

1 AN ACT concerning emergency health powers.

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

4 ARTICLE 1. TITLE, FINDINGS, PURPOSES, AND DEFINITIONS

5 Section 1-1. Short title. This Act may be cited as the  
6 Illinois Emergency Health Powers Act.

7 Section 1-5. Legislative findings. The General Assembly  
8 finds that:

9 (1) The government must do more to protect the health,  
10 safety, and general well being of its citizens.

11 (2) New and emerging dangers, including emergent and  
12 resurgent infectious diseases and incidents of civilian mass  
13 casualties, pose serious and immediate threats.

14 (3) A renewed focus on the prevention, detection,  
15 management, and containment of public health emergencies is  
16 needed.

17 (4) Emergency health threats, including those caused by  
18 bioterrorism, may require the exercise of extraordinary  
19 government functions.

20 (5) This State must have the ability to respond, rapidly  
21 and effectively, to potential or actual public health  
22 emergencies.

23 (6) The exercise of emergency health powers must promote  
24 the common good.

25 (7) Emergency health powers must be grounded in a  
26 thorough scientific understanding of public health threats  
27 and disease transmission.

28 (8) Guided by principles of justice and  
29 anti-discrimination, it is the duty of this State to act with  
30 fairness and tolerance towards individuals and groups.

1           (9) The rights of people to liberty, bodily integrity,  
2 and privacy must be respected to the fullest extent possible  
3 consistent with maintaining and preserving the public's  
4 health and security.

5           (10) This Act is necessary to protect the health and  
6 safety of the citizens of this State.

7           Section 1-10. Purposes. The purposes of this Act are the  
8 following:

9           (0.5) To require the development of a comprehensive plan  
10 to provide for a coordinated, appropriate response in the  
11 event of a public health emergency.

12           (1) To authorize the collection of data and records, the  
13 management of property, the protection of persons, and access  
14 to communications.

15           (2) To facilitate the early detection of a health  
16 emergency, and to allow for immediate investigation of such  
17 an emergency by granting access to individuals' health  
18 information under specified circumstances.

19           (3) To grant State officials the authority to use and  
20 appropriate property as necessary for the care, treatment,  
21 and housing of patients and to destroy contaminated  
22 facilities or materials.

23           (4) To grant State and local officials the authority to  
24 provide care, treatment, and vaccination to persons who are  
25 ill or who have been exposed to contagious diseases, and to  
26 separate affected individuals from the population at large to  
27 interrupt disease transmission.

28           (5) To ensure that the needs of infected or exposed  
29 persons are addressed to the fullest extent possible, given  
30 the primary goal of controlling serious health threats.

31           (6) To provide State officials with the ability to  
32 prevent, detect, manage, and contain emergency health threats  
33 without unduly interfering with civil rights and liberties.

1 Section 1-15. Definitions.

2 (1) "Bioterrorism" is the intentional use of any  
3 microorganism, virus, infectious substance, or biological  
4 product that may be engineered as a result of biotechnology,  
5 or any naturally occurring or bioengineered component of any  
6 such microorganism, virus, infectious substance, or  
7 biological product, to cause death, disease, or other  
8 biological malfunction in a human, an animal, a plant, or  
9 another living organism in order to influence the conduct of  
10 government or to intimidate or coerce a civilian population.

11 (2) "Chain of custody" is the methodology of tracking  
12 specimens for the purpose of maintaining control and  
13 accountability from initial collection to final disposition  
14 of the specimens and providing for accountability at each  
15 stage of collecting, handling, testing, storing, and  
16 transporting the specimens and reporting test results.

17 (3) "Contagious disease" is an infectious disease that  
18 can be transmitted from person to person.

19 (4) "Health care facility" means all or part of any  
20 non-federal institution, building, or agency, whether public  
21 or private (for-profit or nonprofit) that is used, operated,  
22 or designed to provide health services, medical treatment, or  
23 nursing, rehabilitative, or preventive care to any person or  
24 persons. This includes, but is not limited to: ambulatory  
25 surgical facilities, home health agencies, hospices,  
26 hospitals, infirmaries, intermediate care facilities, kidney  
27 treatment centers, long-term care facilities, medical  
28 assistance facilities, mental health centers, outpatient  
29 facilities, public health centers, rehabilitation facilities,  
30 residential treatment facilities, skilled nursing facilities,  
31 and adult day-care centers. This also includes, but is not  
32 limited to, the following related property when used for or  
33 in connection with the foregoing: laboratories; research  
34 facilities; pharmacies; laundry facilities; health personnel

1 training and lodging facilities; patient, guest, and health  
2 personnel food service facilities; and offices and office  
3 buildings for persons engaged in health care professions or  
4 services.

5 (5) "Health care provider" is any person or entity that  
6 provides health care services including, but not limited to,  
7 hospitals, medical clinics and offices, special care  
8 facilities, medical laboratories, physicians, pharmacists,  
9 dentists, physician assistants, nurse practitioners,  
10 registered and other nurses, paramedics, emergency medical or  
11 laboratory technicians, and ambulance and emergency medical  
12 workers.

13 (6) "Infectious disease" is a disease caused by a living  
14 organism or other pathogen, including a fungus, bacillus,  
15 parasite, protozoan, or virus. An infectious disease may, or  
16 may not, be transmissible from person to person, animal to  
17 person, or insect to person.

18 (7) "Infectious waste" is:

19 (a) "biological waste", which includes blood and  
20 blood products, excretions, exudates, secretions,  
21 suctioning and other body fluids, and waste materials  
22 saturated with blood or body fluids;

23 (b) "cultures and stocks", which include etiologic  
24 agents and associated biologicals, including specimen  
25 cultures and dishes and devices used to transfer,  
26 inoculate, and mix cultures, wastes from production of  
27 biologicals and serums, and discarded live and attenuated  
28 vaccines;

29 (c) "pathological waste", which includes biopsy  
30 materials and all human tissues, anatomical parts that  
31 emanate from surgery, obstetrical procedures, necropsy or  
32 autopsy and laboratory procedures, and animal carcasses  
33 exposed to pathogens in research and the bedding and  
34 other waste from those animals, but does not include

1 teeth or formaldehyde or other preservative agents; and  
2 (d) "sharps", which include needles, I.V. tubing  
3 with needles attached, scalpel blades, lancets, breakable  
4 glass tubes, and syringes that have been removed from  
5 their original sterile containers.

6 (8) "Isolation" is the physical separation and  
7 confinement of an individual or groups or individuals  
8 believed to be infected with a contagious or possibly  
9 contagious disease from non-isolated individuals, in order to  
10 prevent or limit the transmission of the disease to  
11 non-isolated individuals.

12 (9) "Mental health support personnel" include, but are  
13 not limited to, psychiatrists, psychologists, social workers,  
14 and volunteer crisis counseling groups.

15 (9.5) "Organized militia" includes the Illinois National  
16 Guard, the army national guard, the air national guard, or  
17 any other military force organized under the laws of this  
18 State.

19 (10) "Protected health information" is any information,  
20 whether oral, written, electronic, visual, or any other form,  
21 that relates to an individual's past, present, or future  
22 physical or mental health status, condition, treatment,  
23 service, products purchased, or provision of care, and that  
24 reveals the identity of the individual whose health care is  
25 the subject of the information, or where there is a  
26 reasonable basis to believe that information could be used  
27 (either alone or with other information that is, or should  
28 reasonably be known to be, available to predictable  
29 recipients of that information) to reveal the identity of  
30 that individual.

