



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2421

Introduced 2/9/2016, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Humane Euthanasia in Animal Shelters Act. Changes references from "Director" to "Secretary". Removes a requirement for certified euthanasia technicians to renew his or her certification every 5 years. Makes changes to provisions concerning investigations, hearings, certification of record, criminal penalties, confidentiality, and surrender and restoration of certificates. Provides that the Secretary of Financial and Professional Regulation may summarily suspend the certificate of a euthanasia agency or euthanasia technician without a hearing, simultaneously with the institution of proceedings for a hearing, if the Secretary finds that the evidence indicates that the continued practice of the certified euthanasia agency or technician would constitute cruelty or an imminent danger to the public. Makes other changes. Effective immediately.

LRB099 15865 MGM 40176 b

1 AN ACT concerning animals.

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

4 Section 5. The Humane Euthanasia in Animal Shelters Act is  
5 amended by changing Sections 5, 20, 35, 45, 55, 60, 65, 85, 90,  
6 100, 105, 115, 120, 125, 130, 135, 140, 145, 150, 160, 165, and  
7 170 and by adding Section 190 as follows:

8 (510 ILCS 72/5)

9 Sec. 5. Definitions. The following terms have the meanings  
10 indicated, unless the context requires otherwise:

11 "Address of record" means the designated address recorded  
12 by the Department in the applicant, euthanasia agency, or  
13 euthanasia technician's file as maintained by the Department's  
14 licensure maintenance unit.

15 "Animal" means any bird, fish, reptile, or mammal other  
16 than man.

17 "DEA" means the United States Department of Justice Drug  
18 Enforcement Administration.

19 "Department" means the Department of Financial and  
20 Professional Regulation.

21 ~~"Director" means the Director of the Department of~~  
22 ~~Professional Regulation.~~

23 "Euthanasia agency" means an entity certified by the

1 Department for the purpose of animal euthanasia that holds an  
2 animal control facility or animal shelter license under the  
3 Animal Welfare Act and that permits only euthanasia technicians  
4 or veterinarians to perform the euthanasia of animals.

5 "Euthanasia drugs" means Schedule II or Schedule III  
6 substances (nonnarcotic controlled substances) as set forth in  
7 the Illinois Controlled Substances Act that are used by a  
8 euthanasia agency for the purpose of animal euthanasia.

9 "Euthanasia technician" or "technician" means a person  
10 employed by a euthanasia agency or working under the direct  
11 supervision of a veterinarian and who is certified by the  
12 Department to administer euthanasia drugs to euthanize  
13 animals.

14 "Secretary" means the Secretary of Financial and  
15 Professional Regulation.

16 "Veterinarian" means a person holding the degree of Doctor  
17 of Veterinary Medicine who is licensed under the Veterinary  
18 Medicine and Surgery Practice Act of 2004.

19 (Source: P.A. 96-780, eff. 8-28-09.)

20 (510 ILCS 72/20)

21 Sec. 20. Application for original certification; change of  
22 address.

23 (a) Applications for original certification shall be made  
24 to the Department in writing, shall be signed by the applicant  
25 on forms prescribed by the Department, and shall be accompanied

1 by a nonrefundable fee set by rule. The Department may require  
2 information from the applicant that, in its judgment, will  
3 enable the Department to determine the qualifications of the  
4 applicant for certification.

5 (b) It is the duty of the applicant, euthanasia agency, or  
6 euthanasia technician to inform the Department of any change of  
7 address, and those changes must be made either through the  
8 Department's website or by contacting the Department.

9 (Source: P.A. 92-449, eff. 1-1-02.)

10 (510 ILCS 72/35)

11 Sec. 35. Technician certification; duties.

12 (a) An applicant for certification as a euthanasia  
13 technician shall file an application with the Department and  
14 shall:

15 (1) Be 18 years of age.

16 (2) Be of good moral character. In determining moral  
17 character under this Section, the Department may take into  
18 consideration whether the applicant has engaged in conduct  
19 or activities that would constitute grounds for discipline  
20 under this Act.

