



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB1748

by Rep. Camille Y Lilly

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-2	from Ch. 38, par. 1003-6-2
730 ILCS 5/3-8-2	from Ch. 38, par. 1003-8-2
730 ILCS 5/3-10-2	from Ch. 38, par. 1003-10-2
730 ILCS 125/17.10	

Amends the Unified Code of Corrections. Provides that prior to the release of any inmate committed to a facility of the Department of Corrections or the Department of Juvenile Justice, the Department must provide the inmate with appropriate information in writing, by video, or other electronic means, concerning HIV and AIDS. Provides that the Department shall develop the informational materials in consultation with the Department of Public Health. Provides that at the same time, the Department must also offer the committed person the option of testing for infection with human immunodeficiency virus (HIV), with no copayment for the test. Provides that pre-test information shall be provided to the committed person and informed consent obtained as required in the AIDS Confidentiality Act. Provides that the Department may conduct opt-out HIV testing. Provides that the Department shall follow procedures established by the Department of Public Health to conduct HIV testing and testing to confirm positive HIV test results. Eliminates references to the ELISA test and the Western Blot Assay test. Eliminates provision that HIV information and testing provided to inmates is subject to appropriation. Amends the County Jail Act. Provides that inmates of the Cook County Jail shall be provided information and testing conducted by an employee of the Cook County Health & Hospitals System (rather than the Bureau of Health Services).

LRB097 08873 RLC 50843 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-6-2, 3-8-2, and 3-10-2 as follows:

6 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

7 Sec. 3-6-2. Institutions and Facility Administration.

8 (a) Each institution and facility of the Department shall  
9 be administered by a chief administrative officer appointed by  
10 the Director. A chief administrative officer shall be  
11 responsible for all persons assigned to the institution or  
12 facility. The chief administrative officer shall administer  
13 the programs of the Department for the custody and treatment of  
14 such persons.

15 (b) The chief administrative officer shall have such  
16 assistants as the Department may assign.

17 (c) The Director or Assistant Director shall have the  
18 emergency powers to temporarily transfer individuals without  
19 formal procedures to any State, county, municipal or regional  
20 correctional or detention institution or facility in the State,  
21 subject to the acceptance of such receiving institution or  
22 facility, or to designate any reasonably secure place in the  
23 State as such an institution or facility and to make transfers

1 thereto. However, transfers made under emergency powers shall  
2 be reviewed as soon as practicable under Article 8, and shall  
3 be subject to Section 5-905 of the Juvenile Court Act of 1987.  
4 This Section shall not apply to transfers to the Department of  
5 Human Services which are provided for under Section 3-8-5 or  
6 Section 3-10-5.

7 (d) The Department shall provide educational programs for  
8 all committed persons so that all persons have an opportunity  
9 to attain the achievement level equivalent to the completion of  
10 the twelfth grade in the public school system in this State.  
11 Other higher levels of attainment shall be encouraged and  
12 professional instruction shall be maintained wherever  
13 possible. The Department may establish programs of mandatory  
14 education and may establish rules and regulations for the  
15 administration of such programs. A person committed to the  
16 Department who, during the period of his or her incarceration,  
17 participates in an educational program provided by or through  
18 the Department and through that program is awarded or earns the  
19 number of hours of credit required for the award of an  
20 associate, baccalaureate, or higher degree from a community  
21 college, college, or university located in Illinois shall  
22 reimburse the State, through the Department, for the costs  
23 incurred by the State in providing that person during his or  
24 her incarceration with the education that qualifies him or her  
25 for the award of that degree. The costs for which reimbursement  
26 is required under this subsection shall be determined and

1 computed by the Department under rules and regulations that it  
2 shall establish for that purpose. However, interest at the rate  
3 of 6% per annum shall be charged on the balance of those costs  
4 from time to time remaining unpaid, from the date of the  
5 person's parole, mandatory supervised release, or release  
6 constituting a final termination of his or her commitment to  
7 the Department until paid.

8 (d-5) A person committed to the Department is entitled to  
9 confidential testing for infection with human immunodeficiency  
10 virus (HIV) and to counseling in connection with such testing,  
11 with no copay to the committed person. A person committed to  
12 the Department who has tested positive for infection with HIV  
13 is entitled to medical care while incarcerated, counseling, and  
14 referrals to support services, in connection with that positive  
15 test result. Implementation of this subsection (d-5) is subject  
16 to appropriation.