31 (11) "Public health authority" is the Department of  
32 Public Health; any local government agency that acts  
33 principally to protect or preserve the public's health; or  
34 any person directly authorized to act on behalf of the

1 Department of Public Health or local public health agency.

2 (12) A "public health emergency" is an occurrence or  
3 imminent threat of an illness or health condition that:

4 (a) is believed to be caused by any of the  
5 following:

6 (i) bioterrorism;

7 (ii) the appearance of a novel or previously  
8 controlled or eradicated infectious agent or  
9 biological toxin;

10 (iii) a natural disaster;

11 (iv) a chemical attack or accidental release;

12 or

13 (v) a nuclear attack or accident; and

14 (b) poses a high probability of any of the  
15 following harms:

16 (i) a large number of deaths in the affected  
17 population;

18 (ii) a large number of serious or long-term  
19 disabilities in the affected population; or

20 (iii) widespread exposure to an infectious or  
21 toxic agent that poses a significant risk of  
22 substantial future harm to a large number of people  
23 in the affected population.

24 (13) "Public safety authority" is the Department of  
25 State Police; any local government agency that acts  
26 principally to protect or preserve the public safety; or any  
27 person directly authorized to act on behalf of the Department  
28 of State Police or local agency.

29 (13.5) "Quarantine" is the physical separation and  
30 confinement of an individual or groups of individuals, who  
31 are or may have been exposed to a contagious or possibly  
32 contagious disease and who do not show signs or symptoms of a  
33 contagious disease, from non-quarantined individuals, to  
34 prevent or limit the transmission of the disease to

1 non-quarantined individuals.

2 (14) "Specimens" include, but are not limited to, blood,  
3 sputum, urine, stool, other bodily fluids, wastes, tissues,  
4 and cultures necessary to perform required tests.

5 (15) "Tests" include, but are not limited to, any  
6 diagnostic or investigative analyses necessary to prevent the  
7 spread of disease or protect the public's health, safety, and  
8 welfare.

9 (16) "Trial court" is a circuit court in the district in  
10 which isolation or quarantine is to occur, a court designated  
11 by the Public Health Emergency Plan under Article 3 of this  
12 Act, or a circuit court in the district in which a public  
13 health emergency has been declared.

14 ARTICLE 3. PLANNING FOR A PUBLIC HEALTH EMERGENCY

15 Section 3-5. Public Health Emergency Planning Commission.  
16 The Governor shall appoint a Public Health Emergency Planning  
17 Commission ("the Commission"), consisting of the State  
18 Directors or Secretaries, or their designees, of agencies the  
19 Governor deems relevant to public health emergency  
20 preparedness, a representative group of state legislators,  
21 members of the judiciary, and any other persons chosen by the  
22 Governor. The Governor shall also designate the chair of the  
23 Commission.

24 Section 3-10. Public Health Emergency Plan.

25 (a) Content. The Commission shall, within 6 months after  
26 its appointment, deliver to the Governor a plan for  
27 responding to a public health emergency that includes  
28 provisions or guidelines on the following:

29 (1) Notifying and communicating with the population  
30 during a state of public health emergency in compliance  
31 with this Act.

1           (2) Central coordination of resources, manpower,  
2 and services, including coordination of responses by  
3 State, local, tribal, and federal agencies.

4           (3) The location, procurement, storage,  
5 transportation, maintenance, and distribution of  
6 essential materials, including but not limited to medical  
7 supplies, drugs, vaccines, food, shelter, clothing, and  
8 beds.

9           (4) Compliance with the reporting requirements in  
10 Section 5-5.

11           (5) The continued, effective operation of the  
12 judicial system including, if deemed necessary, the  
13 identification and training of personnel to serve as  
14 emergency judges regarding matters of isolation and  
15 quarantine as described in this Act.

16           (6) The method of evacuating populations, and  
17 housing and feeding the evacuated populations.

18           (7) The identification and training of health care  
19 providers to diagnose and treat persons with infectious  
20 diseases.

21           (8) The vaccination of persons, in compliance with  
22 the provisions of this Act.

23           (9) The treatment of persons who have been exposed  
24 to or who are infected with diseases or health conditions  
25 that may be the cause of a public health emergency.

26           (10) The safe disposal of infectious wastes and  
27 human remains in compliance with the provisions of this  
28 Act.

29           (11) The safe and effective control of persons  
30 isolated, quarantined, vaccinated, tested, or treated  
31 during a state of public health emergency.

32           (12) Tracking the source and outcomes of infected  
33 persons.

34           (13) Ensuring that each municipality and county



1 within the State identifies the following:

2 (i) sites where persons can be isolated or  
3 quarantined in compliance with the provisions of  
4 this Act regarding the least restrictive means for  
5 isolation and quarantine, and requirements for  
6 maintaining the safety, health, and dignity of those  
7 isolated or quarantined;

8 (ii) sites where medical supplies, food, and  
9 other essentials can be distributed to the  
10 population;

11 (iii) sites where public health and emergency  
12 workers can be housed and fed; and

13 (iv) routes and means of transportation of  
14 people and materials.

15 (13.5) Coordination with other states and the  
16 federal government.

17 (14) Cultural norms, values, religious principles,  
18 and traditions that may be relevant.

19 (15) Other measures necessary to carry out the  
20 purposes of this Act.

21 (b) Distribution. The Commission shall distribute this  
22 plan to those who will be responsible for its implementation,  
23 other interested persons, and the public, and seek their  
24 review and comments.

25 (c) Review. The Commission shall annually review its  
26 plan for responding to a public health emergency.

27 ARTICLE 5. MEASURES TO DETECT AND TRACK  
28 PUBLIC HEALTH EMERGENCIES

29 Section 5-5. Reporting.

30 (1) Illness or health condition. A health care provider,  
31 coroner, or medical examiner shall report all cases of  
32 persons who harbor any illness or health condition that may

1 be potential causes of a public health emergency. Reportable  
2 illnesses and health conditions include, but are not limited  
3 to, the diseases caused by the biological agents listed in 42  
4 C.F.R. Section 72, App. A (2000) and any illnesses or health  
5 conditions identified by the public health authority.

6 (2) Pharmacists. In addition to the foregoing  
7 requirements for health care providers, a pharmacist must  
8 report any unusual or increased prescription rates, unusual  
9 types of prescriptions, or unusual trends in pharmacy visits  
10 that may be potential causes of a public health emergency.  
11 Prescription-related events that require a report include,  
12 but are not limited to:

13 (a) an unusual increase in the number of  
14 prescriptions or over-the-counter pharmaceuticals to  
15 treat conditions that the public health authority  
16 identifies through regulations;

17 (b) an unusual increase in the number of  
18 prescriptions for antibiotics; and

19 (c) any prescription that treats a disease that is  
20 relatively uncommon or may be associated with  
21 bioterrorism.

22 (3) Manner of reporting. The report must be made  
23 electronically or in writing within 24 hours to the public  
24 health authority. The report must include as much of the  
25 following information as is available: the specific illness  
26 or health condition that is the subject of the report; the  
27 patient's name, date of birth, sex, race, occupation, and  
28 current home and work addresses (including city and county);  
29 the name and address of the health care provider, coroner, or  
30 medical examiner and of the reporting individual, if  
31 different; and any other information needed to locate the  
32 patient for follow-up. For cases related to animal or insect  
33 bites, the suspected locating information of the biting  
34 animal or insect, and the name and address of any known

1 owner, must be reported.

