



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2798

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-316 new

55 ILCS 5/3-3013

110 ILCS 330/8b new

210 ILCS 85/6.09c new

from Ch. 34, par. 3-3013

Amends the Counties Code. Provides that in every case in which an opioid overdose is determined to be a contributing factor in a death, the coroner shall report the death and the age, gender, race, and county of residence, if known, of the decedent to the Department of Public Health. Amends the University of Illinois Hospital Act and the Hospital Licensing Act. Requires every hospital to report the age, gender, race, and county of residence, if known, of each patient diagnosed as having an opioid overdose to the Department within 48 hours of the diagnosis. Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Requires the Department to adopt rules to implement the reporting requirements. Requires the Department to annually report to the General Assembly the data collected.

LRB100 09117 MJP 19271 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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 Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-316 as follows:

7 (20 ILCS 2310/2310-316 new)

8 Sec. 2310-316. Opioid overdose reporting.

9 (a) The Department shall adopt rules to implement the
10 requirements of this amendatory Act of the 100th General
11 Assembly.

12 (b) The Department shall annually report to the General
13 Assembly the data collected under this Section, Section 8b of
14 the University of Illinois Hospital Act, and Section 6.09c of
15 the Hospital Licensing Act and the data reported to the
16 Department concerning deaths in which an opioid overdose is
17 determined to be a contributing factor, as required by Section
18 3-3013 of the Counties Code. The report shall specify the data
19 for each county.

20 Section 10. The Counties Code is amended by changing
21 Section 3-3013 as follows:

1 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

2 Sec. 3-3013. Preliminary investigations; blood and urine
3 analysis; summoning jury; reports. Every coroner, whenever, as
4 soon as he knows or is informed that the dead body of any
5 person is found, or lying within his county, whose death is
6 suspected of being:

7 (a) A sudden or violent death, whether apparently
8 suicidal, homicidal or accidental, including but not
9 limited to deaths apparently caused or contributed to by
10 thermal, traumatic, chemical, electrical or radiational
11 injury, or a complication of any of them, or by drowning or
12 suffocation, or as a result of domestic violence as defined
13 in the Illinois Domestic Violence Act of 1986;

14 (b) A maternal or fetal death due to abortion, or any
15 death due to a sex crime or a crime against nature;

16 (c) A death where the circumstances are suspicious,
17 obscure, mysterious or otherwise unexplained or where, in
18 the written opinion of the attending physician, the cause
19 of death is not determined;

20 (d) A death where addiction to alcohol or to any drug
21 may have been a contributory cause; or

22 (e) A death where the decedent was not attended by a
23 licensed physician;

24 shall go to the place where the dead body is, and take charge
25 of the same and shall make a preliminary investigation into the
26 circumstances of the death. In the case of death without

1 attendance by a licensed physician the body may be moved with
2 the coroner's consent from the place of death to a mortuary in
3 the same county. Coroners in their discretion shall notify such
4 physician as is designated in accordance with Section 3-3014 to
5 attempt to ascertain the cause of death, either by autopsy or
6 otherwise.

7 In cases of accidental death involving a motor vehicle in
8 which the decedent was (1) the operator or a suspected operator
9 of a motor vehicle, or (2) a pedestrian 16 years of age or
10 older, the coroner shall require that a blood specimen of at
11 least 30 cc., and if medically possible a urine specimen of at
12 least 30 cc. or as much as possible up to 30 cc., be withdrawn
13 from the body of the decedent in a timely fashion after the
14 accident causing his death, by such physician as has been
15 designated in accordance with Section 3-3014, or by the coroner
16 or deputy coroner or a qualified person designated by such
17 physician, coroner, or deputy coroner. If the county does not
18 maintain laboratory facilities for making such analysis, the
19 blood and urine so drawn shall be sent to the Department of
20 State Police or any other accredited or State-certified
21 laboratory for analysis of the alcohol, carbon monoxide, and
22 dangerous or narcotic drug content of such blood and urine
23 specimens. Each specimen submitted shall be accompanied by
24 pertinent information concerning the decedent upon a form
25 prescribed by such laboratory. Any person drawing blood and
26 urine and any person making any examination of the blood and

1 urine under the terms of this Division shall be immune from all
2 liability, civil or criminal, that might otherwise be incurred
3 or imposed.

