



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3653

Introduced 2/24/2009, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

410 ILCS 303/5
410 ILCS 303/10
410 ILCS 303/15
410 ILCS 303/25
410 ILCS 303/27

Amends the African-American HIV/AIDS Response Act. Provides that the administration of the Act is transferred to the Department of Human Services. Provides that the Response Officers of certain Departments shall collectively form the Interagency HIV/AIDS Prevention Team (IIHAPT). Provides that the IIHAPT must establish its own guidelines for operation. Sets forth the responsibilities of the IIHAPT. Provides that the Department must partner with the Administrative Support Agency (ASA) to coordinate the response to HIV/AIDS in the African American Community. Sets forth duties of the ASA. Provides that the HIV/AIDS Response Review Panel must work with the ASA and IIHAPT to create and implement a comprehensive State-wide plan to reduce the HIV infection rate within the African American Community. Provides that the African-American HIV/AIDS Response Fund shall become a line item in the State's annual budget. Provides that the amount of \$10,000,000 shall be deposited into the Fund at the beginning of each fiscal year and that this amount shall be reduced each year equal to the amount that is raised from other sources each year of the Fund's existence. Sets forth expenditures for the Fund. Makes other changes.

LRB096 10114 RPM 20280 b

1 AN ACT concerning public health.

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

4 Section 5. The African-American HIV/AIDS Response Act is
5 amended by changing Sections 5, 10, 15, 25, and 27 as follows:

6 (410 ILCS 303/5)

7 Sec. 5. Legislative finding. The General Assembly finds
8 that HIV/AIDS in the African-American community is a crisis
9 separate and apart from the overall issue of HIV/AIDS in other
10 communities.

11 The General Assembly also finds that HIV infection is 100%
12 preventable and that HIV/AIDS prevention is a social issue that
13 requires behavioral change, therefore the administration of
14 this Act is transferred to the Illinois Department of Human
15 Services. References in this Act (i) to the Department of
16 Public Health are deemed, in appropriate contexts, to be
17 references to the Department of Human Services and (ii) to the
18 Director of Public Health are deemed, in appropriate contexts,
19 to be references to the Secretary of Human Services.

20 (Source: P.A. 94-629, eff. 1-1-06.)

21 (410 ILCS 303/10)

22 Sec. 10. African-American HIV/AIDS Response Officer.

1 (a) An African-American HIV/AIDS Response Officer,
2 responsible for coordinating efforts to address the
3 African-American AIDS crisis within his or her respective
4 Office or Department and serving as a liaison to governmental
5 and non-governmental entities beyond his or her respective
6 Office or Department regarding the same, shall be designated in
7 each of the following:

- 8 (1) The Office of the Governor.
- 9 (2) The Department of Human Services.
- 10 (3) The Department of Public Health.
- 11 (4) The Department of Corrections.

12 (b) Collectively the officers shall be known as the
13 Illinois Interagency HIV/AIDS Prevention Team (IIHAPT). The
14 following provisions shall apply to the IIHAPT:

15 (1) Each of the agencies described in subsection (a) of
16 this Section must create and fill the officer positions
17 listed in this Section no later than October 1, 2009. The
18 officer from the Department of Human Services shall serve
19 as co-chair of the team. The Director of the Administrative
20 Support Agency (ASA) shall serve as response officer from
21 the community. The community officer shall serve as
22 co-chair of the team. The IIHAPT must establish its own
23 guidelines for operation.

24 (2) By October 1, 2009 the IIHAPT must develop an
25 official definition of HIV prevention for the State of
26 Illinois. By October 15, 2009 the IIHAPT must submit the

1 definition to the Illinois General Assembly for adoption.

2 (3) The officers must craft a proposed coordinated
3 inter-agency policy for HIV/AIDS prevention by June 30,
4 2010.

5 (4) By June 1 of each year, the IIHAPT must submit a
6 report of its activities to the respective agency directors
7 and both houses of the General Assembly.

8 (5) The officers must administer funds of \$100,000 per
9 year as appropriated to conduct its work.

10 (6) The officers must meet on at least a weekly basis
11 to coordinate efforts between State agencies and act as
12 advisors to community-based organizations regarding
13 resources available to community-based organizations.

14 (7) With approval from their respective directors,
15 IIHAPT officers may report to offices supplied by the ASA.

16 (8) Beginning January 2010 and continuing each January
17 thereafter, the IIHAPT must convene an annual community
18 priority setting meeting to get community input on its
19 priorities regarding current and future prevention
20 programs and policies.

21 (9) Beginning January 2010 and continuing each January
22 thereafter, the IIHAPT must convene community meetings to
23 advise communities of the progress of developing or
24 implementing the priorities established in July.

25 (10) The IIHAPT must assist the ASA in identifying
26 issues, preparing grant applications, and applying for

1 funds from the federal government and other public and
2 philanthropic sources.

3 (11) Where possible, all grant applications must be
4 submitted as collaborative grants and include as many
5 community-based organizations as is feasible. All funds on
6 any such grants must be deposited with the ASA.

