



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5132

Introduced 1/27/2022, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2

from Ch. 38, par. 1003-7-2

Amends the Unified Code of Corrections. Provides that if a committed person is prescribed a drug while in a correctional institution or facility, the drug shall not be substituted with another drug unless the prescribing physician certifies to the chief administrative officer of the correctional institution or facility that the substitution of the drug is for medical necessity. Provides exceptions.

LRB102 25200 RLC 34466 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-7-2 as follows:

6 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

7 Sec. 3-7-2. Facilities.

8 (a) All institutions and facilities of the Department
9 shall provide every committed person with access to toilet
10 facilities, barber facilities, bathing facilities at least
11 once each week, a library of legal materials and published
12 materials including newspapers and magazines approved by the
13 Director. A committed person may not receive any materials
14 that the Director deems pornographic.

15 (b) (Blank).

16 (c) All institutions and facilities of the Department
17 shall provide facilities for every committed person to leave
18 his cell for at least one hour each day unless the chief
19 administrative officer determines that it would be harmful or
20 dangerous to the security or safety of the institution or
21 facility.

22 (d) All institutions and facilities of the Department
23 shall provide every committed person with a wholesome and

1 nutritional diet at regularly scheduled hours, drinking water,
2 clothing adequate for the season, bedding, soap and towels and
3 medical and dental care.

4 (d-5) If a committed person is prescribed a drug while in
5 a correctional institution or facility, the drug shall not be
6 substituted with another drug unless the prescribing physician
7 certifies to the chief administrative officer of the
8 correctional institution or facility that the substitution of
9 the drug is for medical necessity. Nothing in this subsection
10 (d-5) prevents the Director of Corrections or chief
11 administrative officer of the correctional institution or
12 facility from removing a drug from its availability to
13 committed persons or denying the committed person the drug if
14 the United States Food and Drug Administration has issued a
15 statement about the drug that calls into question the clinical
16 safety of the drug, the drug manufacturer has notified the
17 United States Food and Drug Administration of a manufacturing
18 discontinuance or potential discontinuance of the drug as
19 required by Section 506C of the Federal Food, Drug, and
20 Cosmetic Act, as codified in 21 U.S.C. 356c, or the drug
21 manufacturer has removed the drug from the market. Nothing in
22 this subsection (d-5) prohibits a health care plan for which
23 the Department has contracted to provide medical care and
24 drugs for committed persons, by contract, written policy, or
25 procedure, or any other agreement or course of conduct, from
26 requiring a pharmacist who provides drugs to committed persons

1 in correctional institutions or facilities to effect
2 substitutions of prescription drugs consistent with Section
3 19.5 of the Pharmacy Practice Act, under which a pharmacist
4 may substitute an interchangeable biologic for a prescribed
5 biologic product, and Section 25 of the Pharmacy Practice Act,
6 under which a pharmacist may select a generic drug determined
7 to be therapeutically equivalent by the United States Food and
8 Drug Administration and in accordance with the Illinois Food,
9 Drug and Cosmetic Act.

10 (e) All institutions and facilities of the Department
11 shall permit every committed person to send and receive an
12 unlimited number of uncensored letters, provided, however,
13 that the Director may order that mail be inspected and read for
14 reasons of the security, safety or morale of the institution
15 or facility.

16 (f) All of the institutions and facilities of the
17 Department shall permit every committed person to receive
18 in-person visitors and video contact, if available, except in
19 case of abuse of the visiting privilege or when the chief
20 administrative officer determines that such visiting would be
21 harmful or dangerous to the security, safety or morale of the
22 institution or facility. Each committed person is entitled to
23 7 visits per month. Every committed person may submit a list of
24 at least 30 persons to the Department that are authorized to
25 visit the committed person. The list shall be kept in an
26 electronic format by the Department beginning on August 1,

1 2019, as well as available in paper form for Department
2 employees. The chief administrative officer shall have the
3 right to restrict visitation to non-contact visits, video, or
4 other forms of non-contact visits for reasons of safety,
5 security, and order, including, but not limited to,
6 restricting contact visits for committed persons engaged in
7 gang activity. No committed person in a super maximum security
8 facility or on disciplinary segregation is allowed contact
9 visits. Any committed person found in possession of illegal
10 drugs or who fails a drug test shall not be permitted contact
11 visits for a period of at least 6 months. Any committed person
12 involved in gang activities or found guilty of assault
13 committed against a Department employee shall not be permitted
14 contact visits for a period of at least 6 months. The
15 Department shall offer every visitor appropriate written
16 information concerning HIV and AIDS, including information
17 concerning how to contact the Illinois Department of Public
18 Health for counseling information. The Department shall
19 develop the written materials in consultation with the
20 Department of Public Health. The Department shall ensure that
21 all such information and materials are culturally sensitive
22 and reflect cultural diversity as appropriate. Implementation
23 of the changes made to this Section by Public Act 94-629 is
24 subject to appropriation. The Department shall seek the lowest
25 possible cost to provide video calling and shall charge to the
26 extent of recovering any demonstrated costs of providing video

1 calling. The Department shall not make a commission or profit
2 from video calling services. Nothing in this Section shall be
3 construed to permit video calling instead of in-person
4 visitation.

5 (f-5) (Blank).

6 (f-10) The Department may not restrict or limit in-person
7 visits to committed persons due to the availability of
8 interactive video conferences.

9 (f-15) (1) The Department shall issue a standard written
10 policy for each institution and facility of the Department
11 that provides for:

12 (A) the number of in-person visits each committed
13 person is entitled to per week and per month including the
14 requirements of subsection (f) of this Section;

15 (B) the hours of in-person visits;

16 (C) the type of identification required for visitors
17 at least 18 years of age; and

18 (D) the type of identification, if any, required for
19 visitors under 18 years of age.

20 (2) This policy shall be posted on the Department website
21 and at each facility.

22 (3) The Department shall post on its website daily any
23 restrictions or denials of visitation for that day and the
24 succeeding 5 calendar days, including those based on a
25 lockdown of the facility, to inform family members and other
26 visitors.

1 (g) All institutions and facilities of the Department
2 shall permit religious ministrations and sacraments to be
3 available to every committed person, but attendance at
4 religious services shall not be required.

5 (h) Within 90 days after December 31, 1996, the Department
6 shall prohibit the use of curtains, cell-coverings, or any
7 other matter or object that obstructs or otherwise impairs the
8 line of vision into a committed person's cell.

9 (Source: P.A. 99-933, eff. 1-27-17; 100-30, eff. 1-1-18;
10 100-142, eff. 1-1-18; 100-677, eff. 1-1-19; 100-863, eff.
11 8-14-18.)