



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4355

Introduced 1/16/2024, by Rep. Tom Weber

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5  
20 ILCS 2310/2310-730 new

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code. Provides that a health care professional shall report to the Department of Public Health each time the health care professional prescribes a puberty blocker to a person under the age of 18. Provides that the report shall be transmitted to the Department on a quarterly basis. Requires the Department to create forms to be used for the reports and that the forms shall not request or require identifying information of the patient or the health care provider. Requires the Department to ensure anonymity of all patients and health care professionals. Provides that all reports are exempt from disclosure under the Freedom of Information Act and are confidential and that access to the reports shall be limited to authorized Department staff for statistical purposes only. Makes a conforming change in the Freedom of Information Act.

LRB103 35163 CES 65133 b

1 AN ACT concerning State government.

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

4 Section 5. The Freedom of Information Act is amended by  
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be  
9 exempt from inspection and copying:

10 (a) All information determined to be confidential  
11 under Section 4002 of the Technology Advancement and  
12 Development Act.

13 (b) Library circulation and order records identifying  
14 library users with specific materials under the Library  
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical  
17 records received by the Experimental Organ Transplantation  
18 Procedures Board and any and all documents or other  
19 records prepared by the Experimental Organ Transplantation  
20 Procedures Board or its staff relating to applications it  
21 has received.

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted  
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted  
11 and exempted under Section 50 of the Illinois Prepaid  
12 Tuition Act.

13 (h) Information the disclosure of which is exempted  
14 under the State Officials and Employees Ethics Act, and  
15 records of any lawfully created State or local inspector  
16 general's office that would be exempt if created or  
17 obtained by an Executive Inspector General's office under  
18 that Act.

19 (i) Information contained in a local emergency energy  
20 plan submitted to a municipality in accordance with a  
21 local emergency energy plan ordinance that is adopted  
22 under Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution  
24 of surcharge moneys collected and remitted by carriers  
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law  
2 enforcement agency or the Department of Transportation  
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential  
5 health care facility resident sexual assault and death  
6 review team or the Executive Council under the Abuse  
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending  
9 database created pursuant to Article 3 of the Residential  
10 Real Property Disclosure Act, except to the extent  
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of  
13 compensation and expenses for court appointed trial  
14 counsel as provided under Sections 10 and 15 of the  
15 Capital Crimes Litigation Act. This subsection (n) shall  
16 apply until the conclusion of the trial of the case, even  
17 if the prosecution chooses not to pursue the death penalty  
18 prior to trial or sentencing.

19 (o) Information that is prohibited from being  
20 disclosed under Section 4 of the Illinois Health and  
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,  
23 investigation reports, surveys, schedules, lists, data, or  
24 information compiled, collected, or prepared by or for the  
25 Department of Transportation under Sections 2705-300 and  
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional  
2 Transportation Authority under Section 2.11 of the  
3 Regional Transportation Authority Act, or the St. Clair  
4 County Transit District under the Bi-State Transit Safety  
5 Act.

6 (q) Information prohibited from being disclosed by the  
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the  
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted  
11 under Section 5-108 of the Public Utilities Act.

12 (t) All identified or deidentified health information  
13 in the form of health data or medical records contained  
14 in, stored in, submitted to, transferred by, or released  
15 from the Illinois Health Information Exchange, and  
16 identified or deidentified health information in the form  
17 of health data and medical records of the Illinois Health  
18 Information Exchange in the possession of the Illinois  
19 Health Information Exchange Office due to its  
20 administration of the Illinois Health Information  
21 Exchange. The terms "identified" and "deidentified" shall  
22 be given the same meaning as in the Health Insurance  
23 Portability and Accountability Act of 1996, Public Law  
24 104-191, or any subsequent amendments thereto, and any  
25 regulations promulgated thereunder.

