



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Tom Cross

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 19518 BDD 45258 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.)