

1 AMENDMENT TO SENATE BILL 1742

2 AMENDMENT NO. _____. Amend Senate Bill 1742 by replacing
3 the title with the following:

4 "AN ACT concerning public health"; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Department of Public Health Act is
8 amended by changing Section 2 as follows:

9 (20 ILCS 2305/2) (from Ch. 111 1/2, par. 22)

10 Sec. 2. Powers.

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

21 (1) Transportation of the remains of deceased

1 persons.

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

5 (3) Sanitary practices relating to rest room
6 facilities made accessible to the public or to persons
7 handling food served to the public.

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

11 The provisions of the Illinois Administrative Procedure
12 Act are hereby expressly adopted and shall apply to all
13 administrative rules and procedures of the Department of
14 Public Health under this Act, except that Section 5-35 of the
15 Illinois Administrative Procedure Act relating to procedures
16 for rule-making does not apply to the adoption of any rule
17 required by federal law in connection with which the
18 Department is precluded by law from exercising any
19 discretion.

20 All local boards of health, health authorities and
21 officers, police officers, sheriffs and all other officers
22 and employees of the state or any locality shall enforce the
23 rules and regulations so adopted.

24 The Department of Public Health shall conduct a public
25 information campaign to inform Hispanic women of the high
26 incidence of breast cancer and the importance of mammograms
27 and where to obtain a mammogram. This requirement may be
28 satisfied by translation into Spanish and distribution of the
29 breast cancer summaries required by Section 2310-345 of the
30 Department of Public Health Powers and Duties Law (20 ILCS
31 2310/2310-345). The information provided by the Department of
32 Public Health shall include (i) a statement that mammography
33 is the most accurate method for making an early detection of
34 breast cancer, however, no diagnostic tool is 100% effective

1 and (ii) instructions for performing breast self-examination
2 and a statement that it is important to perform a breast
3 self-examination monthly.

4 The Department of Public Health shall investigate the
5 causes of dangerously contagious or infectious diseases,
6 especially when existing in epidemic form, and take means to
7 restrict and suppress the same, and whenever such disease
8 becomes, or threatens to become epidemic, in any locality and
9 the local board of health or local authorities neglect or
10 refuse to enforce efficient measures for its restriction or
11 suppression or to act with sufficient promptness or
12 efficiency, or whenever the local board of health or local
13 authorities neglect or refuse to promptly enforce efficient
14 measures for the restriction or suppression of dangerously
15 contagious or infectious diseases, the Department of Public
16 Health may enforce such measures as it deems necessary to
17 protect the public health, and all necessary expenses so
18 incurred shall be paid by the locality for which services are
19 rendered.

20 (b) Subject to the provisions of subsection (c), the
21 Department may order a person to be quarantined or isolated
22 or a place to be closed and made off limits to the public to
23 prevent the probable spread of a dangerously contagious or
24 infectious disease, including non-compliant tuberculosis
25 patients, until such time as the condition can be corrected
26 or the danger to the public health eliminated or reduced in
27 such a manner that no substantial danger to the public's
28 health any longer exists.

29 (c) The Department may order a ~~No person or a group of~~
30 persons ~~may-be-ordered~~ to be quarantined or isolated or may
31 order a ~~and-no~~ place ~~may-be-ordered~~ to be closed and made off
32 limits to the public ~~except~~ with the consent of the person or
33 owner of the place or upon the prior order of a court of
34 competent jurisdiction. In addition, the Department may order

1 a person or a group of persons to be quarantined or isolated
2 or may order a place to be closed and made off limits to the
3 public on an immediate basis without prior consent or court
4 order if, in the judgment of the Department, immediate action
5 is required to protect the public health until the condition
6 can be corrected or until the danger to the public health is
7 eliminated or reduced in such a manner that no immediate
8 threat to the public health exists. In the event of an
9 immediate order issued without prior consent or court order,
10 the Department shall, as soon as reasonably practicable, but
11 in no event later than 48 hours after issuing the order,
12 obtain the consent of the person or owner or file a petition
13 requesting a court order authorizing the isolation or
14 quarantine or closure. When exigent circumstances exist that
15 make it untenable to obtain consent or file a petition within
16 48 hours of issuance of an immediate order, the Department
17 must obtain consent or file a petition requesting a court
18 order as soon as reasonably possible. To obtain a court
19 order, the Department, by clear and convincing evidence, must
20 prove that the public's health and welfare are significantly
21 endangered by a person or group of persons that has, that is
22 suspected of having, or that has been exposed to with a
23 dangerously contagious or infectious disease including
24 non-compliant tuberculosis patients or by a place where there
25 is a significant amount of activity likely to spread a
26 dangerously contagious or infectious disease. The Department
27 must also prove that all other reasonable means of
28 correcting the problem have been exhausted and no less
29 restrictive alternative exists. The Department's burden of
30 proof under this subsection shall be satisfied upon a showing
31 that, under the circumstances presented by the case in which
32 an order is sought, quarantine or isolation is the measure
33 provided for in a rule of the Department or in guidelines
34 issued by the Centers for Disease Control and Prevention or

1 the World Health Organization. The Department is authorized
2 to promulgate rules that are reasonable and necessary to
3 implement and effectuate the issuance of orders pursuant to
4 this Section, including rules providing for due process
5 protections.

6 (d) This Section shall be considered supplemental to the
7 existing authority and powers of the Department and shall not
8 be construed to restrain or restrict the Department in
9 protecting the public health under any other provisions of
10 the law.

11 (e) Any person who knowingly or maliciously disseminates
12 any false information or report concerning the existence of
13 any dangerously contagious or infectious disease in
14 connection with the Department's power of quarantine,
15 isolation and closure or refuses to comply with a quarantine,
16 isolation or closure order is guilty of a Class A
17 misdemeanor.

18 (f) The Department of Public Health may establish and
19 maintain a chemical and bacteriologic laboratory for the
20 examination of water and wastes, and for the diagnosis of
21 diphtheria, typhoid fever, tuberculosis, malarial fever and
22 such other diseases as it deems necessary for the protection
23 of the public health.

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

27 The terms "sanitary investigations and inspections" and
28 "sanitary practices" as used in this Act shall not include or
29 apply to "Public Water Supplies" or "Sewage Works" as defined
30 in the Environmental Protection Act.

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

32 Section 99. Effective date. This Act takes effect upon
33 becoming law."