



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5196

Introduced 1/31/2022, by Rep. Bob Morgan

SYNOPSIS AS INTRODUCED:

15 ILCS 335/4A	from Ch. 124, par. 24A
20 ILCS 1705/2	from Ch. 91 1/2, par. 100-2
20 ILCS 2407/10	
20 ILCS 4010/2002	from Ch. 91 1/2, par. 1952
105 ILCS 5/2-3.83	from Ch. 122, par. 2-3.83
210 ILCS 46/3-801.1	
210 ILCS 47/3-801.1	
215 ILCS 5/356z.2	
405 ILCS 5/1-106	from Ch. 91 1/2, par. 1-106
405 ILCS 5/1-116	from Ch. 91 1/2, par. 1-116
405 ILCS 25/2.03	from Ch. 91 1/2, par. 602.03
405 ILCS 80/2-3	from Ch. 91 1/2, par. 1802-3
410 ILCS 250/2	from Ch. 111 1/2, par. 2102
430 ILCS 65/1.1	from Ch. 38, par. 83-1.1
755 ILCS 5/11a-1	from Ch. 110 1/2, par. 11a-1

Amends the Mental Health and Developmental Disabilities Code. Modifies the definition of "developmental disability." Modifies the definition of "intellectual disability." Modifies various other acts and codes to reference the definitions of developmental disability and intellectual disability in the Mental Health and Developmental Disabilities Code.

LRB102 24844 RJT 34091 b

1 AN ACT concerning health.

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

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 4A as follows:

6 (15 ILCS 335/4A) (from Ch. 124, par. 24A)

7 Sec. 4A. (a) "Person with a disability" as used in this Act
8 means any person who is, and who is expected to indefinitely
9 continue to be, subject to any of the following five types of
10 disabilities:

11 Type One: Physical disability. A physical disability is a
12 physical impairment, disease, or loss, which is of a permanent
13 nature, and which substantially limits physical ability or
14 motor skills. The Secretary of State shall establish standards
15 not inconsistent with this provision necessary to determine
16 the presence of a physical disability.

17 Type Two: Developmental disability. Developmental
18 disability means "developmental disability" as defined in
19 Section 1-106 of the Mental Health and Developmental
20 Disabilities Code ~~a disability that is attributable to: (i) an~~
21 ~~intellectual disability, cerebral palsy, epilepsy, or autism~~
22 ~~or (ii) any other condition that results in impairment similar~~
23 ~~to that caused by an intellectual disability and requires~~

1 ~~services similar to those required by persons with~~
2 ~~intellectual disabilities. Such a disability must originate~~
3 ~~before the age of 18 years, be expected to continue~~
4 ~~indefinitely, and constitute a substantial disability.~~ The
5 Secretary of State shall establish standards not inconsistent
6 with this provision necessary to determine the presence of a
7 developmental disability.

8 Type Three: Visual disability. A visual disability is
9 blindness, and the term "blindness" means central vision
10 acuity of 20/200 or less in the better eye with the use of a
11 correcting lens. An eye that is accompanied by a limitation in
12 the fields of vision so that the widest diameter of the visual
13 field subtends an angle no greater than 20 degrees shall be
14 considered as having a central vision acuity of 20/200 or
15 less. The Secretary of State shall establish standards not
16 inconsistent with this Section necessary to determine the
17 presence of a visual disability.

18 Type Four: Hearing disability. A hearing disability is a
19 disability resulting in complete absence of hearing, or
20 hearing that with sound enhancing or magnifying equipment is
21 so impaired as to require the use of sensory input other than
22 hearing as the principal means of receiving spoken language.
23 The Secretary of State shall establish standards not
24 inconsistent with this Section necessary to determine the
25 presence of a hearing disability.

26 Type Five: Mental Disability. A mental disability is a

1 significant impairment of an individual's cognitive,
2 affective, or relational abilities that may require
3 intervention and may be a recognized, medically diagnosable
4 illness or disorder. The Secretary of State shall establish
5 standards not inconsistent with this provision necessary to
6 determine the presence of a mental disability.