7 (12) Any of the IIHAPT agencies at their own discretion
8 may be included as a full partner on any grant application.
9 The ASA shall serve as lead agency on any such applications
10 and shall be responsible for monitoring the partner's
11 participation for compliance to grant requirements. The
12 ASA may not collect more than 10% of any such grant as an
13 administration fee. The ASA may not participate as direct
14 service provider on any such application.

15 (13) With advice and assistance from the IIHAPT and the
16 Review Panel, the ASA must create and maintain the Illinois
17 Not-For-Profit Technical Assistance and Capacity Building
18 Institute (TACBI).

19 (14) In addition to those responsibilities outlined in
20 the Response Fund, additional responsibilities can be
21 added for the ASA upon mutual agreement by the IIHAPT and
22 the ASA.

23 (Source: P.A. 94-629, eff. 1-1-06.)

24 (410 ILCS 303/15)

25 Sec. 15. State agencies; HIV testing.

1 (a) In this Section:

2 "High-risk community" means a community designated as
3 high-risk by the Department of Public Health in rules.

4 "High-traffic facility" means a high-traffic facility as
5 defined by the State agency operating the facility.

6 "State agency" means (i) any department of State government
7 created under Section 5-15 of the Departments of State
8 Government Law of the Civil Administrative Code of Illinois or
9 (ii) the Office of the Secretary of State.

10 (b) The Department of Public Health shall coordinate the
11 response to HIV/AIDS in the African-American community.

12 (c) A State agency that operates a facility that (i) is
13 accessible to the public, (ii) is a high-traffic facility, and
14 (iii) serves a high-risk community must provide the following
15 in each such facility where space and security reasonably
16 permit: space for free HIV counseling and antibody testing to a
17 community-based organization licensed to do testing, in
18 accordance with the AIDS Confidentiality Act and rules adopted
19 by the Department of Public Health. The State agency or its
20 employees shall not conduct any counseling or testing required
21 to be provided under this subsection, but the agency shall make
22 appropriate arrangements with one or more certified
23 community-based organizations to conduct the counseling or
24 testing. The testing required to be provided under this
25 subsection is the rapid testing authorized under Section 5.5 of
26 the AIDS Confidentiality Act.

1 (d) Neither the State of Illinois nor any State agency
2 supplying space for services authorized by this Section shall
3 be liable for damages based on the provision of such space or
4 claimed to result from any services performed in such space,
5 except that this immunity does not apply in the case of willful
6 and wanton misconduct.

7 (e) The Department of Human Services shall coordinate the
8 response to HIV/AIDS in the African American Community. The
9 Department of Human Services must partner with a
10 community-based organization that shall serve as technical
11 assistance and capacity building support to all
12 community-based organizations seeking resources from the
13 Response Fund. This organization shall be known as the
14 Administrative Support Agency (ASA). The ASA shall be
15 responsible for reaching out to and educating all African
16 American community-based organizations, especially those that
17 are not historically HIV/AIDS focused or have no programs. The
18 ASA must coordinate State-wide participation of
19 community-based organizations, seeking resources from the
20 Response Fund, to ensure approved projects are culturally
21 relevant. The Department must work with the ASA to create a
22 coordinated infrastructure for delivery of all HIV prevention
23 services within the African-American community.

24 By December 31, 2009, all agencies with high traffic
25 facilities under their control must submit a plan to implement
26 HIV testing within those facilities. By March 31, 2010, all

1 agencies with high traffic facilities under their control must
2 have plans in place with one or more certified community based
3 organization to conduct the counseling or testing. The testing
4 required to be provided under this subsection (e) is the rapid
5 testing authorized under Section 5.5 of the AIDS
6 Confidentiality Act.

7 (Source: P.A. 94-629, eff. 1-1-06.)

8 (410 ILCS 303/25)

9 Sec. 25. HIV/AIDS Response Review Panel.

10 (a) The HIV/AIDS Response Review Panel is established
11 within the Office of the Governor. The Panel shall consist of
12 the following members:

13 (1) One member appointed by the Governor. This member
14 shall serve as the Chair of the Panel.

15 (2) One representative of each of the following,
16 appointed by the head of the department: the Department of
17 Corrections; the Department of Human Services; and the
18 Department of Public Health.

19 (3) Two ex-offenders who are familiar with the issue of
20 HIV/AIDS as it relates to incarceration, appointed by
21 Governor. One of these members must be from Cook County,
22 and the other must be from a county other than Cook. Both
23 of these members must have received a final discharge from
24 the Department of Corrections.

25 (4) Three representatives of HIV/AIDS organizations

1 that have been in business for at least 2 years, appointed
2 by Governor. In the case of such an organization that
3 represents a constituency the majority of whom are
4 African-American, the organization's representative who is
5 a member of the Panel must be African-American.

6 (b) The Panel shall review the implementation of this Act
7 within the Department of Corrections and shall file a report
8 with the General Assembly and with the Governor every January 1
9 stating the results of its review.

