

1 AN ACT concerning regulation.

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

4 Section 5. The Department of Public Health Powers and  
5 Duties Law of the Civil Administrative Code of Illinois is  
6 amended by adding Section 2310-316 as follows:

7 (20 ILCS 2310/2310-316 new)

8 Sec. 2310-316. Opioid overdose reporting.

9 (a) The Department shall adopt rules to implement the  
10 requirements of this amendatory Act of the 100th General  
11 Assembly.

12 (b) The Department shall annually report to the General  
13 Assembly the data collected under this Section, Section 8.5 of  
14 the University of Illinois Hospital Act, and Section 6.09c of  
15 the Hospital Licensing Act and the data reported to the  
16 Department concerning deaths in which an opioid overdose is  
17 determined to be a contributing factor, as required by Section  
18 3-3013 of the Counties Code. The report shall specify the data  
19 for each county. The report to the General Assembly shall be  
20 filed with the Clerk of the House of Representatives and the  
21 Secretary of the Senate in electronic form only, in the manner  
22 that the Clerk and the Secretary shall direct. The report shall  
23 be provided electronically to any member of the General

1 Assembly upon request.

2 Section 10. The Counties Code is amended by changing  
3 Section 3-3013 as follows:

4 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

5 Sec. 3-3013. Preliminary investigations; blood and urine  
6 analysis; summoning jury; reports. Every coroner, whenever, as  
7 soon as he knows or is informed that the dead body of any  
8 person is found, or lying within his county, whose death is  
9 suspected of being:

10 (a) A sudden or violent death, whether apparently  
11 suicidal, homicidal or accidental, including but not  
12 limited to deaths apparently caused or contributed to by  
13 thermal, traumatic, chemical, electrical or radiational  
14 injury, or a complication of any of them, or by drowning or  
15 suffocation, or as a result of domestic violence as defined  
16 in the Illinois Domestic Violence Act of 1986;

17 (b) A maternal or fetal death due to abortion, or any  
18 death due to a sex crime or a crime against nature;

19 (c) A death where the circumstances are suspicious,  
20 obscure, mysterious or otherwise unexplained or where, in  
21 the written opinion of the attending physician, the cause  
22 of death is not determined;

23 (d) A death where addiction to alcohol or to any drug  
24 may have been a contributory cause; or

1           (e) A death where the decedent was not attended by a  
2           licensed physician;  
3           shall go to the place where the dead body is, and take charge  
4           of the same and shall make a preliminary investigation into the  
5           circumstances of the death. In the case of death without  
6           attendance by a licensed physician the body may be moved with  
7           the coroner's consent from the place of death to a mortuary in  
8           the same county. Coroners in their discretion shall notify such  
9           physician as is designated in accordance with Section 3-3014 to  
10          attempt to ascertain the cause of death, either by autopsy or  
11          otherwise.

12          In cases of accidental death involving a motor vehicle in  
13          which the decedent was (1) the operator or a suspected operator  
14          of a motor vehicle, or (2) a pedestrian 16 years of age or  
15          older, the coroner shall require that a blood specimen of at  
16          least 30 cc., and if medically possible a urine specimen of at  
17          least 30 cc. or as much as possible up to 30 cc., be withdrawn  
18          from the body of the decedent in a timely fashion after the  
19          accident causing his death, by such physician as has been  
20          designated in accordance with Section 3-3014, or by the coroner  
21          or deputy coroner or a qualified person designated by such  
22          physician, coroner, or deputy coroner. If the county does not  
23          maintain laboratory facilities for making such analysis, the  
24          blood and urine so drawn shall be sent to the Department of  
25          State Police or any other accredited or State-certified  
26          laboratory for analysis of the alcohol, carbon monoxide, and

1 dangerous or narcotic drug content of such blood and urine  
2 specimens. Each specimen submitted shall be accompanied by  
3 pertinent information concerning the decedent upon a form  
4 prescribed by such laboratory. Any person drawing blood and  
5 urine and any person making any examination of the blood and  
6 urine under the terms of this Division shall be immune from all  
7 liability, civil or criminal, that might otherwise be incurred  
8 or imposed.

9 In all other cases coming within the jurisdiction of the  
10 coroner and referred to in subparagraphs (a) through (e) above,  
11 blood, and whenever possible, urine samples shall be analyzed  
12 for the presence of alcohol and other drugs. When the coroner  
13 suspects that drugs may have been involved in the death, either  
14 directly or indirectly, a toxicological examination shall be  
15 performed which may include analyses of blood, urine, bile,  
16 gastric contents and other tissues. When the coroner suspects a  
17 death is due to toxic substances, other than drugs, the coroner  
18 shall consult with the toxicologist prior to collection of  
19 samples. Information submitted to the toxicologist shall  
20 include information as to height, weight, age, sex and race of  
21 the decedent as well as medical history, medications used by  
22 and the manner of death of decedent.