7 (b) For purposes of this Act, a disability shall be
8 classified as follows: Class 1 disability: A Class 1
9 disability is any type disability which does not render a
10 person unable to engage in any substantial gainful activity or
11 which does not impair his ability to live independently or to
12 perform labor or services for which he is qualified. The
13 Secretary of State shall establish standards not inconsistent
14 with this Section necessary to determine the presence of a
15 Class 1 disability. Class 1A disability: A Class 1A disability
16 is a Class 1 disability which renders a person unable to walk
17 200 feet or more unassisted by another person or without the
18 aid of a walker, crutches, braces, prosthetic device or a
19 wheelchair or without great difficulty or discomfort due to
20 the following impairments: neurologic, orthopedic,
21 oncological, respiratory, cardiac, arthritic disorder,
22 blindness, or the loss of function or absence of a limb or
23 limbs. The Secretary of State shall establish standards not
24 inconsistent with this Section necessary to determine the
25 presence of a Class 1A disability. Class 2 disability: A Class
26 2 disability is any type disability which renders a person

1 unable to engage in any substantial gainful activity, which
2 substantially impairs his ability to live independently
3 without supervision or in-home support services, or which
4 substantially impairs his ability to perform labor or services
5 for which he is qualified or significantly restricts the labor
6 or services which he is able to perform. The Secretary of State
7 shall establish standards not inconsistent with this Section
8 necessary to determine the presence of a Class 2 disability.
9 Class 2A disability: A Class 2A disability is a Class 2
10 disability which renders a person unable to walk 200 feet or
11 more unassisted by another person or without the aid of a
12 walker, crutches, braces, prosthetic device or a wheelchair or
13 without great difficulty or discomfort due to the following
14 impairments: neurologic, orthopedic, oncological,
15 respiratory, cardiac, arthritic disorder, blindness, or the
16 loss of function or absence of a limb or limbs. The Secretary
17 of State shall establish standards not inconsistent with this
18 Section necessary to determine the presence of a Class 2A
19 disability.

20 (Source: P.A. 98-726, eff. 1-1-15; 99-143, eff. 7-27-15.)

21 Section 10. The Mental Health and Developmental
22 Disabilities Administrative Act is amended by changing Section
23 2 as follows:

24 (20 ILCS 1705/2) (from Ch. 91 1/2, par. 100-2)

1 Sec. 2. Definitions; administrative subdivisions.

2 (a) For the purposes of this Act, unless the context
3 otherwise requires:

4 "Department" means the Department of Human Services,
5 successor to the former Department of Mental Health and
6 Developmental Disabilities.

7 "Developmental disability" means "developmental
8 disability" as defined in Section 1-106 of the Mental Health
9 and Developmental Disabilities Code

10 "Intellectual disability" means the "intellectual
11 disability" as defined in Section 1-116 of the Mental Health
12 and Developmental Disabilities Code.

13 "Secretary" means the Secretary of Human Services.

14 (b) Unless the context otherwise requires:

15 (1) References in this Act to the programs or
16 facilities of the Department shall be construed to refer
17 only to those programs or facilities of the Department
18 that pertain to mental health or developmental
19 disabilities.

20 (2) References in this Act to the Department's service
21 providers or service recipients shall be construed to
22 refer only to providers or recipients of services that
23 pertain to the Department's mental health and
24 developmental disabilities functions.

25 (3) References in this Act to employees of the
26 Department shall be construed to refer only to employees

1 whose duties pertain to the Department's mental health and
2 developmental disabilities functions.

3 (c) The Secretary shall establish such subdivisions of the
4 Department as shall be desirable and shall assign to the
5 various subdivisions the responsibilities and duties placed
6 upon the Department by the Laws of the State of Illinois.

7 (d) There is established a coordinator of services to deaf
8 and hearing impaired persons with mental disabilities. In
9 hiring this coordinator, every consideration shall be given to
10 qualified deaf or hearing impaired individuals.

