

1 AN ACT concerning health.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 103-472)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other
20 records prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmitted
3 infection ~~transmissible disease~~ or any information the
4 disclosure of which is restricted under the Illinois
5 Sexually Transmitted Infection ~~Transmissible Disease~~
6 Control Act.

7 (e) Information the disclosure of which is exempted
8 under Section 30 of the Radon Industry Licensing Act.

9 (f) Firm performance evaluations under Section 55 of
10 the Architectural, Engineering, and Land Surveying
11 Qualifications Based Selection Act.

12 (g) Information the disclosure of which is restricted
13 and exempted under Section 50 of the Illinois Prepaid
14 Tuition Act.

15 (h) Information the disclosure of which is exempted
16 under the State Officials and Employees Ethics Act, and
17 records of any lawfully created State or local inspector
18 general's office that would be exempt if created or
19 obtained by an Executive Inspector General's office under
20 that Act.

21 (i) Information contained in a local emergency energy
22 plan submitted to a municipality in accordance with a
23 local emergency energy plan ordinance that is adopted
24 under Section 11-21.5-5 of the Illinois Municipal Code.

25 (j) Information and data concerning the distribution
26 of surcharge moneys collected and remitted by carriers

1 under the Emergency Telephone System Act.

2 (k) Law enforcement officer identification information
3 or driver identification information compiled by a law
4 enforcement agency or the Department of Transportation
5 under Section 11-212 of the Illinois Vehicle Code.

6 (l) Records and information provided to a residential
7 health care facility resident sexual assault and death
8 review team or the Executive Council under the Abuse
9 Prevention Review Team Act.

10 (m) Information provided to the predatory lending
11 database created pursuant to Article 3 of the Residential
12 Real Property Disclosure Act, except to the extent
13 authorized under that Article.

14 (n) Defense budgets and petitions for certification of
15 compensation and expenses for court appointed trial
16 counsel as provided under Sections 10 and 15 of the
17 Capital Crimes Litigation Act (repealed). This subsection
18 (n) shall apply until the conclusion of the trial of the
19 case, even if the prosecution chooses not to pursue the
20 death penalty prior to trial or sentencing.

21 (o) Information that is prohibited from being
22 disclosed under Section 4 of the Illinois Health and
23 Hazardous Substances Registry Act.

24 (p) Security portions of system safety program plans,
25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Department of Transportation under Sections 2705-300 and
2 2705-616 of the Department of Transportation Law of the
3 Civil Administrative Code of Illinois, the Regional
4 Transportation Authority under Section 2.11 of the
5 Regional Transportation Authority Act, or the St. Clair
6 County Transit District under the Bi-State Transit Safety
7 Act (repealed).

8 (q) Information prohibited from being disclosed by the
9 Personnel Record Review Act.

10 (r) Information prohibited from being disclosed by the
11 Illinois School Student Records Act.

12 (s) Information the disclosure of which is restricted
13 under Section 5-108 of the Public Utilities Act.

14 (t) (Blank).

15 (u) Records and information provided to an independent
16 team of experts under the Developmental Disability and
17 Mental Health Safety Act (also known as Brian's Law).

18 (v) Names and information of people who have applied
19 for or received Firearm Owner's Identification Cards under
20 the Firearm Owners Identification Card Act or applied for
21 or received a concealed carry license under the Firearm
22 Concealed Carry Act, unless otherwise authorized by the
23 Firearm Concealed Carry Act; and databases under the
24 Firearm Concealed Carry Act, records of the Concealed
25 Carry Licensing Review Board under the Firearm Concealed
26 Carry Act, and law enforcement agency objections under the

1 Firearm Concealed Carry Act.

2 (v-5) Records of the Firearm Owner's Identification
3 Card Review Board that are exempted from disclosure under
4 Section 10 of the Firearm Owners Identification Card Act.

5 (w) Personally identifiable information which is
6 exempted from disclosure under subsection (g) of Section
7 19.1 of the Toll Highway Act.

8 (x) Information which is exempted from disclosure
9 under Section 5-1014.3 of the Counties Code or Section
10 8-11-21 of the Illinois Municipal Code.

11 (y) Confidential information under the Adult
12 Protective Services Act and its predecessor enabling
13 statute, the Elder Abuse and Neglect Act, including
14 information about the identity and administrative finding
15 against any caregiver of a verified and substantiated
16 decision of abuse, neglect, or financial exploitation of
17 an eligible adult maintained in the Registry established
18 under Section 7.5 of the Adult Protective Services Act.

19 (z) Records and information provided to a fatality
20 review team or the Illinois Fatality Review Team Advisory
21 Council under Section 15 of the Adult Protective Services
22 Act.

23 (aa) Information which is exempted from disclosure
24 under Section 2.37 of the Wildlife Code.

25 (bb) Information which is or was prohibited from
26 disclosure by the Juvenile Court Act of 1987.

1 (cc) Recordings made under the Law Enforcement
2 Officer-Worn Body Camera Act, except to the extent
3 authorized under that Act.

4 (dd) Information that is prohibited from being
5 disclosed under Section 45 of the Condominium and Common
6 Interest Community Ombudsperson Act.

7 (ee) Information that is exempted from disclosure
8 under Section 30.1 of the Pharmacy Practice Act.

9 (ff) Information that is exempted from disclosure
10 under the Revised Uniform Unclaimed Property Act.

11 (gg) Information that is prohibited from being
12 disclosed under Section 7-603.5 of the Illinois Vehicle
13 Code.

14 (hh) Records that are exempt from disclosure under
15 Section 1A-16.7 of the Election Code.

16 (ii) Information which is exempted from disclosure
17 under Section 2505-800 of the Department of Revenue Law of
18 the Civil Administrative Code of Illinois.

19 (jj) Information and reports that are required to be
20 submitted to the Department of Labor by registering day
21 and temporary labor service agencies but are exempt from
22 disclosure under subsection (a-1) of Section 45 of the Day
23 and Temporary Labor Services Act.

24 (kk) Information prohibited from disclosure under the
25 Seizure and Forfeiture Reporting Act.

26 (ll) Information the disclosure of which is restricted

1 and exempted under Section 5-30.8 of the Illinois Public
2 Aid Code.

3 (mm) Records that are exempt from disclosure under
4 Section 4.2 of the Crime Victims Compensation Act.

5 (nn) Information that is exempt from disclosure under
6 Section 70 of the Higher Education Student Assistance Act.

7 (oo) Communications, notes, records, and reports
8 arising out of a peer support counseling session
9 prohibited from disclosure under the First Responders
10 Suicide Prevention Act.

11 (pp) Names and all identifying information relating to
12 an employee of an emergency services provider or law
13 enforcement agency under the First Responders Suicide
14 Prevention Act.

15 (qq) Information and records held by the Department of
16 Public Health and its authorized representatives collected
17 under the Reproductive Health Act.

18 (rr) Information that is exempt from disclosure under
19 the Cannabis Regulation and Tax Act.

20 (ss) Data reported by an employer to the Department of
21 Human Rights pursuant to Section 2-108 of the Illinois
22 Human Rights Act.

23 (tt) Recordings made under the Children's Advocacy
24 Center Act, except to the extent authorized under that
25 Act.

26 (uu) Information that is exempt from disclosure under

1 Section 50 of the Sexual Assault Evidence Submission Act.

2 (vv) Information that is exempt from disclosure under
3 subsections (f) and (j) of Section 5-36 of the Illinois
4 Public Aid Code.

5 (ww) Information that is exempt from disclosure under
6 Section 16.8 of the State Treasurer Act.

7 (xx) Information that is exempt from disclosure or
8 information that shall not be made public under the
9 Illinois Insurance Code.

10 (yy) Information prohibited from being disclosed under
11 the Illinois Educational Labor Relations Act.

12 (zz) Information prohibited from being disclosed under
13 the Illinois Public Labor Relations Act.

14 (aaa) Information prohibited from being disclosed
15 under Section 1-167 of the Illinois Pension Code.

16 (bbb) Information that is prohibited from disclosure
17 by the Illinois Police Training Act and the Illinois State
18 Police Act.

19 (ccc) Records exempt from disclosure under Section
20 2605-304 of the Illinois State Police Law of the Civil
21 Administrative Code of Illinois.

22 (ddd) Information prohibited from being disclosed
23 under Section 35 of the Address Confidentiality for
24 Victims of Domestic Violence, Sexual Assault, Human
25 Trafficking, or Stalking Act.

26 (eee) Information prohibited from being disclosed

1 under subsection (b) of Section 75 of the Domestic
2 Violence Fatality Review Act.

3 (fff) Images from cameras under the Expressway Camera
4 Act. This subsection (fff) is inoperative on and after
5 July 1, 2025.

6 (ggg) Information prohibited from disclosure under
7 paragraph (3) of subsection (a) of Section 14 of the Nurse
8 Agency Licensing Act.

