

1 AN ACT concerning State government.

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

4 (20 ILCS 1305/10-9 rep.)

5 (20 ILCS 1305/10-10 rep.)

6 (20 ILCS 1305/10-12 rep.)

7 Section 5. The Department of Human Services Act is amended
8 by repealing Sections 10-9, 10-10, and 10-12.

9 Section 10. The Department of Public Health Powers and
10 Duties Law of the Civil Administrative Code of Illinois is
11 amended by adding Sections 2310-642 and 2310-643 as follows:

12 (20 ILCS 2310/2310-642 new)

13 Sec. 2310-642. Diabetes; transfer of functions from
14 Department of Human Services.

15 (a) Diabetes Research Checkoff Fund; grants. The Diabetes
16 Research Checkoff Fund is a special fund in the State treasury.
17 On and after July 1, 2010, from appropriations to the
18 Department from that Fund, the Department shall make grants to
19 recognized public or private entities in Illinois for the
20 purpose of funding research concerning the disease of diabetes.
21 At least 50% of the grants made from the Fund by the Department
22 shall be made to entities that conduct research for juvenile

1 diabetes. For purposes of this subsection, the term "research"
2 includes, without limitation, expenditures to develop and
3 advance the understanding, techniques, and modalities
4 effective in the detection, prevention, screening, management,
5 and treatment of diabetes and may include clinical trials in
6 Illinois. Moneys received for the purposes of this subsection,
7 including, without limitation, income tax checkoff receipts
8 and gifts, grants, and awards from any public or private person
9 or entity, shall be deposited into the Fund. Any interest
10 earned on moneys in the Fund must be deposited into the Fund.

11 (b) Diabetes information. On and after July 1, 2010, the
12 Department shall include within its public health promotion
13 programs and materials information to be directed toward
14 population groups in Illinois that are considered at high risk
15 of developing diabetes, asthma, and pulmonary disorders, such
16 as Hispanics, people of African descent, the elderly, obese
17 individuals, persons with high blood sugar content, and persons
18 with a family history of diabetes. The information shall inform
19 members of such high risk groups about the causes and
20 prevention of diabetes, asthma, and pulmonary disorders, the
21 types of treatment for these diseases, and how treatment may be
22 obtained. By February 15, 2011, and each February 15
23 thereafter, the Department shall file a report with the General
24 Assembly concerning its activities and accomplishments under
25 this subsection during the previous calendar year.

26 (c) Transfer of functions from Department of Human

1 Services.

2 (1) Transfer. On the effective date of this amendatory
3 Act of the 96th General Assembly, all functions performed
4 by the Department of Human Services in connection with
5 Sections 10-9 and 10-10 of the Department of Human Services
6 Act (now repealed, and replaced by subsections (a) and (b),
7 respectively, of this Section), together with all of the
8 powers, duties, rights, and responsibilities of the
9 Department of Human Services relating to those functions,
10 are transferred from the Department of Human Services to
11 the Department of Public Health.

12 The Department of Human Services and the Department of
13 Public Health shall cooperate to ensure that the transfer
14 of functions is completed as soon as practical.

15 (2) Effect of transfer. Neither the functions
16 transferred under this subsection, nor any powers, duties,
17 rights, and responsibilities relating to those functions,
18 are affected by this amendatory Act of the 96th General
19 Assembly, except that all such functions, powers, duties,
20 rights, and responsibilities shall be performed or
21 exercised by the Department of Public Health on and after
22 the effective date of this amendatory Act of the 96th
23 General Assembly.

24 (3) The staff of the Department of Human Services
25 engaged in the performance of the functions transferred
26 under this subsection may be transferred to the Department

1 of Public Health. The status and rights of those employees
2 under the Personnel Code shall not be affected by the
3 transfers. The rights of the employees, the State of
4 Illinois, and its agencies under the Personnel Code and
5 applicable collective bargaining agreements, or under any
6 pension, retirement, or annuity plan, shall not be affected
7 by this amendatory Act of the 96th General Assembly.