17 (e) A person committed to the Department who becomes in  
18 need of medical or surgical treatment but is incapable of  
19 giving consent thereto shall receive such medical or surgical  
20 treatment by the chief administrative officer consenting on the  
21 person's behalf. Before the chief administrative officer  
22 consents, he or she shall obtain the advice of one or more  
23 physicians licensed to practice medicine in all its branches in  
24 this State. If such physician or physicians advise:

25 (1) that immediate medical or surgical treatment is  
26 required relative to a condition threatening to cause

1 death, damage or impairment to bodily functions, or  
2 disfigurement; and

3 (2) that the person is not capable of giving consent to  
4 such treatment; the chief administrative officer may give  
5 consent for such medical or surgical treatment, and such  
6 consent shall be deemed to be the consent of the person for  
7 all purposes, including, but not limited to, the authority  
8 of a physician to give such treatment.

9 (e-5) If a physician providing medical care to a committed  
10 person on behalf of the Department advises the chief  
11 administrative officer that the committed person's mental or  
12 physical health has deteriorated as a result of the cessation  
13 of ingestion of food or liquid to the point where medical or  
14 surgical treatment is required to prevent death, damage, or  
15 impairment to bodily functions, the chief administrative  
16 officer may authorize such medical or surgical treatment.

17 (f) In the event that the person requires medical care and  
18 treatment at a place other than the institution or facility,  
19 the person may be removed therefrom under conditions prescribed  
20 by the Department. The Department shall require the committed  
21 person receiving medical or dental services on a non-emergency  
22 basis to pay a \$2 co-payment to the Department for each visit  
23 for medical or dental services. The amount of each co-payment  
24 shall be deducted from the committed person's individual  
25 account. A committed person who has a chronic illness, as  
26 defined by Department rules and regulations, shall be exempt

1 from the \$2 co-payment for treatment of the chronic illness. A  
2 committed person shall not be subject to a \$2 co-payment for  
3 follow-up visits ordered by a physician, who is employed by, or  
4 contracts with, the Department. A committed person who is  
5 indigent is exempt from the \$2 co-payment and is entitled to  
6 receive medical or dental services on the same basis as a  
7 committed person who is financially able to afford the  
8 co-payment. Notwithstanding any other provision in this  
9 subsection (f) to the contrary, any person committed to any  
10 facility operated by the Department of Juvenile Justice, as set  
11 forth in Section 3-2.5-15 of this Code, is exempt from the  
12 co-payment requirement for the duration of confinement in those  
13 facilities.

14 (g) Any person having sole custody of a child at the time  
15 of commitment or any woman giving birth to a child after her  
16 commitment, may arrange through the Department of Children and  
17 Family Services for suitable placement of the child outside of  
18 the Department of Corrections. The Director of the Department  
19 of Corrections may determine that there are special reasons why  
20 the child should continue in the custody of the mother until  
21 the child is 6 years old.

22 (h) The Department may provide Family Responsibility  
23 Services which may consist of, but not be limited to the  
24 following:

25 (1) family advocacy counseling;

26 (2) parent self-help group;

- 1 (3) parenting skills training;
- 2 (4) parent and child overnight program;
- 3 (5) parent and child reunification counseling, either
- 4 separately or together, preceding the inmate's release;
- 5 and
- 6 (6) a prerelease reunification staffing involving the
- 7 family advocate, the inmate and the child's counselor, or
- 8 both and the inmate.

9 (i) (Blank). ~~Prior to the release of any inmate who has a~~  
10 ~~documented history of intravenous drug use, and upon the~~  
11 ~~receipt of that inmate's written informed consent, the~~  
12 ~~Department shall provide for the testing of such inmate for~~  
13 ~~infection with human immunodeficiency virus (HIV) and any other~~  
14 ~~identified causative agent of acquired immunodeficiency~~  
15 ~~syndrome (AIDS). The testing provided under this subsection~~  
16 ~~shall consist of an enzyme linked immunosorbent assay (ELISA)~~  
17 ~~test or such other test as may be approved by the Illinois~~  
18 ~~Department of Public Health. If the test result is positive,~~  
19 ~~the Western Blot Assay or more reliable confirmatory test shall~~  
20 ~~be administered. All inmates tested in accordance with the~~  
21 ~~provisions of this subsection shall be provided with pre-test~~  
22 ~~and post-test counseling. Notwithstanding any provision of~~  
23 ~~this subsection to the contrary, the Department shall not be~~  
24 ~~required to conduct the testing and counseling required by this~~  
25 ~~subsection unless sufficient funds to cover all costs of such~~  
26 ~~testing and counseling are appropriated for that purpose by the~~