9 (hhh) Information submitted to the Illinois State
10 Police in an affidavit or application for an assault
11 weapon endorsement, assault weapon attachment endorsement,
12 .50 caliber rifle endorsement, or .50 caliber cartridge
13 endorsement under the Firearm Owners Identification Card
14 Act.

15 (iii) Data exempt from disclosure under Section 50 of
16 the School Safety Drill Act.

17 (jjj) ~~(hhh)~~ Information exempt from disclosure under
18 Section 30 of the Insurance Data Security Law.

19 (kkk) ~~(iii)~~ Confidential business information
20 prohibited from disclosure under Section 45 of the Paint
21 Stewardship Act.

22 (lll) (Reserved).

23 (mmm) ~~(iii)~~ Information prohibited from being
24 disclosed under subsection (e) of Section 1-129 of the
25 Illinois Power Agency Act.

26 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;

1 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
2 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
3 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
4 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
5 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
6 revised 1-2-24.)

7 (Text of Section after amendment by P.A. 103-472)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other
20 records prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of
24 Public Health and its authorized representatives relating
25 to known or suspected cases of sexually transmitted

1 infection ~~transmissible disease~~ or any information the
2 disclosure of which is restricted under the Illinois
3 Sexually Transmitted Infection ~~Transmissible Disease~~
4 Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a
21 local emergency energy plan ordinance that is adopted
22 under Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the
15 Capital Crimes Litigation Act (repealed). This subsection
16 (n) shall apply until the conclusion of the trial of the
17 case, even if the prosecution chooses not to pursue the
18 death penalty prior to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional
2 Transportation Authority under Section 2.11 of the
3 Regional Transportation Authority Act, or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act (repealed).

6 (q) Information prohibited from being disclosed by the
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted
11 under Section 5-108 of the Public Utilities Act.

12 (t) (Blank).

13 (u) Records and information provided to an independent
14 team of experts under the Developmental Disability and
15 Mental Health Safety Act (also known as Brian's Law).

16 (v) Names and information of people who have applied
17 for or received Firearm Owner's Identification Cards under
18 the Firearm Owners Identification Card Act or applied for
19 or received a concealed carry license under the Firearm
20 Concealed Carry Act, unless otherwise authorized by the
21 Firearm Concealed Carry Act; and databases under the
22 Firearm Concealed Carry Act, records of the Concealed
23 Carry Licensing Review Board under the Firearm Concealed
24 Carry Act, and law enforcement agency objections under the
25 Firearm Concealed Carry Act.

26 (v-5) Records of the Firearm Owner's Identification

1 Card Review Board that are exempted from disclosure under
2 Section 10 of the Firearm Owners Identification Card Act.

3 (w) Personally identifiable information which is
4 exempted from disclosure under subsection (g) of Section
5 19.1 of the Toll Highway Act.

6 (x) Information which is exempted from disclosure
7 under Section 5-1014.3 of the Counties Code or Section
8 8-11-21 of the Illinois Municipal Code.

9 (y) Confidential information under the Adult
10 Protective Services Act and its predecessor enabling
11 statute, the Elder Abuse and Neglect Act, including
12 information about the identity and administrative finding
13 against any caregiver of a verified and substantiated
14 decision of abuse, neglect, or financial exploitation of
15 an eligible adult maintained in the Registry established
16 under Section 7.5 of the Adult Protective Services Act.

17 (z) Records and information provided to a fatality
18 review team or the Illinois Fatality Review Team Advisory
19 Council under Section 15 of the Adult Protective Services
20 Act.

21 (aa) Information which is exempted from disclosure
22 under Section 2.37 of the Wildlife Code.

23 (bb) Information which is or was prohibited from
24 disclosure by the Juvenile Court Act of 1987.

25 (cc) Recordings made under the Law Enforcement
26 Officer-Worn Body Camera Act, except to the extent

1 authorized under that Act.

2 (dd) Information that is prohibited from being
3 disclosed under Section 45 of the Condominium and Common
4 Interest Community Ombudsperson Act.

5 (ee) Information that is exempted from disclosure
6 under Section 30.1 of the Pharmacy Practice Act.

7 (ff) Information that is exempted from disclosure
8 under the Revised Uniform Unclaimed Property Act.

9 (gg) Information that is prohibited from being
10 disclosed under Section 7-603.5 of the Illinois Vehicle
11 Code.

12 (hh) Records that are exempt from disclosure under
13 Section 1A-16.7 of the Election Code.

14 (ii) Information which is exempted from disclosure
15 under Section 2505-800 of the Department of Revenue Law of
16 the Civil Administrative Code of Illinois.

17 (jj) Information and reports that are required to be
18 submitted to the Department of Labor by registering day
19 and temporary labor service agencies but are exempt from
20 disclosure under subsection (a-1) of Section 45 of the Day
21 and Temporary Labor Services Act.

22 (kk) Information prohibited from disclosure under the
23 Seizure and Forfeiture Reporting Act.

24 (ll) Information the disclosure of which is restricted
25 and exempted under Section 5-30.8 of the Illinois Public
26 Aid Code.

1 (mm) Records that are exempt from disclosure under
2 Section 4.2 of the Crime Victims Compensation Act.

3 (nn) Information that is exempt from disclosure under
4 Section 70 of the Higher Education Student Assistance Act.

5 (oo) Communications, notes, records, and reports
6 arising out of a peer support counseling session
7 prohibited from disclosure under the First Responders
8 Suicide Prevention Act.

9 (pp) Names and all identifying information relating to
10 an employee of an emergency services provider or law
11 enforcement agency under the First Responders Suicide
12 Prevention Act.

13 (qq) Information and records held by the Department of
14 Public Health and its authorized representatives collected
15 under the Reproductive Health Act.

16 (rr) Information that is exempt from disclosure under
17 the Cannabis Regulation and Tax Act.

18 (ss) Data reported by an employer to the Department of
19 Human Rights pursuant to Section 2-108 of the Illinois
20 Human Rights Act.

21 (tt) Recordings made under the Children's Advocacy
22 Center Act, except to the extent authorized under that
23 Act.

24 (uu) Information that is exempt from disclosure under
25 Section 50 of the Sexual Assault Evidence Submission Act.

26 (vv) Information that is exempt from disclosure under

1 subsections (f) and (j) of Section 5-36 of the Illinois
2 Public Aid Code.

3 (ww) Information that is exempt from disclosure under
4 Section 16.8 of the State Treasurer Act.

5 (xx) Information that is exempt from disclosure or
6 information that shall not be made public under the
7 Illinois Insurance Code.

8 (yy) Information prohibited from being disclosed under
9 the Illinois Educational Labor Relations Act.

10 (zz) Information prohibited from being disclosed under
11 the Illinois Public Labor Relations Act.

12 (aaa) Information prohibited from being disclosed
13 under Section 1-167 of the Illinois Pension Code.

14 (bbb) Information that is prohibited from disclosure
15 by the Illinois Police Training Act and the Illinois State
16 Police Act.

17 (ccc) Records exempt from disclosure under Section
18 2605-304 of the Illinois State Police Law of the Civil
19 Administrative Code of Illinois.

20 (ddd) Information prohibited from being disclosed
21 under Section 35 of the Address Confidentiality for
22 Victims of Domestic Violence, Sexual Assault, Human
23 Trafficking, or Stalking Act.

24 (eee) Information prohibited from being disclosed
25 under subsection (b) of Section 75 of the Domestic
26 Violence Fatality Review Act.

1 (fff) Images from cameras under the Expressway Camera
2 Act. This subsection (fff) is inoperative on and after
3 July 1, 2025.

4 (ggg) Information prohibited from disclosure under
5 paragraph (3) of subsection (a) of Section 14 of the Nurse
6 Agency Licensing Act.

7 (hhh) Information submitted to the Illinois State
8 Police in an affidavit or application for an assault
9 weapon endorsement, assault weapon attachment endorsement,
10 .50 caliber rifle endorsement, or .50 caliber cartridge
11 endorsement under the Firearm Owners Identification Card
12 Act.

13 (iii) Data exempt from disclosure under Section 50 of
14 the School Safety Drill Act.

15 (jjj) ~~(hhh)~~ Information exempt from disclosure under
16 Section 30 of the Insurance Data Security Law.

17 (kkk) ~~(iii)~~ Confidential business information
18 prohibited from disclosure under Section 45 of the Paint
19 Stewardship Act.

20 (lll) ~~(iii)~~ Data exempt from disclosure under Section
21 2-3.196 of the School Code.

22 (mmm) ~~(iii)~~ Information prohibited from being
23 disclosed under subsection (e) of Section 1-129 of the
24 Illinois Power Agency Act.

25 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
26 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.

1 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
2 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
3 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
4 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
5 103-580, eff. 12-8-23; revised 1-2-24.)