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and  
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied  
4 for or received Firearm Owner's Identification Cards under  
5 the Firearm Owners Identification Card Act or applied for  
6 or received a concealed carry license under the Firearm  
7 Concealed Carry Act, unless otherwise authorized by the  
8 Firearm Concealed Carry Act; and databases under the  
9 Firearm Concealed Carry Act, records of the Concealed  
10 Carry Licensing Review Board under the Firearm Concealed  
11 Carry Act, and law enforcement agency objections under the  
12 Firearm Concealed Carry Act.

13 (v-5) Records of the Firearm Owner's Identification  
14 Card Review Board that are exempted from disclosure under  
15 Section 10 of the Firearm Owners Identification Card Act.

16 (w) Personally identifiable information which is  
17 exempted from disclosure under subsection (g) of Section  
18 19.1 of the Toll Highway Act.

19 (x) Information which is exempted from disclosure  
20 under Section 5-1014.3 of the Counties Code or Section  
21 8-11-21 of the Illinois Municipal Code.

22 (y) Confidential information under the Adult  
23 Protective Services Act and its predecessor enabling  
24 statute, the Elder Abuse and Neglect Act, including  
25 information about the identity and administrative finding  
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of  
2 an eligible adult maintained in the Registry established  
3 under Section 7.5 of the Adult Protective Services Act.

4 (z) Records and information provided to a fatality  
5 review team or the Illinois Fatality Review Team Advisory  
6 Council under Section 15 of the Adult Protective Services  
7 Act.

8 (aa) Information which is exempted from disclosure  
9 under Section 2.37 of the Wildlife Code.

10 (bb) Information which is or was prohibited from  
11 disclosure by the Juvenile Court Act of 1987.

12 (cc) Recordings made under the Law Enforcement  
13 Officer-Worn Body Camera Act, except to the extent  
14 authorized under that Act.

15 (dd) Information that is prohibited from being  
16 disclosed under Section 45 of the Condominium and Common  
17 Interest Community Ombudsperson Act.

18 (ee) Information that is exempted from disclosure  
19 under Section 30.1 of the Pharmacy Practice Act.

20 (ff) Information that is exempted from disclosure  
21 under the Revised Uniform Unclaimed Property Act.

22 (gg) Information that is prohibited from being  
23 disclosed under Section 7-603.5 of the Illinois Vehicle  
24 Code.

25 (hh) Records that are exempt from disclosure under  
26 Section 1A-16.7 of the Election Code.

1           (ii) Information which is exempted from disclosure  
2 under Section 2505-800 of the Department of Revenue Law of  
3 the Civil Administrative Code of Illinois.

4           (jj) Information and reports that are required to be  
5 submitted to the Department of Labor by registering day  
6 and temporary labor service agencies but are exempt from  
7 disclosure under subsection (a-1) of Section 45 of the Day  
8 and Temporary Labor Services Act.

9           (kk) Information prohibited from disclosure under the  
10 Seizure and Forfeiture Reporting Act.

11           (ll) Information the disclosure of which is restricted  
12 and exempted under Section 5-30.8 of the Illinois Public  
13 Aid Code.

14           (mm) Records that are exempt from disclosure under  
15 Section 4.2 of the Crime Victims Compensation Act.

16           (nn) Information that is exempt from disclosure under  
17 Section 70 of the Higher Education Student Assistance Act.

18           (oo) Communications, notes, records, and reports  
19 arising out of a peer support counseling session  
20 prohibited from disclosure under the First Responders  
21 Suicide Prevention Act.

22           (pp) Names and all identifying information relating to  
23 an employee of an emergency services provider or law  
24 enforcement agency under the First Responders Suicide  
25 Prevention Act.

26           (qq) Information and records held by the Department of



1 Public Health and its authorized representatives collected  
2 under the Reproductive Health Act.

3 (rr) Information that is exempt from disclosure under  
4 the Cannabis Regulation and Tax Act.

5 (ss) Data reported by an employer to the Department of  
6 Human Rights pursuant to Section 2-108 of the Illinois  
7 Human Rights Act.