21 (3) Each applicant for certification as a euthanasia  
22 technician shall have his or her fingerprints submitted to  
23 the Department of State Police in an electronic format that  
24 complies with the form and manner for requesting and  
25 furnishing criminal history record information as

1 prescribed by the Department of State Police. These  
2 fingerprints shall be checked against the Department of  
3 State Police and Federal Bureau of Investigation criminal  
4 history record databases now and hereafter filed. The  
5 Department of State Police shall charge applicants a fee  
6 for conducting the criminal history records check, which  
7 shall be deposited in the State Police Services Fund and  
8 shall not exceed the actual cost of the records check. The  
9 Department of State Police shall furnish, pursuant to  
10 positive identification, records of Illinois convictions  
11 to the Department.

12 (4) Hold a license or certification from the American  
13 Humane Association, the National Animal Control  
14 Association, the Illinois Federation of Humane Societies,  
15 or the Humane Society of the United States issued within 3  
16 years preceding the date of application. ~~Every 5 years a~~  
17 ~~certified euthanasia technician must renew his or her~~  
18 ~~certification with the Department. At the time of renewal,~~  
19 ~~the technician must present proof that he or she attended a~~  
20 ~~class or seminar, administered by the American Humane~~  
21 ~~Association, the National Animal Control Association, the~~  
22 ~~Illinois Federation of Humane Societies, or the Humane~~  
23 ~~Society of the United States, that teaches techniques or~~  
24 ~~guidelines, or both, for humane animal euthanasia.~~

25 (5) Pay the required fee.

26 (b) The duties of a euthanasia technician shall include but

1 are not limited to:

2 (1) preparing animals for euthanasia and scanning each  
3 animal, prior to euthanasia, for microchips;

4 (2) accurately recording the dosages administered and  
5 the amount of drugs wasted;

6 (3) ordering supplies;

7 (4) maintaining the security of all controlled  
8 substances and drugs;

9 (5) humanely euthanizing animals via intravenous  
10 injection by hypodermic needle, intraperitoneal injection  
11 by hypodermic needle, or intracardiac injection only on  
12 comatose animals by hypodermic needle; and

13 (6) properly disposing of euthanized animals after  
14 verification of death.

15 (c) A euthanasia technician employed by a euthanasia agency  
16 may perform euthanasia by the administration of a Schedule II  
17 nonnarcotic or Schedule III nonnarcotic controlled substance.  
18 A euthanasia technician may not personally possess, order, or  
19 administer a controlled substance except as an agent of the  
20 euthanasia agency.

21 (d) Upon termination from a euthanasia agency, a euthanasia  
22 technician shall not perform animal euthanasia until he or she  
23 is employed by another certified euthanasia agency.

24 (e) A certified euthanasia technician or an instructor in  
25 an approved course does not engage in the practice of  
26 veterinary medicine when performing duties set forth in this

1 Act.

2 (Source: P.A. 96-780, eff. 8-28-09.)

3 (510 ILCS 72/45)

4 Sec. 45. Certifications; renewal; restoration; person in  
5 military service; inactive status.

6 (a) The expiration date, renewal period, renewal fees, and  
7 procedures for renewal of each certification issued under this  
8 Act shall be set by rule. As a condition for renewal of a  
9 certification, humane euthanasia technicians may be required  
10 to complete additional coursework or education, as defined by  
11 rule.

12 (b) Any person who has permitted a euthanasia technician  
13 certification to expire or who has a certification on inactive  
14 status may have it restored by submitting an application to the  
15 Department and filing proof of fitness, as defined by rule, to  
16 have the certification restored, including, if appropriate,  
17 evidence that is satisfactory to the Department certifying  
18 active practice in another jurisdiction and by paying the  
19 required fee.

20 (c) If the person has not maintained an active practice in  
21 another jurisdiction that is satisfactory to the Department,  
22 the Department shall determine the person's fitness to resume  
23 active status.