6 Section 10. The Department of Public Health Act is amended
7 by changing Section 2 as follows:

8 (20 ILCS 2305/2) (from Ch. 111 1/2, par. 22)

9 Sec. 2. Powers.

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

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

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

1 (3) Sanitary practices relating to rest room
2 facilities made accessible to the public or to persons
3 handling food served to the public.

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

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

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

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

1 2310/2310-345). The information provided by the Department of
2 Public Health shall include (i) a statement that mammography
3 is the most accurate method for making an early detection of
4 breast cancer, however, no diagnostic tool is 100% effective
5 and (ii) instructions for performing breast self-examination
6 and a statement that it is important to perform a breast
7 self-examination monthly.

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

24 (b) Subject to the provisions of subsection (c), the
25 Department may order a person or group of persons to be
26 quarantined or isolated or may order a place to be closed and

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

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

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

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

18 (d) The Department may order physical examinations and
19 tests and collect laboratory specimens as necessary for the
20 diagnosis or treatment of individuals in order to prevent the
21 probable spread of a dangerously contagious or infectious
22 disease. Physical examinations, tests, or collection of
23 laboratory specimens must not be such as are reasonably likely
24 to lead to serious harm to the affected individual. To prevent
25 the spread of a dangerously contagious or infectious disease,
26 the Department may, pursuant to the provisions of subsection

1 (c) of this Section, isolate or quarantine any person whose
2 refusal of physical examination or testing or collection of
3 laboratory specimens results in uncertainty regarding whether
4 he or she has been exposed to or is infected with a dangerously
5 contagious or infectious disease or otherwise poses a danger
6 to the public's health. An individual may refuse to consent to
7 a physical examination, test, or collection of laboratory
8 specimens. An individual shall be given a written notice that
9 shall include notice of the following: (i) that the individual
10 may refuse to consent to physical examination, test, or
11 collection of laboratory specimens; (ii) that if the
12 individual consents to physical examination, tests, or
13 collection of laboratory specimens, the results of that
14 examination, test, or collection of laboratory specimens may
15 subject the individual to isolation or quarantine pursuant to
16 the provisions of subsection (c) of this Section; (iii) that
17 if the individual refuses to consent to physical examination,
18 tests, or collection of laboratory specimens and that refusal
19 results in uncertainty regarding whether he or she has been
20 exposed to or is infected with a dangerously contagious or
21 infectious disease or otherwise poses a danger to the public's
22 health, the individual may be subject to isolation or
23 quarantine pursuant to the provisions of subsection (c) of
24 this Section; and (iv) that if the individual refuses to
25 consent to physical examinations, tests, or collection of
26 laboratory specimens and becomes subject to isolation and

1 quarantine as provided in this subsection (d), he or she shall
2 have the right to counsel pursuant to the provisions of
3 subsection (c) of this Section. To the extent feasible without
4 endangering the public's health, the Department shall respect
5 and accommodate the religious beliefs of individuals in
6 implementing this subsection.

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

1 medications, or other treatments and becomes subject to
2 isolation or quarantine as provided in this subsection (e), he
3 or she shall have the right to counsel pursuant to the
4 provisions of subsection (c) of this Section. To the extent
5 feasible without endangering the public's health, the
6 Department shall respect and accommodate the religious beliefs
7 of individuals in implementing this subsection.

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

1 results in uncertainty regarding whether he or she has been
2 exposed to or is infected with a dangerously contagious or
3 infectious disease or otherwise poses a danger to the public's
4 health, the individual may be subject to isolation or
5 quarantine pursuant to the provisions of subsection (c) of
6 this Section; and (iv) that if the individual refuses to
7 undergo observation and monitoring and becomes subject to
8 isolation or quarantine as provided in this subsection (f), he
9 or she shall have the right to counsel pursuant to the
10 provisions of subsection (c) of this Section.

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

1 fairly value the animals or related property in accordance
2 with the requirements of this Act. The oath, together with the
3 valuation fixed by the appraisers, shall be filed with the
4 Department and preserved by it. Upon the appraisal being made,
5 the owner or the Department shall immediately destroy the
6 animals by "humane euthanasia" as that term is defined in
7 Section 2.09 of the Humane Care for Animals Act. Dogs and cats,
8 however, shall be euthanized pursuant to the provisions of the
9 Humane Euthanasia in Animal Shelters Act. The owner or the
10 Department shall additionally, dispose of the carcasses, and
11 disinfect, change, or destroy the premises occupied by the
12 animals, in accordance with rules prescribed by the Department
13 governing such destruction and disinfection. Upon his or her
14 failure so to do or to cooperate with the Department, the
15 Department shall cause the animals or related property to be
16 destroyed and disposed of in the same manner, and thereupon
17 the owner shall forfeit all right to receive any compensation
18 for the destruction of the animals or related property. All
19 final administrative decisions of the Department hereunder
20 shall be subject to judicial review pursuant to the provisions
21 of the Administrative Review Law, and all amendments and
22 modifications thereof, and the rules adopted pursuant thereto.
23 The term "administrative decision" is defined as in Section
24 3-101 of the Code of Civil Procedure.

25 (h) To prevent the spread of a dangerously contagious or
26 infectious disease, the Department, local boards of health,

1 and local public health authorities shall have emergency
2 access to medical or health information or records or data
3 upon the condition that the Department, local boards of
4 health, and local public health authorities shall protect the
5 privacy and confidentiality of any medical or health
6 information or records or data obtained pursuant to this
7 Section in accordance with federal and State law.
8 Additionally, any such medical or health information or
9 records or data shall be exempt from inspection and copying
10 under the Freedom of Information Act. Other than a hearing for
11 the purpose of this Act, any information, records, reports,
12 statements, notes, memoranda, or other data in the possession
13 of the Department, local boards of health, or local public
14 health authorities shall not be admissible as evidence, nor
15 discoverable in any action of any kind in any court or before
16 any tribunal, board, agency, or person. The access to or
17 disclosure of any of this information or data by the
18 Department, a local board of health, or a local public
19 authority shall not waive or have any effect upon its
20 non-discoverability or non-admissibility. Any person,
21 facility, institution, or agency that provides emergency
22 access to health information and data under this subsection
23 shall have immunity from any civil or criminal liability, or
24 any other type of liability that might otherwise result by
25 reason of these actions except in the event of willful and
26 wanton misconduct. The privileged quality of communication

1 between any professional person or any facility shall not
2 constitute grounds for failure to provide emergency access.
3 Nothing in this subsection shall prohibit the sharing of
4 information as authorized in Section 2.1 of this Act. The
5 disclosure of any of this information, records, reports,
6 statements, notes, memoranda, or other data obtained in any
7 activity under this Act, except that necessary for the
8 purposes of this Act, is unlawful, and any person convicted of
9 violating this provision is guilty of a Class A misdemeanor.

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

21 (B) The Department may enter into contracts or
22 agreements with individuals, corporations, hospitals,
23 universities, not-for-profit corporations, governmental
24 entities, or other organizations, whereby those
25 individuals or entities agree to provide assistance in the
26 compilation of the syndromic data collection and reporting

1 system.

2 (C) The Department shall not release any syndromic
3 data or information obtained pursuant to this subsection
4 to any individuals or entities for purposes other than the
5 protection of the public health. All access to data by the
6 Department, reports made to the Department, the identity
7 of or facts that would tend to lead to the identity of the
8 individual who is the subject of the report, and the
9 identity of or facts that would tend to lead to the
10 identity of the author of the report shall be strictly
11 confidential, are not subject to inspection or
12 dissemination, and shall be used only for public health
13 purposes by the Department, local public health
14 authorities, or the Centers for Disease Control and
15 Prevention. Entities or individuals submitting reports or
16 providing access to the Department shall not be held
17 liable for the release of information or confidential data
18 to the Department in accordance with this subsection.

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

21 (j) This Section shall be considered supplemental to the
22 existing authority and powers of the Department and shall not
23 be construed to restrain or restrict the Department in
24 protecting the public health under any other provisions of the
25 law.

26 (k) Any person who knowingly or maliciously disseminates

1 any false information or report concerning the existence of
2 any dangerously contagious or infectious disease in connection
3 with the Department's power of quarantine, isolation and
4 closure or refuses to comply with a quarantine, isolation or
5 closure order is guilty of a Class A misdemeanor.

6 (l) The Department of Public Health may establish and
7 maintain a chemical and bacteriologic laboratory for the
8 examination of water and wastes, and for the diagnosis of
9 diphtheria, typhoid fever, tuberculosis, malarial fever and
10 such other diseases as it deems necessary for the protection
11 of the public health.

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

15 The terms "sanitary investigations and inspections" and
16 "sanitary practices" as used in this Act shall not include or
17 apply to "Public Water Supplies" or "Sewage Works" as defined
18 in the Environmental Protection Act. The Department may adopt
19 rules that are reasonable and necessary to implement and
20 effectuate this amendatory Act of the 93rd General Assembly.

