



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/04/04, by Patricia R. Bellock

**SYNOPSIS AS INTRODUCED:**

20 ILCS 2305/2

from Ch. 111 1/2, par. 22

Amends the Department of Public Health Act. Makes technical changes in a Section concerning the powers of the Department.

LRB093 16323 BDD 41961 b

1 AN ACT in relation to public health.

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 Act is amended  
5 by changing Section 2 as follows:

6 (20 ILCS 2305/2) (from Ch. 111 1/2, par. 22)

7 Sec. 2. Powers.

8 (a) The State Department of Public Health has general  
9 supervision of the interests of the health and lives of the  
10 people of the State. It has supreme authority in matters of  
11 quarantine, and may declare and enforce quarantine when none  
12 exists, and may modify or relax quarantine when it has been  
13 established. The Department may adopt, promulgate, repeal and  
14 amend rules and regulations and make such sanitary  
15 investigations and inspections as it may from time to time deem  
16 necessary for the preservation and improvement of the public  
17 health, consistent with law regulating the following:

18 (1) Transportation of the remains of deceased persons.

19 (2) Sanitary practices relating to drinking water made  
20 accessible to the public for human consumption or for  
21 lavatory or culinary purposes.

22 (3) Sanitary practices relating to rest room  
23 facilities made accessible to the public or to persons  
24 handling food served to the public.

25 (4) Sanitary practices relating to disposal of human  
26 wastes in or from all buildings and places where people  
27 live, work or assemble.

28 The provisions of the Illinois Administrative Procedure  
29 Act are ~~hereby~~ expressly adopted and ~~shall~~ apply to all  
30 administrative rules and procedures of the Department of Public  
31 Health under this Act, except that Section 5-35 of the Illinois  
32 Administrative Procedure Act relating to procedures for

1 rule-making does not apply to the adoption of any rule required  
2 by federal law in connection with which the Department is  
3 precluded by law from exercising any discretion.

4 All local boards of health, health authorities and  
5 officers, police officers, sheriffs and all other officers and  
6 employees of the state or any locality shall enforce the rules  
7 and regulations so adopted.

8 The Department of Public Health shall conduct a public  
9 information campaign to inform Hispanic women of the high  
10 incidence of breast cancer and the importance of mammograms and  
11 where to obtain a mammogram. This requirement may be satisfied  
12 by translation into Spanish and distribution of the breast  
13 cancer summaries required by Section 2310-345 of the Department  
14 of Public Health Powers and Duties Law (20 ILCS 2310/2310-345).  
15 The information provided by the Department of Public Health  
16 shall include (i) a statement that mammography is the most  
17 accurate method for making an early detection of breast cancer,  
18 however, no diagnostic tool is 100% effective and (ii)  
19 instructions for performing breast self-examination and a  
20 statement that it is important to perform a breast  
21 self-examination monthly.

22 The Department of Public Health shall investigate the  
23 causes of dangerously contagious or infectious diseases,  
24 especially when existing in epidemic form, and take means to  
25 restrict and suppress the same, and whenever such disease  
26 becomes, or threatens to become epidemic, in any locality and  
27 the local board of health or local authorities neglect or  
28 refuse to enforce efficient measures for its restriction or  
29 suppression or to act with sufficient promptness or efficiency,  
30 or whenever the local board of health or local authorities  
31 neglect or refuse to promptly enforce efficient measures for  
32 the restriction or suppression of dangerously contagious or  
33 infectious diseases, the Department of Public Health may  
34 enforce such measures as it deems necessary to protect the  
35 public health, and all necessary expenses so incurred shall be  
36 paid by the locality for which services are rendered.

1           (b) Subject to the provisions of subsection (c), the  
2 Department may order a person to be quarantined or isolated or  
3 a place to be closed and made off limits to the public to  
4 prevent the probable spread of a dangerously contagious or  
5 infectious disease, including non-compliant tuberculosis  
6 patients, until such time as the condition can be corrected or  
7 the danger to the public health eliminated or reduced in such a  
8 manner that no substantial danger to the public's health any  
9 longer exists.

10           (c) No person may be ordered to be quarantined or isolated  
11 and no place may be ordered to be closed and made off limits to  
12 the public except with the consent of the person or owner of  
13 the place or upon the order of a court of competent  
14 jurisdiction. To obtain a court order, the Department, by clear  
15 and convincing evidence, must prove that the public's health  
16 and welfare are significantly endangered by a person with a  
17 dangerously contagious or infectious disease including  
18 non-compliant tuberculosis patients or by a place where there  
19 is a significant amount of activity likely to spread a  
20 dangerously contagious or infectious disease. The Department  
21 must also prove that all other reasonable means of correcting  
22 the problem have been exhausted and no less restrictive  
23 alternative exists.

24           (d) This Section shall be considered supplemental to the  
25 existing authority and powers of the Department and shall not  
26 be construed to restrain or restrict the Department in  
27 protecting the public health under any other provisions of the  
28 law.

29           (e) Any person who knowingly or maliciously disseminates  
30 any false information or report concerning the existence of any  
31 dangerously contagious or infectious disease in connection  
32 with the Department's power of quarantine, isolation and  
33 closure or refuses to comply with a quarantine, isolation or  
34 closure order is guilty of a Class A misdemeanor.

35           (f) The Department of Public Health may establish and  
36 maintain a chemical and bacteriologic laboratory for the

1 examination of water and wastes, and for the diagnosis of  
2 diphtheria, typhoid fever, tuberculosis, malarial fever and  
3 such other diseases as it deems necessary for the protection of  
4 the public health.

5 As used in this Act, "locality" means any governmental  
6 agency which exercises power pertaining to public health in an  
7 area less than the State.

8 The terms "sanitary investigations and inspections" and  
9 "sanitary practices" as used in this Act shall not include or  
10 apply to "Public Water Supplies" or "Sewage Works" as defined  
11 in the Environmental Protection Act.

12 (Source: P.A. 91-239, eff. 1-1-00.)