



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1145

Introduced 2/5/2019, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2305/2  
740 ILCS 110/12

from Ch. 111 1/2, par. 22  
from Ch. 91 1/2, par. 812

Amends the Department of Public Health Act and the Mental Health and Developmental Disabilities Confidentiality Act. Provides that the Department of Public Health may impose fines or sanctions upon a facility that fails to comply with reporting requirements related to determining whether a person is disqualified from gun ownership under specified statutes. Provides that the Department shall adopt rules to implement the provisions.

LRB101 06863 LNS 51894 b

1 AN ACT concerning civil law.

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 Act is amended  
5 by changing Section 2 as follows:

6 (20 ILCS 2305/2) (from Ch. 111 1/2, par. 22)

7 Sec. 2. Powers.

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

19 (1) Transportation of the remains of deceased persons.

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

23 (3) Sanitary practices relating to rest room

1 facilities made accessible to the public or to persons  
2 handling food served to the public.

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

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

14 All local boards of health, health authorities and  
15 officers, police officers, sheriffs and all other officers and  
16 employees of the state or any locality shall enforce the rules  
17 and regulations so adopted and orders issued by the Department  
18 pursuant to this Section.

19 The Department of Public Health shall conduct a public  
20 information campaign to inform Hispanic women of the high  
21 incidence of breast cancer and the importance of mammograms and  
22 where to obtain a mammogram. This requirement may be satisfied  
23 by translation into Spanish and distribution of the breast  
24 cancer summaries required by Section 2310-345 of the Department  
25 of Public Health Powers and Duties Law (20 ILCS 2310/2310-345).  
26 The information provided by the Department of Public Health

1 shall include (i) a statement that mammography is the most  
2 accurate method for making an early detection of breast cancer,  
3 however, no diagnostic tool is 100% effective and (ii)  
4 instructions for performing breast self-examination and a  
5 statement that it is important to perform a breast  
6 self-examination monthly.

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

22 (b) Subject to the provisions of subsection (c), the  
23 Department may order a person or group of persons to be  
24 quarantined or isolated or may order a place to be closed and  
25 made off limits to the public to prevent the probable spread of  
26 a dangerously contagious or infectious disease, including

1 non-compliant tuberculosis patients, until such time as the  
2 condition can be corrected or the danger to the public health  
3 eliminated or reduced in such a manner that no substantial  
4 danger to the public's health any longer exists. Orders for  
5 isolation of a person or quarantine of a place to prevent the  
6 probable spread of a sexually transmissible disease shall be  
7 governed by the provisions of Section 7 of the Illinois  
8 Sexually Transmissible Disease Control Act and not this  
9 Section.

10 (c) Except as provided in this Section, no person or a  
11 group of persons may be ordered to be quarantined or isolated  
12 and no place may be ordered to be closed and made off limits to  
13 the public except with the consent of the person or owner of  
14 the place or upon the prior order of a court of competent  
15 jurisdiction. The Department may, however, order a person or a  
16 group of persons to be quarantined or isolated or may order a  
17 place to be closed and made off limits to the public on an  
18 immediate basis without prior consent or court order if, in the  
19 reasonable judgment of the Department, immediate action is  
20 required to protect the public from a dangerously contagious or  
21 infectious disease. In the event of an immediate order issued  
22 without prior consent or court order, the Department shall, as  
23 soon as practical, within 48 hours after issuing the order,  
24 obtain the consent of the person or owner or file a petition  
25 requesting a court order authorizing the isolation or  
26 quarantine or closure. When exigent circumstances exist that