24 (d) Any person whose euthanasia technician certification  
25 expired while on active duty with the armed forces of the

1 United States, while called into service or training with the  
2 State Militia or in training or education under the supervision  
3 of the United States government prior to induction into the  
4 military service, however, may have his or her certification  
5 restored without paying any renewal fees if, within 2 years  
6 after the termination of that service, training, or education,  
7 except under conditions other than honorable, the Department is  
8 furnished with satisfactory evidence that the person has been  
9 so engaged and that the service, training, or education has  
10 been so terminated.

11 (e) A euthanasia technician certificate holder may place  
12 his or her certification on inactive status and shall be  
13 excused from paying renewal fees until he or she notifies the  
14 Department in writing of the intention to resume active  
15 practice. A certificate holder who is on inactive status shall  
16 not practice while the certificate is in inactive status.

17 (f) The Department shall set by rule the requirements for  
18 restoration of a euthanasia agency certification and the  
19 requirements for a change of location.

20 (Source: P.A. 92-449, eff. 1-1-02.)

21 (510 ILCS 72/55)

22 Sec. 55. Endorsement. An applicant, who is a euthanasia  
23 technician certified, registered, or licensed under the laws of  
24 another state or territory of the United States that has  
25 requirements that are substantially similar to the



1 requirements of this Act, may be granted certification as a  
2 euthanasia technician in this State without examination, upon  
3 presenting satisfactory proof to the Department that the  
4 applicant has been engaged in the practice of euthanasia for a  
5 period of not less than one year and upon payment of the  
6 required fee. In addition, an applicant shall have his or her  
7 fingerprints submitted to the Department of State Police for  
8 purposes of a criminal history records check pursuant to clause  
9 (a) (3) of Section 35.

10 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

11 (510 ILCS 72/60)

12 Sec. 60. Fees; returned checks. An agency or person who  
13 delivers a check or other payment to the Department that is  
14 returned to the Department unpaid by the financial institution  
15 upon which it is drawn shall pay to the Department, in addition  
16 to the amount already owed to the Department a fine of \$50. The  
17 fines imposed by this Section are in addition to any other  
18 discipline provided under this Act. The Secretary ~~Director~~ may  
19 waive the fines due under this Section in individual cases  
20 where the Secretary ~~Director~~ finds that the fines would be  
21 unreasonable or unnecessarily burdensome.

22 (Source: P.A. 92-449, eff. 1-1-02.)

23 (510 ILCS 72/65)

24 Sec. 65. Refused issuance, suspension, or revocation of

1 certification. The Department may refuse to issue, renew, or  
2 restore a certification or may revoke or suspend a  
3 certification, or place on probation, reprimand, impose a fine  
4 not to exceed \$10,000 for each violation, or take other  
5 disciplinary or non-disciplinary action as the Department may  
6 deem proper with regard to a certified euthanasia agency or a  
7 certified euthanasia technician for any one or combination of  
8 the following reasons:

9 (1) in the case of a certified euthanasia technician,  
10 failing to carry out the duties of a euthanasia technician  
11 set forth in this Act or rules adopted under this Act;

12 (2) abusing the use of any controlled substance or  
13 euthanasia drug;

14 (3) selling, stealing, or giving controlled substances  
15 or euthanasia drugs away;

16 (4) abetting anyone in violating item (1) or (2) of  
17 this Section;

18 (5) violating any provision of this Act, the Illinois  
19 Controlled Substances Act, the Illinois Food, Drug and  
20 Cosmetic Act, the federal Food, Drug, and Cosmetic Act, the  
21 federal Controlled Substances Act, the rules adopted under  
22 these Acts, or any rules adopted by the Department of  
23 Financial and Professional Regulation concerning the  
24 euthanizing of animals;

25 (6) in the case of a euthanasia technician, acting as a  
26 euthanasia technician outside of the scope of his or her

1 employment with a certified euthanasia agency; and  
2 (7) in the case of a euthanasia technician, being  
3 convicted of or entering a plea of guilty or nolo  
4 contendere to any crime that is (i) a felony under the laws  
5 of the United States or any state or territory thereof,  
6 (ii) a misdemeanor under the laws of the United States or  
7 any state or territory an essential element of which is  
8 dishonesty, or (iii) directly related to the practice of  
9 the profession.

