jurors in the
12 county. The coroner shall furnish to each juror without fee at
13 the time of his discharge a certificate of the number of days
14 in attendance at an inquest, and, upon being presented with
15 such certificate, the county treasurer shall pay to the juror
16 the sum provided for his services.

17 In counties which have a jury commission, in cases of
18 apparent suicide or homicide or of accidental death, the
19 coroner may conduct an inquest. The jury commission shall
20 provide at least 8 jurors to the coroner, from whom the coroner
21 shall select any 6 to serve as the jury for the inquest.
22 Inquests may be continued from time to time as the coroner may
23 deem necessary. The 6 jurors originally chosen in a given case
24 may view the body of the deceased. If at any continuation of an
25 inquest one or more of the 6 jurors originally chosen shall be
26 unable to continue to serve, the coroner shall fill the vacancy

1 or vacancies. At the coroner's discretion, additional jurors to
2 fill such vacancies shall be supplied by the jury commission. A
3 juror serving pursuant to this paragraph in such county shall
4 receive compensation from the county at the same rate as the
5 rate of compensation that is paid to petit or grand jurors in
6 the county.

7 In every case in which a fire is determined to be a
8 contributing factor in a death, the coroner shall report the
9 death to the Office of the State Fire Marshal. The coroner
10 shall provide a copy of the death certificate (i) within 30
11 days after filing the permanent death certificate and (ii) in a
12 manner that is agreed upon by the coroner and the State Fire
13 Marshal.

14 In every case in which a drug overdose is determined to be
15 the cause or a contributing factor in the death, the coroner or
16 medical examiner shall report the death to the Department of
17 Public Health. The Department of Public Health shall adopt
18 rules regarding specific information that must be reported in
19 the event of such a death. If possible, the coroner shall
20 report the cause of the overdose. As used in this Section,
21 "overdose" has the same meaning as it does in Section 414 of
22 the Illinois Controlled Substances Act. The Department of
23 Public Health shall issue a semiannual report to the General
24 Assembly summarizing the reports received. The Department
25 shall also provide on its website a monthly report of overdose
26 death figures organized by location, age, and any other

1 factors, the Department deems appropriate.

2 In addition, in every case in which domestic violence is
3 determined to be a contributing factor in a death, the coroner
4 shall report the death to the Department of State Police.

5 In addition, in every case in which an opioid overdose is
6 determined to be a contributing factor in a death, the coroner
7 shall report the death and the age, gender, race, and county of
8 residence, if known, of the decedent to the Department of
9 Public Health.

10 All deaths in State institutions and all deaths of wards of
11 the State or youth in care as defined in Section 4d of the
12 Children and Family Services Act in private care facilities or
13 in programs funded by the Department of Human Services under
14 its powers relating to mental health and developmental
15 disabilities or alcoholism and substance abuse or funded by the
16 Department of Children and Family Services shall be reported to
17 the coroner of the county in which the facility is located. If
18 the coroner has reason to believe that an investigation is
19 needed to determine whether the death was caused by
20 maltreatment or negligent care of the ward of the State or
21 youth in care as defined in Section 4d of the Children and
22 Family Services Act, the coroner may conduct a preliminary
23 investigation of the circumstances of such death as in cases of
24 death under circumstances set forth in paragraphs (a) through
25 (e) of this Section.

26 (Source: P.A. 99-354, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,

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1 eff. 7-28-16; 100-159, eff. 8-18-17.)