1 cause the court system to be unavailable or that make it  
2 impossible to obtain consent or file a petition within 48 hours  
3 after issuance of an immediate order, the Department must  
4 obtain consent or file a petition requesting a court order as  
5 soon as reasonably possible. To obtain a court order, the  
6 Department, by clear and convincing evidence, must prove that  
7 the public's health and welfare are significantly endangered by  
8 a person or group of persons that has, that is suspected of  
9 having, that has been exposed to, or that is reasonably  
10 believed to have been exposed to a dangerously contagious or  
11 infectious disease including non-compliant tuberculosis  
12 patients or by a place where there is a significant amount of  
13 activity likely to spread a dangerously contagious or  
14 infectious disease. The Department must also prove that all  
15 other reasonable means of correcting the problem have been  
16 exhausted and no less restrictive alternative exists. For  
17 purposes of this subsection, in determining whether no less  
18 restrictive alternative exists, the court shall consider  
19 evidence showing that, under the circumstances presented by the  
20 case in which an order is sought, quarantine or isolation is  
21 the measure provided for in a rule of the Department or in  
22 guidelines issued by the Centers for Disease Control and  
23 Prevention or the World Health Organization. Persons who are or  
24 are about to be ordered to be isolated or quarantined and  
25 owners of places that are or are about to be closed and made  
26 off limits to the public shall have the right to counsel. If a

1 person or owner is indigent, the court shall appoint counsel  
2 for that person or owner. Persons who are ordered to be  
3 isolated or quarantined or who are owners of places that are  
4 ordered to be closed and made off limits to the public, shall  
5 be given a written notice of such order. The written notice  
6 shall additionally include the following: (1) notice of the  
7 right to counsel; (2) notice that if the person or owner is  
8 indigent, the court will appoint counsel for that person or  
9 owner; (3) notice of the reason for the order for isolation,  
10 quarantine, or closure; (4) notice of whether the order is an  
11 immediate order, and if so, the time frame for the Department  
12 to seek consent or to file a petition requesting a court order  
13 as set out in this subsection; and (5) notice of the  
14 anticipated duration of the isolation, quarantine, or closure.

15 (d) The Department may order physical examinations and  
16 tests and collect laboratory specimens as necessary for the  
17 diagnosis or treatment of individuals in order to prevent the  
18 probable spread of a dangerously contagious or infectious  
19 disease. Physical examinations, tests, or collection of  
20 laboratory specimens must not be such as are reasonably likely  
21 to lead to serious harm to the affected individual. To prevent  
22 the spread of a dangerously contagious or infectious disease,  
23 the Department may, pursuant to the provisions of subsection  
24 (c) of this Section, isolate or quarantine any person whose  
25 refusal of physical examination or testing or collection of  
26 laboratory specimens results in uncertainty regarding whether

1 he or she has been exposed to or is infected with a dangerously  
2 contagious or infectious disease or otherwise poses a danger to  
3 the public's health. An individual may refuse to consent to a  
4 physical examination, test, or collection of laboratory  
5 specimens. An individual shall be given a written notice that  
6 shall include notice of the following: (i) that the individual  
7 may refuse to consent to physical examination, test, or  
8 collection of laboratory specimens; (ii) that if the individual  
9 consents to physical examination, tests, or collection of  
10 laboratory specimens, the results of that examination, test, or  
11 collection of laboratory specimens may subject the individual  
12 to isolation or quarantine pursuant to the provisions of  
13 subsection (c) of this Section; (iii) that if the individual  
14 refuses to consent to physical examination, tests, or  
15 collection of laboratory specimens and that refusal results in  
16 uncertainty regarding whether he or she has been exposed to or  
17 is infected with a dangerously contagious or infectious disease  
18 or otherwise poses a danger to the public's health, the  
19 individual may be subject to isolation or quarantine pursuant  
20 to the provisions of subsection (c) of this Section; and (iv)  
21 that if the individual refuses to consent to physical  
22 examinations, tests, or collection of laboratory specimens and  
23 becomes subject to isolation and quarantine as provided in this  
24 subsection (d), he or she shall have the right to counsel  
25 pursuant to the provisions of subsection (c) of this Section.  
26 To the extent feasible without endangering the public's health,



1 the Department shall respect and accommodate the religious  
2 beliefs of individuals in implementing this subsection.