1 ~~General Assembly.~~

2 (j) Any person convicted of a sex offense as defined in the  
3 Sex Offender Management Board Act shall be required to receive  
4 a sex offender evaluation prior to release into the community  
5 from the Department of Corrections. The sex offender evaluation  
6 shall be conducted in conformance with the standards and  
7 guidelines developed under the Sex Offender Management Board  
8 Act and by an evaluator approved by the Board.

9 (k) Any minor committed to the Department of Juvenile  
10 Justice for a sex offense as defined by the Sex Offender  
11 Management Board Act shall be required to undergo sex offender  
12 treatment by a treatment provider approved by the Board and  
13 conducted in conformance with the Sex Offender Management Board  
14 Act.

15 (l) Prior to the release of any inmate committed to a  
16 facility of the Department or the Department of Juvenile  
17 Justice, the Department must provide the inmate with  
18 appropriate information in writing, by video, or other  
19 electronic means, concerning HIV and AIDS. The Department shall  
20 develop the informational materials in consultation with the  
21 Department of Public Health. At the same time, the Department  
22 must also offer the committed person the option of testing for  
23 infection with human immunodeficiency virus (HIV), ~~as well as~~  
24 ~~counseling in connection with such testing,~~ with no copayment  
25 for the test. Pre-test information shall be provided to the  
26 committed person and informed consent obtained as required in



1 subsection (d) of Section 3 and Section 5 of the AIDS  
2 Confidentiality Act. The Department may conduct opt-out HIV  
3 testing as defined in Section 4 of the AIDS Confidentiality  
4 Act. If the Department conducts opt-out HIV testing, the  
5 Department shall place signs in English, Spanish and other  
6 languages as needed in multiple, highly visible locations in  
7 the area where HIV testing is conducted informing inmates that  
8 they will be tested for HIV unless they refuse, and refusal or  
9 acceptance of testing shall be documented in the inmate's  
10 medical record. The Department shall follow procedures  
11 established by the Department of Public Health to conduct HIV  
12 testing and testing to confirm positive HIV test results. All  
13 testing must be conducted by medical personnel, but pre-test  
14 and other information may be provided by committed persons who  
15 have received appropriate training. The Department, in  
16 conjunction with the Department of Public Health, shall develop  
17 a plan that complies with the AIDS Confidentiality Act to  
18 deliver confidentially all positive or negative HIV test  
19 results to inmates or former inmates. At the same time, the  
20 Department shall require each such inmate to sign a form  
21 stating that the inmate has been informed of his or her rights  
22 with respect to the testing required to be offered under this  
23 subsection (1) and providing the inmate with an opportunity to  
24 indicate either that he or she wants to be tested or that he or  
25 she does not want to be tested. The Department, in consultation  
26 with the Department of Public Health, shall prescribe the

1 ~~contents of the form. The testing provided under this~~  
2 ~~subsection (1) shall consist of an enzyme-linked immunosorbent~~  
3 ~~assay (ELISA) test or any other test approved by the Department~~  
4 ~~of Public Health. If the test result is positive, the Western~~  
5 ~~Blot Assay or more reliable confirmatory test shall be~~  
6 ~~administered.~~

7 Prior to the release of an inmate who the Department knows  
8 has tested positive for infection with HIV, the Department in a  
9 timely manner shall offer the inmate transitional case  
10 management, including referrals to other support services.

11 ~~Implementation of this subsection (1) is subject to~~  
12 ~~appropriation.~~

13 (m) The chief administrative officer of each institution or  
14 facility of the Department shall make a room in the institution  
15 or facility available for addiction recovery services to be  
16 provided to committed persons on a voluntary basis. The  
17 services shall be provided for one hour once a week at a time  
18 specified by the chief administrative officer of the  
19 institution or facility if the following conditions are met:

20 (1) the addiction recovery service contacts the chief  
21 administrative officer to arrange the meeting;

22 (2) the committed person may attend the meeting for  
23 addiction recovery services only if the committed person  
24 uses pre-existing free time already available to the  
25 committed person;