10 (Source: P.A. 96-780, eff. 8-28-09; 97-813, eff. 7-13-12.)

11 (510 ILCS 72/85)

12 Sec. 85. Cease and desist order.

13 (a) If an agency or person violates a provision of this  
14 Act, the Secretary ~~Director~~ may, in the name of the People of  
15 the State of Illinois, through the Attorney General of the  
16 State of Illinois, petition for an order enjoining the  
17 violation or for an order enforcing compliance with this Act.  
18 Upon the filing of a verified petition in court, the court may  
19 issue a temporary restraining order, without notice or bond,  
20 and may preliminarily and permanently enjoin the violation, and  
21 if it is established that the agency or person has violated or  
22 is violating the injunction, the court may punish the offender  
23 for contempt of court. Proceedings under this Section shall be  
24 in addition to, and not in lieu of, all other remedies and  
25 penalties provided by this Act.

1 (b) Whenever, in the opinion of the Department, an agency  
2 or person violates a provision of this Act, the Department may  
3 issue a rule to show cause why an order to cease and desist  
4 should not be entered against the agency. The rule shall  
5 clearly set forth the grounds relied upon by the Department and  
6 shall provide a period of 7 days from the date of the rule to  
7 file an answer to the satisfaction of the Department. Failure  
8 to answer to the satisfaction of the Department shall cause an  
9 order to cease and desist to be issued immediately.

10 (Source: P.A. 92-449, eff. 1-1-02.)

11 (510 ILCS 72/90)

12 Sec. 90. Uncertified practice; civil penalty.

13 (a) A person who practices, offers to practice, attempts to  
14 practice, or holds himself or herself out as a certified  
15 euthanasia technician or a certified euthanasia agency without  
16 being certified under this Act shall, in addition to any other  
17 penalty provided by law, pay a civil penalty to the Department  
18 in an amount not to exceed \$10,000 for each offense as  
19 determined by the Department. The civil penalty shall be  
20 assessed by the Department after a hearing is held in  
21 accordance with the provisions set forth in this Act regarding  
22 the provision of a hearing for the discipline of a certified  
23 euthanasia technician or a certified euthanasia agency. The  
24 civil penalty must be paid within 60 days after the effective  
25 date of the order imposing the civil penalty. The order shall

1 constitute a judgment and may be filed and executed in the same  
2 manner as any judgment from any court of record.

3 (b) The Department may investigate any uncertified  
4 activity.

5 (c) Instructors or licensed veterinarians teaching humane  
6 euthanasia techniques are exempt from the certification  
7 process so long as they are currently certified, registered, or  
8 licensed by another state as a euthanasia technician or as a  
9 veterinarian.

10 (Source: P.A. 96-780, eff. 8-28-09.)

11 (510 ILCS 72/100)

12 Sec. 100. Investigations; notice and hearing.

13 (a) The Department may investigate the actions of an  
14 applicant or an animal shelter or animal control facility  
15 holding or claiming to hold a certificate.