3 (e) The Department may order the administration of  
4 vaccines, medications, or other treatments to persons as  
5 necessary in order to prevent the probable spread of a  
6 dangerously contagious or infectious disease. A vaccine,  
7 medication, or other treatment to be administered must not be  
8 such as is reasonably likely to lead to serious harm to the  
9 affected individual. To prevent the spread of a dangerously  
10 contagious or infectious disease, the Department may, pursuant  
11 to the provisions of subsection (c) of this Section, isolate or  
12 quarantine persons who are unable or unwilling to receive  
13 vaccines, medications, or other treatments pursuant to this  
14 Section. An individual may refuse to receive vaccines,  
15 medications, or other treatments. An individual shall be given  
16 a written notice that shall include notice of the following:  
17 (i) that the individual may refuse to consent to vaccines,  
18 medications, or other treatments; (ii) that if the individual  
19 refuses to receive vaccines, medications, or other treatments,  
20 the individual may be subject to isolation or quarantine  
21 pursuant to the provisions of subsection (c) of this Section;  
22 and (iii) that if the individual refuses to receive vaccines,  
23 medications, or other treatments and becomes subject to  
24 isolation or quarantine as provided in this subsection (e), he  
25 or she shall have the right to counsel pursuant to the  
26 provisions of subsection (c) of this Section. To the extent

1 feasible without endangering the public's health, the  
2 Department shall respect and accommodate the religious beliefs  
3 of individuals in implementing this subsection.

4 (f) The Department may order observation and monitoring of  
5 persons to prevent the probable spread of a dangerously  
6 contagious or infectious disease. To prevent the spread of a  
7 dangerously contagious or infectious disease, the Department  
8 may, pursuant to the provisions of subsection (c) of this  
9 Section, isolate or quarantine persons whose refusal to undergo  
10 observation and monitoring results in uncertainty regarding  
11 whether he or she has been exposed to or is infected with a  
12 dangerously contagious or infectious disease or otherwise  
13 poses a danger to the public's health. An individual may refuse  
14 to undergo observation and monitoring. An individual shall be  
15 given written notice that shall include notice of the  
16 following: (i) that the individual may refuse to undergo  
17 observation and monitoring; (ii) that if the individual  
18 consents to observation and monitoring, the results of that  
19 observation and monitoring may subject the individual to  
20 isolation or quarantine pursuant to the provisions of  
21 subsection (c) of this Section; (iii) that if the individual  
22 refuses to undergo observation and monitoring and that refusal  
23 results in uncertainty regarding whether he or she has been  
24 exposed to or is infected with a dangerously contagious or  
25 infectious disease or otherwise poses a danger to the public's  
26 health, the individual may be subject to isolation or

1 quarantine pursuant to the provisions of subsection (c) of this  
2 Section; and (iv) that if the individual refuses to undergo  
3 observation and monitoring and becomes subject to isolation or  
4 quarantine as provided in this subsection (f), he or she shall  
5 have the right to counsel pursuant to the provisions of  
6 subsection (c) of this Section.

7 (g) To prevent the spread of a dangerously contagious or  
8 infectious disease among humans, the Department may examine,  
9 test, disinfect, seize, or destroy animals or other related  
10 property believed to be sources of infection. An owner of such  
11 animal or other related property shall be given written notice  
12 regarding such examination, testing, disinfection, seizure, or  
13 destruction. When the Department determines that any animal or  
14 related property is infected with or has been exposed to a  
15 dangerously contagious or infectious disease, it may agree with  
16 the owner upon the value of the animal or of any related  
17 property that it may be found necessary to destroy, and in case  
18 such an agreement cannot be made, the animals or related  
19 property shall be appraised by 3 competent and disinterested  
20 appraisers, one to be selected by the Department, one by the  
21 claimant, and one by the 2 appraisers thus selected. The  
22 appraisers shall subscribe to an oath made in writing to fairly  
23 value the animals or related property in accordance with the  
24 requirements of this Act. The oath, together with the valuation  
25 fixed by the appraisers, shall be filed with the Department and  
26 preserved by it. Upon the appraisal being made, the owner or