26 (3) all disciplinary and other rules of the institution

1 or facility remain in effect;

2 (4) the committed person is not given any additional  
3 privileges to attend addiction recovery services;

4 (5) if the addiction recovery service does not arrange  
5 for scheduling a meeting for that week, no addiction  
6 recovery services shall be provided to the committed person  
7 in the institution or facility for that week;

8 (6) the number of committed persons who may attend an  
9 addiction recovery meeting shall not exceed 40 during any  
10 session held at the correctional institution or facility;

11 (7) a volunteer seeking to provide addiction recovery  
12 services under this subsection (m) must submit an  
13 application to the Department of Corrections under  
14 existing Department rules and the Department must review  
15 the application within 60 days after submission of the  
16 application to the Department; and

17 (8) each institution and facility of the Department  
18 shall manage the addiction recovery services program  
19 according to its own processes and procedures.

20 For the purposes of this subsection (m), "addiction  
21 recovery services" means recovery services for alcoholics and  
22 addicts provided by volunteers of recovery support services  
23 recognized by the Department of Human Services.

24 (Source: P.A. 96-284, eff. 1-1-10.)

25 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

1           Sec. 3-8-2. Social Evaluation; physical examination;  
2 HIV/AIDS.

3           (a) A social evaluation shall be made of a committed  
4 person's medical, psychological, educational and vocational  
5 condition and history, including the use of alcohol and other  
6 drugs, the circumstances of his offense, and such other  
7 information as the Department may determine. The committed  
8 person shall be assigned to an institution or facility in so  
9 far as practicable in accordance with the social evaluation.  
10 Recommendations shall be made for medical, dental,  
11 psychiatric, psychological and social service treatment.

12           (b) A record of the social evaluation shall be entered in  
13 the committed person's master record file and shall be  
14 forwarded to the institution or facility to which the person is  
15 assigned.

16           (c) Upon admission to a correctional institution each  
17 committed person shall be given a physical examination. If he  
18 is suspected of having a communicable disease that in the  
19 judgment of the Department medical personnel requires medical  
20 isolation, the committed person shall remain in medical  
21 isolation until it is no longer deemed medically necessary.

22           (d) Upon arrival at an inmate's final destination, the  
23 Department must provide the committed person with appropriate  
24 information in writing, verbally, by video or other electronic  
25 means ~~written information and counseling~~ concerning HIV and  
26 AIDS. The Department shall develop the informational ~~written~~

1 materials in consultation with the Department of Public Health.  
2 At the same time, the Department also must offer the committed  
3 person the option of being tested, with no copayment, for  
4 infection with human immunodeficiency virus (HIV). Pre-test  
5 information shall be provided to the committed person and  
6 informed consent obtained as required in subsection (d) of  
7 Section 3 and Section 5 of the AIDS Confidentiality Act. The  
8 Department may conduct opt-out HIV testing as defined in  
9 Section 4 of the AIDS Confidentiality Act. If the Department  
10 conducts opt-out HIV testing, the Department shall place signs  
11 in English, Spanish and other languages as needed in multiple,  
12 highly visible locations in the area where HIV testing is  
13 conducted informing inmates that they will be tested for HIV  
14 unless they refuse, and refusal or acceptance of testing shall  
15 be documented in the inmate's medical record. The Department  
16 shall follow procedures established by the Department of Public  
17 Health to conduct HIV testing and testing to confirm positive  
18 HIV test results. All testing must be conducted by medical  
19 personnel, but pre-test and other information may be provided  
20 by committed persons who have received appropriate training.  
21 The Department, in conjunction with the Department of Public  
22 Health, shall develop a plan that complies with the AIDS  
23 Confidentiality Act to deliver confidentially all positive or  
24 negative HIV test results to inmates or former inmates. The  
25 ~~Department shall require each committed person to sign a form~~  
26 ~~stating that the committed person has been informed of his or~~

~~her rights with respect to the testing required to be offered under this subsection (d) and providing the committed person with an opportunity to indicate either that he or she wants to be tested or that he or she does not want to be tested. The Department, in consultation with the Department of Public Health, shall prescribe the contents of the form. The testing provided under this subsection (d) shall consist of an enzyme linked immunosorbent assay (ELISA) test or any other test approved by the Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered. Implementation of this subsection (d) is subject to appropriation.~~

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

(730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

Sec. 3-10-2. Examination of Persons Committed to the Department of Juvenile Justice.

