

1 AN ACT in relation to alcohol.

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

4 Section 5. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Section 5-10 as
6 follows:

7 (20 ILCS 301/5-10)

8 Sec. 5-10. Functions of the Department.

9 (a) In addition to the powers, duties and functions
10 vested in the Department by this Act, or by other laws of
11 this State, the Department shall carry out the following
12 activities:

13 (1) Design, coordinate and fund a comprehensive and
14 coordinated community-based and culturally and
15 gender-appropriate array of services throughout the State
16 for the prevention, intervention, treatment and
17 rehabilitation of alcohol and other drug abuse and
18 dependency that is accessible and addresses the needs of
19 at-risk or addicted individuals and their families.

20 (2) Act as the exclusive State agency to accept,
21 receive and expend, pursuant to appropriation, any public
22 or private monies, grants or services, including those
23 received from the federal government or from other State
24 agencies, for the purpose of providing an array of
25 services for the prevention, intervention, treatment and
26 rehabilitation of alcoholism or other drug abuse or
27 dependency. Monies received by the Department shall be
28 deposited into appropriate funds as may be created by
29 State law or administrative action.

30 (3) Coordinate a statewide strategy among State
31 agencies for the prevention, intervention, treatment and

1 rehabilitation of alcohol and other drug abuse and
2 dependency. This strategy shall include the development
3 of an annual comprehensive State plan for the provision
4 of an array of services for education, prevention,
5 intervention, treatment, relapse prevention and other
6 services and activities to alleviate alcoholism and other
7 drug abuse and dependency. The plan shall be based on
8 local community-based needs and upon data including, but
9 not limited to, that which defines the prevalence of and
10 costs associated with the abuse of and dependency upon
11 alcohol and other drugs. This comprehensive State plan
12 shall include identification of problems, needs,
13 priorities, services and other pertinent information,
14 including the needs of minorities and other specific
15 populations in the State, and shall describe how the
16 identified problems and needs will be addressed. For
17 purposes of this paragraph, the term "minorities and
18 other specific populations" may include, but shall not be
19 limited to, groups such as women, children, intravenous
20 drug users, persons with AIDS or who are HIV infected,
21 African-Americans, Puerto Ricans, Hispanics, Asian
22 Americans, the elderly, persons in the criminal justice
23 system, persons who are clients of services provided by
24 other State agencies, persons with disabilities and such
25 other specific populations as the Department may from
26 time to time identify. In developing the plan, the
27 Department shall seek input from providers, parent
28 groups, associations and interested citizens.

29 Beginning with State fiscal year 1996, the annual
30 comprehensive State plan developed under this Section
31 shall include an explanation of the rationale to be used
32 in ensuring that funding shall be based upon local
33 community needs, including, but not limited to, the
34 incidence and prevalence of, and costs associated with,

1 the abuse of and dependency upon alcohol and other drugs,
2 as well as upon demonstrated program performance.

3 The annual comprehensive State plan developed under
4 this Section shall contain a report detailing the
5 activities of and progress made by the programs for the
6 care and treatment of addicted pregnant women, addicted
7 mothers and their children established under subsection
8 (j) of Section 35-5 of this Act.

9 Each State agency which provides or funds alcohol or
10 drug prevention, intervention and treatment services
11 shall annually prepare an agency plan for providing such
12 services, and these shall be used by the Department in
13 preparing the annual comprehensive statewide plan. Each
14 agency's annual plan for alcohol and drug abuse services
15 shall contain a report on the activities and progress of
16 such services in the prior year. The Department may
17 provide technical assistance to other State agencies, as
18 required, in the development of their agency plans.