1 the Department shall immediately destroy the animals by "humane  
2 euthanasia" as that term is defined in Section 2.09 of the  
3 Humane Care for Animals Act. Dogs and cats, however, shall be  
4 euthanized pursuant to the provisions of the Humane Euthanasia  
5 in Animal Shelters Act. The owner or the Department shall  
6 additionally, dispose of the carcasses, and disinfect, change,  
7 or destroy the premises occupied by the animals, in accordance  
8 with rules prescribed by the Department governing such  
9 destruction and disinfection. Upon his or her failure so to do  
10 or to cooperate with the Department, the Department shall cause  
11 the animals or related property to be destroyed and disposed of  
12 in the same manner, and thereupon the owner shall forfeit all  
13 right to receive any compensation for the destruction of the  
14 animals or related property. All final administrative  
15 decisions of the Department hereunder shall be subject to  
16 judicial review pursuant to the provisions of the  
17 Administrative Review Law, and all amendments and  
18 modifications thereof, and the rules adopted pursuant thereto.  
19 The term "administrative decision" is defined as in Section  
20 3-101 of the Code of Civil Procedure.

21 (h) To prevent the spread of a dangerously contagious or  
22 infectious disease, the Department, local boards of health, and  
23 local public health authorities shall have emergency access to  
24 medical or health information or records or data upon the  
25 condition that the Department, local boards of health, and  
26 local public health authorities shall protect the privacy and

1 confidentiality of any medical or health information or records  
2 or data obtained pursuant to this Section in accordance with  
3 federal and State law. Additionally, any such medical or health  
4 information or records or data shall be exempt from inspection  
5 and copying under the Freedom of Information Act. Other than a  
6 hearing for the purpose of this Act, any information, records,  
7 reports, statements, notes, memoranda, or other data in the  
8 possession of the Department, local boards of health, or local  
9 public health authorities shall not be admissible as evidence,  
10 nor discoverable in any action of any kind in any court or  
11 before any tribunal, board, agency, or person. The access to or  
12 disclosure of any of this information or data by the  
13 Department, a local board of health, or a local public  
14 authority shall not waive or have any effect upon its  
15 non-discoverability or non-admissibility. Any person,  
16 facility, institution, or agency that provides emergency  
17 access to health information and data under this subsection  
18 shall have immunity from any civil or criminal liability, or  
19 any other type of liability that might otherwise result by  
20 reason of these actions except in the event of willful and  
21 wanton misconduct. The privileged quality of communication  
22 between any professional person or any facility shall not  
23 constitute grounds for failure to provide emergency access.  
24 Nothing in this subsection shall prohibit the sharing of  
25 information as authorized in Section 2.1 of this Act. The  
26 disclosure of any of this information, records, reports,

1 statements, notes, memoranda, or other data obtained in any  
2 activity under this Act, except that necessary for the purposes  
3 of this Act, is unlawful, and any person convicted of violating  
4 this provision is guilty of a Class A misdemeanor.

5 (i) (A) The Department, in order to prevent and control  
6 disease, injury, or disability among citizens of the State  
7 of Illinois, may develop and implement, in consultation  
8 with local public health authorities, a Statewide system  
9 for syndromic data collection through the access to  
10 interoperable networks, information exchanges, and  
11 databases. The Department may also develop a system for the  
12 reporting of comprehensive, integrated data to identify  
13 and address unusual occurrences of disease symptoms and  
14 other medical complexes affecting the public's health.

15 (B) The Department may enter into contracts or  
16 agreements with individuals, corporations, hospitals,  
17 universities, not-for-profit corporations, governmental  
18 entities, or other organizations, whereby those  
19 individuals or entities agree to provide assistance in the  
20 compilation of the syndromic data collection and reporting  
21 system.