4 In all other cases coming within the jurisdiction of the
5 coroner and referred to in subparagraphs (a) through (e) above,
6 blood, and whenever possible, urine samples shall be analyzed
7 for the presence of alcohol and other drugs. When the coroner
8 suspects that drugs may have been involved in the death, either
9 directly or indirectly, a toxicological examination shall be
10 performed which may include analyses of blood, urine, bile,
11 gastric contents and other tissues. When the coroner suspects a
12 death is due to toxic substances, other than drugs, the coroner
13 shall consult with the toxicologist prior to collection of
14 samples. Information submitted to the toxicologist shall
15 include information as to height, weight, age, sex and race of
16 the decedent as well as medical history, medications used by
17 and the manner of death of decedent.

18 When the coroner or medical examiner finds that the cause
19 of death is due to homicidal means, the coroner or medical
20 examiner shall cause blood and buccal specimens (tissue may be
21 submitted if no uncontaminated blood or buccal specimen can be
22 obtained), whenever possible, to be withdrawn from the body of
23 the decedent in a timely fashion. For proper preservation of
24 the specimens, collected blood and buccal specimens shall be
25 dried and tissue specimens shall be frozen if available
26 equipment exists. As soon as possible, but no later than 30

1 days after the collection of the specimens, the coroner or
2 medical examiner shall release those specimens to the police
3 agency responsible for investigating the death. As soon as
4 possible, but no later than 30 days after the receipt from the
5 coroner or medical examiner, the police agency shall submit the
6 specimens using the agency case number to a National DNA Index
7 System (NDIS) participating laboratory within this State, such
8 as the Illinois Department of State Police, Division of
9 Forensic Services, for analysis and categorizing into genetic
10 marker groupings. The results of the analysis and categorizing
11 into genetic marker groupings shall be provided to the Illinois
12 Department of State Police and shall be maintained by the
13 Illinois Department of State Police in the State central
14 repository in the same manner, and subject to the same
15 conditions, as provided in Section 5-4-3 of the Unified Code of
16 Corrections. The requirements of this paragraph are in addition
17 to any other findings, specimens, or information that the
18 coroner or medical examiner is required to provide during the
19 conduct of a criminal investigation.

20 In all counties, in cases of apparent suicide, homicide, or
21 accidental death or in other cases, within the discretion of
22 the coroner, the coroner may summon 8 persons of lawful age
23 from those persons drawn for petit jurors in the county. The
24 summons shall command these persons to present themselves
25 personally at such a place and time as the coroner shall
26 determine, and may be in any form which the coroner shall

1 determine and may incorporate any reasonable form of request
2 for acknowledgement which the coroner deems practical and
3 provides a reliable proof of service. The summons may be served
4 by first class mail. From the 8 persons so summoned, the
5 coroner shall select 6 to serve as the jury for the inquest.
6 Inquests may be continued from time to time, as the coroner may
7 deem necessary. The 6 jurors selected in a given case may view
8 the body of the deceased. If at any continuation of an inquest
9 one or more of the original jurors shall be unable to continue
10 to serve, the coroner shall fill the vacancy or vacancies. A
11 juror serving pursuant to this paragraph shall receive
12 compensation from the county at the same rate as the rate of
13 compensation that is paid to petit or grand jurors in the
14 county. The coroner shall furnish to each juror without fee at
15 the time of his discharge a certificate of the number of days
16 in attendance at an inquest, and, upon being presented with
17 such certificate, the county treasurer shall pay to the juror
18 the sum provided for his services.