11 (e) Whenever the administrative director of the
12 subdivision for mental health services is not a
13 board-certified psychiatrist, the Secretary shall appoint a
14 Chief for Clinical Services who shall be a board-certified
15 psychiatrist with both clinical and administrative experience.
16 The Chief for Clinical Services shall be responsible for all
17 clinical and medical decisions for mental health services.

18 (Source: P.A. 99-143, eff. 7-27-15.)

19 Section 15. The Disabilities Services Act of 2003 is
20 amended by changing Section 10 as follows:

21 (20 ILCS 2407/10)

22 Sec. 10. Application of Act; definitions.

23 (a) This Act applies to persons with disabilities. The
24 disabilities included are defined for purposes of this Act as

1 follows:

2 "Disability" means a disability as defined by the
3 Americans with Disabilities Act of 1990 that is attributable
4 to a developmental disability, a mental illness, or a physical
5 disability, or combination of those.

6 "Developmental disability" means "developmental
7 disability" as defined in Section 1-106 of the Mental Health
8 and Developmental Disabilities Code. ~~a disability that is~~
9 ~~attributable to an intellectual disability or a related~~
10 ~~condition. A related condition must meet all of the following~~
11 ~~conditions:~~

12 ~~(1) It must be attributable to cerebral palsy,~~
13 ~~epilepsy, or any other condition (other than mental~~
14 ~~illness) found to be closely related to an intellectual~~
15 ~~disability because that condition results in impairment of~~
16 ~~general intellectual functioning or adaptive behavior~~
17 ~~similar to that of individuals with an intellectual~~
18 ~~disability, and requires treatment or services similar to~~
19 ~~those required for those individuals. For purposes of this~~
20 ~~Section, autism is considered a related condition.~~

21 ~~(2) It must be manifested before the individual~~
22 ~~reaches age 22.~~

23 ~~(3) It must be likely to continue indefinitely.~~

24 ~~(4) It must result in substantial functional~~
25 ~~limitations in 3 or more of the following areas of major~~
26 ~~life activity: self care, language, learning, mobility,~~

1 ~~self-direction, and capacity for independent living.~~

2 "Mental Illness" means a mental or emotional disorder
3 verified by a diagnosis contained in the Diagnostic and
4 Statistical Manual of Mental Disorders-Fourth Edition,
5 published by the American Psychiatric Association (DSM-IV), or
6 its successor, or International Classification of Diseases,
7 9th Revision, Clinical Modification (ICD-9-CM), or its
8 successor, that substantially impairs a person's cognitive,
9 emotional, or behavioral functioning, or any combination of
10 those, excluding (i) conditions that may be the focus of
11 clinical attention but are not of sufficient duration or
12 severity to be categorized as a mental illness, such as
13 parent-child relational problems, partner-relational
14 problems, sexual abuse of a child, bereavement, academic
15 problems, phase-of-life problems, and occupational problems
16 (collectively, "V codes"), (ii) organic disorders such as
17 substance intoxication dementia, substance withdrawal
18 dementia, Alzheimer's disease, vascular dementia, dementia due
19 to HIV infection, and dementia due to Creutzfeldt-Jakob
20 disease and disorders associated with known or unknown
21 physical conditions such as hallucinosis, amnestic disorders
22 and delirium, and psychoactive substance-induced organic
23 disorders, and (iii) an intellectual disability or
24 psychoactive substance use disorders.

25 "Intellectual disability" means "intellectual disability"
26 as defined in Section 1-116 of the Mental Health and

1 Developmental Disabilities Code ~~significantly sub-average~~
2 ~~general intellectual functioning existing concurrently with~~
3 ~~deficits in adaptive behavior and manifested before the age of~~
4 ~~22 years.~~

5 "Physical disability" means a disability as defined by the
6 Americans with Disabilities Act of 1990 that meets the
7 following criteria:

8 (1) It is attributable to a physical impairment.

9 (2) It results in a substantial functional limitation
10 in any of the following areas of major life activity: (i)
11 self-care, (ii) receptive and expressive language, (iii)
12 learning, (iv) mobility, (v) self-direction, (vi) capacity
13 for independent living, and (vii) economic sufficiency.