23 When the coroner or medical examiner finds that the cause  
24 of death is due to homicidal means, the coroner or medical  
25 examiner shall cause blood and buccal specimens (tissue may be  
26 submitted if no uncontaminated blood or buccal specimen can be

1 obtained), whenever possible, to be withdrawn from the body of  
2 the decedent in a timely fashion. For proper preservation of  
3 the specimens, collected blood and buccal specimens shall be  
4 dried and tissue specimens shall be frozen if available  
5 equipment exists. As soon as possible, but no later than 30  
6 days after the collection of the specimens, the coroner or  
7 medical examiner shall release those specimens to the police  
8 agency responsible for investigating the death. As soon as  
9 possible, but no later than 30 days after the receipt from the  
10 coroner or medical examiner, the police agency shall submit the  
11 specimens using the agency case number to a National DNA Index  
12 System (NDIS) participating laboratory within this State, such  
13 as the Illinois Department of State Police, Division of  
14 Forensic Services, for analysis and categorizing into genetic  
15 marker groupings. The results of the analysis and categorizing  
16 into genetic marker groupings shall be provided to the Illinois  
17 Department of State Police and shall be maintained by the  
18 Illinois Department of State Police in the State central  
19 repository in the same manner, and subject to the same  
20 conditions, as provided in Section 5-4-3 of the Unified Code of  
21 Corrections. The requirements of this paragraph are in addition  
22 to any other findings, specimens, or information that the  
23 coroner or medical examiner is required to provide during the  
24 conduct of a criminal investigation.

25 In all counties, in cases of apparent suicide, homicide, or  
26 accidental death or in other cases, within the discretion of

1 the coroner, the coroner may summon 8 persons of lawful age  
2 from those persons drawn for petit jurors in the county. The  
3 summons shall command these persons to present themselves  
4 personally at such a place and time as the coroner shall  
5 determine, and may be in any form which the coroner shall  
6 determine and may incorporate any reasonable form of request  
7 for acknowledgement which the coroner deems practical and  
8 provides a reliable proof of service. The summons may be served  
9 by first class mail. From the 8 persons so summoned, the  
10 coroner shall select 6 to serve as the jury for the inquest.  
11 Inquests may be continued from time to time, as the coroner may  
12 deem necessary. The 6 jurors selected in a given case may view  
13 the body of the deceased. If at any continuation of an inquest  
14 one or more of the original jurors shall be unable to continue  
15 to serve, the coroner shall fill the vacancy or vacancies. A  
16 juror serving pursuant to this paragraph shall receive  
17 compensation from the county at the same rate as the rate of  
18 compensation that is paid to petit or grand jurors in the  
19 county. The coroner shall furnish to each juror without fee at  
20 the time of his discharge a certificate of the number of days  
21 in attendance at an inquest, and, upon being presented with  
22 such certificate, the county treasurer shall pay to the juror  
23 the sum provided for his services.

24 In counties which have a jury commission, in cases of  
25 apparent suicide or homicide or of accidental death, the  
26 coroner may conduct an inquest. The jury commission shall

1 provide at least 8 jurors to the coroner, from whom the coroner  
2 shall select any 6 to serve as the jury for the inquest.  
3 Inquests may be continued from time to time as the coroner may  
4 deem necessary. The 6 jurors originally chosen in a given case  
5 may view the body of the deceased. If at any continuation of an  
6 inquest one or more of the 6 jurors originally chosen shall be  
7 unable to continue to serve, the coroner shall fill the vacancy  
8 or vacancies. At the coroner's discretion, additional jurors to  
9 fill such vacancies shall be supplied by the jury commission. A  
10 juror serving pursuant to this paragraph in such county shall  
11 receive compensation from the county at the same rate as the  
12 rate of compensation that is paid to petit or grand jurors in  
13 the county.

14 In every case in which a fire is determined to be a  
15 contributing factor in a death, the coroner shall report the  
16 death to the Office of the State Fire Marshal. The coroner  
17 shall provide a copy of the death certificate (i) within 30  
18 days after filing the permanent death certificate and (ii) in a  
19 manner that is agreed upon by the coroner and the State Fire  
20 Marshal.

21 In every case in which a drug overdose is determined to be  
22 the cause or a contributing factor in the death, the coroner or  
23 medical examiner shall report the death to the Department of  
24 Public Health. The Department of Public Health shall adopt  
25 rules regarding specific information that must be reported in  
26 the event of such a death. If possible, the coroner shall

1 report the cause of the overdose. As used in this Section,  
2 "overdose" has the same meaning as it does in Section 414 of  
3 the Illinois Controlled Substances Act. The Department of  
4 Public Health shall issue a semiannual report to the General  
5 Assembly summarizing the reports received. The Department  
6 shall also provide on its website a monthly report of overdose  
7 death figures organized by location, age, and any other  
8 factors, the Department deems appropriate.

9 In addition, in every case in which domestic violence is  
10 determined to be a contributing factor in a death, the coroner  
11 shall report the death to the Department of State Police.

12 In addition, in every case in which an opioid overdose is  
13 determined to be a contributing factor in a death, the coroner  
14 shall report the death and the age, gender, race, and county of  
15 residence, if known, of the decedent to the Department of  
16 Public Health.

17 All deaths in State institutions and all deaths of wards of  
18 the State or youth in care as defined in Section 4d of the  
19 Children and Family Services Act in private care facilities or  
20 in programs funded by the Department of Human Services under  
21 its powers relating to mental health and developmental  
22 disabilities or alcoholism and substance abuse or funded by the  
23 Department of Children and Family Services shall be reported to  
24 the coroner of the county in which the facility is located. If  
25 the coroner has reason to believe that an investigation is  
26 needed to determine whether the death was caused by



1 maltreatment or negligent care of the ward of the State or  
2 youth in care as defined in Section 4d of the Children and  
3 Family Services Act, the coroner may conduct a preliminary  
4 investigation of the circumstances of such death as in cases of  
5 death under circumstances set forth in paragraphs (a) through  
6 (e) of this Section.

7 (Source: P.A. 99-354, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,  
8 eff. 7-28-16; 100-159, eff. 8-18-17.)