19 In counties which have a jury commission, in cases of
20 apparent suicide or homicide or of accidental death, the
21 coroner may conduct an inquest. The jury commission shall
22 provide at least 8 jurors to the coroner, from whom the coroner
23 shall select any 6 to serve as the jury for the inquest.
24 Inquests may be continued from time to time as the coroner may
25 deem necessary. The 6 jurors originally chosen in a given case
26 may view the body of the deceased. If at any continuation of an

1 inquest one or more of the 6 jurors originally chosen shall be
2 unable to continue to serve, the coroner shall fill the vacancy
3 or vacancies. At the coroner's discretion, additional jurors to
4 fill such vacancies shall be supplied by the jury commission. A
5 juror serving pursuant to this paragraph in such county shall
6 receive compensation from the county at the same rate as the
7 rate of compensation that is paid to petit or grand jurors in
8 the county.

9 In every case in which a fire is determined to be a
10 contributing factor in a death, the coroner shall report the
11 death to the Office of the State Fire Marshal. The coroner
12 shall provide a copy of the death certificate (i) within 30
13 days after filing the permanent death certificate and (ii) in a
14 manner that is agreed upon by the coroner and the State Fire
15 Marshal.

16 In every case in which a drug overdose is determined to be
17 the cause or a contributing factor in the death, the coroner or
18 medical examiner shall report the death to the Department of
19 Public Health. The Department of Public Health shall adopt
20 rules regarding specific information that must be reported in
21 the event of such a death. If possible, the coroner shall
22 report the cause of the overdose. As used in this Section,
23 "overdose" has the same meaning as it does in Section 414 of
24 the Illinois Controlled Substances Act. The Department of
25 Public Health shall issue a semiannual report to the General
26 Assembly summarizing the reports received. The Department

1 shall also provide on its website a monthly report of overdose
2 death figures organized by location, age, and any other
3 factors, the Department deems appropriate.

4 In addition, in every case in which domestic violence is
5 determined to be a contributing factor in a death, the coroner
6 shall report the death to the Department of State Police.

7 In addition, in every case in which an opioid overdose is
8 determined to be a contributing factor in a death, the coroner
9 shall report the death and the age, gender, race, and county of
10 residence, if known, of the decedent to the Department of
11 Public Health.

12 All deaths in State institutions and all deaths of wards of
13 the State in private care facilities or in programs funded by
14 the Department of Human Services under its powers relating to
15 mental health and developmental disabilities or alcoholism and
16 substance abuse or funded by the Department of Children and
17 Family Services shall be reported to the coroner of the county
18 in which the facility is located. If the coroner has reason to
19 believe that an investigation is needed to determine whether
20 the death was caused by maltreatment or negligent care of the
21 ward of the State, the coroner may conduct a preliminary
22 investigation of the circumstances of such death as in cases of
23 death under circumstances set forth in paragraphs (a) through
24 (e) of this Section.

25 (Source: P.A. 99-354, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,
26 eff. 7-28-16.)

1 Section 15. The University of Illinois Hospital Act is
2 amended by adding Section 8b as follows:

3 (110 ILCS 330/8b new)

4 Sec. 8b. Opioid overdose reporting. For each patient that
5 the University of Illinois Hospital diagnoses as having an
6 opioid overdose, the University of Illinois Hospital shall
7 report the age, gender, race, and county of residence, if
8 known, of that patient to the Department of Public Health, in
9 the form and manner prescribed by the Department of Public
10 Health, within 48 hours of the diagnosis.

11 Section 20. The Hospital Licensing Act is amended by adding
12 Section 6.09c as follows:

13 (210 ILCS 85/6.09c new)

14 Sec. 6.09c. Opioid overdose reporting. For each patient
15 that a hospital diagnoses as having an opioid overdose, the
16 hospital shall report the age, gender, race, and county of
17 residence, if known, of that patient to the Department, in the
18 form and manner prescribed by the Department, within 48 hours
19 of the diagnosis.