2 (4) Animal diseases. Every veterinarian, livestock  
3 owner, veterinary diagnostic laboratory director, or other  
4 person having the care of animals must report animals having  
5 or suspected of having any disease that may be potential  
6 causes of a public health emergency. The report must be made  
7 electronically or in writing within 24 hours to the public  
8 health authority and must include as much of the following  
9 information as is available: the specific illness or health  
10 condition that is the subject of the report, the suspected  
11 locating information of the animal, the name and address of  
12 any known owner, and the name and address of the reporting  
13 individual.

14 (5) Laboratories. For the purposes of this Section, the  
15 definition of "health care provider" includes out-of-state  
16 medical laboratories that have agreed to the reporting  
17 requirements of this State. Results must be reported by the  
18 laboratory that performs the test, but an in-state laboratory  
19 that sends specimens to an out-of-state laboratory is also  
20 responsible for reporting results.

21 (6) Enforcement. The public health authority may enforce  
22 the provisions of this Section in accordance with existing  
23 enforcement rules and regulations.

24 Section 5-10. Tracking. The public health authority shall  
25 ascertain the existence of cases of an illness or health  
26 condition that may be a potential cause of a public health  
27 emergency; investigate all such cases for sources of  
28 infection and to ensure that they are subject to proper  
29 control measures; and define the distribution of the illness  
30 or health condition. To fulfill these duties, the public  
31 health authority shall identify exposed individuals as  
32 follows:

33 (1) Identification of individuals. Acting on information

1 developed in accordance with Section 5-5, or other reliable  
2 information, the public health authority shall identify all  
3 individuals thought to have been exposed to an illness or  
4 health condition that may be a potential cause of a public  
5 health emergency.

6 (2) Interviewing of individuals. The public health  
7 authority shall counsel and interview such individuals to  
8 assist in the positive identification of exposed individuals  
9 and develop information relating to the source and spread of  
10 the illness or health condition. That information includes  
11 the name and address (including municipality and county) of  
12 any person from whom the illness or health condition may have  
13 been contracted and to whom the illness or health condition  
14 may have spread.

15 (3) Examination of facilities or materials. The public  
16 health authority shall, for examination purposes, close,  
17 evacuate, or decontaminate any facility or decontaminate or  
18 destroy any material when the authority reasonably suspects  
19 that the facility or material may endanger the public health.

20 (4) Enforcement. The public health authority may enforce  
21 the provisions of this Section in accordance with existing  
22 enforcement rules and regulations. An order of the public  
23 health authority given to effectuate the purposes of this  
24 Section shall be enforceable immediately by the public safety  
25 authority.

26 Section 5-15. Information sharing.

27 (1) Whenever the public safety authority or other State  
28 or local government agency learns of a case of a reportable  
29 illness or health condition, an unusual cluster, or a  
30 suspicious event that may be the case of a public health  
31 emergency, it shall immediately notify the public health  
32 authority.

33 (2) Whenever the public health authority learns of a

1 case of a reportable illness or health condition, an unusual  
 2 cluster, or a suspicious event that it reasonably believes  
 3 has the potential to be caused by bioterrorism, it must  
 4 immediately notify the public safety authority, tribal  
 5 authorities, and federal health and public safety  
 6 authorities.

7 (3) Sharing of information on reportable illnesses,  
 8 health conditions, unusual clusters, or suspicious events  
 9 between public health and safety authorities shall be  
 10 restricted to information necessary for the treatment,  
 11 control, investigation, and prevention of a public health  
 12 emergency.

13 ARTICLE 10. DECLARING STATE OF PUBLIC HEALTH EMERGENCY

14 Section 10-5. Declaration. A state of public health  
 15 emergency may be declared by the Governor upon an occurrence  
 16 of a public health emergency as defined in Section 1-15.  
 17 Before making the declaration, the Governor shall consult  
 18 with the public health authority and may consult with any  
 19 additional public health and other experts as needed. The  
 20 Governor may act to declare a public health emergency without  
 21 consulting with the public health authority or other experts  
 22 when the situation calls for prompt and timely action.

23 Section 10-10. Content of declaration. A state of public  
 24 health emergency shall be declared by an executive order that  
 25 specifies:

- 26 (a) the nature of the public health emergency;
- 27 (b) the political subdivisions or geographic areas  
 28 subject to the declaration;
- 29 (c) the conditions that have brought about the public  
 30 health emergency;
- 31 (d) the duration of the state of the public health

1 emergency, if less than 30 days; and

2 (e) the primary public health authority responding to  
3 the emergency.

4 Section 10-15. Effect of declaration. The declaration of  
5 a state of public health emergency shall activate the  
6 disaster response and recovery aspects of the State, local,  
7 and inter-jurisdictional disaster emergency plans in the  
8 affected political subdivisions or geographic areas. The  
9 declaration authorizes the deployment and use of any forces  
10 to which the plans apply and the use or distribution of any  
11 supplies, equipment, and materials and facilities assembled,  
12 stockpiled, or available under this Act.

13 (1) Emergency powers. During a state of public health  
14 emergency, the Governor may:

15 (a) Suspend the provisions of any regulatory  
16 statute prescribing procedures for conducting State  
17 business, or the orders, rules, and regulations of any  
18 State agency, if strict compliance would prevent, hinder,  
19 or delay necessary action (including emergency purchases)  
20 by the public health authority to respond to the public  
21 health emergency and increase the health threat to the  
22 population.

23 (b) Use all available resources of the State  
24 government and its political subdivisions, as reasonably  
25 necessary to respond to the public health emergency.

26 (c) Transfer the direction, personnel, or functions  
27 of State departments and agencies to perform or  
28 facilitate response and recovery programs regarding the  
29 public health emergency.

30 (d) Mobilize all or any part of the Illinois  
31 National Guard into service of the State. An order  
32 directing the Illinois National Guard to report for  
33 active duty shall state the purpose for which it is

1 mobilized and the objectives to be accomplished.

2 (e) Provide aid to and seek aid from other states  
3 in accordance with any interstate emergency compact made  
4 with this State.

5 (f) Seek aid from the federal government in  
6 accordance with federal programs or requirements.

7 (2) Coordination. The public health authority shall  
8 coordinate all matters pertaining to the public health  
9 emergency response of the State. The public health authority  
10 has primary jurisdiction, responsibility, and authority for:

11 (a) Planning and executing public health emergency  
12 assessment, mitigation, preparedness response, and  
13 recovery for the State.

14 (b) Coordinating public health emergency response  
15 between State and local authorities.

16 (c) Collaborating with relevant federal government  
17 authorities, elected officials of other states, or  
18 private organizations or companies.

19 (d) Coordinating recovery operations and mitigation  
20 initiatives subsequent to public health emergencies.

21 (e) Organizing public information activities  
22 regarding public health emergency response operations.

23 (3) Identification. After the declaration of a state of  
24 public health emergency, special identification for all  
25 public health personnel working during the emergency shall be  
26 issued as soon as possible. The identification shall indicate  
27 the authority of the bearer to exercise public health  
28 functions and emergency powers during the state of public  
29 health emergency. Public health personnel shall wear the  
30 identification in plain view.

31 Section 10-20. Enforcement. During a state of public  
32 health emergency, the public health authority may request  
33 assistance in enforcing orders under this Act from the public

1 safety authority. The public safety authority may request  
2 assistance from the Illinois National Guard in enforcing the  
3 orders of the public health authority.

4 Section 10-25. Termination of declaration.

5 (1) Executive order. The Governor shall terminate the  
6 state of public health emergency by executive order upon  
7 finding that the occurrence of an illness or health condition  
8 that caused the emergency no longer poses a high probability  
9 of a large number of deaths in the affected population, a  
10 large number of incidents of permanent or long-term  
11 disability in the affected population, or a significant risk  
12 of substantial future harm to a large number of people in the  
13 affected population.