10 (c) The purpose of the Review Panel is to provide
11 transparency for the expenditures of the Response Fund and to
12 allow for involvement and input from community organizations
13 and individuals in its administration. The Panel must also work
14 with the ASA and IIHAPT to create and implement a comprehensive
15 State-wide plan to reduce the HIV infection rate within the
16 African American Community. The Panel must work with the IIHAPT
17 and the ASA to establish a realistic time line for
18 implementation of the plan. The Review Panel is responsible for
19 developing the criteria for Response Fund RFP solicitations
20 each year. The Panel shall be responsible for establishing an
21 independent panel to review and score all incoming RFP
22 submissions. The member appointed by the Governor shall serve
23 as co-chair of the Panel. The Director of the ASA selected to
24 administer shall serve as co-chair of the Panel.

25 To the extent possible, the Review Panel must be made up
26 equally of men and women and equally of self-identified HIV

1 positive and negative individuals. The Panel must add one
2 position that is representative of a caucus of HIV/AIDS
3 prevention direct services. The Panel must add one position
4 that is representative of a caucus of HIV/AIDS treatment direct
5 service providers.

6 Annually, the Panel shall submit recommendations to
7 the Director of the Department of Corrections with regard to
8 strengthening the Department's HIV Prevention program. The
9 Department of Corrections must add all strains of Hepatitis
10 testing to its Opt-out HIV Testing Initiative.

11 (Source: P.A. 94-629, eff. 1-1-06.)

12 (410 ILCS 303/27)

13 (Section scheduled to be repealed on July 1, 2016)

14 Sec. 27. African-American HIV/AIDS Response Fund.

15 (a) The African-American HIV/AIDS Response Fund is created
16 as a special fund in the State treasury. Moneys deposited into
17 the Fund shall, subject to appropriation, be used for grants
18 for programs to prevent the transmission of HIV and other
19 programs and activities consistent with the purposes of this
20 Act, including, but not limited to, preventing and treating
21 HIV/AIDS, the creation of an HIV/AIDS service delivery system,
22 and the administration of the Act. Moneys for the Fund shall
23 come from appropriations by the General Assembly, federal
24 funds, and other public resources.

25 (b) The Fund shall provide resources for communities in

1 Illinois to create an HIV/AIDS service delivery system that
2 reduces the disparity of HIV infection and AIDS cases between
3 African-Americans and other population groups in Illinois that
4 may be impacted by the disease by, including but, not limited
5 to:

6 (1) developing, implementing, and maintaining a
7 comprehensive, culturally sensitive HIV Prevention Plan
8 targeting communities that are identified as high-risk in
9 terms of the impact of the disease on African-Americans;

10 (2) developing, implementing, and maintaining a stable
11 HIV/AIDS service delivery infrastructure in Illinois
12 communities that will meet the needs of African-Americans;

13 (3) developing, implementing, and maintaining a
14 statewide HIV/AIDS testing program;

15 (4) providing funding for HIV/AIDS social and
16 scientific research to improve prevention and treatment;

17 (5) providing comprehensive technical and other
18 assistance to African-American community service
19 organizations that are involved in HIV/AIDS prevention and
20 treatment;

21 (6) developing, implementing, and maintaining an
22 infrastructure for African-American community service
23 organizations to make them less dependent on government
24 resources; and

25 (7) creating and maintaining at least 17 one-stop
26 shopping HIV/AIDS facilities across the State.

1 (c) When providing grants pursuant to this Fund, the
2 Department of Public Health shall give priority to the
3 development of comprehensive medical and social services to
4 African-Americans at risk of infection from or infected with
5 HIV/AIDS in areas of the State determined to have the greatest
6 geographic prevalence of HIV/AIDS in the African-American
7 population.

8 (d) The Response Fund shall become a line item in the
9 State's annual budget. The amount of \$10,000,000 shall be
10 deposited into the Fund at the beginning of each fiscal year.
11 This amount shall be reduced each year equal to the amount that
12 is raised from other sources each year of the Fund's existence.
13 Moneys from the Fund shall be used in the following manner:

14 (1) 10% shall be for evaluation of the program, to fund
15 the IIHAPT and its salaries and operating expenses.

16 (2) 50% shall be made available for grants to HIV/AIDS
17 prevention and treatment direct service providers:

18 (A) these grants shall be issued for a minimum of 3
19 years;

20 (B) service providers are eligible to receive
21 multiple grants from the Response Fund as long as the
22 Funds are from different sources.

23 (3) 40% shall fund the ASA, the Funds must be used to:

24 (A) create and operate the TACBI ii;

25 (B) any and all capacity building initiatives;

26 (C) to the extent possible, develop the 17 One Stop

1 Shops called for in the Response Act.

2 (e) This ~~(d) The~~ Section is repealed on July 1, 2019 ~~2016~~.

3 (Source: P.A. 94-797, eff. 1-1-07.)