22 (C) The Department shall not release any syndromic data  
23 or information obtained pursuant to this subsection to any  
24 individuals or entities for purposes other than the  
25 protection of the public health. All access to data by the  
26 Department, reports made to the Department, the identity of

1 or facts that would tend to lead to the identity of the  
2 individual who is the subject of the report, and the  
3 identity of or facts that would tend to lead to the  
4 identity of the author of the report shall be strictly  
5 confidential, are not subject to inspection or  
6 dissemination, and shall be used only for public health  
7 purposes by the Department, local public health  
8 authorities, or the Centers for Disease Control and  
9 Prevention. Entities or individuals submitting reports or  
10 providing access to the Department shall not be held liable  
11 for the release of information or confidential data to the  
12 Department in accordance with this subsection.

13 (D) Nothing in this subsection prohibits the sharing of  
14 information as authorized in Section 2.1 of this Act.

15 (j) This Section shall be considered supplemental to the  
16 existing authority and powers of the Department and shall not  
17 be construed to restrain or restrict the Department in  
18 protecting the public health under any other provisions of the  
19 law.

20 (k) Any person who knowingly or maliciously disseminates  
21 any false information or report concerning the existence of any  
22 dangerously contagious or infectious disease in connection  
23 with the Department's power of quarantine, isolation and  
24 closure or refuses to comply with a quarantine, isolation or  
25 closure order is guilty of a Class A misdemeanor.

26 (l) The Department of Public Health may establish and

1 maintain a chemical and bacteriologic laboratory for the  
2 examination of water and wastes, and for the diagnosis of  
3 diphtheria, typhoid fever, tuberculosis, malarial fever and  
4 such other diseases as it deems necessary for the protection of  
5 the public health.

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

9 The terms "sanitary investigations and inspections" and  
10 "sanitary practices" as used in this Act shall not include or  
11 apply to "Public Water Supplies" or "Sewage Works" as defined  
12 in the Environmental Protection Act. The Department may adopt  
13 rules that are reasonable and necessary to implement and  
14 effectuate this amendatory Act of the 93rd General Assembly.

15 (m) The public health measures set forth in subsections (a)  
16 through (h) of this Section may be used by the Department to  
17 respond to chemical, radiological, or nuclear agents or events.  
18 The individual provisions of subsections (a) through (h) of  
19 this Section apply to any order issued by the Department under  
20 this Section. The provisions of subsection (k) apply to  
21 chemical, radiological, or nuclear agents or events. Prior to  
22 the Department issuing an order for public health measures set  
23 forth in this Act for chemical, radiological, or nuclear agents  
24 or events as authorized in subsection (m), the Department and  
25 the Illinois Emergency Management Agency shall consult in  
26 accordance with the Illinois emergency response framework.



1 When responding to chemical, radiological, or nuclear agents or  
2 events, the Department shall determine the health related risks  
3 and appropriate public health response measures and provide  
4 recommendations for response to the Illinois Emergency  
5 Management Agency. Nothing in this Section shall supersede the  
6 current National Incident Management System and the Illinois  
7 Emergency Operation Plan or response plans and procedures  
8 established pursuant to IEMA statutes.

9 (n) The Department of Public Health may impose fines or  
10 sanctions upon a facility that fails to comply with subsection  
11 (b) of Section 12 of the Mental Health and Developmental  
12 Disabilities Confidentiality Act. The Department of Public  
13 Health may adopt any rules necessary to implement this  
14 amendatory Act of the 101st General Assembly.

15 (Source: P.A. 96-698, eff. 8-25-09.)