14 (2) Automatic termination. Notwithstanding any other  
15 provision of this Act, the declaration of a state of public  
16 health emergency shall be terminated automatically 30 days  
17 unless renewed by the Governor under the same standards and  
18 procedures set forth in this Article. Any such renewal shall  
19 also be terminated automatically after 30 days unless renewed  
20 by the Governor under the same standards and procedures set  
21 forth in this Article.

22 (3) State legislature. By adopting a joint resolution by  
23 a majority vote of both chambers, the General Assembly may  
24 terminate a state of public health emergency at any time from  
25 the date of original declaration upon finding that the  
26 occurrence of an illness or health condition that caused the  
27 emergency does not or no longer poses a high probability of a  
28 large numbers of deaths in the affected population, a large  
29 number of incidents of serious permanent or long-term  
30 disability in the affected population, or a significant risk  
31 of substantial future harm to a large number of people in the  
32 affected population. Termination by the General Assembly  
33 overrides any renewal by the Governor.



1           (4) Content of termination order. All orders terminating  
2 the declaration of a state of public health emergency shall  
3 indicate the nature of the emergency, the areas that were  
4 threatened, and the conditions that make possible the  
5 termination of the declaration.

6           ARTICLE 15. SPECIAL POWERS DURING STATE OF PUBLIC  
7           HEALTH EMERGENCY; MANAGEMENT OF PROPERTY

8           Section 15-5. Emergency measures concerning facilities  
9 and materials. The public health authority may exercise, for  
10 such period as the state of public health emergency exists,  
11 the following powers over facilities or materials:

12           (1) Facilities. To close, direct and compel the  
13 evacuation of, or to decontaminate or cause to be  
14 decontaminated any facility of which there is reasonable  
15 cause to believe that it may endanger the public health.

16           (2) Materials. To decontaminate, cause to be  
17 decontaminated, or destroy any material of which there is  
18 reasonable cause to believe that it may endanger the public  
19 health.

20           Section 15-10. Access to and control of facilities and  
21 property; generally. The public health authority may  
22 exercise, for such period as the state of public health  
23 emergency exists, the following powers concerning facilities,  
24 materials, roads, or public areas:

25           (1) Use of facilities and materials. To procure, by  
26 condemnation (including quick-take under Article VII of the  
27 Code of Civil Procedure) or otherwise, construct, lease,  
28 transport, store, maintain, renovate, or distribute materials  
29 and facilities as may be reasonable and necessary to respond  
30 to a public health emergency, with the right to take  
31 immediate possession. These materials and facilities include,

1 but are not limited to, communication devices, carriers, real  
2 estate, fuels, food, and clothing.

3 (2) Use of health care facilities. To require a health  
4 care facility to provide services or the use of its facility  
5 if those services or use are reasonable and necessary to  
6 respond to the public health emergency as a condition of  
7 licensure, authorization, or the ability to continue doing  
8 business in the State as a health care facility. The use of  
9 the health care facility may include transferring the  
10 management and supervision of the health care facility to the  
11 public health authority for a limited or unlimited period of  
12 time, but shall not exceed the termination of the declaration  
13 of a state of public health emergency.

14 (3) Control of materials. To control, restrict, and  
15 regulate by rationing and using quotas, prohibitions on  
16 shipments, allocation, or other means, the use, sale,  
17 dispensing, distribution, or transportation of food, fuel,  
18 clothing, and other commodities, as may be reasonable and  
19 necessary to respond to the public health emergency.

20 (4) Control of roads and public areas.

21 (a) To prescribe routes, modes of transportation,  
22 and destinations in connection with evacuation of persons  
23 or the provision of emergency services.

24 (b) To control or limit ingress and egress to and  
25 from any stricken or threatened public area, the movement  
26 of persons within the area, and the occupancy of premises  
27 in that area, if that action is reasonable and necessary  
28 to respond to the public health emergency.

29 Section 15-15. Safe disposal of infectious waste. The  
30 public health authority may exercise, for such period as the  
31 state of public health emergency exists, the following powers  
32 regarding the safe disposal of infectious waste:

33 (1) Adopt measures. To adopt and enforce measures to

1 provide for the safe disposal of infectious waste as may be  
2 reasonable and necessary to respond to the public health  
3 emergency. These measures may include, but are not limited  
4 to, the collection, storage, handling, destruction,  
5 treatment, transportation, and disposal of infectious waste.

6 (2) Control of facilities. To require any business or  
7 facility authorized to collect, store, handle, destroy,  
8 treat, transport, and dispose of infectious waste under the  
9 laws of this State, and any landfill business or other such  
10 property, to accept infectious waste, or provide services or  
11 the use of the business, facility, or property if that action  
12 is reasonable and necessary to respond to the public health  
13 emergency as a condition of licensure, authorization, or the  
14 ability to continue doing business in the State as such a  
15 business or facility. The use of the business, facility, or  
16 property may include transferring the management and  
17 supervision of the business, facility, or property to the  
18 public health authority for a limited or unlimited period of  
19 time, but shall not exceed the termination of the declaration  
20 of a state of public health emergency.

21 (3) Use of facilities. To procure, by condemnation  
22 (including quick-take under Article VII of the Code of Civil  
23 Procedure) or otherwise, any business or facility authorized  
24 to collect, store, handle, destroy, treat, transport, and  
25 dispose of infectious waste under the laws of this State and  
26 any landfill business or other property as may be reasonable  
27 and necessary to respond to the public health emergency, with  
28 the right to take immediate possession.

29 (4) Identification. All bags, boxes, or other containers  
30 for infectious waste shall be clearly identified as  
31 containing infectious waste and, if known, the type of  
32 infectious waste.

33 Section 15-20. Safe disposal of human remains. The public

1 health authority may exercise, for such period as the state  
2 of public health emergency exists, the following powers  
3 regarding the safe disposal of human remains:

4 (1) Adopt measures. To adopt and enforce measures to  
5 provide for the safe disposal of human remains as may be  
6 reasonable and necessary to respond to the public health  
7 emergency. These measures may include, but are not limited  
8 to, the embalming, burial, cremation, interment,  
9 disinterment, transportation, and disposal of human remains.

10 (2) Possession. To take possession or control of any  
11 human remains.

12 (3) Disposal. To order the disposal of any human remains  
13 of a person who has died of a contagious disease through  
14 burial or cremation within 24 hours after death. To the  
15 extent possible, religious, cultural, family, and individual  
16 beliefs of the deceased person or his or her family shall be  
17 considered when disposing of any human remains.

18 (4) Control of facilities. To require any business or  
19 facility authorized to embalm, bury, cremate, inter,  
20 disinter, transport, and dispose of human remains under the  
21 laws of this State to accept any human remains or provide the  
22 use of its business or facility if those actions are  
23 reasonable and necessary to respond to a public health  
24 emergency. The use of the business or facility may include  
25 transferring the management and supervision of the business  
26 or facility to the public health authority for a limited or  
27 unlimited period of time, but shall not exceed the  
28 termination of the declaration of a state of public health  
29 emergency.

30 (5) Use of facilities. To procure, by condemnation  
31 (including quick-take under Article VII of the Code of Civil  
32 Procedure) or otherwise, any business or facility authorized  
33 to embalm, bury, cremate, inter, disinter, transport, and  
34 dispose of human remains under the laws of this State as may

1 be reasonable and necessary to respond to a public health  
2 emergency, with the right to take immediate possession.