8 (4) Books and records transferred. All books, records,
9 papers, documents, contracts, and pending business
10 pertaining to the functions transferred under this
11 subsection, including but not limited to material in
12 electronic or magnetic format, shall be transferred to the
13 Department of Public Health. The transfer of that
14 information shall not, however, violate any applicable
15 confidentiality constraints.

16 (5) Unexpended moneys transferred. All unexpended
17 appropriation balances and other funds otherwise available
18 to the Department of Human Services for use in connection
19 with the functions transferred under this subsection shall
20 be transferred and made available to the Department of
21 Public Health for use in connection with the functions
22 transferred under this subsection. Unexpended balances so
23 transferred shall be expended only for the purpose for
24 which the appropriations were originally made.

25 (6) Exercise of transferred powers; savings
26 provisions. The powers, duties, rights, and

1 responsibilities relating to the functions transferred
2 under this subsection are vested in and shall be exercised
3 by the Department of Public Health. Each act done in
4 exercise of those powers, duties, rights, and
5 responsibilities shall have the same legal effect as if
6 done by the Department of Human Services or its divisions,
7 officers, or employees.

8 (7) Persons subject to penalties. Every officer,
9 employee, or agent of the Department of Public Health
10 shall, for any offense, be subject to the same penalty or
11 penalties, civil or criminal, as are prescribed by existing
12 laws for the same offense by any officer, employee, or
13 agent whose powers or duties were transferred under this
14 subsection.

15 (8) Reports or notices. Whenever reports or notices are
16 now required to be made or given or papers or documents
17 furnished or served by any person to or upon the Department
18 of Human Services in connection with any of the functions
19 transferred under this subsection, the same shall be made,
20 given, furnished, or served in the same manner to or upon
21 the Department of Public Health.

22 (9) This subsection shall not affect any act done,
23 ratified, or canceled, or any right occurring or
24 established, or any action or proceeding had or commenced
25 in an administrative, civil, or criminal case, regarding
26 the functions of the Department of Human Services before

1 this amendatory Act of the 96th General Assembly takes
2 effect; such actions may be prosecuted, defended, or
3 continued by the Department of Public Health.

4 (10) Rules. Any rules of the Department of Human
5 Services that relate to the functions transferred under
6 this subsection that are in full force on the effective
7 date of this amendatory Act of the 96th General Assembly,
8 and that have been duly adopted by the Department of Human
9 Services, shall become the rules of the Department of
10 Public Health. This subsection shall not affect the
11 legality of any such rules in the Illinois Administrative
12 Code. Any proposed rules filed with the Secretary of State
13 by the Department of Human Services that are pending in the
14 rulemaking process on the effective date of this amendatory
15 Act of the 96th General Assembly, and that pertain to the
16 functions transferred, shall be deemed to have been filed
17 by the Department of Public Health. As soon as practicable
18 after the effective date of this amendatory Act of the 96th
19 General Assembly, the Department of Public Health shall
20 revise and clarify the rules transferred to it under this
21 subsection to reflect the reorganization of powers,
22 duties, rights, and responsibilities affected by this
23 subsection, using the procedures for recodification of
24 rules available under the Illinois Administrative
25 Procedure Act, except that existing title, part, and
26 section numbering for the affected rules may be retained.

1 The Department of Public Health, consistent with the
2 Department of Human Services' authority to do so, may
3 propose and adopt, under the Illinois Administrative
4 Procedure Act, such other rules of the Department of Human
5 Services that will now be administered by the Department of
6 Public Health.

7 To the extent that, prior to the effective date of the
8 transfer of functions under this subsection, the Secretary
9 of Human Services had been empowered to prescribe
10 regulations or had other authority with respect to the
11 transferred functions, such duties shall be exercised from
12 and after the effective date of the transfer by the
13 Director of Public Health.