21 (m) The public health measures set forth in subsections
22 (a) through (h) of this Section may be used by the Department
23 to respond to chemical, radiological, or nuclear agents or
24 events. The individual provisions of subsections (a) through
25 (h) of this Section apply to any order issued by the Department
26 under this Section. The provisions of subsection (k) apply to

1 chemical, radiological, or nuclear agents or events. Prior to
2 the Department issuing an order for public health measures set
3 forth in this Act for chemical, radiological, or nuclear
4 agents or events as authorized in subsection (m), the
5 Department and the Illinois Emergency Management Agency shall
6 consult in accordance with the Illinois emergency response
7 framework. When responding to chemical, radiological, or
8 nuclear agents or events, the Department shall determine the
9 health related risks and appropriate public health response
10 measures and provide recommendations for response to the
11 Illinois Emergency Management Agency. Nothing in this Section
12 shall supersede the current National Incident Management
13 System and the Illinois Emergency Operation Plan or response
14 plans and procedures established pursuant to IEMA statutes.

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

16 Section 15. The Hospital Licensing Act is amended by
17 changing Section 6.17 as follows:

18 (210 ILCS 85/6.17)

19 Sec. 6.17. Protection of and confidential access to
20 medical records and information.

21 (a) Every hospital licensed under this Act shall develop a
22 medical record for each of its patients as required by the
23 Department by rule.

24 (b) All information regarding a hospital patient gathered

1 by the hospital's medical staff and its agents and employees
2 shall be the property and responsibility of the hospital and
3 must be protected from inappropriate disclosure as provided in
4 this Section.

5 (c) Every hospital shall preserve its medical records in a
6 format and for a duration established by hospital policy and
7 for not less than 10 years, provided that if the hospital has
8 been notified in writing by an attorney before the expiration
9 of the 10 year retention period that there is litigation
10 pending in court involving the record of a particular patient
11 as possible evidence and that the patient is his client or is
12 the person who has instituted such litigation against his
13 client, then the hospital shall retain the record of that
14 patient until notified in writing by the plaintiff's attorney,
15 with the approval of the defendant's attorney of record, that
16 the case in court involving such record has been concluded or
17 for a period of 12 years from the date that the record was
18 produced, whichever occurs first in time.

19 (d) No member of a hospital's medical staff and no agent or
20 employee of a hospital shall disclose the nature or details of
21 services provided to patients, except that the information may
22 be disclosed to the patient, persons authorized by the
23 patient, the party making treatment decisions, if the patient
24 is incapable of making decisions regarding the health services
25 provided, those parties directly involved with providing
26 treatment to the patient or processing the payment for that

1 treatment, those parties responsible for peer review,
2 utilization review or quality assurance, risk management, or
3 defense of claims brought against the hospital arising out of
4 the care, and those parties required to be notified under the
5 Abused and Neglected Child Reporting Act, the Illinois
6 Sexually Transmitted Infection ~~Transmissible Disease~~ Control
7 Act, or where otherwise authorized or required by law.

8 (e) The hospital's medical staff members and the
9 hospital's agents and employees may communicate, at any time
10 and in any fashion, with legal counsel for the hospital
11 concerning the patient medical record privacy and retention
12 requirements of this Section and any care or treatment they
13 provided or assisted in providing to any patient within the
14 scope of their employment or affiliation with the hospital.

15 (e-5) Notwithstanding subsections (d) and (e), for actions
16 filed on or after January 1, 2004, after a complaint for
17 healing art malpractice is served upon the hospital or upon
18 its agents or employees, members of the hospital's medical
19 staff who are not actual or alleged agents, employees, or
20 apparent agents of the hospital may not communicate with legal
21 counsel for the hospital or with risk management of the
22 hospital concerning the claim alleged in the complaint for
23 healing art malpractice against the hospital except with the
24 patient's consent or in discovery authorized by the Code of
25 Civil Procedure or the Supreme Court rules. For the purposes
26 of this subsection (e-5), "hospital" includes a hospital

1 affiliate as defined in subsection (b) of Section 10.8 of this
2 Act.

3 (f) Each hospital licensed under this Act shall provide
4 its federally designated organ procurement agency and any
5 tissue bank with which it has an agreement with access to the
6 medical records of deceased patients for the following
7 purposes:

8 (1) estimating the hospital's organ and tissue
9 donation potential;

10 (2) identifying the educational needs of the hospital
11 with respect to organ and tissue donation; and

12 (3) identifying the number of organ and tissue
13 donations and referrals to potential organ and tissue
14 donors.

15 (g) All hospital and patient information, interviews,
16 reports, statements, memoranda, and other data obtained or
17 created by a tissue bank or federally designated organ
18 procurement agency from the medical records review described
19 in subsection (f) shall be privileged, strictly confidential,
20 and used only for the purposes put forth in subsection (f) of
21 this Section and shall not be admissible as evidence nor
22 discoverable in an action of any kind in court or before a
23 tribunal, board, agency, or person.

24 (h) Any person who, in good faith, acts in accordance with
25 the terms of this Section shall not be subject to any type of
26 civil or criminal liability or discipline for unprofessional

1 conduct for those actions under any professional licensing
2 statute.

3 (i) Any individual who wilfully or wantonly discloses
4 hospital or medical record information in violation of this
5 Section is guilty of a Class A misdemeanor. As used in this
6 subsection, "wilfully or wantonly" means a course of action
7 that shows an actual or deliberate intention to cause harm or
8 that, if not intentional, shows an utter indifference to or
9 conscious disregard for the safety of others or their
10 property.

11 (j) The changes to this Section made by this amendatory
12 Act of the 93rd General Assembly apply to any action filed on
13 or after January 1, 2004.

14 (Source: P.A. 93-492, eff. 1-1-04.)

15 Section 20. The Medical Practice Act of 1987 is amended by
16 changing Section 64 as follows:

17 (225 ILCS 60/64)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 64. Sexually Transmitted Infection ~~Transmissible~~
20 ~~Disease~~ Control Act. No licensee under this Act may be
21 disciplined for providing expedited partner therapy in
22 accordance with the provisions of the Illinois Sexually
23 Transmitted Infection ~~Transmissible Disease~~ Control Act.

24 (Source: P.A. 96-613, eff. 1-1-10.)

1 Section 25. The Nurse Practice Act is amended by changing
2 Section 70-170 as follows:

3 (225 ILCS 65/70-170)

4 (Section scheduled to be repealed on January 1, 2028)

5 Sec. 70-170. Sexually Transmitted Infection ~~Transmissible~~
6 ~~Disease~~ Control Act. No licensee under this Act may be
7 disciplined for providing expedited partner therapy in
8 accordance with the provisions of the Illinois Sexually
9 Transmitted Infection ~~Transmissible Disease~~ Control Act.
10 (Source: P.A. 96-613, eff. 1-1-10.)

11 Section 30. The Physician Assistant Practice Act of 1987
12 is amended by changing Section 25 as follows:

13 (225 ILCS 95/25)

14 (Section scheduled to be repealed on January 1, 2028)

15 Sec. 25. Sexually Transmitted Infection ~~Transmissible~~
16 ~~Disease~~ Control Act. No licensee under this Act may be
17 disciplined for providing expedited partner therapy in
18 accordance with the provisions of the Illinois Sexually
19 Transmitted Infection ~~Transmissible Disease~~ Control Act.
20 (Source: P.A. 96-613, eff. 1-1-10.)

21 Section 35. The Medical Patient Rights Act is amended by

1 changing Section 3 as follows:

2 (410 ILCS 50/3) (from Ch. 111 1/2, par. 5403)

3 Sec. 3. The following rights are hereby established:

4 (a) The right of each patient to care consistent with
5 sound nursing and medical practices, to be informed of the
6 name of the physician responsible for coordinating his or
7 her care, to receive information concerning his or her
8 condition and proposed treatment, to refuse any treatment
9 to the extent permitted by law, and to privacy and
10 confidentiality of records except as otherwise provided by
11 law.

12 (b) The right of each patient, regardless of source of
13 payment, to examine and receive a reasonable explanation
14 of his total bill for services rendered by his physician
15 or health care provider, including the itemized charges
16 for specific services received. Each physician or health
17 care provider shall be responsible only for a reasonable
18 explanation of those specific services provided by such
19 physician or health care provider.

20 (c) In the event an insurance company or health
21 services corporation cancels or refuses to renew an
22 individual policy or plan, the insured patient shall be
23 entitled to timely, prior notice of the termination of
24 such policy or plan.