16 Section 10. The Mental Health and Developmental  
17 Disabilities Confidentiality Act is amended by changing  
18 Section 12 as follows:

19 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

20 Sec. 12. (a) If the United States Secret Service or the  
21 Department of State Police requests information from a mental  
22 health or developmental disability facility, as defined in  
23 Section 1-107 and 1-114 of the Mental Health and Developmental  
24 Disabilities Code, relating to a specific recipient and the

1 facility director determines that disclosure of such  
2 information may be necessary to protect the life of, or to  
3 prevent the infliction of great bodily harm to, a public  
4 official, or a person under the protection of the United States  
5 Secret Service, only the following information may be  
6 disclosed: the recipient's name, address, and age and the date  
7 of any admission to or discharge from a facility; and any  
8 information which would indicate whether or not the recipient  
9 has a history of violence or presents a danger of violence to  
10 the person under protection. Any information so disclosed shall  
11 be used for investigative purposes only and shall not be  
12 publicly disseminated. Any person participating in good faith  
13 in the disclosure of such information in accordance with this  
14 provision shall have immunity from any liability, civil,  
15 criminal or otherwise, if such information is disclosed relying  
16 upon the representation of an officer of the United States  
17 Secret Service or the Department of State Police that a person  
18 is under the protection of the United States Secret Service or  
19 is a public official.

20 For the purpose of this subsection (a), the term "public  
21 official" means the Governor, Lieutenant Governor, Attorney  
22 General, Secretary of State, State Comptroller, State  
23 Treasurer, member of the General Assembly, member of the United  
24 States Congress, Judge of the United States as defined in 28  
25 U.S.C. 451, Justice of the United States as defined in 28  
26 U.S.C. 451, United States Magistrate Judge as defined in 28

1 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
2 Supreme, Appellate, Circuit, or Associate Judge of the State of  
3 Illinois. The term shall also include the spouse, child or  
4 children of a public official.

5 (b) The Department of Human Services (acting as successor  
6 to the Department of Mental Health and Developmental  
7 Disabilities) and all public or private hospitals and mental  
8 health facilities are required, as hereafter described in this  
9 subsection, to furnish the Department of State Police only such  
10 information as may be required for the sole purpose of  
11 determining whether an individual who may be or may have been a  
12 patient is disqualified because of that status from receiving  
13 or retaining a Firearm Owner's Identification Card or falls  
14 within the federal prohibitors under subsection (e), (f), (g),  
15 (r), (s), or (t) of Section 8 of the Firearm Owners  
16 Identification Card Act, or falls within the federal  
17 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,  
18 clinical psychologists, or qualified examiners at public or  
19 private mental health facilities or parts thereof as defined in  
20 this subsection shall, in the form and manner required by the  
21 Department, provide notice directly to the Department of Human  
22 Services, or to his or her employer who shall then report to  
23 the Department, within 24 hours after determining that a person  
24 poses a clear and present danger to himself, herself, or  
25 others, or within 7 days after a person 14 years or older is  
26 determined to be a person with a developmental disability by a

1 physician, clinical psychologist, or qualified examiner as  
2 described in Section 1.1 of the Firearm Owners Identification  
3 Card Act. If a person is a patient as described in clause (1)  
4 of the definition of "patient" in Section 1.1 of the Firearm  
5 Owners Identification Card Act, this information shall be  
6 furnished within 7 days after admission to a public or private  
7 hospital or mental health facility or the provision of  
8 services. Any such information disclosed under this subsection  
9 shall remain privileged and confidential, and shall not be  
10 redisclosed, except as required by subsection (e) of Section  
11 3.1 of the Firearm Owners Identification Card Act, nor utilized  
12 for any other purpose. The method of requiring the providing of  
13 such information shall guarantee that no information is  
14 released beyond what is necessary for this purpose. In  
15 addition, the information disclosed shall be provided by the  
16 Department within the time period established by Section 24-3  
17 of the Criminal Code of 2012 regarding the delivery of  
18 firearms. The method used shall be sufficient to provide the  
19 necessary information within the prescribed time period, which  
20 may include periodically providing lists to the Department of  
21 Human Services or any public or private hospital or mental  
22 health facility of Firearm Owner's Identification Card  
23 applicants on which the Department or hospital shall indicate  
24 the identities of those individuals who are to its knowledge  
25 disqualified from having a Firearm Owner's Identification Card  
26 for reasons described herein. The Department may provide for a

1 centralized source of information for the State on this subject  
2 under its jurisdiction. The identity of the person reporting  
3 under this subsection shall not be disclosed to the subject of  
4 the report. For the purposes of this subsection, the physician,  
5 clinical psychologist, or qualified examiner making the  
6 determination and his or her employer shall not be held  
7 criminally, civilly, or professionally liable for making or not  
8 making the notification required under this subsection, except  
9 for willful or wanton misconduct.