16 (b) Before refusing to issue or renew a certificate or  
17 disciplining a certified euthanasia agency or technician, the  
18 Department shall notify in writing the applicant, the  
19 euthanasia agency, or euthanasia technician of the nature of  
20 the charges and that a hearing will be held on the date  
21 designated, which shall be at least 30 days after the date of  
22 the notice. The Department shall direct the applicant,  
23 euthanasia agency, or euthanasia technician to file a written  
24 answer to the Department under oath within 20 days after the  
25 service of the notice and inform the applicant, euthanasia

1 agency, or euthanasia technician that failure to file an answer  
2 will result in default being taken against the applicant,  
3 euthanasia agency, or euthanasia technician and that the  
4 certificate may be suspended, revoked, placed on probationary  
5 status, or other disciplinary action may be taken, including  
6 limiting the scope, nature, or extent of business as the  
7 Secretary ~~Director~~ may deem proper. Written notice may be  
8 served by personal delivery or certified or registered mail  
9 sent to the applicant, euthanasia agency, or euthanasia  
10 technician's ~~respondent at the most recent address of~~ on record  
11 ~~with the Department.~~

12 If the applicant, euthanasia agency, or euthanasia  
13 technician fails to file an answer after receiving notice, the  
14 certification may, in the discretion of the Department, be  
15 suspended, revoked, or placed on probationary status, or the  
16 Department may take whatever disciplinary action it deems  
17 proper including imposing a civil penalty, without a hearing if  
18 the act or acts charged constitute sufficient ground for such  
19 action under this Act.

20 At the time and place fixed in the notice, the Department  
21 shall proceed to hear the charges, and the parties or their  
22 counsel shall be accorded ample opportunity to present such  
23 statements, testimony, evidence, and argument as may be  
24 pertinent to the charges or to their defense. The Department  
25 may continue a hearing from time to time.

26 (Source: P.A. 92-449, eff. 1-1-02.)

1 (510 ILCS 72/105)

2 Sec. 105. Records of proceedings ~~Stenographer; transcript.~~

3 The Department, at its expense, shall preserve a record of all  
4 proceedings at the formal hearing of any case involving the  
5 refusal to issue or renew a certificate or the discipline of a  
6 certified euthanasia technician. The notice of hearing,  
7 complaint, and all other documents in the nature of pleadings,  
8 written motions filed in the proceedings, the transcript of  
9 testimony, the report of the hearing officer, and the order of  
10 the Department shall be the record of the proceeding.

11 (Source: P.A. 92-449, eff. 1-1-02.)

12 (510 ILCS 72/115)

13 Sec. 115. Findings and recommendations. At the conclusion  
14 of the hearing, the hearing officer shall present to the  
15 Secretary ~~Director~~ a written report of its findings and  
16 recommendations. The report shall contain a finding of whether  
17 or not the accused applicant, euthanasia agency, or euthanasia  
18 technician violated this Act or failed to comply with the  
19 conditions required in this Act. The hearing officer shall  
20 specify the nature of the violation or failure to comply, and  
21 shall make its recommendations to the Secretary ~~Director~~.

22 The report of the findings and recommendations of the  
23 hearing officer may ~~shall~~ be the basis for the Department's  
24 order of refusal or for the granting of certification unless

1 the Secretary ~~Director~~ determines that the hearing officer's  
2 report is contrary to the manifest weight of the evidence, in  
3 which case the Secretary ~~Director~~ may issue an order in  
4 contravention of the hearing officer's report. The finding is  
5 not admissible in evidence against the applicant, agency, or  
6 technician in a criminal prosecution brought for the violation  
7 of this Act, but the hearing and finding are not a bar to a  
8 criminal prosecution brought for the violation of this Act.

9 (Source: P.A. 92-449, eff. 1-1-02.)

10 (510 ILCS 72/120)

11 Sec. 120. Motion for rehearing ~~Rehearing on motion~~. In a  
12 case involving the refusal to issue or renew a certificate or  
13 the discipline of a certified  euthanasia  agency or technician,  
14 a copy of the hearing officer's report shall be served upon the  
15 respondent by the Department, either personally or as provided  
16 in this Act for the service of the notice of hearing. Within 20  
17 days after such service, the respondent may present to the  
18 Department a motion in writing for a rehearing, which shall  
19 specify the particular grounds for rehearing. If no motion for  
20 rehearing is filed, then upon the expiration of the time  
21 specified for filing the motion, or if a motion for rehearing  
22 is denied, then upon such denial the Secretary ~~Director~~ may  
23 enter an order in accordance with recommendations of the  
24 hearing officer except as provided in Section 125 of this Act.  
25 If the respondent shall order from the reporting service and



1 pay for a transcript of the record with the time for filing a  
2 motion for rehearing, the 20 day period within which such a  
3 motion may be filed shall commence upon the delivery of the  
4 transcript to the respondent.