3 (6) Labeling. Every human remains prior to disposal  
4 shall be clearly labeled with all available information to  
5 identify the decedent and the circumstances of death. Any  
6 human remains of a deceased person with a contagious disease  
7 shall have an external, clearly visible tag indicating that  
8 the human remains are infected and, if known, the contagious  
9 disease.

10 (7) Identification. Every person in charge of disposing  
11 of any human remains shall maintain a written or electronic  
12 record of each human remains and all available information to  
13 identify the decedent and the circumstances of death and  
14 disposal. If a human remains cannot be identified before  
15 disposal, a qualified person shall, to the extent possible,  
16 take fingerprints and photographs of the human remains,  
17 obtain identifying dental information, and collect a DNA  
18 specimen. All information gathered under this paragraph shall  
19 be promptly forwarded to the public health authority.

20 Section 15-25. Control of health care supplies.

21 (1) Procurement. The public health authority may  
22 purchase and distribute anti-toxins, serums, vaccines,  
23 immunizing agents, antibiotics, and other pharmaceutical  
24 agents or medical supplies that it deems advisable in the  
25 interest of preparing for or controlling a public health  
26 emergency, without any additional legislative authorization.

27 (2) Rationing. If a state of public health emergency  
28 results in a statewide or regional shortage or threatened  
29 shortage of any product covered by item (1), whether or not  
30 that product has been purchased by the public health  
31 authority, the public health authority may control, restrict,  
32 and regulate by rationing and using quotas, prohibitions on  
33 shipments, allocation, or other means, the use, sale,

1 dispensing, distribution, or transportation of the relevant  
2 product necessary to protect the health, safety, and welfare  
3 of the people of the State.

4 (2.5) Priority. In making rationing or other supply and  
5 distribution decisions, the public health authority may give  
6 preference to health care providers, disaster response  
7 personnel, and mortuary staff.

8 (3) Distribution. During a state of public health  
9 emergency, the public health authority may procure, store, or  
10 distribute any anti-toxins, serums, vaccines, immunizing  
11 agents, antibiotics, and other pharmaceutical agents or  
12 medical supplies located within the State as may be  
13 reasonable and necessary to respond to a public health  
14 emergency, with the right to take immediate possession. If a  
15 public health emergency simultaneously affects more than one  
16 state, nothing in this Section shall be construed to allow  
17 the public health authority to obtain anti-toxins, serums,  
18 vaccines, immunizing agents, antibiotics, and other  
19 pharmaceutical agents or medical supplies for the primary  
20 purpose of hoarding those items or preventing their fair and  
21 equitable distribution among affected states.

22 Section 15-30. Compensation. The State shall pay just  
23 compensation to the owner of any facilities or materials that  
24 are lawfully taken or appropriated by a public health  
25 authority for its temporary or permanent use under this  
26 Article according to the procedures and standards set forth  
27 in Section 35-25. Compensation shall not be provided for  
28 facilities or materials that are closed, evacuated,  
29 decontaminated, or destroyed when there is reasonable cause  
30 to believe that they may endanger the public health pursuant  
31 to Section 15-5.

32 Section 15-35. Destruction of property. To the extent

1 practical and consistent with the protection of public  
2 health, before the destruction of any property under this  
3 Article, the public health authority shall institute  
4 appropriate civil proceedings against the property to be  
5 destroyed in accordance with the existing laws and rules of  
6 the courts of this State or any such rules that may be  
7 developed by the courts for use during a state of public  
8 health emergency. Any property acquired by the public health  
9 authority through those proceedings shall, after entry of the  
10 order or decree, be disposed of by destruction as the court  
11 may direct.

12 ARTICLE 20. SPECIAL POWERS DURING A STATE OF PUBLIC  
13 HEALTH EMERGENCY; PROTECTION OF PERSONS

14 Section 20-5. Protection of persons. During a state of  
15 public health emergency, the public health authority shall  
16 use every available means to prevent the transmission of  
17 infectious disease and to ensure that all cases of contagious  
18 disease are subject to proper control and treatment.

19 Section 20-10. Medical examination and testing. During a  
20 state of public health emergency the public health authority  
21 may perform physical examinations and tests as necessary for  
22 the diagnosis or treatment of individuals.

23 (a) Medical examinations or tests may be performed by  
24 any qualified person authorized to do so by the public health  
25 authority.

26 (b) Medical examinations or tests must not be such as  
27 are reasonably likely to lead to serious harm to the affected  
28 individual.

29 (c) The public health authority may isolate or  
30 quarantine, pursuant to Section 20-15, any person whose  
31 refusal of medical examination or testing results in

1 uncertainty regarding whether he or she has been exposed to  
2 or is infected with a contagious or possibly contagious  
3 disease or otherwise poses a danger to public health.

4 Section 20-12. Vaccination and treatment. During a state  
5 of public health emergency the public health authority may  
6 exercise the following emergency powers over persons as  
7 necessary to address the public health emergency:

8 (a) Vaccination. To vaccinate persons as protection  
9 against infectious disease and to prevent the spread of  
10 contagious or possibly contagious disease.

11 (1) Vaccination may be performed by any qualified  
12 person authorized to do so by the public health  
13 authority.

14 (2) A vaccine to be administered must not be such  
15 as is reasonably likely to lead to serious harm to the  
16 affected individual.

17 (3) To prevent the spread of contagious or possibly  
18 contagious disease the public health authority may  
19 isolate or quarantine, pursuant to Section 20-15, persons  
20 who are unable or unwilling for reasons of health,  
21 religion, or conscience to undergo vaccination pursuant  
22 to this Section.

23 (b) Treatment. To treat persons exposed to or infected  
24 with disease.

25 (1) Treatment may be administered by any qualified  
26 person authorized to do so by the public health  
27 authority.

28 (2) Treatment must not be such as is reasonably  
29 likely to lead to serious harm to the affected  
30 individual.

31 (3) To prevent the spread of contagious or possibly  
32 contagious disease the public health authority may  
33 isolate or quarantine, pursuant to Section 20-15, persons



1 who are unable or unwilling for reasons of health,  
2 religion, or conscience to undergo treatment pursuant to  
3 this Section.

4 Section 20-15. Isolation and quarantine.

5 (a) Authorization. During the public health emergency,  
6 the public health authority may isolate (consistent with the  
7 definition of "isolation" in Section 1-15) or quarantine  
8 (consistent with the definition of quarantine in Section  
9 1-15) an individual or groups of individuals. This includes  
10 individuals or groups who have not been vaccinated, treated,  
11 tested, or examined pursuant to Sections 20-10 and 20-12.  
12 The public health authority may also establish and maintain  
13 places of isolation and quarantine, and set rules and make  
14 orders. Failure to obey these rules, orders, or provisions  
15 shall constitute a Class A misdemeanor.

16 (b) Conditions and principles. The public health  
17 authority shall adhere to the following conditions and  
18 principles when isolating or quarantining individuals or  
19 groups of individuals:

20 (1) Isolation and quarantine must be by the least  
21 restrictive means necessary to prevent the spread of a  
22 contagious or possibly contagious disease to others and  
23 may include, but are not limited to, confinement to  
24 private homes or other private and public premises.

25 (2) Isolated individuals must be confined  
26 separately from quarantined individuals.

27 (3) The health status of isolated and quarantined  
28 individuals must be monitored regularly to determine if  
29 they require isolation or quarantine.

30 (4) If a quarantined individual subsequently  
31 becomes infected or is reasonably believed to have become  
32 infected with a contagious or possibly contagious disease  
33 he or she must promptly be removed to isolation.