10 Any person, institution, or agency, under this Act,  
11 participating in good faith in the reporting or disclosure of  
12 records and communications otherwise in accordance with this  
13 provision or with rules, regulations or guidelines issued by  
14 the Department shall have immunity from any liability, civil,  
15 criminal or otherwise, that might result by reason of the  
16 action. For the purpose of any proceeding, civil or criminal,  
17 arising out of a report or disclosure in accordance with this  
18 provision, the good faith of any person, institution, or agency  
19 so reporting or disclosing shall be presumed. The full extent  
20 of the immunity provided in this subsection (b) shall apply to  
21 any person, institution or agency that fails to make a report  
22 or disclosure in the good faith belief that the report or  
23 disclosure would violate federal regulations governing the  
24 confidentiality of alcohol and drug abuse patient records  
25 implementing 42 U.S.C. 290dd-3 and 290ee-3.

26 The Department of Public Health may impose fines or

1 sanctions upon a facility that fails to comply with this  
2 subsection. The Department of Public Health may adopt any rules  
3 necessary to implement this amendatory Act of the 101st General  
4 Assembly.

5 For purposes of this subsection (b) only, the following  
6 terms shall have the meaning prescribed:

7 (1) (Blank).

8 (1.3) "Clear and present danger" has the meaning as  
9 defined in Section 1.1 of the Firearm Owners Identification  
10 Card Act.

11 (1.5) "Person with a developmental disability" has the  
12 meaning as defined in Section 1.1 of the Firearm Owners  
13 Identification Card Act.

14 (2) "Patient" has the meaning as defined in Section 1.1  
15 of the Firearm Owners Identification Card Act.

16 (3) "Mental health facility" has the meaning as defined  
17 in Section 1.1 of the Firearm Owners Identification Card  
18 Act.

19 (c) Upon the request of a peace officer who takes a person  
20 into custody and transports such person to a mental health or  
21 developmental disability facility pursuant to Section 3-606 or  
22 4-404 of the Mental Health and Developmental Disabilities Code  
23 or who transports a person from such facility, a facility  
24 director shall furnish said peace officer the name, address,  
25 age and name of the nearest relative of the person transported  
26 to or from the mental health or developmental disability

1 facility. In no case shall the facility director disclose to  
2 the peace officer any information relating to the diagnosis,  
3 treatment or evaluation of the person's mental or physical  
4 health.

5 For the purposes of this subsection (c), the terms "mental  
6 health or developmental disability facility", "peace officer"  
7 and "facility director" shall have the meanings ascribed to  
8 them in the Mental Health and Developmental Disabilities Code.

9 (d) Upon the request of a peace officer or prosecuting  
10 authority who is conducting a bona fide investigation of a  
11 criminal offense, or attempting to apprehend a fugitive from  
12 justice, a facility director may disclose whether a person is  
13 present at the facility. Upon request of a peace officer or  
14 prosecuting authority who has a valid forcible felony warrant  
15 issued, a facility director shall disclose: (1) whether the  
16 person who is the subject of the warrant is present at the  
17 facility and (2) the date of that person's discharge or future  
18 discharge from the facility. The requesting peace officer or  
19 prosecuting authority must furnish a case number and the  
20 purpose of the investigation or an outstanding arrest warrant  
21 at the time of the request. Any person, institution, or agency  
22 participating in good faith in disclosing such information in  
23 accordance with this subsection (d) is immune from any  
24 liability, civil, criminal or otherwise, that might result by  
25 reason of the action.

26 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,

SB1145

- 23 -

LRB101 06863 LNS 51894 b

1 eff. 7-27-15; 99-642, eff. 7-28-16.)