

# HB4774



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4774**

Introduced 2/18/2020, by Rep. Curtis J. Tarver, II - André Thapedi

#### SYNOPSIS AS INTRODUCED:

745 ILCS 10/6-106

from Ch. 85, par. 6-106

Amends the Local Government and Governmental Employees Tort Immunity Act. Deletes language providing that neither a local public entity nor a public employee acting within the scope of his employment is liable for injury resulting from diagnosing or failing to diagnose that a person is afflicted with mental or physical illness or addiction or from failing to prescribe for mental or physical illness or addiction.

LRB101 16351 LNS 65727 b

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 Local Governmental and Governmental  
5 Employees Tort Immunity Act is amended by changing Section  
6 6-106 as follows:

7 (745 ILCS 10/6-106) (from Ch. 85, par. 6-106)

8 Sec. 6-106. Immunity related to incidents involving mental  
9 or physical illness or addiction.

10 (a) (Blank). ~~Neither a local public entity nor a public~~  
11 ~~employee acting within the scope of his employment is liable~~  
12 ~~for injury resulting from diagnosing or failing to diagnose~~  
13 ~~that a person is afflicted with mental or physical illness or~~  
14 ~~addiction or from failing to prescribe for mental or physical~~  
15 ~~illness or addiction.~~

16 (b) Neither a local public entity nor a public employee  
17 acting within the scope of his or her employment is liable for  
18 administering with due care the treatment prescribed for mental  
19 or physical illness or addiction.

20 (c) Nothing in this Section ~~section~~ exonerates a public  
21 employee who has undertaken to prescribe for mental or physical  
22 illness or addiction from liability for injury proximately  
23 caused by his or her negligence or by his or her wrongful act

1 in so prescribing or exonerates a local public entity whose  
2 employee, while acting in the scope of his or her employment,  
3 so causes such an injury.

4 (d) Nothing in this Section ~~section~~ exonerates a public  
5 employee from liability for injury proximately caused by his or  
6 her negligent or wrongful act or omission in administering any  
7 treatment prescribed for mental or physical illness or  
8 addiction or exonerates a local public entity whose employee,  
9 while acting in the scope of his or her employment, so causes  
10 such an injury.

11 (Source: Laws 1965, p. 2983.)