14 (3) It reflects the person's need for a combination
15 and sequence of special, interdisciplinary, or general
16 care, treatment, or other services that are of lifelong or
17 of extended duration and must be individually planned and
18 coordinated.

19 (b) In this Act:

20 "Chronological age-appropriate services" means services,
21 activities, and strategies for persons with disabilities that
22 are representative of the lifestyle activities of nondisabled
23 peers of similar age in the community.

24 "Comprehensive evaluation" means procedures used by
25 qualified professionals selectively with an individual to
26 determine whether a person has a disability and the nature and

1 extent of the services that the person with a disability
2 needs.

3 "Department" means the Department on Aging, the Department
4 of Human Services, the Department of Public Health, the
5 Department of Public Aid (now Department Healthcare and Family
6 Services), the University of Illinois Division of Specialized
7 Care for Children, the Department of Children and Family
8 Services, and the Illinois State Board of Education, where
9 appropriate, as designated in the implementation plan
10 developed under Section 20.

11 "Family" means a natural, adoptive, or foster parent or
12 parents or other person or persons responsible for the care of
13 an individual with a disability in a family setting.

14 "Family or individual support" means those resources and
15 services that are necessary to maintain an individual with a
16 disability within the family home or his or her own home. These
17 services may include, but are not limited to, cash subsidy,
18 respite care, and counseling services.

19 "Independent service coordination" means a social service
20 that enables persons with developmental disabilities and their
21 families to locate, use, and coordinate resources and
22 opportunities in their communities on the basis of individual
23 need. Independent service coordination is independent of
24 providers of services and funding sources and is designed to
25 ensure accessibility, continuity of care, and accountability
26 and to maximize the potential of persons with developmental

1 disabilities for independence, productivity, and integration
2 into the community. Independent service coordination includes,
3 at a minimum: (i) outreach to identify eligible individuals;
4 (ii) assessment and periodic reassessment to determine each
5 individual's strengths, functional limitations, and need for
6 specific services; (iii) participation in the development of a
7 comprehensive individual service or treatment plan; (iv)
8 referral to and linkage with needed services and supports; (v)
9 monitoring to ensure the delivery of appropriate services and
10 to determine individual progress in meeting goals and
11 objectives; and (vi) advocacy to assist the person in
12 obtaining all services for which he or she is eligible or
13 entitled.

14 "Individual service or treatment plan" means a recorded
15 assessment of the needs of a person with a disability, a
16 description of the services recommended, the goals of each
17 type of element of service, an anticipated timetable for the
18 accomplishment of the goals, and a designation of the
19 qualified professionals responsible for the implementation of
20 the plan.

21 "Least restrictive environment" means an environment that
22 represents the least departure from the normal patterns of
23 living and that effectively meets the needs of the person
24 receiving the service.

25 (Source: P.A. 97-227, eff. 1-1-12; 98-756, eff. 7-16-14.)

1 Section 20. The Illinois Council on Developmental
2 Disabilities Law is amended by changing Section 2002 as
3 follows:

4 (20 ILCS 4010/2002) (from Ch. 91 1/2, par. 1952)

5 Sec. 2002. Definitions. As used in this Article, unless
6 the context requires otherwise:

7 (a) "Council" means the Illinois Council on Developmental
8 Disabilities.

9 (b) "Chairperson" means the chairperson of the Illinois
10 Council on Developmental Disabilities.

11 (c) "Director" means the director of the Illinois Council
12 on Developmental Disabilities.

13 (d) "Developmental disability" means "developmental
14 disability" as defined in Section 1-106 of the Mental Health
15 and Developmental Disabilities Code. ~~, in general, a severe~~
16 ~~chronic disability of an individual that:~~

17 ~~(1) is attributable to a mental or physical impairment~~
18 ~~or combination of mental and physical impairments;~~

19 ~~(2) is manifested before the person attains age 22;~~

20 ~~(3) is likely to continue indefinitely;~~

21 ~~(4) results in substantial functional limitations in 3~~
22 ~~or more of the following areas of major life activity:~~