19 (4) Lead, foster and develop cooperation,
20 coordination and agreements among federal and State
21 governmental agencies and local providers that provide
22 assistance, services, funding or other functions,
23 peripheral or direct, in the prevention, intervention,
24 treatment or rehabilitation of alcoholism and other drug
25 abuse and dependency. This shall include, but shall not
26 be limited to, the following:

27 (A) Cooperate with and assist the Department
28 of Corrections and the Department on Aging in
29 establishing and conducting programs relating to
30 alcoholism and other drug abuse and dependency among
31 those populations which they respectively serve.

32 (B) Cooperate with and assist the Illinois
33 Department of Public Health in the establishment,
34 funding and support of programs and services for the

1 promotion of maternal and child health and the
2 prevention and treatment of infectious diseases,
3 including but not limited to HIV infection,
4 especially with respect to those persons who may
5 abuse drugs by intravenous injection, or may have
6 been sexual partners of drug abusers, or may have
7 abused substances so that their immune systems are
8 impaired, causing them to be at high risk.

9 (C) Supply to the Department of Public Health
10 and prenatal care providers a list of all alcohol
11 and other drug abuse service providers for addicted
12 pregnant women in this State.

13 (D) Assist in the placement of child abuse or
14 neglect perpetrators (identified by the Illinois
15 Department of Children and Family Services) who have
16 been determined to be in need of alcohol or other
17 drug abuse services pursuant to Section 8.2 of the
18 Abused and Neglected Child Reporting Act.

19 (E) Cooperate with and assist the Illinois
20 Department of Children and Family Services in
21 carrying out its mandates to:

22 (i) identify alcohol and other drug abuse
23 issues among its clients and their families;
24 and

25 (ii) develop programs and services to
26 deal with such problems.

27 These programs and services may include, but shall
28 not be limited to, programs to prevent the abuse of
29 alcohol or other drugs by DCFS clients and their
30 families, rehabilitation services, identifying child
31 care needs within the array of alcohol and other
32 drug abuse services, and assistance with other
33 issues as required.

34 (F) Cooperate with and assist the Illinois

1 Criminal Justice Information Authority with respect
2 to statistical and other information concerning drug
3 abuse incidence and prevalence.

4 (G) Cooperate with and assist the State
5 Superintendent of Education, boards of education,
6 schools, police departments, the Illinois Department
7 of State Police, courts and other public and private
8 agencies and individuals in establishing prevention
9 programs statewide and preparing curriculum
10 materials for use at all levels of education. An
11 agreement shall be entered into with the State
12 Superintendent of Education to assist in the
13 establishment of such programs.

14 (H) Cooperate with and assist the Illinois
15 Department of Public Aid in the development and
16 provision of services offered to recipients of
17 public assistance for the treatment and prevention
18 of alcoholism and other drug abuse and dependency.

19 (I) Provide training recommendations to other
20 State agencies funding alcohol or other drug abuse
21 prevention, intervention, treatment or
22 rehabilitation services.

23 (5) From monies appropriated to the Department from
24 the Drunk and Drugged Driving Prevention Fund, make
25 grants to reimburse DUI evaluation and remedial education
26 programs licensed by the Department for the costs of
27 providing indigent persons with free or reduced-cost
28 services relating to a charge of driving under the
29 influence of alcohol or other drugs.

30 (6) Promulgate regulations to provide appropriate
31 standards for publicly and privately funded programs as
32 well as for levels of payment to government funded
33 programs which provide an array of services for
34 prevention, intervention, treatment and rehabilitation

1 for alcoholism and other drug abuse or dependency.

2 (7) In consultation with local service providers,
3 specify a uniform statistical methodology for use by
4 agencies, organizations, individuals and the Department
5 for collection and dissemination of statistical
6 information regarding services related to alcoholism and
7 other drug use and abuse. This shall include prevention
8 services delivered, the number of persons treated,
9 frequency of admission and readmission, and duration of
10 treatment.

11 (8) Receive data and assistance from federal, State
12 and local governmental agencies, and obtain copies of
13 identification and arrest data from all federal, State
14 and local law enforcement agencies for use in carrying
15 out the purposes and functions of the Department.

