



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4737

Introduced 1/27/2022, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

410 ILCS 50/3.1

from Ch. 111 1/2, par. 5403.1

705 ILCS 405/2-11

from Ch. 37, par. 802-11

Amends the Medical Patient Rights Act and the Juvenile Court Act of 1987. Provides that the Department of Children and Family Services may not consent to a minor participating in a clinical trial when the minor is a youth in care or in shelter care, unless the minor is actively experiencing symptoms of a disease which the clinical trial seeks to treat and in the opinion of a supervising treating physician, the treatment is in the best interest of the child, because the child has an unmet medical need for which no other treatment is available. Defines "youth in care" as a person placed in the temporary custody or guardianship of the Department of Children and Family Services under the Juvenile Court Act of 1987.

LRB102 21370 RLC 34714 b

1 AN ACT concerning health.

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

4 Section 5. The Medical Patient Rights Act is amended by
5 changing Section 3.1 as follows:

6 (410 ILCS 50/3.1) (from Ch. 111 1/2, par. 5403.1)

7 Sec. 3.1. (a) Any patient who is the subject of a research
8 program or an experimental procedure, as defined under the
9 rules and regulations of the Hospital Licensing Act, shall
10 have, at a minimum, the right to receive an explanation of the
11 nature and possible consequences of such research or
12 experiment before the research or experiment is conducted, and
13 to consent to or reject it.

14 (b) No physician may conduct any research program or
15 experimental procedure on a patient without the prior informed
16 consent of the patient or, if the patient is unable to consent,
17 the patient's guardian, spouse, parent, or authorized agent.

18 (b-5) The Department of Children and Family Services may
19 not consent to a minor participating in a clinical trial when
20 the minor is a youth in care or in shelter care, unless the
21 minor is actively experiencing symptoms of a disease which the
22 clinical trial seeks to treat and in the opinion of a
23 supervising treating physician, the treatment is in the best

1 interest of the child, because the child has an unmet medical
2 need for which no other treatment is available. As used in this
3 subsection, "youth in care" means a person placed in the
4 temporary custody or guardianship of the Department of
5 Children and Family Services under the Juvenile Court Act of
6 1987.

7 (c) This Section shall not apply to any research program
8 or medical experimental procedure for patients subject to a
9 life-threatening emergency that is conducted in accordance
10 with Part 50 of Title 21 of, and Part 46 of Title 45 of, the
11 Code of Federal Regulations.

12 (Source: P.A. 90-36, eff. 6-27-97.)

13 Section 10. The Juvenile Court Act of 1987 is amended by
14 changing Section 2-11 as follows:

15 (705 ILCS 405/2-11) (from Ch. 37, par. 802-11)

16 Sec. 2-11. Medical and dental treatment and care. At all
17 times during temporary custody or shelter care, the court may
18 authorize a physician, a hospital or any other appropriate
19 health care provider to provide medical, dental or surgical
20 procedures if such procedures are necessary to safeguard the
21 minor's life or health.

22 With respect to any minor for whom the Department of
23 Children and Family Services Guardianship Administrator is
24 appointed the temporary custodian, the Guardianship

1 Administrator or his designee shall be deemed the minor's
2 legally authorized representative for purposes of consenting
3 to an HIV test and obtaining and disclosing information
4 concerning such test pursuant to the AIDS Confidentiality Act
5 and for purposes of consenting to the release of information
6 pursuant to the Illinois Sexually Transmissible Disease
7 Control Act.

8 Any person who administers an HIV test upon the consent of
9 the Department of Children and Family Services Guardianship
10 Administrator or his designee, or who discloses the results of
11 such tests to the Department's Guardianship Administrator or
12 his designee, shall have immunity from any liability, civil,
13 criminal or otherwise, that might result by reason of such
14 actions. For the purpose of any proceedings, civil or
15 criminal, the good faith of any persons required to administer
16 or disclose the results of tests, or permitted to take such
17 actions, shall be presumed.

18 The Department of Children and Family Services may not
19 consent to a minor participating in a clinical trial when the
20 minor is a youth in care or in shelter care, unless the minor
21 is actively experiencing symptoms of a disease which the
22 clinical trial seeks to treat and in the opinion of a
23 supervising treating physician, the treatment is in the best
24 interest of the child, because the child has an unmet medical
25 need for which no other treatment is available. As used in this
26 Section, "youth in care" means a person placed in the

1 temporary custody or guardianship of the Department of
2 Children and Family Services under this Act.

3 (Source: P.A. 86-904.)