8 (tt) Recordings made under the Children's Advocacy  
9 Center Act, except to the extent authorized under that  
10 Act.

11 (uu) Information that is exempt from disclosure under  
12 Section 50 of the Sexual Assault Evidence Submission Act.

13 (vv) Information that is exempt from disclosure under  
14 subsections (f) and (j) of Section 5-36 of the Illinois  
15 Public Aid Code.

16 (ww) Information that is exempt from disclosure under  
17 Section 16.8 of the State Treasurer Act.

18 (xx) Information that is exempt from disclosure or  
19 information that shall not be made public under the  
20 Illinois Insurance Code.

21 (yy) Information prohibited from being disclosed under  
22 the Illinois Educational Labor Relations Act.

23 (zz) Information prohibited from being disclosed under  
24 the Illinois Public Labor Relations Act.

25 (aaa) Information prohibited from being disclosed  
26 under Section 1-167 of the Illinois Pension Code.

1 (bbb) Information that is prohibited from disclosure  
2 by the Illinois Police Training Act and the Illinois State  
3 Police Act.

4 (ccc) Records exempt from disclosure under Section  
5 2605-304 of the Illinois State Police Law of the Civil  
6 Administrative Code of Illinois.

7 (ddd) Information prohibited from being disclosed  
8 under Section 35 of the Address Confidentiality for  
9 Victims of Domestic Violence, Sexual Assault, Human  
10 Trafficking, or Stalking Act.

11 (eee) Information prohibited from being disclosed  
12 under subsection (b) of Section 75 of the Domestic  
13 Violence Fatality Review Act.

14 (fff) Images from cameras under the Expressway Camera  
15 Act. This subsection (fff) is inoperative on and after  
16 July 1, 2023.

17 (ggg) Information prohibited from disclosure under  
18 paragraph (3) of subsection (a) of Section 14 of the Nurse  
19 Agency Licensing Act.

20 (hhh) Information submitted to the Illinois Department  
21 ~~of~~ State Police in an affidavit or application for an  
22 assault weapon endorsement, assault weapon attachment  
23 endorsement, .50 caliber rifle endorsement, or .50 caliber  
24 cartridge endorsement under the Firearm Owners  
25 Identification Card Act.

26 (iii) Information prohibited from being disclosed

1           under Section 2310-730 of the Department of Public Health  
2           Health Powers and Duties Law of the Civil Administrative  
3           Code of Illinois.

4           (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;  
5           101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.  
6           1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,  
7           eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;  
8           101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.  
9           1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,  
10          eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;  
11          102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.  
12          7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised  
13          2-13-23.)

14           Section 10. The Department of Public Health Powers and  
15           Duties Law of the Civil Administrative Code of Illinois is  
16           amended by adding Section 2310-730 as follows:

17           (20 ILCS 2310/2310-730 new)

18           Sec. 2310-730. Puberty blocker/prescription report.

19           (a) In this Section, "puberty blockers" means  
20           gonadotropin-releasing hormone analogs.

21           (b) A health care professional shall report to the  
22           Department, on a form established by the Department, each time  
23           the health care professional prescribes a puberty blocker to a  
24           person under the age of 18. The reports shall be transmitted to

1 the Department on a quarterly basis. The reporting forms  
2 established by the Department shall not request or require any  
3 personally identifying information about a patient or  
4 prescribing health care professional, and the Department shall  
5 ensure anonymity of all patients and health care professionals  
6 throughout the reporting process.

7 (c) All reports received by the Department pursuant to  
8 this Section shall be treated as confidential and exempt from  
9 disclosure under the Freedom of Information Act. Such reports  
10 shall not be admissible as evidence or discoverable in any  
11 action of any kind, in any court, or before any tribunal,  
12 board, agency, or person. Access to such reports shall be  
13 limited to authorized Department staff who shall use the  
14 reports for statistical purposes only. The Department shall  
15 make aggregate data derived from the reports publicly  
16 available in a manner that does not reveal any personally  
17 identifying information about a patient or health care  
18 professional.