

1 AMENDMENT TO HOUSE BILL 6

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 6 on page 1, by  
3 replacing line 24 with the following:

4 "amended by changing Section 2305-2 and by adding Sections  
5 2305-2.1 and 2310-50.5 as follows:

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

7 Sec. 2. Powers.

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

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

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

23 (3) Sanitary practices relating to rest room

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

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

6 The provisions of the Illinois Administrative Procedure  
7 Act are hereby expressly adopted and shall apply to all  
8 administrative rules and procedures promulgated by of the  
9 Department of Public Health under this Act, except that: (i)  
10 to the extent that this Act conflicts with the Illinois  
11 Administrative Procedure Act, the provisions of this Act  
12 shall control; (ii) Section 5-35 of the Illinois  
13 Administrative Procedure Act relating to procedures for  
14 rule-making does not apply to the adoption of any rule  
15 required by federal law in connection with which the  
16 Department is precluded by law from exercising any  
17 discretion; and (iii) Section 5-45 of the Illinois  
18 Administrative Procedure Act relating to limitations on  
19 emergency rulemaking does not apply to the adoption of any  
20 rule under Section 2.1 of this Act.

21 All local boards of health, health authorities and  
22 officers, police officers, sheriffs and all other officers  
23 and employees of the state or any locality shall enforce the  
24 rules and regulations so adopted.

25 The Department of Public Health shall conduct a public  
26 information campaign to inform Hispanic women of the high  
27 incidence of breast cancer and the importance of mammograms  
28 and where to obtain a mammogram. This requirement may be  
29 satisfied by translation into Spanish and distribution of the  
30 breast cancer summaries required by Section 2310-345 of the  
31 Department of Public Health Powers and Duties Law (20 ILCS  
32 2310/2310-345). The information provided by the Department of  
33 Public Health shall include (i) a statement that mammography  
34 is the most accurate method for making an early detection of

1 breast cancer, however, no diagnostic tool is 100% effective  
2 and (ii) instructions for performing breast self-examination  
3 and a statement that it is important to perform a breast  
4 self-examination monthly.

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

21 (b) Subject to the provisions of subsection (c), the  
22 Department may order a person to be quarantined or isolated  
23 or a place to be closed and made off limits to the public to  
24 prevent the probable spread of a dangerously contagious or  
25 infectious disease, including non-compliant tuberculosis  
26 patients, until such time as the condition can be corrected  
27 or the danger to the public health eliminated or reduced in  
28 such a manner that no substantial danger to the public's  
29 health any longer exists.

30 (c) The Department may order a ~~No person or a group of~~  
31 persons ~~may-be-ordered~~ to be quarantined or isolated or may  
32 order a ~~and-no~~ place ~~may-be-ordered~~ to be closed and made off  
33 limits to the public ~~except~~ with the consent of the person or  
34 owner of the place or upon the prior order of a court of

1 competent jurisdiction. In addition, the Department may order  
2 a person or a group of persons to be quarantined or isolated  
3 or may order a place to be closed and made off limits to the  
4 public on an immediate basis without prior consent or court  
5 order if, in the judgment of the Department, immediate action  
6 is required to protect the public health until the condition  
7 can be corrected or until the danger to the public health is  
8 eliminated or reduced in such a manner that no immediate  
9 threat to the public health exists. In the event of an  
10 immediate order issued without prior consent or court order,  
11 the Department shall, as soon as reasonably practicable, but  
12 in no event later than 48 hours after issuing the order,  
13 obtain the consent of the person or owner or file a petition  
14 requesting a court order authorizing the isolation or  
15 quarantine or closure. When exigent circumstances exist that  
16 make it untenable to obtain consent or file a petition within  
17 48 hours of issuance of an immediate order or when a state of  
18 public health emergency has been declared pursuant to Section  
19 2.1, the Department must obtain consent or file a petition  
20 requesting a court order as soon as reasonably possible. To  
21 obtain a court order, the Department, by clear and convincing  
22 evidence, must prove that the public's health and welfare are  
23 significantly endangered by a person or group of persons that  
24 has, that is suspected of having, or that has been exposed to  
25 with a dangerously contagious or infectious disease including  
26 non-compliant tuberculosis patients or by a place where there  
27 is a significant amount of activity likely to spread a  
28 dangerously contagious or infectious disease. The Department  
29 must also prove that all other reasonable means of  
30 correcting the problem have been exhausted and no less  
31 restrictive alternative exists. The Department's burden of  
32 proof under this subsection shall be satisfied upon a showing  
33 that, under the circumstances presented by the case in which  
34 an order is sought, quarantine or isolation is the measure

1 provided for in a rule of the Department or in guidelines  
2 issued by the Centers for Disease Control and Prevention or  
3 the World Health Organization. The Department is authorized  
4 to promulgate rules that are reasonable and necessary to  
5 implement and effectuate the issuance of orders pursuant to  
6 this Section, including rules providing for due process  
7 protections.

