



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3575

Introduced 2/16/2018, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
755 ILCS 66/25

Amends the Disposition of Remains of the Indigent Act. Provides that the Department of Public Health shall maintain lists (rather than a registry) of specified information. Provides that the Department shall update the lists with any new information within 5 business days (instead of 24 hours) of receiving the information. Provides that the listing of cadavers and all associated information maintained by the Department or other State facilities regarding a cadaver and its disposition are exempt from disclosure under the Freedom of Information Act. Provides that the Department shall establish by rule appropriate processes for family members of the deceased to access information in the listing. Provides that the Department may provide summary reports of aggregated data as determined by the Department, and that the summary reports are not exempt from disclosure under the Freedom of Information Act. Provides that the Department may (instead of shall) designate the next institution to receive a cadaver when requested from (instead of by) a State facility. Provides that if the number of cadavers is insufficient for the use of the relevant institutions, the Department may (instead of shall) determine which institution shall receive them. Deletes language requiring the Department to take into account the relative proportion of the numbers of students at each institution. Makes a corresponding change in the Freedom of Information Act. Effective June 1, 2018.

LRB100 15830 HEP 30939 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 100-512 and
8 100-517)

9 Sec. 7.5. Statutory exemptions. To the extent provided for
10 by the statutes referenced below, the following shall be exempt
11 from inspection and copying:

12 (a) All information determined to be confidential
13 under Section 4002 of the Technology Advancement and
14 Development Act.

15 (b) Library circulation and order records identifying
16 library users with specific materials under the Library
17 Records Confidentiality Act.

18 (c) Applications, related documents, and medical
19 records received by the Experimental Organ Transplantation
20 Procedures Board and any and all documents or other records
21 prepared by the Experimental Organ Transplantation
22 Procedures Board or its staff relating to applications it
23 has received.

1 (d) Information and records held by the Department of
2 Public Health and its authorized representatives relating
3 to known or suspected cases of sexually transmissible
4 disease or any information the disclosure of which is
5 restricted under the Illinois Sexually Transmissible
6 Disease Control Act.

7 (e) Information the disclosure of which is exempted
8 under Section 30 of the Radon Industry Licensing Act.

9 (f) Firm performance evaluations under Section 55 of
10 the Architectural, Engineering, and Land Surveying
11 Qualifications Based Selection Act.

12 (g) Information the disclosure of which is restricted
13 and exempted under Section 50 of the Illinois Prepaid
14 Tuition Act.

15 (h) Information the disclosure of which is exempted
16 under the State Officials and Employees Ethics Act, and
17 records of any lawfully created State or local inspector
18 general's office that would be exempt if created or
19 obtained by an Executive Inspector General's office under
20 that Act.

21 (i) Information contained in a local emergency energy
22 plan submitted to a municipality in accordance with a local
23 emergency energy plan ordinance that is adopted under
24 Section 11-21.5-5 of the Illinois Municipal Code.

25 (j) Information and data concerning the distribution
26 of surcharge moneys collected and remitted by carriers

1 under the Emergency Telephone System Act.

2 (k) Law enforcement officer identification information
3 or driver identification information compiled by a law
4 enforcement agency or the Department of Transportation
5 under Section 11-212 of the Illinois Vehicle Code.

6 (l) Records and information provided to a residential
7 health care facility resident sexual assault and death
8 review team or the Executive Council under the Abuse
9 Prevention Review Team Act.

10 (m) Information provided to the predatory lending
11 database created pursuant to Article 3 of the Residential
12 Real Property Disclosure Act, except to the extent
13 authorized under that Article.

14 (n) Defense budgets and petitions for certification of
15 compensation and expenses for court appointed trial
16 counsel as provided under Sections 10 and 15 of the Capital
17 Crimes Litigation Act. This subsection (n) shall apply
18 until the conclusion of the trial of the case, even if the
19 prosecution chooses not to pursue the death penalty prior
20 to trial or sentencing.

21 (o) Information that is prohibited from being
22 disclosed under Section 4 of the Illinois Health and
23 Hazardous Substances Registry Act.

24 (p) Security portions of system safety program plans,
25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of
2 the Regional Transportation Authority Act or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act.