23 ~~self care, receptive and expressive language, learning,~~

24 ~~mobility, self direction, capacity for independent living,~~

25 ~~and economic sufficiency; and~~

1 ~~(5) reflects the person's need for a combination and~~
2 ~~sequence of special interdisciplinary or generic services~~
3 ~~care, individualized supports, or other forms of~~
4 ~~assistance that are of life long or extended duration and~~
5 ~~are individually planned and coordinated.~~

6 ~~When applied to infants and young children, an individual~~
7 ~~may be considered to have a "developmental disability" if the~~
8 ~~individual from birth to age 9, inclusive, has (i) a~~
9 ~~substantial developmental delay or specific congenital or~~
10 ~~acquired conditions and (ii) does not meet 3 or more of the~~
11 ~~criteria described in paragraphs (1) through (5) but who,~~
12 ~~without services and support, has a high probability of~~
13 ~~meeting those criteria later in life.~~

14 (Source: P.A. 91-798, eff. 7-9-00.)

15 Section 25. The School Code is amended by changing Section
16 2-3.83 as follows:

17 (105 ILCS 5/2-3.83) (from Ch. 122, par. 2-3.83)

18 Sec. 2-3.83. Individual transition plan model pilot
19 program.

20 (a) The General Assembly finds that transition services
21 for special education students in secondary schools are needed
22 for the increasing numbers of students exiting school
23 programs. Therefore, to ensure coordinated and timely delivery
24 of services, the State shall establish a model pilot program

1 to provide such services. Local school districts, using joint
2 agreements and regional service delivery systems for special
3 and vocational education selected by the Governor's Planning
4 Council on Developmental Disabilities, shall have the primary
5 responsibility to convene transition planning meetings for
6 these students who will require post-school adult services.

7 (b) For purposes of this Section:

8 (1) "Post-secondary Service Provider" means a provider
9 of services for adults who have any developmental
10 disability as defined in Section 1-106 of the Mental
11 Health and Developmental Disabilities Code or who are
12 persons with one or more disabilities as defined in the
13 Rehabilitation of Persons with Disabilities Act.

14 (2) "Individual Education Plan" means a written
15 statement for an exceptional child that provides at least
16 a statement of: the child's present levels of educational
17 performance, annual goals and short-term instructional
18 objectives; specific special education and related
19 services; the extent of participation in the regular
20 education program; the projected dates for initiation of
21 services; anticipated duration of services; appropriate
22 objective criteria and evaluation procedures; and a
23 schedule for annual determination of short-term
24 objectives.

25 (3) "Individual Transition Plan" (ITP) means a
26 multi-agency informal assessment of a student's needs for

1 post-secondary adult services including but not limited to
2 employment, post-secondary education or training and
3 residential independent living.

4 (4) "Developmental Disability" means "developmental
5 disability" as defined in Section 1-106 of the Mental
6 Health and Developmental Disabilities Code ~~a disability~~
7 ~~which is attributable to: (a) an intellectual disability,~~
8 ~~cerebral palsy, epilepsy or autism; or to (b) any other~~
9 ~~condition which results in impairment similar to that~~
10 ~~caused by an intellectual disability and which requires~~
11 ~~services similar to those required by persons with an~~
12 ~~intellectual disability. Such disability must originate~~
13 ~~before the age of 18 years, be expected to continue~~
14 ~~indefinitely, and constitute a substantial disability.~~

15 (5) "Exceptional Characteristic" means any disabling
16 or exceptional characteristic which interferes with a
17 student's education including, but not limited to, a
18 determination that the student has a severe or profound
19 mental disability, has mental disability but is trainable,
20 is deaf-blind, or has some other health impairment.

21 (c) The model pilot program required by this Section shall
22 be established and administered by the Governor's Planning
23 Council on Developmental Disabilities in conjunction with the
24 case coordination pilot projects established by the Department
25 of Human Services pursuant to Section 4.1 of the Community
26 Services Act, as amended.

1 (d) The model pilot program shall include the following
2 features:

3 (1) Written notice shall be sent to the student and,
4 when appropriate, his or her parent or guardian giving the
5 opportunity to consent to having the student's name and
6 relevant information shared with the local case
7 coordination unit and other appropriate State or local
8 agencies for purposes of inviting participants to the
9 individual transition plan meeting.

