

HB0454



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0454

Introduced 2/8/2021, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

745 ILCS 10/6-106

from Ch. 85, par. 6-106

Amends the Local Government and Governmental Employees Tort Immunity Act. Deletes language providing that neither a local public entity nor a public employee acting within the scope of his employment is liable for injury resulting from diagnosing or failing to diagnose that a person is afflicted with mental or physical illness or addiction or from failing to prescribe for mental or physical illness or addiction.

LRB102 10652 LNS 15981 b

A BILL FOR

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 Local Governmental and Governmental
5 Employees Tort Immunity Act is amended by changing Section
6 6-106 as follows:

7 (745 ILCS 10/6-106) (from Ch. 85, par. 6-106)

8 Sec. 6-106. Immunity related to incidents involving mental
9 or physical illness or addiction.

10 (a) (Blank). ~~Neither a local public entity nor a public~~
11 ~~employee acting within the scope of his employment is liable~~
12 ~~for injury resulting from diagnosing or failing to diagnose~~
13 ~~that a person is afflicted with mental or physical illness or~~
14 ~~addiction or from failing to prescribe for mental or physical~~
15 ~~illness or addiction.~~

16 (b) Neither a local public entity nor a public employee
17 acting within the scope of his or her employment is liable for
18 administering with due care the treatment prescribed for
19 mental or physical illness or addiction.

20 (c) Nothing in this Section ~~section~~ exonerates a public
21 employee who has undertaken to prescribe for mental or
22 physical illness or addiction from liability for injury
23 proximately caused by his or her negligence or by his or her

1 wrongful act in so prescribing or exonerates a local public
2 entity whose employee, while acting in the scope of his or her
3 employment, so causes such an injury.

4 (d) Nothing in this Section ~~section~~ exonerates a public
5 employee from liability for injury proximately caused by his
6 or her negligent or wrongful act or omission in administering
7 any treatment prescribed for mental or physical illness or
8 addiction or exonerates a local public entity whose employee,
9 while acting in the scope of his or her employment, so causes
10 such an injury.

11 (Source: Laws 1965, p. 2983.)