5 (Source: P.A. 92-449, eff. 1-1-02.)

6 (510 ILCS 72/125)

7 Sec. 125. Rehearing on order of Secretary ~~Director~~.

8 Whenever the Secretary ~~Director~~ is satisfied that substantial  
9 justice has not been done in the revocation or suspension of a  
10 certification or refusal to issue or renew a certificate, the  
11 Secretary ~~Director~~ may order a rehearing.

12 (Source: P.A. 92-449, eff. 1-1-02.)

13 (510 ILCS 72/130)

14 Sec. 130. Hearing officer. The Secretary ~~Director~~ has the  
15 authority to appoint an attorney duly licensed to practice law  
16 in this State to serve as the hearing officer in an action for  
17 refusal to issue or renew a certificate or for the discipline  
18 of a certified euthanasia agency or technician. The hearing  
19 officer shall have full authority to conduct the hearing. The  
20 hearing officer shall report his or her findings of fact,  
21 conclusions of law, and recommendations to the Secretary  
22 ~~Director~~. If the Secretary disagrees with the recommendation of  
23 the Board or hearing officer, then the Secretary may issue an  
24 order in contravention of the report.

1 (Source: P.A. 92-449, eff. 1-1-02.)

2 (510 ILCS 72/135)

3 Sec. 135. Order or certified copy. An order or a certified  
4 copy of an order, over the seal of the Department and  
5 purporting to be signed by the Secretary ~~Director~~, shall be  
6 prima facie proof that:

7 (1) the signature is the genuine signature of the  
8 Secretary ~~Director~~; and

9 (2) the Secretary ~~Director~~ is duly appointed and  
10 qualified.

11 This proof may be rebutted.

12 (Source: P.A. 92-449, eff. 1-1-02.)

13 (510 ILCS 72/140)

14 Sec. 140. Restoration of certificate. Any time after the  
15 successful completion of a term of indefinite probation, or the  
16 suspension or revocation of a certificate, the Department may  
17 restore the certificate ~~to the accused agency~~ upon the written  
18 recommendation of the Secretary ~~Department~~ unless, after an  
19 investigation and a hearing, the Department determines that  
20 restoration is not in the public interest or that the licensee  
21 has not been sufficiently rehabilitated to warrant the public  
22 trust. No person or entity whose certificate has been revoked  
23 as authorized in this Act may apply for restoration of that  
24 license, certification, or authority until the time as provided

1 for in the Department of Professional Regulation Law of the  
2 Civil Administrative Code of Illinois.

3 (Source: P.A. 92-449, eff. 1-1-02.)

4 (510 ILCS 72/145)

5 Sec. 145. Surrender of certificate. Upon the revocation or  
6 suspension of a certificate, the euthanasia agency or  
7 euthanasia technician shall immediately surrender the  
8 certificate to the Department, and if the euthanasia agency or  
9 euthanasia technician fails to do so, the Department shall have  
10 the right to seize the certificate.

11 (Source: P.A. 92-449, eff. 1-1-02.)

12 (510 ILCS 72/150)

13 Sec. 150. Summary ~~Temporary~~ suspension of a certificate.  
14 The Secretary ~~Director~~ may summarily ~~temporarily~~ suspend the  
15 certificate of a euthanasia agency or euthanasia technician  
16 without a hearing, simultaneously with the institution of  
17 proceedings for a hearing, if the Secretary ~~Director~~ finds that  
18 the evidence ~~in his or her possession~~ indicates that the  
19 continued practice of the certified euthanasia agency or  
20 technician would constitute cruelty or an imminent danger to  
21 the public. If the Secretary ~~Director~~ temporarily suspends the  
22 certificate without a hearing, a hearing by the hearing officer  
23 shall be commenced ~~must be held~~ within 30 days of the  
24 suspension and shall be concluded as expeditiously as possible.

