



Rep. Jerry Costello, II

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LRB100 09117 MJP 22394 a

1 AMENDMENT TO HOUSE BILL 2798

2 AMENDMENT NO. _____. Amend House Bill 2798 by replacing
3 everything after the enacting clause with the following:

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 and the data
14 reported to the Department concerning deaths in which an opioid
15 overdose is determined to be a contributing factor, as required
16 by Section 3-3013 of the Counties Code. The report shall

1 specify the data for each county.

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 in private care facilities or in programs funded by
19 the Department of Human Services under its powers relating to
20 mental health and developmental disabilities or alcoholism and
21 substance abuse or funded by the Department of Children and
22 Family Services shall be reported to the coroner of the county
23 in which the facility is located. If the coroner has reason to
24 believe that an investigation is needed to determine whether
25 the death was caused by maltreatment or negligent care of the
26 ward of the State, the coroner may conduct a preliminary

1 investigation of the circumstances of such death as in cases of
2 death under circumstances set forth in paragraphs (a) through
3 (e) of this Section.

4 (Source: P.A. 99-354, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,
5 eff. 7-28-16.)".