25 An insurance company or health services corporation

1 that requires any insured patient or applicant for new or
2 continued insurance or coverage to be tested for infection
3 with human immunodeficiency virus (HIV) or any other
4 identified causative agent of acquired immunodeficiency
5 syndrome (AIDS) shall (1) give the patient or applicant
6 prior written notice of such requirement, (2) proceed with
7 such testing only upon the written authorization of the
8 applicant or patient, and (3) keep the results of such
9 testing confidential. Notice of an adverse underwriting or
10 coverage decision may be given to any appropriately
11 interested party, but the insurer may only disclose the
12 test result itself to a physician designated by the
13 applicant or patient, and any such disclosure shall be in
14 a manner that assures confidentiality.

15 The Department of Insurance shall enforce the
16 provisions of this subsection.

17 (d) The right of each patient to privacy and
18 confidentiality in health care. Each physician, health
19 care provider, health services corporation and insurance
20 company shall refrain from disclosing the nature or
21 details of services provided to patients, except that such
22 information may be disclosed: (1) to the patient, (2) to
23 the party making treatment decisions if the patient is
24 incapable of making decisions regarding the health
25 services provided, (3) for treatment in accordance with 45
26 CFR 164.501 and 164.506, (4) for payment in accordance

1 with 45 CFR 164.501 and 164.506, (5) to those parties
2 responsible for peer review, utilization review, and
3 quality assurance, (6) for health care operations in
4 accordance with 45 CFR 164.501 and 164.506, (7) to those
5 parties required to be notified under the Abused and
6 Neglected Child Reporting Act or the Illinois Sexually
7 Transmitted Infection ~~Transmissible Disease~~ Control Act,
8 or (8) as otherwise permitted, authorized, or required by
9 State or federal law. This right may be waived in writing
10 by the patient or the patient's guardian or legal
11 representative, but a physician or other health care
12 provider may not condition the provision of services on
13 the patient's, guardian's, or legal representative's
14 agreement to sign such a waiver. In the interest of public
15 health, safety, and welfare, patient information,
16 including, but not limited to, health information,
17 demographic information, and information about the
18 services provided to patients, may be transmitted to or
19 through a health information exchange, as that term is
20 defined in Section 2 of the Mental Health and
21 Developmental Disabilities Confidentiality Act, in
22 accordance with the disclosures permitted pursuant to this
23 Section. Patients shall be provided the opportunity to opt
24 out of their health information being transmitted to or
25 through a health information exchange in accordance with
26 Section 9.6 of the Mental Health and Developmental

1 Disabilities Confidentiality Act, Section 9.6 of the AIDS
2 Confidentiality Act, or Section 31.8 of the Genetic
3 Information Privacy Act, as applicable. In the case of a
4 patient choosing to opt out of having his or her
5 information available on an HIE, nothing in this Act shall
6 cause the physician or health care provider to be liable
7 for the release of a patient's health information by other
8 entities that may possess such information, including, but
9 not limited to, other health professionals, providers,
10 laboratories, pharmacies, hospitals, ambulatory surgical
11 centers, and nursing homes.

12 (Source: P.A. 103-508, eff. 8-4-23.)

13 Section 40. The Illinois Sexually Transmissible Disease
14 Control Act is amended by changing the title of the Act and
15 Sections 1, 2, 3, 4, 5, 5.5, 6, 7, 8, and 9 as follows:

16 (410 ILCS 325/Act title)

17 An Act in relation to sexually transmitted infection
18 ~~transmissible disease~~ control, amending an Act herein named.

19 (410 ILCS 325/1) (from Ch. 111 1/2, par. 7401)

20 Sec. 1. Short title. This Act shall be known and may be
21 cited as the Illinois Sexually Transmitted Infection
22 ~~Transmissible Disease~~ Control Act.

23 (Source: P.A. 85-681.)

1 (410 ILCS 325/2) (from Ch. 111 1/2, par. 7402)

2 Sec. 2. Findings; intent. The General Assembly finds and
3 declares that sexually transmitted infections ~~transmissible~~
4 ~~diseases~~ constitute a serious and sometimes fatal threat to
5 the public and individual health and welfare of the people of
6 the State and visitors to the State. The General Assembly
7 finds that the incidence of sexually transmitted infections
8 ~~transmissible diseases~~ is rising at an alarming rate and that
9 these infections ~~diseases~~ result in significant social, health
10 and economic costs, including infant and maternal mortality,
11 temporary and lifelong disability and premature death. The
12 General Assembly finds that sexually transmitted infections
13 ~~transmissible diseases~~, by their nature, involve sensitive
14 issues of privacy, and it is the intent of the General Assembly
15 that all programs designed to deal with these infections
16 ~~diseases~~ afford patients privacy, confidentiality and dignity.
17 The General Assembly finds that medical knowledge and
18 information about sexually transmitted infections
19 ~~transmissible diseases~~ are rapidly changing. The General
20 Assembly intends to provide a program that is sufficiently
21 flexible to meet emerging needs, deals efficiently and
22 effectively with reducing the incidence of sexually
23 transmitted infections ~~transmissible diseases~~, and provides
24 patients with a secure knowledge that information they provide
25 will remain private and confidential.

1 (Source: P.A. 85-681.)

2 (410 ILCS 325/3) (from Ch. 111 1/2, par. 7403)

3 Sec. 3. Definitions. As used in this Act, unless the
4 context clearly requires otherwise:

5 (1) "Department" means the Department of Public Health.

6 (2) "Local health authority" means the full-time official
7 health department or board of health, as recognized by the
8 Department, having jurisdiction over a particular area.

9 (3) "Sexually transmitted infections ~~transmissible~~
10 ~~disease~~" means a bacterial, viral, fungal or parasitic
11 infection ~~disease~~, determined by rule of the Department to be
12 sexually transmissible, to be a threat to the public health
13 and welfare, and to be an infection ~~a disease~~ for which a
14 legitimate public interest will be served by providing for
15 regulation and treatment. In considering which infections
16 ~~diseases~~ are to be designated sexually transmitted infections
17 ~~transmissible diseases~~, the Department shall consider such
18 infections ~~diseases~~ as chancroid, gonorrhea, granuloma
19 inguinale, lymphogranuloma venereum, genital herpes simplex,
20 chlamydia, human papillomavirus (HPV), mpox, nongonococcal
21 urethritis (NGU), pelvic inflammatory disease (PID)/Acute
22 Salpingitis, syphilis, Acquired Immunodeficiency Syndrome
23 (AIDS), and Human Immunodeficiency Virus (HIV) for
24 designation, and shall consider the recommendations and
25 classifications of the Centers for Disease Control and other

1 nationally recognized medical authorities. Not all infections
2 ~~diseases~~ that are sexually transmissible need be designated
3 for purposes of this Act.

4 (4) "Health care professional" means a physician licensed
5 to practice medicine in all its branches, a licensed physician
6 assistant, or a licensed advanced practice registered nurse.

7 (5) "Expedited partner therapy" means to prescribe,
8 dispense, furnish, or otherwise provide prescription
9 antibiotic drugs to the partner or partners of persons
10 clinically diagnosed as infected with a sexually transmitted
11 infection ~~transmissible disease~~, without physical examination
12 of the partner or partners.

13 (Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18.)

14 (410 ILCS 325/4) (from Ch. 111 1/2, par. 7404)

15 Sec. 4. Reporting required.

16 (a) A physician licensed under the provisions of the
17 Medical Practice Act of 1987, an advanced practice registered
18 nurse licensed under the provisions of the Nurse Practice Act,
19 or a physician assistant licensed under the provisions of the
20 Physician Assistant Practice Act of 1987 who makes a diagnosis
21 of or treats a person with a sexually transmitted infection
22 ~~transmissible disease~~ and each laboratory that performs a test
23 for a sexually transmitted infection ~~transmissible disease~~
24 which concludes with a positive result shall report such facts
25 as may be required by the Department by rule, within such time

1 period as the Department may require by rule, but in no case to
2 exceed 2 weeks.

3 (b) The Department shall adopt rules specifying the
4 information required in reporting a sexually transmitted
5 infection ~~transmissible disease~~, the method of reporting and
6 specifying a minimum time period for reporting. In adopting
7 such rules, the Department shall consider the need for
8 information, protections for the privacy and confidentiality
9 of the patient, and the practical abilities of persons and
10 laboratories to report in a reasonable fashion.

11 (c) Any person who knowingly or maliciously disseminates
12 any false information or report concerning the existence of
13 any sexually transmitted infections ~~transmissible disease~~
14 under this Section is guilty of a Class A misdemeanor.

15 (d) Any person who violates the provisions of this Section
16 or the rules adopted hereunder may be fined by the Department
17 up to \$500 for each violation. The Department shall report
18 each violation of this Section to the regulatory agency
19 responsible for licensing a health care professional or a
20 laboratory to which these provisions apply.

21 (Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18.)