10 (2) Meetings to develop and modify, as needed, an
11 Individual Transition Plan shall be conducted annually for
12 all students with a developmental disability in the pilot
13 program area who are age 16 or older and who are receiving
14 special education services for 50% or more of their public
15 school program. These meetings shall be convened by the
16 local school district and conducted in conjunction with
17 any other regularly scheduled meetings such as the
18 student's annual individual educational plan meeting. The
19 Governor's Planning Council on Developmental Disabilities
20 shall cooperate with and may enter into any necessary
21 written agreements with the Department of Human Services
22 and the State Board of Education to identify the target
23 group of students for transition planning and the
24 appropriate case coordination unit to serve these
25 individuals.

26 (3) The ITP meetings shall be co-chaired by the

1 individual education plan coordinator and the case
2 coordinator. The ITP meeting shall include but not be
3 limited to discussion of the following: the student's
4 projected date of exit from the public schools; his
5 projected post-school goals in the areas of employment,
6 residential living arrangement and post-secondary
7 education or training; specific school or post-school
8 services needed during the following year to achieve the
9 student's goals, including but not limited to vocational
10 evaluation, vocational education, work experience or
11 vocational training, placement assistance, independent
12 living skills training, recreational or leisure training,
13 income support, medical needs and transportation; and
14 referrals and linkage to needed services, including a
15 proposed time frame for services and the responsible
16 agency or provider. The individual transition plan shall
17 be signed by participants in the ITP discussion, including
18 but not limited to the student's parents or guardian, the
19 student (where appropriate), multi-disciplinary team
20 representatives from the public schools, the case
21 coordinator and any other individuals who have
22 participated in the ITP meeting at the discretion of the
23 individual education plan coordinator, the developmental
24 disability case coordinator or the parents or guardian.

25 (4) At least 10 days prior to the ITP meeting, the
26 parents or guardian of the student shall be notified in

1 writing of the time and place of the meeting by the local
2 school district. The ITP discussion shall be documented by
3 the assigned case coordinator, and an individual student
4 file shall be maintained by each case coordination unit.
5 One year following a student's exit from public school the
6 case coordinator shall conduct a follow up interview with
7 the student.

8 (5) Determinations with respect to individual
9 transition plans made under this Section shall not be
10 subject to any due process requirements prescribed in
11 Section 14-8.02 of this Code.

12 (e) (Blank).

13 (Source: P.A. 99-143, eff. 7-27-15.)

14 Section 30. The MC/DD Act is amended by changing Section
15 3-801.1 as follows:

16 (210 ILCS 46/3-801.1)

17 Sec. 3-801.1. Access to records of resident with
18 developmental disabilities. Notwithstanding the other
19 provisions of this Act to the contrary, the agency designated
20 by the Governor under Section 1 of "An Act in relation to the
21 protection and advocacy of the rights of persons with
22 developmental disabilities, and amending Acts therein named",
23 enacted by the 84th General Assembly, shall have access to the
24 records of a person with developmental disabilities who

1 resides in a facility, subject to the limitations of this Act.
2 The agency shall also have access for the purpose of
3 inspection and copying, to the records of a person with
4 developmental disabilities who resides in any such facility if
5 (1) a complaint is received by such agency from or on behalf of
6 the person with a developmental disability, and (2) such
7 person does not have a guardian or the State or the designee of
8 the State is the guardian of such person. The designated
9 agency shall provide written notice to the person with
10 developmental disabilities and the State guardian of the
11 nature of the complaint based upon which the designated agency
12 has gained access to the records. No record or the contents of
13 any record shall be redisclosed by the designated agency
14 unless the person with developmental disabilities and the
15 State guardian are provided 7 days' advance written notice,
16 except in emergency situations, of the designated agency's
17 intent to redisclose such record, during which time the person
18 with developmental disabilities or the State guardian may seek
19 to judicially enjoin the designated agency's redisclosure of
20 such record on the grounds that such redisclosure is contrary
21 to the interests of the person with developmental
22 disabilities. If a person with developmental disabilities
23 resides in such a facility and has a guardian other than the
24 State or the designee of the State, the facility director
25 shall disclose the guardian's name, address, and telephone
26 number to the designated agency at the agency's request.