16 (9) Designate and license providers to conduct
17 screening, assessment, referral and tracking of clients
18 identified by the criminal justice system as having
19 indications of alcoholism or other drug abuse or
20 dependency and being eligible to make an election for
21 treatment under Section 40-5 of this Act, and assist in
22 the placement of individuals who are under court order to
23 participate in treatment.

24 (10) Designate medical examination and other
25 programs for determining alcoholism and other drug abuse
26 and dependency.

27 (11) Encourage service providers who receive
28 financial assistance in any form from the State to assess
29 and collect fees for services rendered.

30 (12) Make grants with funds appropriated from the
31 Drug Treatment Fund in accordance with Section 7 of the
32 Controlled Substance and Cannabis Nuisance Act, or in
33 accordance with subsections (h) and (i) of Section 411.2
34 of the Illinois Controlled Substances Act.

1 (13) Encourage all health and disability insurance
2 programs to include alcoholism and other drug abuse and
3 dependency as a covered illness.

4 (14) Make such agreements, grants-in-aid and
5 purchase-care arrangements with any other department,
6 authority or commission of this State, or any other state
7 or the federal government or with any public or private
8 agency, including the disbursement of funds and
9 furnishing of staff, to effectuate the purposes of this
10 Act.

11 (15) Conduct a public information campaign to
12 inform the State's Hispanic residents regarding the
13 prevention and treatment of alcoholism.

14 (16) Design and implement an ongoing statewide
15 campaign to raise public awareness about fetal alcohol
16 syndrome and other effects of prenatal alcohol exposure.
17 The campaign must include messages directed at the
18 general population as well as culturally specific and
19 community-based messages. The messages must include the
20 number of a toll-free resource and referral telephone
21 line, which the Department must establish. The campaign
22 must include pamphlets that describe the causes and
23 effects of fetal alcohol syndrome; the Department must
24 distribute the pamphlets free of charge to each county
25 clerk in sufficient quantities to enable the county clerk
26 to provide pamphlets to all persons applying for a
27 marriage license in the county.

28 (b) In addition to the powers, duties and functions
29 vested in it by this Act, or by other laws of this State, the
30 Department may undertake, but shall not be limited to, the
31 following activities:

32 (1) Require all programs funded by the Department
33 to include an education component to inform participants
34 regarding the causes and means of transmission and

1 methods of reducing the risk of acquiring or transmitting
2 HIV infection, and to include funding for such education
3 component in its support of the program.

4 (2) Review all State agency applications for
5 federal funds which include provisions relating to the
6 prevention, early intervention and treatment of
7 alcoholism and other drug abuse and dependency in order
8 to ensure consistency with the comprehensive statewide
9 plan developed pursuant to this Act.

10 (3) Prepare, publish, evaluate, disseminate and
11 serve as a central repository for educational materials
12 dealing with the nature and effects of alcoholism and
13 other drug abuse and dependency. Such materials may deal
14 with the educational needs of the citizens of Illinois,
15 ~~and may include at least pamphlets which describe the~~
16 ~~causes and effects of fetal alcohol syndrome, which the~~
17 ~~Department may distribute free of charge to each county~~
18 ~~clerk in sufficient quantities that the county clerk may~~
19 ~~provide a pamphlet to the recipients of all marriage~~
20 ~~licenses issued in the county.~~

21 (4) Develop and coordinate, with regional and local
22 agencies, education and training programs for persons
23 engaged in providing the array of services for persons
24 having alcoholism or other drug abuse and dependency
25 problems, which programs may include specific HIV
26 education and training for program personnel.

27 (5) Cooperate with and assist in the development of
28 education, prevention and treatment programs for
29 employees of State and local governments and businesses
30 in the State.