22 (410 ILCS 325/5) (from Ch. 111 1/2, par. 7405)

23 Sec. 5. Contact investigation. (a) The Department shall
24 adopt rules authorizing interviews and its authorized
25 representatives may interview, or cause to be interviewed, all

1 persons infected with a sexually transmitted infection
2 ~~transmissible disease~~ and all persons whom the Department
3 reasonably believes may be infected with such infection
4 ~~disease~~ for the purpose of investigating the source and spread
5 of the infection ~~disease~~ and for the purpose of ordering a
6 person to submit to examination and treatment as necessary for
7 the protection of the public health and safety.

8 (b) All information gathered in the course of contact
9 investigation pursuant to this Section shall be considered
10 confidential and subject to the provisions of Section 8 of
11 this Act. Such information shall be exempt from inspection and
12 copying under The Freedom of Information Act, as amended.

13 (c) No person contacted under this Section or reasonably
14 believed to be infected with a sexually transmitted infection
15 ~~transmissible disease~~ who reveals the name or names of sexual
16 contacts during the course of an investigation shall be held
17 liable in a civil action for such revelation, unless the
18 revelation is made falsely or with reckless disregard for the
19 truth.

20 (d) Any person who knowingly or maliciously disseminates
21 any false information or report concerning the existence of
22 any sexually transmitted infection ~~transmissible disease~~ under
23 this Section is guilty of a Class A misdemeanor.

24 (Source: P.A. 85-681.)

25 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

1 Sec. 5.5. Risk assessment.

2 (a) Whenever the Department receives a report of HIV
3 infection or AIDS pursuant to this Act and the Department
4 determines that the subject of the report may present or may
5 have presented a possible risk of HIV transmission, the
6 Department shall, when medically appropriate, investigate the
7 subject of the report and that person's contacts as defined in
8 subsection (c), to assess the potential risks of transmission.
9 Any investigation and action shall be conducted in a timely
10 fashion. All contacts other than those defined in subsection
11 (c) shall be investigated in accordance with Section 5 of this
12 Act.

13 (b) If the Department determines that there is or may have
14 been potential risks of HIV transmission from the subject of
15 the report to other persons, the Department shall afford the
16 subject the opportunity to submit any information and comment
17 on proposed actions the Department intends to take with
18 respect to the subject's contacts who are at potential risk of
19 transmission of HIV prior to notification of the subject's
20 contacts. The Department shall also afford the subject of the
21 report the opportunity to notify the subject's contacts in a
22 timely fashion who are at potential risk of transmission of
23 HIV prior to the Department taking any steps to notify such
24 contacts. If the subject declines to notify such contacts or
25 if the Department determines the notices to be inadequate or
26 incomplete, the Department shall endeavor to notify such other

1 persons of the potential risk, and offer testing and
2 counseling services to these individuals. When the contacts
3 are notified, they shall be informed of the disclosure
4 provisions of the AIDS Confidentiality Act and the penalties
5 therein and this Section.

6 (c) Contacts investigated under this Section shall in the
7 case of HIV infection include (i) individuals who have
8 undergone invasive procedures performed by an HIV infected
9 health care provider and (ii) health care providers who have
10 performed invasive procedures for persons infected with HIV,
11 provided the Department has determined that there is or may
12 have been potential risk of HIV transmission from the health
13 care provider to those individuals or from infected persons to
14 health care providers. The Department shall have access to the
15 subject's records to review for the identity of contacts. The
16 subject's records shall not be copied or seized by the
17 Department.

18 For purposes of this subsection, the term "invasive
19 procedures" means those procedures termed invasive by the
20 Centers for Disease Control in current guidelines or
21 recommendations for the prevention of HIV transmission in
22 health care settings, and the term "health care provider"
23 means any physician, dentist, podiatric physician, advanced
24 practice registered nurse, physician assistant, nurse, or
25 other person providing health care services of any kind.

26 (d) All information and records held by the Department and

1 local health authorities pertaining to activities conducted
2 pursuant to this Section shall be strictly confidential and
3 exempt from copying and inspection under the Freedom of
4 Information Act. Such information and records shall not be
5 released or made public by the Department or local health
6 authorities, and shall not be admissible as evidence, nor
7 discoverable in any action of any kind in any court or before
8 any tribunal, board, agency or person and shall be treated in
9 the same manner as the information and those records subject
10 to the provisions of Part 21 of Article VIII of the Code of
11 Civil Procedure except under the following circumstances:

12 (1) When made with the written consent of all persons
13 to whom this information pertains;

14 (2) (Blank); or

15 (3) When made by the Department for the purpose of
16 seeking a warrant authorized by Sections 6 and 7 of this
17 Act. Such disclosure shall conform to the requirements of
18 subsection (a) of Section 8 of this Act.

19 (e) Any person who knowingly or maliciously disseminates
20 any information or report concerning the existence of any
21 infection ~~disease~~ under this Section is guilty of a Class A
22 misdemeanor.

23 (Source: P.A. 102-168, eff. 7-27-21.)

24 (410 ILCS 325/6) (from Ch. 111 1/2, par. 7406)

25 Sec. 6. Physical examination and treatment.

1 (a) Subject to the provisions of subsection (c) of this
2 Section, the Department and its authorized representatives may
3 examine or cause to be examined persons reasonably believed to
4 be infected with or to have been exposed to a sexually
5 transmitted infection ~~transmissible disease~~.

6 (b) Subject to the provisions of subsection (c) of this
7 Section, persons with a sexually transmitted infection
8 ~~transmissible disease~~ shall report for complete treatment to a
9 physician licensed under the provisions of the Medical
10 Practice Act of 1987, or shall submit to treatment at a
11 facility provided by a local health authority or other public
12 facility, as the Department shall require by rule or
13 regulation until the infection ~~disease~~ is noncommunicable or
14 the Department determines that the person does not present a
15 real and present danger to the public health. This subsection
16 (b) shall not be construed to require the Department or local
17 health authorities to pay for or provide such treatment.

18 (c) No person shall be apprehended, examined or treated
19 for a sexually transmitted infection ~~transmissible disease~~
20 against his will, under the provisions of this Act, except
21 upon the presentation of a warrant duly authorized by a court
22 of competent jurisdiction. In requesting the issuance of such
23 a warrant the Department shall show by a preponderance of
24 evidence that the person is infectious and that a real and
25 present danger to the public health and welfare exists unless
26 such warrant is issued and shall show that all other

1 reasonable means of obtaining compliance have been exhausted
2 and that no other less restrictive alternative is available.
3 The court shall require any proceedings authorized by this
4 subsection (c) to be conducted in camera. A record shall be
5 made of such proceedings but shall be sealed, impounded and
6 preserved in the records of the court, to be made available to
7 the reviewing court in the event of an appeal.

8 (d) Any person who knowingly or maliciously disseminates
9 any false information or report concerning the existence of
10 any sexually transmitted infection ~~transmissible disease~~ under
11 this Section is guilty of a Class A misdemeanor.

12 (e) Taking into account the recommendations of the U.S.
13 Centers for Disease Control and Prevention and other
14 nationally recognized medical authorities, the Department
15 shall provide information and technical assistance as
16 appropriate to health care professionals who provide expedited
17 partner therapy services for persons with sexually transmitted
18 infections ~~transmissible diseases~~.

19 (1) Notwithstanding any other provision of law, a
20 health care professional who makes a clinical diagnosis of
21 chlamydia, gonorrhea, or trichomoniasis may prescribe,
22 dispense, furnish, or otherwise provide prescription
23 antibiotic drugs to the infected person's sexual partner
24 or partners for the treatment of the sexually transmitted
25 infection ~~transmissible disease~~ without physical
26 examination of the partner or partners, if in the judgment

1 of the health care professional the partner is unlikely or
2 unable to present for comprehensive healthcare, including
3 evaluation, testing, and treatment for sexually
4 transmitted infections ~~transmissible diseases~~. Expedited
5 partner therapy shall be limited to partners who may have
6 been exposed to a sexually transmitted infection
7 ~~transmissible disease~~ within the previous 60 days, if the
8 patient is able to contact the partner.

9 (2) Health care professionals who provide expedited
10 partner therapy shall comply with Sections 4 and 5 of this
11 ~~the Illinois Sexually Transmissible Disease Control~~ Act.