(a) A person committed to the Department of Juvenile Justice shall be examined in regard to his medical, psychological, social, educational and vocational condition and history, including the use of alcohol and other drugs, the circumstances of his offense and any other information as the Department of Juvenile Justice may determine.

(a-5) Upon admission of a person committed to the Department of Juvenile Justice, the Department of Juvenile Justice must provide the person with appropriate information

1 ~~written information and counseling~~ concerning HIV and AIDS in  
2 writing, verbally, or by video or other electronic means. The  
3 Department of Juvenile Justice shall develop the informational  
4 ~~written~~ materials in consultation with the Department of Public  
5 Health. At the same time, the Department of Juvenile Justice  
6 also must offer the person the option of being tested, at no  
7 charge to the person, for infection with human immunodeficiency  
8 virus (HIV). Pre-test information shall be provided to the  
9 committed person and informed consent obtained as required in  
10 subsection (d) of Section 3 and Section 5 of the AIDS  
11 Confidentiality Act. The Department of Juvenile Justice may  
12 conduct opt-out HIV testing as defined in Section 4 of the AIDS  
13 Confidentiality Act. If the Department conducts opt-out HIV  
14 testing, the Department shall place signs in English, Spanish  
15 and other languages as needed in multiple, highly visible  
16 locations in the area where HIV testing is conducted informing  
17 inmates that they will be tested for HIV unless they refuse,  
18 and refusal or acceptance of testing shall be documented in the  
19 inmate's medical record. The Department shall follow  
20 procedures established by the Department of Public Health to  
21 conduct HIV testing and testing to confirm positive HIV test  
22 results. All testing must be conducted by medical personnel,  
23 but pre-test and other information may be provided by committed  
24 persons who have received appropriate training. The  
25 Department, in conjunction with the Department of Public  
26 Health, shall develop a plan that complies with the AIDS

1 Confidentiality Act to deliver confidentially all positive or  
2 negative HIV test results to inmates or former inmates. ~~or any~~  
3 ~~other identified causative agent of acquired immunodeficiency~~  
4 ~~syndrome (AIDS). The Department of Juvenile Justice shall~~  
5 ~~require each person committed to the Department of Juvenile~~  
6 ~~Justice to sign a form stating that the person has been~~  
7 ~~informed of his or her rights with respect to the testing~~  
8 ~~required to be offered under this subsection (a 5) and~~  
9 ~~providing the person with an opportunity to indicate either~~  
10 ~~that he or she wants to be tested or that he or she does not~~  
11 ~~want to be tested. The Department of Juvenile Justice, in~~  
12 ~~consultation with the Department of Public Health, shall~~  
13 ~~prescribe the contents of the form. The testing provided under~~  
14 ~~this subsection (a 5) shall consist of an enzyme linked~~  
15 ~~immunosorbent assay (ELISA) test or any other test approved by~~  
16 ~~the Department of Public Health. If the test result is~~  
17 ~~positive, the Western Blot Assay or more reliable confirmatory~~  
18 ~~test shall be administered.~~

19 Also upon admission of a person committed to the Department  
20 of Juvenile Justice, the Department of Juvenile Justice must  
21 inform the person of the Department's obligation to provide the  
22 person with medical care.

23 ~~Implementation of this subsection (a 5) is subject to~~  
24 ~~appropriation.~~

25 (b) Based on its examination, the Department of Juvenile  
26 Justice may exercise the following powers in developing a



1 treatment program of any person committed to the Department of  
2 Juvenile Justice:

3 (1) Require participation by him in vocational,  
4 physical, educational and corrective training and  
5 activities to return him to the community.

6 (2) Place him in any institution or facility of the  
7 Department of Juvenile Justice.

8 (3) Order replacement or referral to the Parole and  
9 Pardon Board as often as it deems desirable. The Department  
10 of Juvenile Justice shall refer the person to the Parole  
11 and Pardon Board as required under Section 3-3-4.

12 (4) Enter into agreements with the Secretary of Human  
13 Services and the Director of Children and Family Services,  
14 with courts having probation officers, and with private  
15 agencies or institutions for separate care or special  
16 treatment of persons subject to the control of the  
17 Department of Juvenile Justice.