8 (d) This Section shall be considered supplemental to the  
9 existing authority and powers of the Department and shall not  
10 be construed to restrain or restrict the Department in  
11 protecting the public health under any other provisions of  
12 the law.

13 (e) Any person who knowingly or maliciously disseminates  
14 any false information or report concerning the existence of  
15 any dangerously contagious or infectious disease in  
16 connection with the Department's power of quarantine,  
17 isolation and closure or refuses to comply with a quarantine,  
18 isolation or closure order is guilty of a Class A  
19 misdemeanor.

20 (f) The Department of Public Health may establish and  
21 maintain a chemical and bacteriologic laboratory for the  
22 examination of water and wastes, and for the diagnosis of  
23 diphtheria, typhoid fever, tuberculosis, malarial fever and  
24 such other diseases as it deems necessary for the protection  
25 of the public health.

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

29 The terms "sanitary investigations and inspections" and  
30 "sanitary practices" as used in this Act shall not include or  
31 apply to "Public Water Supplies" or "Sewage Works" as defined  
32 in the Environmental Protection Act.

33 (Source: P.A. 91-239, eff. 1-1-00.)

1 (20 ILCS 2305/2.1 new)

2 Sec. 2.1. Emergency powers.

3 (a) "Public health emergency" means an occurrence or  
4 imminent threat of an illness or health condition caused by  
5 bioterrorism, terrorism, epidemic or pandemic disease, an  
6 infectious agent, a toxin, a natural disaster, or a source of  
7 unknown origin that poses a substantial risk of a significant  
8 number of human fatalities or incidents of permanent or  
9 long-term disability. The presence of human immunodeficiency  
10 virus (HIV) or acquired immunodeficiency syndrome (AIDS) does  
11 not constitute a public health emergency within the meaning  
12 of this Section.

13 (b) The Governor may declare a state of public health  
14 emergency upon the occurrence of a public health emergency.  
15 Upon the declaration of a public health emergency and in  
16 coordination with the Governor and other State and local  
17 authorities, the Department shall immediately assume  
18 jurisdiction, responsibility, and authority for the emergency  
19 powers necessary to protect the public health. These  
20 emergency powers may include, without limitation:

21 (1) Emergency access to medical records and other  
22 essential health data, provided, however, that the  
23 Department shall protect the privacy and confidentiality  
24 of any medical records and other essential health data  
25 obtained pursuant to this Section in accordance with  
26 federal and State law.

27 (2) Ordering a person or a group of persons to be  
28 quarantined or isolated or ordering a place to be closed  
29 and made off limits to the public on an immediate basis,  
30 without prior consent or court order, pursuant to the  
31 provisions of subsection (c).

32 (3) Emergency controls regarding facilities,  
33 medical equipment and supplies, and medications, whether  
34 publicly or privately held, to the extent reasonable and

1 necessary for emergency response. These controls may  
2 include, but are not limited to: (i) examination,  
3 closure, evacuation, decontamination, or disposal of  
4 facilities, supplies, medications, equipment, and  
5 materials; (ii) procurement, by condemnation or  
6 otherwise, construction, lease, transportation, storage,  
7 maintenance, renovation, or distribution of facilities,  
8 supplies, medications, equipment, and materials; (iii)  
9 compelling the use of a facility for purposes that are  
10 reasonable and necessary for emergency response; (iv)  
11 control and regulation of the distribution of supplies,  
12 medications, equipment, and materials; (v) regulation of  
13 ingress and egress to and from any stricken or threatened  
14 public area, the movement of persons within that area,  
15 and the occupancy of premises within that area; and (vi)  
16 adoption of measures to provide for the safe disposal of  
17 infectious waste.

18 (4) Temporary certification of unlicensed  
19 health-related facilities and personnel and expansion of  
20 the proper scope of activities of licensed health-related  
21 facilities and personnel for medical and health related  
22 functions.

23 (5) Emergency powers concerning the management of  
24 persons to the extent reasonable and necessary for  
25 emergency response. These powers may include, but are not  
26 limited to: (i) the identification of exposed persons;  
27 (ii) medical examinations and testing; (iii) laboratory  
28 tests; (iv) administration of vaccines and medications;  
29 and (v) the safe disposal of corpses and other human  
30 remains.

31 (c) The Department, Director, employees, or agents of  
32 the Department, and any person temporarily certified pursuant  
33 to the provisions of paragraph (4) of subsection (b) who, in  
34 good faith, provides emergency care without fee to any person

1 shall not, as a result of his or her acts or omissions,  
2 except in the case of willful and wanton misconduct on the  
3 part of the person providing the care, be liable for civil  
4 damages to a person for whom emergency care is provided.