1 (Source: P.A. 92-449, eff. 1-1-02.)

2 (510 ILCS 72/160)

3 Sec. 160. Certification of record; costs. The Department  
4 shall not be required to certify any record to the court or  
5 file any answer in court or otherwise appear in a court in a  
6 judicial review proceeding, unless there is filed in the court,  
7 with the complaint, a receipt from the Department acknowledging  
8 payment of the costs of furnishing and certifying the record,  
9 which costs shall be determined by the Department. Exhibits  
10 shall be certified without cost. Failure on the part of the  
11 plaintiff to file a receipt in court shall be grounds for  
12 dismissal of the action.

13 (Source: P.A. 92-449, eff. 1-1-02.)

14 (510 ILCS 72/165)

15 Sec. 165. Criminal penalties. An applicant, euthanasia  
16 agency or euthanasia technician who is found to have violated a  
17 provision of this Act is guilty of a Class A misdemeanor for  
18 the first offense. On conviction of a second or subsequent  
19 offense, the violator shall be guilty of a Class 4 felony. The  
20 Department shall, for the purpose of criminal investigation and  
21 prosecution, refer alleged violations of this Act to (i) local  
22 law enforcement officials or the Illinois State Police and (ii)  
23 the State's Attorney of the county within which the violation  
24 occurred. The Department shall, for the purpose of criminal

1 investigation and prosecution, refer alleged violations of the  
2 Humane Care for Animals Act to (i) local law enforcement  
3 officials or the Illinois State Police and (ii) the State's  
4 Attorney of the county within which the violation occurred.

5 (Source: P.A. 96-780, eff. 8-28-09.)

6 (510 ILCS 72/170)

7 Sec. 170. Administrative Procedure Act. The Illinois  
8 Administrative Procedure Act is hereby expressly adopted and  
9 incorporated in this Act as if all of the provisions of that  
10 Act were included in this Act, except that the provision of  
11 subsection (d) of Section 10-65 of the Illinois Administrative  
12 Procedure Act, which provides that at hearings the certificate  
13 ~~license~~ holder has the right to show compliance with all lawful  
14 requirements for retention, continuation, or renewal of a  
15 certificate license, is specifically excluded. For the  
16 purposes of this Act, the notice required under Section 10-25  
17 of the Illinois Administrative Procedure Act is deemed  
18 sufficient when mailed to the ~~last known~~ address of record a  
19 party.

20 (Source: P.A. 92-449, eff. 1-1-02.)

21 (510 ILCS 72/190 new)

22 Sec. 190. Confidentiality. All information collected by  
23 the Department in the course of an examination or investigation  
24 of an applicant, euthanasia agency, or euthanasia technician,

1 including, but not limited to, any complaint against an  
2 applicant, euthanasia agency, or euthanasia technician filed  
3 with the Department and information collected to investigate  
4 any complaint shall be maintained for the confidential use of  
5 the Department and shall not be disclosed. The Department may  
6 not disclose the information to anyone other than law  
7 enforcement officials, other regulatory agencies that have an  
8 appropriate regulatory interest as determined by the  
9 Secretary, or to a party presenting a lawful subpoena to the  
10 Department. Information and documents disclosed to a federal,  
11 State, county, or local law enforcement agency shall not be  
12 disclosed by the agency for any purpose to any other entity or  
13 person. A formal complaint filed against an applicant,  
14 euthanasia agency, or euthanasia technician by the Department  
15 or any order issued by the Department against an applicant,  
16 euthanasia agency, or euthanasia technician shall be a public  
17 record, except as otherwise prohibited by law.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.

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