1 Upon request, the designated agency shall be entitled to
2 inspect and copy any records or other materials which may
3 further the agency's investigation of problems affecting
4 numbers of persons with developmental disabilities. When
5 required by law any personally identifiable information of
6 persons with a developmental disability shall be removed from
7 the records. However, the designated agency may not inspect or
8 copy any records or other materials when the removal of
9 personally identifiable information imposes an unreasonable
10 burden on the facility. For the purposes of this Section,
11 "developmental disability" means "developmental disability" as
12 defined in Section 1-106 of the Mental Health and
13 Developmental Disabilities Code. ~~a severe, chronic disability~~
14 ~~of a person which:~~

15 ~~(A) is attributable to a mental or physical impairment~~
16 ~~or combination of mental and physical impairments;~~

17 ~~(B) is manifested before the person attains age 22;~~

18 ~~(C) is likely to continue indefinitely;~~

19 ~~(D) results in substantial functional limitations in 3~~
20 ~~or more of the following areas of major life activity: (i)~~
21 ~~self care, (ii) receptive and expressive language, (iii)~~
22 ~~learning, (iv) mobility, (v) self direction, (vi) capacity~~
23 ~~for independent living, and (vii) economic self~~
24 ~~sufficiency; and~~

25 ~~(E) reflects the person's need for combination and~~
26 ~~sequence of special, interdisciplinary or generic care,~~

1 ~~treatment or other services which are of lifelong or~~
2 ~~extended duration and are individually planned and~~
3 ~~coordinated.~~

4 (Source: P.A. 99-180, eff. 7-29-15.)

5 Section 35. The ID/DD Community Care Act is amended by
6 changing Section 3-801.1 as follows:

7 (210 ILCS 47/3-801.1)

8 Sec. 3-801.1. Access to records of resident with
9 developmental disabilities. Notwithstanding the other
10 provisions of this Act to the contrary, the agency designated
11 by the Governor under Section 1 of "An Act in relation to the
12 protection and advocacy of the rights of persons with
13 developmental disabilities, and amending Acts therein named",
14 enacted by the 84th General Assembly, shall have access to the
15 records of a person with developmental disabilities who
16 resides in a facility, subject to the limitations of this Act.
17 The agency shall also have access for the purpose of
18 inspection and copying, to the records of a person with
19 developmental disabilities who resides in any such facility if
20 (1) a complaint is received by such agency from or on behalf of
21 the person with a developmental disability, and (2) such
22 person does not have a guardian or the State or the designee of
23 the State is the guardian of such person. The designated
24 agency shall provide written notice to the person with

1 developmental disabilities and the State guardian of the
2 nature of the complaint based upon which the designated agency
3 has gained access to the records. No record or the contents of
4 any record shall be redisclosed by the designated agency
5 unless the person with developmental disabilities and the
6 State guardian are provided 7 days' advance written notice,
7 except in emergency situations, of the designated agency's
8 intent to redisclose such record, during which time the person
9 with developmental disabilities or the State guardian may seek
10 to judicially enjoin the designated agency's redisclosure of
11 such record on the grounds that such redisclosure is contrary
12 to the interests of the person with developmental
13 disabilities. If a person with developmental disabilities
14 resides in such a facility and has a guardian other than the
15 State or the designee of the State, the facility director
16 shall disclose the guardian's name, address, and telephone
17 number to the designated agency at the agency's request.

