

1 AN ACT concerning State government.

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 2310-431 as follows:

7 (20 ILCS 2310/2310-431 new)

8 Sec. 2310-431. Healthy Illinois Survey.

9 (a) The General Assembly finds the following:

10 (1) The Coronavirus pandemic that struck in 2020
11 caused more illness and death in Black, Latinx, and other
12 communities with people of color in Illinois.

13 (2) Many rural and other underserved communities in
14 Illinois experienced higher rates of COVID-19 illness and
15 death than higher-resourced communities.

16 (3) The structural racism and underlying health and
17 social disparities in communities of color and other
18 underserved communities that produced these COVID-19
19 disparities also produce disparities in chronic disease,
20 access to care, and social determinants of health, such as
21 overcrowded housing and prevalence of working in low-wage
22 essential jobs.

23 (4) Traditional public health data collected by

1 existing methods is insufficient to help State and local
2 governments, health care partners, and communities
3 understand local health concerns and social factors
4 associated with health. Nor does the data provide adequate
5 information to help identify policies and interventions
6 that address health inequities.

7 (5) Comprehensive, relevant, and current public health
8 data could be used to: identify health concerns for
9 communities across Illinois; understand environmental,
10 neighborhood, and social factors associated with health;
11 and support the development, implementation, and progress
12 of programs for public health interventions and addressing
13 health inequities.

14 (b) Subject to appropriation, the Department shall
15 administer an annual survey, which shall be named the Healthy
16 Illinois Survey. The Healthy Illinois Survey shall:

17 (1) include interviews of a sample of State residents
18 such that statistically reliable data for every county,
19 zip code groupings within more highly populated counties
20 and cities, suburban Cook County municipalities, and
21 Chicago community areas can be developed, as well as
22 statistically reliable data on racial, ethnic, gender,
23 age, and other demographic groups of State residents
24 important to inform health equity goals;

25 (2) be collected at the zip code level; and

26 (3) include questions on a range of topics designed to

1 establish an initial baseline public health data set and
2 annual updates, including:

3 (A) access to health services;

4 (B) civic engagement;

5 (C) childhood experiences;

6 (D) chronic health conditions;

7 (E) COVID-19;

8 (F) diet;

9 (G) financial security;

10 (H) food security;

11 (I) mental health;

12 (J) community conditions;

13 (K) physical activity;

14 (L) physical safety;

15 (M) substance abuse; and

16 (N) violence.

17 (c) In developing the Healthy Illinois Survey, the
18 Department shall consult with local public health departments
19 and stakeholders with expertise in health, mental health,
20 nutrition, physical activity, violence prevention, safety,
21 tobacco and drug use, and emergency preparedness with the goal
22 of developing a comprehensive survey that will assist the
23 State and other partners in developing the data to measure
24 public health and health equity.

25 (d) The Department shall provide the results of the
26 Healthy Illinois Survey in forms useful to cities,

1 communities, local health departments, hospitals, and other
2 potential users, including annually publishing on its website
3 data at the most granular geographic and demographic levels
4 possible while protecting identifying information. The
5 Department shall produce periodic special reports and analyses
6 relevant to ongoing and emerging health and social issues in
7 communities and the State. The Department shall use this data
8 to inform the development and monitoring of its State Health
9 Assessment. The Department shall provide the full relevant
10 jurisdictional data set to local health departments for their
11 local use and analysis each year.

12 (e) The identity, or any group of facts that tends to lead
13 to the identity, of any person whose condition or treatment is
14 submitted to the Healthy Illinois Survey is confidential and
15 shall not be open to public inspection or dissemination and is
16 exempt from disclosure under Section 7 of the Freedom of
17 Information Act. Information for specific research purposes
18 may be released in accordance with procedures established by
19 the Department.

20 Section 10. The Illinois Procurement Code is amended by
21 changing Section 1-10 as follows:

22 (30 ILCS 500/1-10)

23 Sec. 1-10. Application.

24 (a) This Code applies only to procurements for which

1 bidders, offerors, potential contractors, or contractors were
2 first solicited on or after July 1, 1998. This Code shall not
3 be construed to affect or impair any contract, or any
4 provision of a contract, entered into based on a solicitation
5 prior to the implementation date of this Code as described in
6 Article 99, including, but not limited to, any covenant
7 entered into with respect to any revenue bonds or similar
8 instruments. All procurements for which contracts are
9 solicited between the effective date of Articles 50 and 99 and
10 July 1, 1998 shall be substantially in accordance with this
11 Code and its intent.

12 (b) This Code shall apply regardless of the source of the
13 funds with which the contracts are paid, including federal
14 assistance moneys. This Code shall not apply to:

15 (1) Contracts between the State and its political
16 subdivisions or other governments, or between State
17 governmental bodies, except as specifically provided in
18 this Code.

19 (2) Grants, except for the filing requirements of
20 Section 20-80.