14 (11) Successor Agency Act. For the purposes of the
15 Successor Agency Act, the Department of Public Health is
16 declared to be the successor agency of the Department of
17 Human Services, but only with respect to the functions that
18 are transferred to the Department of Public Health under
19 this subsection.

20 (12) Statutory references. Whenever a provision of law
21 refers to the Department of Human Services in connection
22 with its performance of a function that is transferred to
23 the Department of Public Health under this subsection, that
24 provision shall be deemed to refer to the Department of
25 Public Health on and after the effective date of this
26 amendatory Act of the 96th General Assembly.

1 (20 ILCS 2310/2310-643 new)

2 Sec. 2310-643. Illinois State Diabetes Commission.

3 (a) Commission established. The Illinois State Diabetes
4 Commission is established within the Department of Public
5 Health. The Commission shall consist of members that are
6 residents of this State and shall include an Executive
7 Committee appointed by the Director. The members of the
8 Commission shall be appointed by the Director as follows:

9 (1) The Director or the Director's designee, who shall
10 serve as chairperson of the Commission.

11 (2) Physicians who are board certified in
12 endocrinology, with at least one physician with expertise
13 and experience in the treatment of childhood diabetes and
14 at least one physician with expertise and experience in the
15 treatment of adult onset diabetes.

16 (3) Health care professionals with expertise and
17 experience in the prevention, treatment, and control of
18 diabetes.

19 (4) Representatives of organizations or groups that
20 advocate on behalf of persons suffering from diabetes.

21 (5) Representatives of voluntary health organizations
22 or advocacy groups with an interest in the prevention,
23 treatment, and control of diabetes.

24 (6) Members of the public who have been diagnosed with
25 diabetes.

1 The Director may appoint additional members deemed
2 necessary and appropriate by the Director.

3 Members of the Commission shall be appointed by June 1,
4 2010. A member shall continue to serve until his or her
5 successor is duly appointed and qualified.

6 (b) Meetings. Meetings shall be held 3 times per year or at
7 the call of the Commission chairperson.

8 (c) Reimbursement. Members shall serve without
9 compensation but shall, subject to appropriation, be
10 reimbursed for reasonable and necessary expenses actually
11 incurred in the performance of the member's official duties.

12 (d) Department support. The Department shall provide
13 administrative support and current staff as necessary for the
14 effective operation of the Commission.

15 (e) Duties. The Commission shall perform all of the
16 following duties:

17 (1) Hold public hearings to gather information from the
18 general public on issues pertaining to the prevention,
19 treatment, and control of diabetes.

20 (2) Develop a strategy for the prevention, treatment,
21 and control of diabetes in this State.

22 (3) Examine the needs of adults, children, racial and
23 ethnic minorities, and medically underserved populations
24 who have diabetes.

25 (4) Prepare and make available an annual report on the
26 activities of the Commission to the Director, the Speaker

1 of the House of Representatives, the Minority Leader of the
2 House of Representatives, the President of the Senate, the
3 Minority Leader of the Senate, and the Governor by June 30
4 of each year, beginning on June 30, 2011.

5 (f) Funding. The Department may accept on behalf of the
6 Commission any federal funds or gifts and donations from
7 individuals, private organizations, and foundations and any
8 other funds that may become available.

9 (g) Rules. The Director may adopt rules to implement and
10 administer this Section.

11 Section 15. The Commission to Study Disproportionate
12 Justice Impact Act is amended by changing Section 20 as
13 follows:

14 (20 ILCS 4085/20)

15 Sec. 20. Meetings; report. The Commission shall hold one
16 or more public hearings, at which public testimony shall be
17 heard. The Commission shall report its findings and
18 recommendations to the General Assembly on or before December
19 31, 2010 ~~2009~~, after which the Commission shall dissolve.

20 (Source: P.A. 95-995, eff. 6-1-09.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.