18 (c) The Department of Juvenile Justice shall make periodic  
19 reexamination of all persons under the control of the  
20 Department of Juvenile Justice to determine whether existing  
21 orders in individual cases should be modified or continued.  
22 This examination shall be made with respect to every person at  
23 least once annually.

24 (d) A record of the treatment decision including any  
25 modification thereof and the reason therefor, shall be part of  
26 the committed person's master record file.

1 (e) The Department of Juvenile Justice shall by certified  
2 mail, return receipt requested, notify the parent, guardian or  
3 nearest relative of any person committed to the Department of  
4 Juvenile Justice of his physical location and any change  
5 thereof.

6 (Source: P.A. 94-629, eff. 1-1-06; 94-696, eff. 6-1-06.)

7 Section 10. The County Jail Act is amended by changing  
8 Section 17.10 as follows:

9 (730 ILCS 125/17.10)

10 Sec. 17.10. Requirements in connection with HIV/AIDS.

11 (a) In each county other than Cook, during the medical  
12 admissions exam, the warden of the jail, a correctional officer  
13 at the jail, or a member of the jail medical staff must provide  
14 the prisoner with appropriate written information concerning  
15 human immunodeficiency virus (HIV) and acquired  
16 immunodeficiency syndrome (AIDS). The Department of Public  
17 Health and community-based organizations certified to provide  
18 HIV/AIDS testing must provide these informational materials to  
19 the warden at no cost to the county. The warden, a correctional  
20 officer, or a member of the jail medical staff must inform the  
21 prisoner of the option of being tested for infection with HIV  
22 by a certified local community-based agency or other available  
23 medical provider at no charge to the prisoner.

24 (b) In Cook County, during the medical admissions exam, an

1 employee of the Cook County Health & Hospitals System ~~Bureau of~~  
2 ~~Health Services~~ must provide the prisoner with appropriate  
3 ~~written~~ information in writing, verbally or by video or other  
4 electronic means concerning human immunodeficiency virus (HIV)  
5 and acquired immunodeficiency syndrome (AIDS) and must also  
6 provide the prisoner with option of testing for infection with  
7 HIV or any other identified causative agent of AIDS, as well as  
8 counseling in connection with such testing. The Cook County  
9 Health & Hospitals System may provide the inmate with opt-out  
10 human immunodeficiency virus (HIV) testing, as defined in  
11 Section 4 of the AIDS Confidentiality Act, unless the inmate  
12 refuses. If opt-out HIV testing is conducted, the Cook County  
13 Health & Hospitals System shall place signs in English,  
14 Spanish, and other languages as needed in multiple, highly  
15 visible locations in the area where HIV testing is conducted  
16 informing inmates that they will be tested for HIV unless they  
17 refuse, and refusal or acceptance of testing shall be  
18 documented in the inmate's medical record. Pre-test  
19 information shall be provided to the inmate and informed  
20 consent obtained from the inmate as required in subsection (d)  
21 of Section 3 and Section 5 of the AIDS Confidentiality Act. The  
22 Cook County Health & Hospitals System shall follow procedures  
23 established by the Department of Public Health to conduct HIV  
24 testing and testing to confirm positive HIV test results. All  
25 aspects of HIV testing shall comply with the requirements of  
26 the AIDS Confidentiality Act, including delivery of test

1 results, as determined by the Cook County Health & Hospitals  
2 System in consultation with the Illinois Department of Public  
3 Health. The Department of Public Health and community-based  
4 organizations certified to provide HIV/AIDS testing may ~~must~~  
5 provide these informational materials to the Bureau at no cost  
6 to the county. ~~The testing provided under this subsection (b)~~  
7 ~~shall be conducted by the Cook County Bureau of Health Services~~  
8 ~~and shall consist of an enzyme linked immunosorbent assay~~  
9 ~~(ELISA) test or any other test approved by the Department of~~  
10 ~~Public Health. If the test result is positive, the Western Blot~~  
11 ~~Assay or more reliable confirmatory test shall be administered.~~

12 (c) In each county, the warden of the jail must make  
13 appropriate written information concerning HIV/AIDS available  
14 to every visitor to the jail. This information must include  
15 information concerning persons or entities to contact for local  
16 counseling and testing. The Department of Public Health and  
17 community-based organizations certified to provide HIV/AIDS  
18 testing must provide these informational materials to the  
19 warden at no cost to the office of the county sheriff.

20 (d) Implementation of this Section is subject to  
21 appropriation.

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