12 (3) Health care professionals who provide expedited
13 partner therapy shall provide counseling for the patient
14 and written materials provided by the Department to be
15 given by the patient to the partner or partners that
16 include at a minimum the following:

17 (A) a warning that a woman who is pregnant or might
18 be pregnant must not take certain antibiotics and must
19 immediately contact a health care professional for an
20 examination, and a recommendation for such an
21 examination;

22 (B) information about the antibiotic and dosage
23 provided or prescribed; clear and explicit allergy and
24 side effect warnings, including a warning that a
25 partner who has a history of allergy to the antibiotic
26 or the pharmaceutical class of antibiotic must not

1 take the antibiotic and must be immediately examined
2 by a health care professional, and a recommendation
3 for such an examination;

4 (C) information about the treatment and prevention
5 of sexually transmitted infections ~~transmissible~~
6 ~~diseases~~;

7 (D) the requirement of abstinence until a period
8 of time after treatment to prevent infecting others;

9 (E) notification of the importance of the partner
10 or partners of the patient to receive examination and
11 testing for HIV and other sexually transmitted
12 infections ~~transmissible diseases~~, and available
13 resources;

14 (F) notification of the risk to self, others, and
15 the public health if the sexually transmitted
16 infection ~~transmissible disease~~ is not completely and
17 successfully treated;

18 (G) the responsibility of the partner or partners
19 to inform his or her sex partner or partners of the
20 risk of sexually transmitted infection ~~transmissible~~
21 ~~disease~~ and the importance of prompt examination and
22 treatment; and

23 (H) other information as deemed necessary by the
24 Department.

25 (4) The Department shall develop and disseminate in
26 electronic and other formats the following written

1 materials:

2 (A) informational materials for partners, as
3 required in item (3) of this subsection (e);

4 (B) informational materials for persons who are
5 repeatedly diagnosed with sexually transmitted
6 infections ~~transmissible diseases~~; and

7 (C) guidance for health care professionals on the
8 safe and effective provision of expedited partner
9 therapy.

10 The Department may offer educational programs about
11 expedited partner therapy for health care professionals
12 and pharmacists licensed under the Pharmacy Practice Act.

13 (5) A health care professional prescribing,
14 dispensing, furnishing, or otherwise providing in good
15 faith without fee or compensation prescription antibiotics
16 to partners under this subsection (e) and providing
17 counseling and written materials as required by item (3)
18 of this subsection (e) shall not be subject to civil or
19 professional liability, except for willful and wanton
20 misconduct. A health care professional shall not be
21 subject to civil or professional liability for choosing
22 not to provide expedited partner therapy.

23 (6) A pharmacist or pharmacy shall not be subject to
24 civil or professional liability for choosing not to fill a
25 prescription that would cause the pharmacist or pharmacy
26 to violate any provision of the Pharmacy Practice Act,

1 including the definition of "prescription" set forth in
2 subsection (e) of Section 3 of the Pharmacy Practice Act
3 or the definition of "drug regimen review" set forth in
4 subsection (y) of Section 3 of the Pharmacy Practice Act.
5 (Source: P.A. 102-185, eff. 1-1-22.)

6 (410 ILCS 325/7) (from Ch. 111 1/2, par. 7407)

7 Sec. 7. Quarantine and isolation.

8 (a) Subject to the provisions of subsection (b) of this
9 Section, the Department may order a person to be isolated or a
10 place to be quarantined and made off limits to the public to
11 prevent the probable spread of a sexually transmitted
12 infection ~~transmissible disease~~, until such time as the
13 condition can be corrected or the danger to the public health
14 eliminated or reduced in such a manner that no substantial
15 danger to the public's health any longer exists.

16 (b) No person may be ordered to be isolated, and no place
17 may be ordered to be quarantined, except with the consent of
18 such person or owner of such place or upon the order of a court
19 of competent jurisdiction and upon proof by the Department, by
20 clear and convincing evidence, that the public's health and
21 welfare are significantly endangered by a person with a
22 sexually transmitted infection ~~transmissible disease~~ or by a
23 place where there is a significant amount of sexual activity
24 likely to spread a sexually transmitted infection
25 ~~transmissible disease~~, and upon proof that all other

1 reasonable means of correcting the problem have been exhausted
2 and no less restrictive alternative exists.

3 (c) This Section shall be considered supplemental to the
4 existing authorities and powers of the Department, and shall
5 not be construed to restrain or restrict the Department in
6 protecting the public health under any other provisions of the
7 law.

8 (d) Any person who knowingly or maliciously disseminates
9 any false information or report concerning the existence of
10 any sexually transmitted infection ~~transmissible disease~~ in
11 connection with the Department's power of quarantine and
12 isolation is guilty of a Class A misdemeanor.

13 (Source: P.A. 85-681.)

14 (410 ILCS 325/8) (from Ch. 111 1/2, par. 7408)

15 Sec. 8. Confidentiality.

16 (a) All information and records held by the Department and
17 its authorized representatives relating to known or suspected
18 cases of sexually transmitted infections ~~transmissible~~
19 ~~diseases~~ shall be strictly confidential and exempt from
20 inspection and copying under The Freedom of Information Act,
21 as amended. The Department and its authorized representatives
22 shall not disclose information and records held by them
23 relating to known or suspected cases of sexually transmitted
24 infections ~~transmissible diseases~~ publicly or in any action of
25 any kind in any court or before any tribunal, board, or agency,

1 and such information shall not be released or made public by a
2 court conducting proceedings authorized by subsection (c) of
3 Section 6 of this Act, except that release of such information
4 may be made under the following circumstances:

5 (1) When made with the consent of all persons to which
6 the information applies;

7 (2) When made for statistical purposes and medical or
8 epidemiologic information is summarized so that no person
9 can be identified and no names are revealed;

10 (3) When made to medical personnel, appropriate State
11 agencies or courts of appropriate jurisdiction to enforce
12 the provisions of this Act and related rules; or

13 (4) When made to persons determined by the Department
14 to be or have been at potential risk of HIV transmission
15 pursuant to Section 5.5 of this Act.

16 (b) (Blank).

17 (c) A court hearing a request for the issuance of a warrant
18 as authorized in subsection (c) of Section 6 of this Act shall
19 conduct such proceedings in camera. A record shall be made of
20 authorized proceedings but shall be sealed, impounded and
21 preserved in the records of the court, to be made available to
22 the reviewing court in the event of an appeal.

23 (d) No employee of the Department or its authorized
24 representatives shall be examined in a civil, criminal,
25 special or other proceeding concerning the existence or
26 contents of pertinent records of a person examined or treated

1 for a sexually transmitted infection ~~transmissible disease~~ by
2 the Department or its authorized representatives pursuant to
3 the provisions of this Act, or concerning the existence or
4 contents of such reports received from a private physician or
5 private health facility, pursuant to the provisions of this
6 Act, without the consent of the person examined and treated
7 for such infections ~~diseases~~, except in proceedings under
8 Sections 6 and 7 of this Act.

9 (e) Any person who knowingly violates the confidentiality
10 provisions of this Section is guilty of a Class A misdemeanor.

11 (f) Any person who knowingly or maliciously disseminates
12 any false information or report concerning the existence of
13 any sexually transmitted infection ~~transmissible disease~~ under
14 this Section is guilty of a Class A misdemeanor.

15 (Source: P.A. 89-381, eff. 8-18-95.)

16 (410 ILCS 325/9) (from Ch. 111 1/2, par. 7409)

17 Sec. 9. Prisoners.

18 (a) The Department and its authorized representatives may,
19 at its discretion, enter any State, county or municipal
20 detention facility to interview, examine and treat any
21 prisoner for a sexually transmitted infection ~~transmissible~~
22 ~~disease~~. Any such State, county or municipal detention
23 facility shall cooperate with the Department and its
24 authorized representative to provide such space as is
25 necessary for the examination and treatment of all prisoners

1 suffering from or suspected of having a sexually transmitted
2 infection ~~transmissible disease~~.

3 (b) Nothing in this Section shall be construed as
4 relieving the Department of Corrections or any county or
5 municipality of their primary responsibility for providing
6 medical treatment for prisoners under their jurisdiction,
7 including treatment for sexually transmitted infections
8 ~~transmissible diseases~~.

9 (c) Any person who knowingly or maliciously disseminates
10 any false information or report concerning the existence of
11 any sexually transmitted infection ~~transmissible disease~~ under
12 this Section is guilty of a Class A misdemeanor.

13 (d) The Department, in consultation with the Department of
14 Corrections, shall develop and implement written procedures
15 that establish a process for confidentially notifying and
16 recommending sexually transmitted infection ~~transmissible~~
17 ~~disease~~ testing of the contacts of a committed person who has
18 been diagnosed with a sexually transmitted infection
19 ~~transmissible disease~~ and for notifying and recommending
20 sexually transmitted infection ~~transmissible disease~~ testing
21 of a committed person who has had contact with one diagnosed
22 with a sexually transmitted infection ~~transmissible disease~~.
23 The process shall be in accordance with Sections 3, 5, and 8 of
24 this Act.

25 (Source: P.A. 97-928, eff. 8-10-12.)