1           (5) Isolated and quarantined individuals must be  
2 immediately released when they pose no substantial risk  
3 of transmitting a contagious or possibly contagious  
4 disease to others.

5           (6) The needs of persons isolated and quarantined  
6 shall be addressed in a systematic and competent fashion,  
7 including, but not limited to, providing adequate food,  
8 clothing, shelter, means of communication with those in  
9 isolation or quarantine and outside these settings,  
10 medication, and competent medical care.

11           (7) Premises used for isolation and quarantine  
12 shall be maintained in a safe and hygienic manner and be  
13 designed to minimize the likelihood of further  
14 transmission of infection or other harms to persons  
15 isolated and quarantined.

16           (8) To the extent possible, cultural and religious  
17 beliefs should be considered in addressing the needs of  
18 individuals and in establishing and maintaining isolation  
19 and quarantine premises.

20           (c) Cooperation. Persons subject to isolation or  
21 quarantine shall obey the public health authority's rules and  
22 orders and shall not go beyond the isolation or quarantine  
23 premises. Failure to obey these provisions shall constitute a  
24 Class A misdemeanor.

25           (d) Entry into isolation or quarantine premises.

26           (1) Authorized entry. The public health authority  
27 may authorize physicians, health care workers, or others  
28 access to individuals in isolation or quarantine as  
29 necessary to meet the needs of isolated or quarantined  
30 individuals.

31           (2) Unauthorized entry. No person, other than a  
32 person authorized by the public health authority, shall  
33 enter isolation or quarantine premises. Failure to obey  
34 this provision shall constitute a Class A misdemeanor.

1           (3) Potential isolation or quarantine. Any person  
2 entering an isolation or quarantine premises with or  
3 without authorization of the public health authority may  
4 be isolated or quarantined pursuant to this Section.

5           Section 20-20. Procedures for isolation and quarantine.  
6 During a public health emergency, the isolation and  
7 quarantine of an individual or groups of individuals shall be  
8 undertaken in accordance with the following procedures.

9           (a) Temporary isolation and quarantine without notice.

10           (1) Authorization. The public health authority may  
11 temporarily isolate or quarantine an individual or groups  
12 of individuals through a written directive if delay in  
13 imposing the isolation or quarantine would significantly  
14 jeopardize the public health authority's ability to  
15 prevent or limit the transmission of a contagious or  
16 possibly contagious disease to others.

17           (2) Content of directive. The written directive  
18 shall specify the following: (i) the identity of the  
19 individuals or groups of individuals subject to isolation  
20 or quarantine; (ii) the premises subject to isolation or  
21 quarantine; (iii) the date and time at which isolation or  
22 quarantine commences; (iv) the suspected contagious  
23 disease if known; and (v) a copy of Article 6 and  
24 relevant definitions of this Act.

25           (3) Copies. A copy of the written directive shall  
26 be given to the individual to be isolated or quarantined  
27 or, if the order applies to a group of individuals and it  
28 is impractical to provide individual copies, it may be  
29 posted in a conspicuous place in the isolation or  
30 quarantine premises.

31           (4) Petition for continued isolation or quarantine.  
32 Within 10 days after issuing the written directive, the  
33 public health authority shall file a petition pursuant to

1 subsection (b) for a court order authorizing the  
2 continued isolation or quarantine of the isolated or  
3 quarantined individual or groups of individuals.

4 (b) Isolation or quarantine with notice.

5 (1) Authorization. The public health authority may  
6 make a written petition to the trial court for an order  
7 authorizing the isolation or quarantine of an individual  
8 or groups of individuals.

9 (2) Content of petition. A petition under  
10 subsection (b)(1) shall specify the following: (i) the  
11 identity of the individuals or groups of individuals  
12 subject to isolation or quarantine; (ii) the premises  
13 subject to isolation or quarantine; (iii) the date and  
14 time at which isolation or quarantine commences; (iv) the  
15 suspected contagious disease if known; (v) a statement of  
16 compliance with the conditions and principles for  
17 isolation and quarantine of Section 20-15; and (vi) a  
18 statement of the basis upon which isolation or quarantine  
19 is justified in compliance with this Article. The  
20 petition shall be accompanied by the sworn affidavit of  
21 the public health authority attesting to the facts  
22 asserted in the petition, together with any further  
23 information that may be relevant and material to the  
24 court's consideration.

25 (3) Notice. Notice to the individuals or groups of  
26 individuals identified in the petition shall be  
27 accomplished within 24 hours in accordance with the rules  
28 of civil procedure.

29 (4) Hearing. A hearing must be held on any petition  
30 filed pursuant to this subsection within 5 days after  
31 filing of the petition. In extraordinary circumstances  
32 and for good cause shown the public health authority may  
33 apply to continue the hearing date on a petition filed  
34 pursuant to this Section for up to 10 days, which

1           continuance the court may grant in its discretion giving  
2           due regard to the rights of the affected individuals, the  
3           protection of the public's health, the severity of the  
4           emergency, and the availability of necessary witnesses  
5           and evidence.

6           (5) Order. The court shall grant the petition if,  
7           by a preponderance of the evidence, isolation or  
8           quarantine is shown to be reasonably necessary to prevent  
9           or limit the transmission of a contagious or possibly  
10          contagious disease to others.

11           (i) An order authorizing isolation or  
12          quarantine may do so for a period not to exceed 30  
13          days.

14           (ii) The order shall (a) identify the isolated  
15          or quarantined individuals or groups of individuals  
16          by name or shared or similar characteristics or  
17          circumstances; (b) specify factual findings  
18          warranting isolation or quarantine pursuant to this  
19          Act; (c) include any conditions necessary to ensure  
20          that isolation or quarantine is carried out within  
21          the stated purposes and restrictions of this Act;  
22          and (d) be served on affected individuals or groups  
23          of individuals in accordance with the rules of civil  
24          procedure.

25          (6) Continuances. Prior to the expiration of an  
26          order issued pursuant to subsection (b)(5), the public  
27          health authority may move to continue isolation or  
28          quarantine for additional periods not to exceed 30 days  
29          each. The court shall consider the motion in accordance  
30          with standards set forth in subsection (b)(5).

31          (c) Relief from isolation and quarantine.

32           (1) Release. An individual or group of individuals  
33          isolated or quarantined pursuant to this Act may apply to  
34          the trial court for an order to show cause why the

1 individual or group of individuals should not be  
2 released. The court shall rule on the application to show  
3 cause within 48 hours of its filing. If the court grants  
4 the application, the court shall schedule a hearing on  
5 the order to show cause within 24 hours from issuance of  
6 the order to show cause. The issuance of an order to show  
7 cause shall not stay or enjoin an isolation or quarantine  
8 order.

9 (2) Remedies for breach of conditions. An  
10 individual or groups of individuals isolated or  
11 quarantined pursuant to this Act may request a hearing in  
12 the trial court for remedies regarding breaches to the  
13 conditions of isolation or quarantine. A request for a  
14 hearing shall not stay or enjoin an isolation or  
15 quarantine order.

16 (i) Upon receipt of a request under this  
17 subsection alleging extraordinary circumstances  
18 justifying the immediate granting of relief, the  
19 court shall fix a date for hearing on the matters  
20 alleged not more than 24 hours from receipt of the  
21 request.

22 (ii) Otherwise, upon receipt of a request  
23 under this subsection the court shall fix a date for  
24 hearing on the matters alleged within 5 days from  
25 receipt of the request.