5 (q) Information prohibited from being disclosed by the
6 Personnel Records Review Act.

7 (r) Information prohibited from being disclosed by the
8 Illinois School Student Records Act.

9 (s) Information the disclosure of which is restricted
10 under Section 5-108 of the Public Utilities Act.

11 (t) All identified or deidentified health information
12 in the form of health data or medical records contained in,
13 stored in, submitted to, transferred by, or released from
14 the Illinois Health Information Exchange, and identified
15 or deidentified health information in the form of health
16 data and medical records of the Illinois Health Information
17 Exchange in the possession of the Illinois Health
18 Information Exchange Authority due to its administration
19 of the Illinois Health Information Exchange. The terms
20 "identified" and "deidentified" shall be given the same
21 meaning as in the Health Insurance Portability and
22 Accountability Act of 1996, Public Law 104-191, or any
23 subsequent amendments thereto, and any regulations
24 promulgated thereunder.

25 (u) Records and information provided to an independent
26 team of experts under Brian's Law.

1 (v) Names and information of people who have applied
2 for or received Firearm Owner's Identification Cards under
3 the Firearm Owners Identification Card Act or applied for
4 or received a concealed carry license under the Firearm
5 Concealed Carry Act, unless otherwise authorized by the
6 Firearm Concealed Carry Act; and databases under the
7 Firearm Concealed Carry Act, records of the Concealed Carry
8 Licensing Review Board under the Firearm Concealed Carry
9 Act, and law enforcement agency objections under the
10 Firearm Concealed Carry Act.

11 (w) Personally identifiable information which is
12 exempted from disclosure under subsection (g) of Section
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure
15 under Section 5-1014.3 of the Counties Code or Section
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult
18 Protective Services Act and its predecessor enabling
19 statute, the Elder Abuse and Neglect Act, including
20 information about the identity and administrative finding
21 against any caregiver of a verified and substantiated
22 decision of abuse, neglect, or financial exploitation of an
23 eligible adult maintained in the Registry established
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services
2 Act.

3 (aa) Information which is exempted from disclosure
4 under Section 2.37 of the Wildlife Code.

5 (bb) Information which is or was prohibited from
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) Recordings made under the Law Enforcement
8 Officer-Worn Body Camera Act, except to the extent
9 authorized under that Act.

10 (dd) Information that is prohibited from being
11 disclosed under Section 45 of the Condominium and Common
12 Interest Community Ombudsperson Act.

13 (ee) Information that is exempted from disclosure
14 under Section 30.1 of the Pharmacy Practice Act.

15 (ff) Information that is exempted from disclosure
16 under the Revised Uniform Unclaimed Property Act.

17 (gg) ~~(ff)~~ Information that is prohibited from being
18 disclosed under Section 7-603.5 of the Illinois Vehicle
19 Code.

20 (hh) ~~(ff)~~ Records that are exempt from disclosure under
21 Section 1A-16.7 of the Election Code.

22 (ii) ~~(ff)~~ Information which is exempted from
23 disclosure under Section 2505-800 of the Department of
24 Revenue Law of the Civil Administrative Code of Illinois.

25 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
26 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;

1 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
2 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
3 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

4 (Text of Section after amendment by P.A. 100-517 but before
5 amendment by P.A. 100-512)

6 Sec. 7.5. Statutory exemptions. To the extent provided for
7 by the statutes referenced below, the following shall be exempt
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3 under Section 30 of the Radon Industry Licensing Act.

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5 the Architectural, Engineering, and Land Surveying
6 Qualifications Based Selection Act.

7 (g) Information the disclosure of which is restricted
8 and exempted under Section 50 of the Illinois Prepaid
9 Tuition Act.

10 (h) Information the disclosure of which is exempted
11 under the State Officials and Employees Ethics Act, and
12 records of any lawfully created State or local inspector
13 general's office that would be exempt if created or
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17 plan submitted to a municipality in accordance with a local
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21 of surcharge moneys collected and remitted by carriers
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10 compensation and expenses for court appointed trial
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2 (r) Information prohibited from being disclosed by the
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7 in the form of health data or medical records contained in,
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10 or deidentified health information in the form of health
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12 Exchange in the possession of the Illinois Health
13 Information Exchange Authority due to its administration
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2 Firearm Concealed Carry Act, records of the Concealed Carry
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15 (hh) ~~(ff)~~ Records that are exempt from disclosure under
16 Section 1A-16.7 of the Election Code.

