

1 AN ACT in relation to public health.

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

4 Section 5. The Department of Public Health Act is  
5 amended by changing Section 2 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  
24 facilities made accessible to the public or to persons  
25 handling food served to the public.

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

29 The provisions of the Illinois Administrative Procedure  
30 Act are hereby expressly adopted and shall apply to all  
31 administrative rules and procedures of the Department of

1 Public Health under this Act, except that Section 5-35 of the  
2 Illinois Administrative Procedure Act relating to procedures  
3 for rule-making does not apply to the adoption of any rule  
4 required by federal law in connection with which the  
5 Department is precluded by law from exercising any  
6 discretion.

7 All local boards of health, health authorities and  
8 officers, police officers, sheriffs and all other officers  
9 and employees of the state or any locality shall enforce the  
10 rules and regulations so adopted.

11 The Department of Public Health shall conduct a public  
12 information campaign to inform Hispanic women of the high  
13 incidence of breast cancer and the importance of mammograms  
14 and where to obtain a mammogram. This requirement may be  
15 satisfied by translation into Spanish and distribution of the  
16 breast cancer summaries required by Section 2310-345 of the  
17 Department of Public Health Powers and Duties Law (20 ILCS  
18 2310/2310-345). The information provided by the Department of  
19 Public Health shall include (i) a statement that mammography  
20 is the most accurate method for making an early detection of  
21 breast cancer, however, no diagnostic tool is 100% effective  
22 and (ii) instructions for performing breast self-examination  
23 and a statement that it is important to perform a breast  
24 self-examination monthly.

25 The Department of Public Health shall investigate the  
26 causes of dangerously contagious or infectious diseases,  
27 especially when existing in epidemic form, and take means to  
28 restrict and suppress the same, and whenever such disease  
29 becomes, or threatens to become epidemic, in any locality and  
30 the local board of health or local authorities neglect or  
31 refuse to enforce efficient measures for its restriction or  
32 suppression or to act with sufficient promptness or  
33 efficiency, or whenever the local board of health or local  
34 authorities neglect or refuse to promptly enforce efficient

1 measures for the restriction or suppression of dangerously  
2 contagious or infectious diseases, the Department of Public  
3 Health may enforce such measures as it deems necessary to  
4 protect the public health, and all necessary expenses so  
5 incurred shall be paid by the locality for which services are  
6 rendered.

7 (b) Subject to the provisions of subsection (c), the  
8 Department may order a person to be quarantined or isolated  
9 or a place to be closed and made off limits to the public to  
10 prevent the probable spread of a dangerously contagious or  
11 infectious disease, including non-compliant tuberculosis  
12 patients, until such time as the condition can be corrected  
13 or the danger to the public health eliminated or reduced in  
14 such a manner that no substantial danger to the public's  
15 health any longer exists.

16 (c) No person may be ordered to be quarantined or  
17 isolated and no place may be ordered to be closed and made  
18 off limits to the public except with the consent of the  
19 person or owner of the place or upon the order of a court of  
20 competent jurisdiction. To obtain a court order, the  
21 Department, by clear and convincing evidence, must prove that  
22 the public's health and welfare are significantly endangered  
23 by a person with a dangerously contagious or infectious  
24 disease including non-compliant tuberculosis patients or by a  
25 place where there is a significant amount of activity likely  
26 to spread a dangerously contagious or infectious disease.  
27 The Department must also prove that all other reasonable  
28 means of correcting the problem have been exhausted and no  
29 less restrictive alternative exists.

30 (d) This Section shall be considered supplemental to the  
31 existing authority and powers of the Department and shall not  
32 be construed to restrain or restrict the Department in  
33 protecting the public health under any other provisions of  
34 the law.

1           (e) Any person who knowingly or maliciously disseminates  
2 any false information or report concerning the existence of  
3 any dangerously contagious or infectious disease in  
4 connection with the Department's power of quarantine,  
5 isolation and closure or refuses to comply with a quarantine,  
6 isolation or closure order is guilty of a Class A  
7 misdemeanor.

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

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

17           The terms "sanitary investigations and inspections" and  
18 "sanitary practices" as used in this Act shall not include or  
19 apply to "Public Water Supplies" or "Sewage Works" as defined  
20 in the Environmental Protection Act.

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