26 (3) Extensions. In any proceedings brought for  
27 relief under this subsection, in extraordinary  
28 circumstances and for good cause shown the public health  
29 authority may move the court to extend the time for a  
30 hearing, which extension the court in its discretion may  
31 grant giving due regard to the rights of the affected  
32 individuals, the protection of the public's health, the  
33 severity of the emergency, and the availability of  
34 necessary witnesses and evidence.

1 (d) Proceedings. A record of the proceedings pursuant to  
2 this Section shall be made and retained. In the event that,  
3 given a state of public health emergency, parties can not  
4 personally appear before the court, proceedings may be  
5 conducted by their authorized representatives and be held via  
6 any means that allows all parties to fully participate.

7 (e) Court to appoint counsel and consolidate claims.

8 (1) Appointment. The court shall appoint counsel at  
9 State expense to represent individuals or groups of  
10 individuals who are or who are about to be isolated or  
11 quarantined pursuant to the provisions of this Act and  
12 who are not otherwise represented by counsel.  
13 Appointments shall be made in accordance with the  
14 procedures to be specified in the Public Health Emergency  
15 Plan and shall last throughout the duration of the  
16 isolation or quarantine of the individual or groups of  
17 individuals. The public health authority must provide  
18 adequate means of communication between those individuals  
19 or groups and their counsel.

20 (2) Consolidation. In any proceedings brought  
21 pursuant to this Section, to promote the fair and  
22 efficient operation of justice and having given due  
23 regard to the rights of the affected individuals, the  
24 protection of the public's health, the severity of the  
25 emergency, and the availability of necessary witnesses  
26 and evidence, the court may order the consolidation of  
27 individual claims into group or claims where:

28 (i) the number of individuals involved or to  
29 be affected is so large as to render individual  
30 participation impractical;

31 (ii) there are questions of law or fact common  
32 to the individual claims or rights to be determined;

33 (iii) the group claims or rights to be  
34 determined are typical of the affected individuals'

1 claims or rights; and

2 (iv) the entire group will be adequately  
3 represented in the consolidation.

4 Section 20-25. Collection of laboratory specimens;  
5 performance of tests. The public health authority may, for  
6 such period as the state of public health emergency exists,  
7 collect specimens and perform tests on living persons as  
8 provided in Section 20-10 and also upon deceased persons and  
9 any animal, living or deceased, and acquire any previously  
10 collected specimens or test results that are reasonable and  
11 necessary to respond to a public health emergency.

12 (1) Marking. All specimens shall be clearly marked.

13 (2) Contamination. Specimen collection, handling,  
14 storage, and transport to the testing site shall be performed  
15 in a manner that will reasonably preclude specimen  
16 contamination or adulteration and provide for the safe  
17 collection, storage, handling, and transport of the specimen.

18 (3) Chain of custody. Any person authorized to collect  
19 specimens or perform tests shall use chain of custody  
20 procedures to ensure proper record keeping, handling,  
21 labeling, and identification of specimens to be tested. This  
22 requirement applies to all specimens, including specimens  
23 collected using on-site testing kits.

24 (4) Criminal investigation. Recognizing that, during a  
25 state of public health emergency, any specimen collected or  
26 test performed may be evidence in a criminal investigation,  
27 any business, facility, or agency authorized to collect  
28 specimens or perform tests shall provide such support as is  
29 reasonable and necessary to aid in a relevant criminal  
30 investigation.

31 Section 20-30. Access and disclosure of protected health  
32 information.



1           (1) Access. Access to protected health information of  
2 persons who have participated in medical testing, treatment,  
3 vaccination, isolation, or quarantine programs or efforts by  
4 the public health authority during a public health emergency  
5 shall be limited to those persons having a legitimate need to  
6 acquire or use the information to:

7           (1) provide treatment to the individual who is the  
8 subject of the health information;

9           (2) conduct epidemiologic research; or

10          (3) investigate the causes of transmission.

11          (2) Disclosure. Protected health information held by the  
12 public health authority shall not be disclosed to others  
13 without individual written, specific informed consent, except  
14 for disclosures made:

15          (a) directly to the individual;

16          (b) to the individual's immediate family members or  
17 personal representative;

18          (c) to appropriate federal agencies or authorities  
19 pursuant to federal law;

20          (d) pursuant to a court order to avert a clear  
21 danger to an individual or the public health; or

22          (e) to identify a deceased individual or determine  
23 the manner or cause of death.

24          Section 20-35. Licensing and appointment of health  
25 personnel. The public health authority may exercise, for such  
26 period as the state of public health emergency exists, the  
27 following emergency powers regarding licensing and  
28 appointment of health personnel:

29          (0.5) Health care providers. To require in-state health  
30 care providers to assist in the performance of vaccination,  
31 treatment, examination, or testing of any individual as a  
32 condition of licensure, authorization, or the ability to  
33 continue to function as a health care provider in this State.

1           (1) Health care providers from other jurisdictions. To  
2 appoint and prescribe the duties of such out-of-state  
3 emergency health care providers as may be reasonable and  
4 necessary to respond to a public health emergency.

5           (a) The appointment of out-of-state emergency  
6 health care providers may be for a limited or unlimited  
7 time, but shall not exceed the termination of the  
8 declaration of a state of public health emergency. The  
9 public health authority may terminate the out-of-state  
10 appointments at any time or for any reason if the  
11 termination will not jeopardize the health, safety, and  
12 welfare of the people of this State.

13           (b) The public health authority may waive any or  
14 all licensing requirements, permits, or fees required by  
15 State statutes and applicable orders, rules, or  
16 regulations for health care providers from other  
17 jurisdictions to practice in this State.

18           (c) Any out-of-state emergency health care provider  
19 appointed under this Section shall not be held liable for  
20 any civil damages as a result of medical care or  
21 treatment related to the emergency response unless the  
22 damages result from providing, or failing to provide,  
23 medical care or treatment under circumstances  
24 demonstrating a reckless disregard for the consequences  
25 so as to affect the life or health of the patient.

26           (2) Personnel to perform duties of medical examiner or  
27 coroner. To authorize the medical examiner or coroner to  
28 appoint and prescribe the duties of emergency assistant  
29 medical examiners or coroners as may be required for the  
30 proper performance of the duties of the office.

31           (a) The appointment of emergency assistant medical  
32 examiners or coroners under this Section may be for a  
33 limited or unlimited time, but shall not exceed the  
34 termination of the declaration of a state of public

1 health emergency. The medical examiner or coroner may  
2 terminate emergency appointments at any time or for any  
3 reason if the termination will not impede the performance  
4 of the duties of the office.

5 (b) The medical examiner or coroner may waive  
6 licensing requirements, permits, or fees required by the  
7 State statutes and applicable orders, rules, or  
8 regulations for the performance of these duties.

9 (c) Any emergency assistant medical examiner or  
10 coroner appointed under this Section and acting without  
11 malice and within the scope of the prescribed duties is  
12 immune from civil liability in the performance of those  
13 duties.

14 ARTICLE 25. PUBLIC INFORMATION REGARDING PUBLIC  
15 HEALTH EMERGENCY

16 Section 25-5. Dissemination of information. The public  
17 health authority shall inform the people of the State when a  
18 state of public health emergency has been declared or  
19 terminated, how to protect themselves during a state of  
20 public health emergency, and what actions are being taken to  
21 control the emergency.

22 (1) Means of dissemination. The public health authority  
23 shall provide information by all available and reasonable  
24 means calculated to bring the information promptly to the  
25 attention of the general public.

26 (2) Languages. If the public health authority has reason  
27 to believe there are large numbers of people of the State who  
28 lack sufficient skills in English to understand the  
29 information, the public health authority shall make  
30 reasonable efforts to provide the information in the primary  
31 languages of those people as well as in English.