5 (d) The Department shall possess the emergency powers  
6 set forth in subsection (b) during a state of public health  
7 emergency. The Governor may terminate the declaration of a  
8 state of public health emergency upon finding that the  
9 occurrence of an illness or health condition that caused the  
10 emergency no longer poses a substantial risk of a significant  
11 number of human fatalities or incidents of permanent or  
12 long-term disability. A declaration of a state of public  
13 health emergency shall be terminated automatically after 30  
14 days unless renewed by the Governor. At any time after the  
15 renewal by the Governor, but in no event during the first 30  
16 days of a declaration of a state of public health emergency,  
17 the General Assembly may vote to terminate the declaration of  
18 a state of public health emergency upon finding that the  
19 occurrence of an illness or health condition that caused the  
20 emergency no longer poses a substantial risk of a significant  
21 number of human fatalities or incidents of permanent or  
22 long-term disability.

23 (e) The Department is authorized to promulgate rules  
24 reasonable and necessary to implement and effectuate the  
25 provisions of this Section. The Department shall have the  
26 power to enforce the provisions of subsection (b) through the  
27 imposition of fines and penalties, the issuance of orders,  
28 other enforcement provisions of this Act, and other remedies  
29 as provided by law, but nothing in this Section shall be  
30 construed to limit specific enforcement powers enumerated in  
31 this Act.

32 (f) The State shall pay just compensation to the owner  
33 of any facilities, supplies, medications, equipment, or  
34 materials that are lawfully taken or appropriated by the



1 Department pursuant to paragraph (3) of subsection (b), in  
2 accordance with the procedures set forth in Section 7 of the  
3 Illinois Emergency Management Agency Act."; and

4 on page 2, immediately below line 1, by inserting the  
5 following:

6 "Section 11. The Department of Public Health Powers and  
7 Duties Law of the Civil Administrative Code of Illinois is  
8 amended by changing Sections 2310-5 and 2310-35 and by adding  
9 Sections 2310-610, 2310-615, 2310-620, 2310-625, 2310-630,  
10 and 2310-635 as follows:

11 (20 ILCS 2310/2310-5)

12 Sec. 2310-5. Definitions. In this Law:

13 "Department" means the Department of Public Health.

14 "Director" means the Director of Public Health.

15 "Public health emergency" has the meaning set forth in  
16 Section 2.1 of the Department of Public Health Act.

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 (20 ILCS 2310/2310-35) (was 20 ILCS 2310/55.27)

19 Sec. 2310-35. Federal monies; indirect cost  
20 reimbursements. To accept, receive, and receipt for federal  
21 monies, for and in behalf of the State, given by the federal  
22 government under any federal law to the State for health  
23 purposes, surveys, or programs, and to adopt necessary rules  
24 pertaining thereto pursuant to the Illinois Administrative  
25 Procedure Act. To deposit all indirect cost reimbursements  
26 received by the Department into the Public Health Special  
27 State Projects Fund and to expend those funds, subject to  
28 appropriation, for public health purposes only.

29 (Source: P.A. 91-239, eff. 1-1-00.)

30 (20 ILCS 2310-610 new)

1       Sec. 2310-610. Rules and regulations; contact list;  
2       public health emergency response plans. The Department shall  
3       adopt and implement rules, contact lists, and response plans  
4       governing public health emergency preparedness, response,  
5       mitigation, and recovery.

6           (20 ILCS 2310-615 new)

7       Sec. 2310-615. Public health emergency plans; local  
8       health departments and licensed facilities. The Department  
9       shall require and oversee development, coordination, and  
10       implementation of public health emergency preparedness,  
11       response, mitigation, and recovery plans by local health  
12       departments and facilities licensed by the Department.

13           (20 ILCS 2310-620 new)

14       Sec. 2310-620. Cooperation with authorities; public  
15       health emergency. The Department shall cooperate with the  
16       Governor and other State and local authorities in the  
17       development of strategies and plans to protect the public  
18       health in the event of a public health emergency.

19           (20 ILCS 2310-625 new)

20       Sec. 2310-625. Public health data; public health  
21       emergency. The Department shall assure that public health  
22       data collection and maintenance systems are adequately  
23       prepared to access timely information regarding a public  
24       health emergency.

25           (20 ILCS 2310-630 new)

26       Sec. 2310-630. Collaboration with authorities; public  
27       health emergency. The Department shall collaborate with  
28       relevant federal government authorities, State and local  
29       authorities, elected officials from other states, and private  
30       sector organizations on public health emergency preparedness,

1 response, mitigation, and recovery.

2 (20 ILCS 2310-635 new)

3 Sec. 2310-635. Illinois Administrative Procedure Act  
4 provisions adopted; exceptions. The provisions of the  
5 Illinois Administrative Procedure Act are hereby expressly  
6 adopted and shall apply to all administrative rules and  
7 procedures promulgated by the Department under this Act,  
8 except that: (i) to that extent that this Act conflicts with  
9 the Illinois Administrative Procedure Act, the provisions of  
10 this Act shall control; (ii) Section 5-35 of the Illinois  
11 Administrative Procedure Act relating to procedures for  
12 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  
15 discretion; and (iii) Section 5-45 of the Illinois  
16 Administrative Procedure Act relating to limitations on  
17 emergency rule-making does not apply to the adoption of any  
18 rule under Section 2310-610, 2310-615, 2310-620, 2310-625 and  
19 2310-630 of this Act."