21 (3) Purchase of care, except as provided in Section
22 5-30.6 of the Illinois Public Aid Code and this Section.

23 (4) Hiring of an individual as employee and not as an
24 independent contractor, whether pursuant to an employment
25 code or policy or by contract directly with that
26 individual.

1 (5) Collective bargaining contracts.

2 (6) Purchase of real estate, except that notice of
3 this type of contract with a value of more than \$25,000
4 must be published in the Procurement Bulletin within 10
5 calendar days after the deed is recorded in the county of
6 jurisdiction. The notice shall identify the real estate
7 purchased, the names of all parties to the contract, the
8 value of the contract, and the effective date of the
9 contract.

10 (7) Contracts necessary to prepare for anticipated
11 litigation, enforcement actions, or investigations,
12 provided that the chief legal counsel to the Governor
13 shall give his or her prior approval when the procuring
14 agency is one subject to the jurisdiction of the Governor,
15 and provided that the chief legal counsel of any other
16 procuring entity subject to this Code shall give his or
17 her prior approval when the procuring entity is not one
18 subject to the jurisdiction of the Governor.

19 (8) (Blank).

20 (9) Procurement expenditures by the Illinois
21 Conservation Foundation when only private funds are used.

22 (10) (Blank).

23 (11) Public-private agreements entered into according
24 to the procurement requirements of Section 20 of the
25 Public-Private Partnerships for Transportation Act and
26 design-build agreements entered into according to the

1 procurement requirements of Section 25 of the
2 Public-Private Partnerships for Transportation Act.

3 (12) Contracts for legal, financial, and other
4 professional and artistic services entered into on or
5 before December 31, 2018 by the Illinois Finance Authority
6 in which the State of Illinois is not obligated. Such
7 contracts shall be awarded through a competitive process
8 authorized by the Board of the Illinois Finance Authority
9 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
10 50-35, and 50-37 of this Code, as well as the final
11 approval by the Board of the Illinois Finance Authority of
12 the terms of the contract.

13 (13) Contracts for services, commodities, and
14 equipment to support the delivery of timely forensic
15 science services in consultation with and subject to the
16 approval of the Chief Procurement Officer as provided in
17 subsection (d) of Section 5-4-3a of the Unified Code of
18 Corrections, except for the requirements of Sections
19 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
20 Code; however, the Chief Procurement Officer may, in
21 writing with justification, waive any certification
22 required under Article 50 of this Code. For any contracts
23 for services which are currently provided by members of a
24 collective bargaining agreement, the applicable terms of
25 the collective bargaining agreement concerning
26 subcontracting shall be followed.

1 On and after January 1, 2019, this paragraph (13),
2 except for this sentence, is inoperative.

3 (14) Contracts for participation expenditures required
4 by a domestic or international trade show or exhibition of
5 an exhibitor, member, or sponsor.

6 (15) Contracts with a railroad or utility that
7 requires the State to reimburse the railroad or utilities
8 for the relocation of utilities for construction or other
9 public purpose. Contracts included within this paragraph
10 (15) shall include, but not be limited to, those
11 associated with: relocations, crossings, installations,
12 and maintenance. For the purposes of this paragraph (15),
13 "railroad" means any form of non-highway ground
14 transportation that runs on rails or electromagnetic
15 guideways and "utility" means: (1) public utilities as
16 defined in Section 3-105 of the Public Utilities Act, (2)
17 telecommunications carriers as defined in Section 13-202
18 of the Public Utilities Act, (3) electric cooperatives as
19 defined in Section 3.4 of the Electric Supplier Act, (4)
20 telephone or telecommunications cooperatives as defined in
21 Section 13-212 of the Public Utilities Act, (5) rural
22 water or waste water systems with 10,000 connections or
23 less, (6) a holder as defined in Section 21-201 of the
24 Public Utilities Act, and (7) municipalities owning or
25 operating utility systems consisting of public utilities
26 as that term is defined in Section 11-117-2 of the

1 Illinois Municipal Code.

2 (16) Procurement expenditures necessary for the
3 Department of Public Health to provide the delivery of
4 timely newborn screening services in accordance with the
5 Newborn Metabolic Screening Act.

6 (17) Procurement expenditures necessary for the
7 Department of Agriculture, the Department of Financial and
8 Professional Regulation, the Department of Human Services,
9 and the Department of Public Health to implement the
10 Compassionate Use of Medical Cannabis Program and Opioid
11 Alternative Pilot Program requirements and ensure access
12 to medical cannabis for patients with debilitating medical
13 conditions in accordance with the Compassionate Use of
14 Medical Cannabis Program Act.