32 (3) Accessibility. The provision of information shall be

1 made in a manner accessible to individuals with disabilities.

2 Section 25-10. Access to mental health support personnel.  
3 During and after the declaration of a state of public health  
4 emergency, the public health authority shall provide  
5 information about and referrals to mental health support  
6 personnel to address psychological responses to the public  
7 health emergency.

8 ARTICLE 35. MISCELLANEOUS

9 Section 35-5. Titles. For the purposes of this Act,  
10 titles and subtitles of Articles, Sections, and subsections  
11 are instructive, but not binding.

12 Section 35-10. Rules. The public health authority and  
13 other affected agencies must adopt rules that are reasonable  
14 and necessary to implement and effectuate this Act. The  
15 public health authority and other affected agencies may  
16 enforce the provisions of this Act through the imposition of  
17 fines and penalties, the issuance of orders, and such other  
18 remedies as are provided by law, but nothing in this Section  
19 shall be construed to limit specific enforcement powers  
20 enumerated in this Act.

21 Section 35-15. Financing and expenses.

22 (1) Transfer of funds. The Governor may transfer from  
23 any fund available to the Governor in the State treasury such  
24 sums as may be necessary during a public health emergency.

25 (2) Repayment. Moneys so transferred shall be repaid to  
26 the fund from which they were transferred when moneys become  
27 available for that purpose, by legislative appropriation or  
28 otherwise.

29 (3) Conditions. A transfer of funds by the Governor

1 under the provisions of this Section may be made only when  
2 one or more of the following conditions exist:

3 (a) No appropriation or other authorization is  
4 available to meet the public health emergency.

5 (b) An appropriation is insufficient to meet the  
6 public health emergency.

7 (c) Federal moneys available for such a public  
8 health emergency require the use of State or other public  
9 moneys.

10 (4) Expenses. All expenses incurred by the State during  
11 a state of public health emergency shall be subject to the  
12 following limitations:

13 (a) No expense shall be incurred against the moneys  
14 authorized under this Section, without the approval of  
15 the Governor.

16 (b) The aggregate amount of all expenses incurred  
17 under the provisions of this Section shall not exceed  
18 \$50,000,000 for any fiscal year.

19 (c) Moneys authorized for a state of public health  
20 emergency in prior fiscal years may be used in subsequent  
21 fiscal years only for the public health emergency for  
22 which they were authorized. Moneys authorized for a  
23 public health emergency in prior fiscal years, and  
24 expended in subsequent fiscal years for the public health  
25 emergency for which they were authorized, apply toward  
26 the \$50,000,000 expense limit for the fiscal year in  
27 which they were authorized.

28 Section 35-20. Liability.

29 (1) State immunity. Neither the State, its political  
30 subdivisions, nor, except in cases of gross negligence or  
31 willful misconduct, the Governor, the public health  
32 authority, or any other State or local official referenced in  
33 this Act, is liable for the death of or any injury to

1 persons, or damage to property, as a result of complying with  
2 or attempting to comply with this Act or any rule adopted  
3 under this Act during a state of public health emergency.

4 (2) Private liability.

5 (a) During a state of public health emergency, any  
6 person owning or controlling real estate or other  
7 premises who voluntarily and without compensation grants  
8 a license or privilege, or otherwise permits the  
9 designation or use of the whole or any part or parts of  
10 that real estate or premises for the purpose of  
11 sheltering persons, together with that person's  
12 successors in interest, if any, is not civilly liable for  
13 negligently causing the death of, or injury to, any  
14 person on or about the real estate or premises under the  
15 license, privilege, or other permission, or for  
16 negligently causing loss of, or damage to, the property  
17 of that person.

18 (b) During a state of public health emergency, any  
19 private person, firm, or corporation and employees and  
20 agents of that person, firm, or corporation in the  
21 performance of a contract with, and under the direction  
22 of, the State or its political subdivisions under this  
23 Act is not civilly liable for causing the death of, or  
24 injury to, any person or damage to any property except in  
25 the event of gross negligence or willful misconduct.

26 (c) During a state of public health emergency, any  
27 private person, firm, or corporation and employees and  
28 agents of that person, firm, or corporation, who renders  
29 assistance or advice at the request of the State or its  
30 political subdivisions under this Act is not civilly  
31 liable for causing the death of, or injury to, any person  
32 or damage to any property except in the event of gross  
33 negligence or willful misconduct.

34 (d) The immunities provided in this Section do not

1 apply to any private person, firm, or corporation or  
2 employees and agents of that person, firm, or corporation  
3 whose act or omission caused in whole or in part the  
4 public health emergency and who would otherwise be liable  
5 for that act or omission.

6 Section 35-25. Compensation.

7 (1) Taking. Compensation for property shall be made only  
8 if private property is lawfully taken or appropriated by a  
9 public health authority for its temporary or permanent use  
10 during a state of public health emergency declared by the  
11 Governor under this Act.

12 (2) Actions. Any action against the State with regard to  
13 the payment of compensation shall be brought in the courts of  
14 this State in accordance with existing court laws and rules,  
15 or any such rules that may be developed by the courts for use  
16 during a state of public health emergency.

17 (3) Amount. The amount of compensation shall be  
18 calculated in the same manner as compensation due for taking  
19 of property pursuant to non-emergency eminent domain  
20 procedures, as provided in Article VII of the Code of Civil  
21 Procedure, except that the amount of compensation calculated  
22 for items obtained under Section 15-25 shall be limited to  
23 the costs incurred to produce the item.

24 Section 35-30. Severability. The provisions of this Act  
25 are severable under Section 1.31 of the Statute on Statutes.

26 Section 35-35. Saving clause. This Act does not  
27 explicitly preempt other laws or regulations that preserve to  
28 a greater degree the powers of the Governor or public health  
29 authority, provided such laws or regulations are consistent,  
30 and do not otherwise restrict or interfere, with the  
31 operation or enforcement of the provisions of this Act.

1 Section 35-40. Conflicting laws.

2 (1) Federal supremacy. This Act does not restrict any  
3 person from complying with federal law or regulations.

4 (2) Prior conflicting acts. To the extent of any  
5 conflict between this Act and other State or local laws,  
6 rules, or regulations concerning public health powers, the  
7 provisions of this Act apply.

8 Section 35-50. Home rule. All units of local government,  
9 including home rule units, and school districts must comply  
10 with the provisions of this Act. All units of local  
11 government, including home rule units, and school districts  
12 must act in a manner consistent with the provisions of this  
13 Act. This Act is a denial and limitation of home rule powers  
14 and functions under subsection (i) of Section 6 of Article  
15 VII of the Illinois Constitution.

16 ARTICLE 90. AMENDATORY PROVISIONS

17 Section 90-5. The State Mandates Act is amended by  
18 adding Section 8.26 as follows:

19 (30 ILCS 805/8.26 new)

20 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6  
21 and 8 of this Act, no reimbursement by the State is required  
22 for the implementation of any mandate created by the Illinois  
23 Emergency Health Powers Act.

24 Section 90-10. The Code of Civil Procedure is amended by  
25 adding Section 7-103.139 as follows:

26 (735 ILCS 5/7-103.139 new)

27 Sec. 7-103.139. Quick-take; public health emergencies.  
28 Quick-take proceedings under Section 7-103 may be used as



1 provided in the Illinois Emergency Health Powers Act.

2 ARTICLE 99. EFFECTIVE DATE

3 Section 99-1. Effective date. This Act takes effect upon  
4 becoming law.