



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5298

Introduced 2/8/2012, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

410 ILCS 315/2a

from Ch. 111 1/2, par. 22.12a

Amends the Communicable Disease Prevention Act. Makes changes to the provision concerning children of school age who are reported as having been diagnosed as having AIDS or HIV. Provides that the information contained in the notification to be required of the Department of Public Health with regard to a child enrolled in a public school in kindergarten through fifth grade who is diagnosed as being infected with HIV must not be recorded in the child's permanent record. Provides that if the information is in the child's permanent school record, the information must be purged from the child's record before the child enters the sixth grade. Provides that if the child is enrolled in a public school, the principal shall disclose (instead of disclose the identity of the child) to the superintendent of the school district in which the child resides and specifies that the disclosure shall be that a child has been infected with HIV. Provides that all provisions of the AIDS Confidentiality Act shall apply, including penalties for violation of that Act.

LRB097 17961 RPM 63184 b

1 AN ACT concerning public health.

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

4 Section 5. The Communicable Disease Prevention Act is
5 amended by changing Section 2a as follows:

6 (410 ILCS 315/2a) (from Ch. 111 1/2, par. 22.12a)

7 Sec. 2a. If a child is diagnosed as being infected with
8 human immunodeficiency virus (HIV), the virus that causes AIDS,
9 ~~Whenever a child of school age is reported to the Illinois~~
10 ~~Department of Public Health or a local health department as~~
11 ~~having been diagnosed as having acquired immune deficiency~~
12 ~~syndrome (AIDS) or human immunodeficiency virus (HIV) based~~
13 ~~upon case definitions established by the United States Centers~~
14 ~~for Disease Control and Prevention or as having been shown to~~
15 ~~have been exposed to human immunodeficiency virus (HIV) or any~~
16 ~~other identified causative agent of AIDS by testing positive on~~
17 a reliable test based upon recommendations of the United States
18 Centers for Disease Control and Prevention, and is enrolled in
19 a public school in kindergarten through fifth grade, then the
20 Department of Public Health or a local health department ~~such~~
21 ~~department~~ shall give prompt and confidential notice of the
22 identity of the child to the principal of the school in which
23 the child is enrolled. The information contained in the

1 notification must not be recorded in the child's permanent
2 record. However, if this information is in the child's
3 permanent school record, the information must be purged from
4 the child's record before the child enters the sixth grade. If
5 the child is enrolled in a public school, the principal shall
6 disclose ~~the identity of the child~~ to the superintendent of the
7 school district in which the child resides that a child has
8 been infected with HIV.

9 The principal may, as necessary, disclose the identity of
10 an infected child to:

11 (1) the school nurse at that school;

12 (2) the classroom teachers in whose classes the child
13 is enrolled; and

14 (3) those persons who, pursuant to federal or state
15 law, are required to decide the placement or educational
16 program of the child.

17 In addition, the principal may inform such other persons as
18 may be necessary that an infected child is enrolled at that
19 school, so long as the child's identity is not revealed. All
20 provisions of the AIDS Confidentiality Act shall apply,
21 including penalties for violation of the Act.

22 (Source: P.A. 97-244, eff. 8-4-11.)