1 Section 45. The Abused and Neglected Child Reporting Act
2 is amended by changing Section 5 as follows:

3 (325 ILCS 5/5) (from Ch. 23, par. 2055)

4 Sec. 5. An officer of a local law enforcement agency,
5 designated employee of the Department, or a physician treating
6 a child may take or retain temporary protective custody of the
7 child without the consent of the person responsible for the
8 child's welfare, if (1) the officer of a local law enforcement
9 agency, designated employee of the Department, or a physician
10 treating a child has reason to believe that the child cannot be
11 cared for at home or in the custody of the person responsible
12 for the child's welfare without endangering the child's health
13 or safety; and (2) there is not time to apply for a court order
14 under the Juvenile Court Act of 1987 for temporary custody of
15 the child. The person taking or retaining a child in temporary
16 protective custody shall immediately make every reasonable
17 effort to notify the person responsible for the child's
18 welfare and shall immediately notify the Department. The
19 Department shall provide to the temporary caretaker of a child
20 any information in the Department's possession concerning the
21 positive results of a test performed on the child to determine
22 the presence of the antibody or antigen to Human
23 Immunodeficiency Virus (HIV), or of HIV infection, as well as
24 any communicable diseases or communicable infections that the
25 child has. The temporary caretaker of a child shall not

1 disclose to another person any information received by the
2 temporary caretaker from the Department concerning the results
3 of a test performed on the child to determine the presence of
4 the antibody or antigen to HIV, or of HIV infection, except
5 pursuant to Section 9 of the AIDS Confidentiality Act, as now
6 or hereafter amended. The Department shall promptly initiate
7 proceedings under the Juvenile Court Act of 1987 for the
8 continued temporary custody of the child.

9 Where the physician keeping a child in the physician's
10 custody does so in the physician's capacity as a member of the
11 staff of a hospital or similar institution, the physician
12 shall notify the person in charge of the institution or the
13 designated agent of the person in charge, who shall then
14 become responsible for the further care of such child in the
15 hospital or similar institution under the direction of the
16 Department.

17 Said care includes, but is not limited to the granting of
18 permission to perform emergency medical treatment to a minor
19 where the treatment itself does not involve a substantial risk
20 of harm to the minor and the failure to render such treatment
21 will likely result in death or permanent harm to the minor, and
22 there is not time to apply for a court order under the Juvenile
23 Court Act of 1987.

24 Any person authorized and acting in good faith in the
25 removal of a child under this Section shall have immunity from
26 any liability, civil or criminal, that might otherwise be

1 incurred or imposed as a result of such removal. Any physician
2 authorized and acting in good faith and in accordance with
3 acceptable medical practice in the treatment of a child under
4 this Section shall have immunity from any liability, civil or
5 criminal, that might otherwise be incurred or imposed as a
6 result of granting permission for emergency treatment.

7 With respect to any child taken into temporary protective
8 custody pursuant to this Section, the Department of Children
9 and Family Services Guardianship Administrator or the
10 Guardianship Administrator's designee shall be deemed the
11 child's legally authorized representative for purposes of
12 consenting to an HIV test if deemed necessary and appropriate
13 by the Department's Guardianship Administrator or the
14 Guardianship Administrator's designee and obtaining and
15 disclosing information concerning such test pursuant to the
16 AIDS Confidentiality Act if deemed necessary and appropriate
17 by the Department's Guardianship Administrator or the
18 Guardianship Administrator's designee and for purposes of
19 consenting to the release of information pursuant to the
20 Illinois Sexually Transmitted Infection ~~Transmissible Disease~~
21 Control Act if deemed necessary and appropriate by the
22 Department's Guardianship Administrator or designee.

23 Any person who administers an HIV test upon the consent of
24 the Department of Children and Family Services Guardianship
25 Administrator or the Guardianship Administrator's designee, or
26 who discloses the results of such tests to the Department's

1 Guardianship Administrator or the Guardianship Administrator's
2 designee, shall have immunity from any liability, civil,
3 criminal or otherwise, that might result by reason of such
4 actions. For the purpose of any proceedings, civil or
5 criminal, the good faith of any persons required to administer
6 or disclose the results of tests, or permitted to take such
7 actions, shall be presumed.

8 (Source: P.A. 103-22, eff. 8-8-23.)

9 Section 50. The Perinatal HIV Prevention Act is amended by
10 changing Section 15 as follows:

11 (410 ILCS 335/15)

12 Sec. 15. Reporting.

13 (a) Health care facilities shall adopt a policy that
14 provides that a report of a preliminarily HIV-positive woman
15 identified by a rapid HIV test or a report of a preliminarily
16 HIV-exposed newborn infant identified by a rapid HIV test
17 shall be made to the Department's Perinatal HIV Hotline within
18 12 hours but not later than 24 hours of the test result.
19 Section 15 of the AIDS Confidentiality Act applies to
20 reporting under this Act, except that the immunities set forth
21 in that Section do not apply in cases of willful or wanton
22 misconduct.

23 (b) The Department shall adopt rules specifying the
24 information required in reporting the preliminarily

1 HIV-positive pregnant or post-partum woman and preliminarily
2 HIV-exposed newborn infant and the method of reporting. In
3 adopting the rules, the Department shall consider the need for
4 information, protections for the privacy and confidentiality
5 of the infant and parents, the need to provide access to care
6 and follow-up services to the infant, and procedures for
7 destruction of records maintained by the Department if,
8 through subsequent HIV testing, the pregnant or post-partum
9 woman or newborn infant is found to be HIV-negative.

10 (c) The confidentiality provisions of the AIDS
11 Confidentiality Act shall apply to the reports of cases of
12 perinatal HIV made pursuant to this Section.

13 (d) Health care facilities shall monthly report aggregate
14 statistics to the Department that include the number of
15 pregnant or delivering women who presented with known HIV
16 status; the number of pregnant women rapidly tested for HIV in
17 labor and delivery as either a first HIV test or a repeat third
18 trimester HIV test; the number of newborn infants rapidly
19 tested for HIV-exposure because the HIV status of the
20 delivering woman was unknown in the third trimester, or the
21 delivering woman refused testing; the number of preliminarily
22 HIV-positive pregnant or delivering women and preliminarily
23 HIV-exposed newborn infants identified; the number of families
24 referred to case management; and other information the
25 Department determines is necessary to measure progress under
26 the provisions of this Act. Health care facilities must report

1 the confirmatory test result when it becomes available for
2 each preliminarily positive rapid HIV test performed on the
3 pregnant or delivering woman and on a newborn.

4 (e) The Department or its authorized representative shall
5 provide case management services to the preliminarily positive
6 pregnant or post-partum woman or the parent or guardian of the
7 preliminarily positive newborn infant to ensure access to
8 treatment and care and other services where the pregnant or
9 post-partum woman or the parent or guardian of the newborn
10 infant has consented to the services.

11 (f) Every health care facility caring for a newborn infant
12 whose mother had been diagnosed HIV positive prior to labor
13 and delivery shall report a case of perinatal HIV exposure in
14 accordance with the HIV/AIDS Registry Act, the Illinois
15 Sexually Transmitted Infection ~~Transmissible Disease~~ Control
16 Act, and rules to be developed by the Department. If after 18
17 months from the date that the report was submitted, a newborn
18 infant is determined to not have HIV or AIDS, the Department
19 shall remove the newborn infant's name from all reports,
20 records, and files collected or created under this subsection
21 (f).

22 (Source: P.A. 100-265, eff. 8-22-17.)

23 Section 55. The Juvenile Court Act of 1987 is amended by
24 changing Section 2-11 as follows:

1 (705 ILCS 405/2-11) (from Ch. 37, par. 802-11)

2 Sec. 2-11. Medical and dental treatment and care. At all
3 times during temporary custody or shelter care, the court may
4 authorize a physician, a hospital or any other appropriate
5 health care provider to provide medical, dental or surgical
6 procedures if such procedures are necessary to safeguard the
7 minor's life or health.

8 With respect to any minor for whom the Department of
9 Children and Family Services Guardianship Administrator is
10 appointed the temporary custodian, the Guardianship
11 Administrator or the Guardianship Administrator's designee
12 shall be deemed the minor's legally authorized representative
13 for purposes of consenting to an HIV test and obtaining and
14 disclosing information concerning such test pursuant to the
15 AIDS Confidentiality Act and for purposes of consenting to the
16 release of information pursuant to the Illinois Sexually
17 Transmitted Infection ~~Transmissible Disease~~ Control Act.

18 Any person who administers an HIV test upon the consent of
19 the Department of Children and Family Services Guardianship
20 Administrator or the Guardianship Administrator's designee, or
21 who discloses the results of such tests to the Department's
22 Guardianship Administrator or the Guardianship Administrator's
23 designee, shall have immunity from any liability, civil,
24 criminal or otherwise, that might result by reason of such
25 actions. For the purpose of any proceedings, civil or
26 criminal, the good faith of any persons required to administer

1 or disclose the results of tests, or permitted to take such
2 actions, shall be presumed.

3 (Source: P.A. 103-22, eff. 8-8-23.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.