31 (6) Utilize the support and assistance of
32 interested persons in the community, including recovering
33 addicts and alcoholics, to assist individuals and
34 communities in understanding the dynamics of addiction,

1 and to encourage individuals with alcohol or other drug
2 abuse or dependency problems to voluntarily undergo
3 treatment.

4 (7) Promote, conduct, assist or sponsor basic
5 clinical, epidemiological and statistical research into
6 alcoholism and other drug abuse and dependency, and
7 research into the prevention of those problems either
8 solely or in conjunction with any public or private
9 agency.

10 (8) Cooperate with public and private agencies,
11 organizations and individuals in the development of
12 programs, and to provide technical assistance and
13 consultation services for this purpose.

14 (9) Publish or provide for the publishing of a
15 manual to assist medical and social service providers in
16 identifying alcoholism and other drug abuse and
17 dependency and coordinating the multidisciplinary
18 delivery of services to addicted pregnant women, addicted
19 mothers and their children. The manual may be used only
20 to provide information and may not be used by the
21 Department to establish practice standards. The
22 Department may not require recipients to use specific
23 providers nor may they require providers to refer
24 recipients to specific providers. The manual may include,
25 but need not be limited to, the following:

26 (A) Information concerning risk assessments of
27 women seeking prenatal, natal, and postnatal medical
28 care.

29 (B) Information concerning risk assessments of
30 infants who may be substance-affected.

31 (C) Protocols that have been adopted by the
32 Illinois Department of Children and Family Services
33 for the reporting and investigation of allegations
34 of child abuse or neglect under the Abused and

1 Neglected Child Reporting Act.

2 (D) Summary of procedures utilized in juvenile
3 court in cases of children alleged or found to be
4 abused or neglected as a result of being born to
5 addicted women.

6 (E) Information concerning referral of
7 addicted pregnant women, addicted mothers and their
8 children by medical, social service, and substance
9 abuse treatment providers, by the Departments of
10 Children and Family Services, Public Aid, Public
11 Health, and Human Services.

12 (F) Effects of substance abuse on infants and
13 guidelines on the symptoms, care, and comfort of
14 drug-withdrawing infants.

15 (G) Responsibilities of the Illinois
16 Department of Public Health to maintain statistics
17 on the number of children in Illinois addicted at
18 birth.

19 (10) To the extent permitted by federal law or
20 regulation, establish and maintain a clearinghouse and
21 central repository for the development and maintenance of
22 a centralized data collection and dissemination system
23 and a management information system for all alcoholism
24 and other drug abuse prevention, early intervention and
25 treatment services.

26 (11) Fund, promote or assist programs, services,
27 demonstrations or research dealing with addictive or
28 habituating behaviors detrimental to the health of
29 Illinois citizens.

30 (12) With monies appropriated from the Group Home
31 Loan Revolving Fund, make loans, directly or through
32 subcontract, to assist in underwriting the costs of
33 housing in which individuals recovering from alcohol or
34 other drug abuse or dependency may reside in groups of

1 not less than 6 persons, pursuant to Section 50-40 of
2 this Act.

3 (13) Promulgate such regulations as may be
4 necessary for the administration of grants or to
5 otherwise carry out the purposes and enforce the
6 provisions of this Act.

7 (14) Fund programs to help parents be effective in
8 preventing substance abuse by building an awareness of
9 drugs and alcohol and the family's role in preventing
10 abuse through adjusting expectations, developing new
11 skills, and setting positive family goals. The programs
12 shall include, but not be limited to, the following
13 subjects: healthy family communication; establishing
14 rules and limits; how to reduce family conflict; how to
15 build self-esteem, competency, and responsibility in
16 children; how to improve motivation and achievement;
17 effective discipline; problem solving techniques; and how
18 to talk about drugs and alcohol. The programs shall be
19 open to all parents.

20 (Source: P.A. 88-80; incorporates 88-171; 88-670, eff.
21 12-2-94; 89-363, eff. 1-1-96; 89-507, eff. 7-1-97.)