17 (ii) ~~(ff)~~ Information which is exempted from
18 disclosure under Section 2505-800 of the Department of
19 Revenue Law of the Civil Administrative Code of Illinois.

20 (jj) ~~(ff)~~ Information and reports that are required to
21 be submitted to the Department of Labor by registering day
22 and temporary labor service agencies but are exempt from
23 disclosure under subsection (a-1) of Section 45 of the Day
24 and Temporary Labor Services Act.

25 (ll) Information that is exempted from disclosure
26 under Section 25 of the Disposition of Remains of the

1 Indigent Act.

2 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
3 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
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17 Code.

18 (hh) ~~(ff)~~ Records that are exempt from disclosure under
19 Section 1A-16.7 of the Election Code.

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21 under Section 2505-800 of the Department of Revenue Law of
22 the Civil Administrative Code of Illinois.

23 (jj) ~~(ff)~~ Information and reports that are required to
24 be submitted to the Department of Labor by registering day
25 and temporary labor service agencies but are exempt from
26 disclosure under subsection (a-1) of Section 45 of the Day

1 and Temporary Labor Services Act.

2 (kk)~~(ff)~~ Information prohibited from disclosure under
3 the Seizure and Forfeiture Reporting Act.

4 (ll) Information that is exempted from disclosure
5 under Section 25 of the Disposition of Remains of the
6 Indigent Act.

7 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
8 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
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10 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
11 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
12 eff. 6-1-18; revised 11-2-17.)

13 Section 10. The Disposition of Remains of the Indigent Act
14 is amended by changing Section 25 as follows:

15 (755 ILCS 66/25)

16 (This Section may contain text from a Public Act with a
17 delayed effective date)

18 (Section scheduled to be repealed on December 31, 2022)

19 Sec. 25. Registry of contributed cadavers and institutions
20 of medical, mortuary, or other sciences.

21 (a) An institution of medical, mortuary, or other sciences
22 is eligible to receive a contributed cadaver under Section 15
23 of this Act if it meets the qualifications determined to be
24 appropriate by the Department by rule and registers with the

1 Department. Under no circumstances is the harvesting and sale
2 of body parts allowed, including after any medical, mortuary,
3 or other sciences research has concluded. Qualified medical
4 science institutions, at a minimum, must be either:

5 (1) a medical college or school, or other institution
6 of higher science education or school of mortuary science,
7 public or private;

8 (2) a hospital; or

9 (3) a not-for-profit corporation under Section
10 501(c) (3) of the Internal Revenue Code registered under the
11 Charitable Trust Act.

12 (b) The Department shall maintain lists ~~a registry~~ of:

13 (1) cadavers that have been contributed to qualified
14 medical science institutions of Section 15; and

15 (2) institutions qualifying as institutions of
16 medical, mortuary, or other sciences eligible to receive
17 donations under this Act.

18 The Department shall update the lists ~~registry~~ with any new
19 information within 5 business days ~~24 hours~~ of receiving the
20 information. The listing of cadavers and all associated
21 information maintained by the Department or other State
22 facilities regarding a cadaver and its disposition are exempt
23 from disclosure under the Freedom of Information Act. The
24 Department shall establish by rule appropriate processes for
25 family members of the deceased to access information in the
26 listing. The Department may provide summary reports of

1 aggregated data as determined by the Department. The summary
2 reports are not exempt from disclosure under the Freedom of
3 Information Act.

4 (c) Each qualified medical science institution shall
5 submit its request for cadavers in State custody. The
6 Department ~~may shall~~ designate the next institution to receive
7 a cadaver when requested from ~~by~~ a State facility.

8 (d) If the number of cadavers is insufficient for the use
9 of the relevant institutions, the Department ~~may shall~~
10 determine which institution shall receive them, ~~taking into~~
11 ~~account the relative proportion of the numbers of students at~~
12 ~~each institution.~~

13 (Source: P.A. 100-526, eff. 6-1-18.)

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.

21 Section 99. Effective date. This Act takes effect June 1,
22 2018.