

1 AMENDMENT TO HOUSE BILL 6

2 AMENDMENT NO. _____. Amend House Bill 6 on page 1,
3 immediately below line 21, by inserting the following:

4 "Section 7. The Department of Public Health Act is
5 amended by changing Section 2 and by adding Section 2305-2.1
6 as follows:

7 (20 ILCS 2305/2) (from Ch. 111 1/2, par. 22)

8 Sec. 2. Powers.

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

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

21 (2) Sanitary practices relating to drinking water
22 made accessible to the public for human consumption or

1 for lavatory or culinary purposes.

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

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

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

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

27 The Department of Public Health shall conduct a public
28 information campaign to inform Hispanic women of the high
29 incidence of breast cancer and the importance of mammograms
30 and where to obtain a mammogram. This requirement may be
31 satisfied by translation into Spanish and distribution of the
32 breast cancer summaries required by Section 2310-345 of the
33 Department of Public Health Powers and Duties Law (20 ILCS
34 2310/2310-345). The information provided by the Department of

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

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

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

32 (c) The Department may order a ~~No person or a group of~~
33 persons ~~may--be-ordered~~ to be quarantined or isolated or may
34 order a ~~and-no~~ place ~~may-be-ordered~~ to be closed and made off

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

1 that, under the circumstances presented by the case in which
2 an order is sought, quarantine or isolation is the measure
3 provided for in a rule of the Department or in guidelines
4 issued by the Centers for Disease Control and Prevention or
5 the World Health Organization. The Department is authorized
6 to promulgate rules that are reasonable and necessary to
7 implement and effectuate the issuance of orders pursuant to
8 this Section, including rules providing for due process
9 protections.

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

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

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

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

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

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

2 (20 ILCS 2305/2.1 new)

3 Sec. 2.1. Emergency powers.

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

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

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

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

33 (3) Emergency controls regarding facilities,

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

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

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

33 (c) The Department, Director, employees, or agents of
34 the Department, and any person temporarily certified pursuant

1 to the provisions of paragraph (4) of subsection (b) who, in
2 good faith, provides emergency care without fee to any person
3 shall not, as a result of his or her acts or omissions,
4 except in the case of willful and wanton misconduct on the
5 part of the person providing the care, be liable for civil
6 damages to a person for whom emergency care is provided.

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

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

34 (f) The State shall pay just compensation to the owner

1 of any facilities, supplies, medications, equipment, or
2 materials that are lawfully taken or appropriated by the
3 Department pursuant to paragraph (3) of subsection (b), in
4 accordance with the procedures set forth in Section 7 of the
5 Illinois Emergency Management Agency Act."; and

6 on page 1, by replacing line 24 with the following:

7 "amended by changing Sections 2310-5 and 2310-35 and by
8 adding Sections 2310-50.5, 2310-610, 2310-615, 2310-620,
9 2310-625, 2310-630, and 2310-635 as follows:

10 (20 ILCS 2310/2310-5)

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

12 "Department" means the Department of Public Health.

13 "Director" means the Director of Public Health.

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

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

17 (20 ILCS 2310/2310-35) (was 20 ILCS 2310/55.27)

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

28 (Source: P.A. 91-239, eff. 1-1-00.)"; and

29 on page 2, immediately below line 1, by inserting the
30 following:

1 "(20 ILCS 2310-610 new)

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

7 (20 ILCS 2310-615 new)

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

14 (20 ILCS 2310-620 new)

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

20 (20 ILCS 2310-625 new)

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

26 (20 ILCS 2310-630 new)

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

1 sector organizations on public health emergency preparedness,
2 response, mitigation, and recovery.

3 (20 ILCS 2310-635 new)

4 Sec. 2310-635. Illinois Administrative Procedure Act
5 provisions adopted; exceptions. The provisions of the
6 Illinois Administrative Procedure Act are hereby expressly
7 adopted and shall apply to all administrative rules and
8 procedures promulgated by the Department under this Act,
9 except that: (i) to that extent that this Act conflicts with
10 the Illinois Administrative Procedure Act, the provisions of
11 this Act shall control; (ii) Section 5-35 of the Illinois
12 Administrative Procedure Act relating to procedures for
13 rule-making does not apply to the adoption of any rule
14 required by federal law in connection with which the
15 Department is precluded by law from exercising any
16 discretion; and (iii) Section 5-45 of the Illinois
17 Administrative Procedure Act relating to limitations on
18 emergency rule-making does not apply to the adoption of any
19 rule under Section 2310-610, 2310-615, 2310-620, 2310-625 and
20 2310-630 of this Act."