15 (18) This Code does not apply to any procurements
16 necessary for the Department of Agriculture, the
17 Department of Financial and Professional Regulation, the
18 Department of Human Services, the Department of Commerce
19 and Economic Opportunity, and the Department of Public
20 Health to implement the Cannabis Regulation and Tax Act if
21 the applicable agency has made a good faith determination
22 that it is necessary and appropriate for the expenditure
23 to fall within this exemption and if the process is
24 conducted in a manner substantially in accordance with the
25 requirements of Sections 20-160, 25-60, 30-22, 50-5,
26 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,

1 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
2 Section 50-35, compliance applies only to contracts or
3 subcontracts over \$100,000. Notice of each contract
4 entered into under this paragraph (18) that is related to
5 the procurement of goods and services identified in
6 paragraph (1) through (9) of this subsection shall be
7 published in the Procurement Bulletin within 14 calendar
8 days after contract execution. The Chief Procurement
9 Officer shall prescribe the form and content of the
10 notice. Each agency shall provide the Chief Procurement
11 Officer, on a monthly basis, in the form and content
12 prescribed by the Chief Procurement Officer, a report of
13 contracts that are related to the procurement of goods and
14 services identified in this subsection. At a minimum, this
15 report shall include the name of the contractor, a
16 description of the supply or service provided, the total
17 amount of the contract, the term of the contract, and the
18 exception to this Code utilized. A copy of any or all of
19 these contracts shall be made available to the Chief
20 Procurement Officer immediately upon request. The Chief
21 Procurement Officer shall submit a report to the Governor
22 and General Assembly no later than November 1 of each year
23 that includes, at a minimum, an annual summary of the
24 monthly information reported to the Chief Procurement
25 Officer. This exemption becomes inoperative 5 years after
26 June 25, 2019 (the effective date of Public Act 101-27)

1 ~~this amendatory Act of the 101st General Assembly.~~

2 Notwithstanding any other provision of law, for contracts
3 entered into on or after October 1, 2017 under an exemption
4 provided in any paragraph of this subsection (b), except
5 paragraph (1), (2), or (5), each State agency shall post to the
6 appropriate procurement bulletin the name of the contractor, a
7 description of the supply or service provided, the total
8 amount of the contract, the term of the contract, and the
9 exception to the Code utilized. The chief procurement officer
10 shall submit a report to the Governor and General Assembly no
11 later than November 1 of each year that shall include, at a
12 minimum, an annual summary of the monthly information reported
13 to the chief procurement officer.

14 (c) This Code does not apply to the electric power
15 procurement process provided for under Section 1-75 of the
16 Illinois Power Agency Act and Section 16-111.5 of the Public
17 Utilities Act.

18 (d) Except for Section 20-160 and Article 50 of this Code,
19 and as expressly required by Section 9.1 of the Illinois
20 Lottery Law, the provisions of this Code do not apply to the
21 procurement process provided for under Section 9.1 of the
22 Illinois Lottery Law.

23 (e) This Code does not apply to the process used by the
24 Capital Development Board to retain a person or entity to
25 assist the Capital Development Board with its duties related
26 to the determination of costs of a clean coal SNG brownfield

1 facility, as defined by Section 1-10 of the Illinois Power
2 Agency Act, as required in subsection (h-3) of Section 9-220
3 of the Public Utilities Act, including calculating the range
4 of capital costs, the range of operating and maintenance
5 costs, or the sequestration costs or monitoring the
6 construction of clean coal SNG brownfield facility for the
7 full duration of construction.

8 (f) (Blank).

9 (g) (Blank).

10 (h) This Code does not apply to the process to procure or
11 contracts entered into in accordance with Sections 11-5.2 and
12 11-5.3 of the Illinois Public Aid Code.

13 (i) Each chief procurement officer may access records
14 necessary to review whether a contract, purchase, or other
15 expenditure is or is not subject to the provisions of this
16 Code, unless such records would be subject to attorney-client
17 privilege.

18 (j) This Code does not apply to the process used by the
19 Capital Development Board to retain an artist or work or works
20 of art as required in Section 14 of the Capital Development
21 Board Act.

22 (k) This Code does not apply to the process to procure
23 contracts, or contracts entered into, by the State Board of
24 Elections or the State Electoral Board for hearing officers
25 appointed pursuant to the Election Code.

26 (l) This Code does not apply to the processes used by the

1 Illinois Student Assistance Commission to procure supplies and
2 services paid for from the private funds of the Illinois
3 Prepaid Tuition Fund. As used in this subsection (1), "private
4 funds" means funds derived from deposits paid into the
5 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

6 (m) This Code shall apply regardless of the source of
7 funds with which contracts are paid, including federal
8 assistance moneys. Except as specifically provided in this
9 Code, this Code shall not apply to procurement expenditures
10 necessary for the Department of Public Health to conduct the
11 Healthy Illinois Survey in accordance with Section 2310-431 of
12 the Department of Public Health Powers and Duties Law of the
13 Civil Administrative Code of Illinois.

14 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
15 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
16 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
17 9-17-19.)