18 Upon request, the designated agency shall be entitled to
19 inspect and copy any records or other materials which may
20 further the agency's investigation of problems affecting
21 numbers of persons with developmental disabilities. When
22 required by law any personally identifiable information of
23 persons with a developmental disability shall be removed from
24 the records. However, the designated agency may not inspect or
25 copy any records or other materials when the removal of
26 personally identifiable information imposes an unreasonable

1 burden on the facility. For the purposes of this Section,
2 "developmental disability" means "developmental disability" as
3 defined in Section 1-106 of the Mental Health and
4 Developmental Disabilities Code. ~~a severe, chronic disability~~
5 ~~of a person which:~~

6 ~~(A) is attributable to a mental or physical impairment~~
7 ~~or combination of mental and physical impairments;~~

8 ~~(B) is manifested before the person attains age 22;~~

9 ~~(C) is likely to continue indefinitely;~~

10 ~~(D) results in substantial functional limitations in 3~~
11 ~~or more of the following areas of major life activity: (i)~~
12 ~~self care, (ii) receptive and expressive language, (iii)~~
13 ~~learning, (iv) mobility, (v) self direction, (vi) capacity~~
14 ~~for independent living, and (vii) economic self~~
15 ~~sufficiency; and~~

16 ~~(E) reflects the person's need for combination and~~
17 ~~sequence of special, interdisciplinary or generic care,~~
18 ~~treatment or other services which are of lifelong or~~
19 ~~extended duration and are individually planned and~~
20 ~~coordinated.~~

21 (Source: P.A. 96-339, eff. 7-1-10.)

22 Section 40. The Illinois Insurance Code is amended by
23 changing Section 356z.2 as follows:

24 (215 ILCS 5/356z.2)

1 Sec. 356z.2. Coverage for adjunctive services in dental
2 care.

3 (a) An individual or group policy of accident and health
4 insurance amended, delivered, issued, or renewed after January
5 1, 2003 (the effective date of Public Act 92-764) shall cover
6 charges incurred, and anesthetics provided, in conjunction
7 with dental care that is provided to a covered individual in a
8 hospital or an ambulatory surgical treatment center if any of
9 the following applies:

10 (1) the individual is a child age 6 or under;

11 (2) the individual has a medical condition that
12 requires hospitalization or general anesthesia for dental
13 care; or

14 (3) the individual is a person with a disability.

15 (a-5) An individual or group policy of accident and health
16 insurance amended, delivered, issued, or renewed after January
17 1, 2016 (the effective date of Public Act 99-141) shall cover
18 charges incurred, and anesthetics provided by a dentist with a
19 permit provided under Section 8.1 of the Illinois Dental
20 Practice Act, in conjunction with dental care that is provided
21 to a covered individual in a dental office, oral surgeon's
22 office, hospital, or ambulatory surgical treatment center if
23 the individual is under age 26 and has been diagnosed with an
24 autism spectrum disorder as defined in Section 10 of the
25 Autism Spectrum Disorders Reporting Act or a developmental
26 disability. A covered individual shall be required to make 2

1 visits to the dental care provider prior to accessing other
2 coverage under this subsection.

3 For purposes of this subsection, "developmental
4 disability" means "developmental disability" as defined in
5 Section 1-106 of the Mental Health and Developmental
6 Disabilities Code ~~a disability that is attributable to an~~
7 ~~intellectual disability or a related condition, if the related~~
8 ~~condition meets all of the following conditions:~~

9 ~~(1) it is attributable to cerebral palsy, epilepsy, or~~
10 ~~any other condition, other than mental illness, found to~~
11 ~~be closely related to an intellectual disability because~~
12 ~~that condition results in impairment of general~~
13 ~~intellectual functioning or adaptive behavior similar to~~
14 ~~that of individuals with an intellectual disability and~~
15 ~~requires treatment or services similar to those required~~
16 ~~for those individuals; for purposes of this definition,~~
17 ~~autism is considered a related condition;~~

18 ~~(2) it is manifested before the individual reaches age~~
19 ~~22;~~

20 ~~(3) it is likely to continue indefinitely; and~~

21 ~~(4) it results in substantial functional limitations~~
22 ~~in 3 or more of the following areas of major life activity:~~
23 ~~self-care, language, learning, mobility, self-direction,~~
24 ~~and capacity for independent living.~~

25 (b) For purposes of this Section, "ambulatory surgical
26 treatment center" has the meaning given to that term in

1 Section 3 of the Ambulatory Surgical Treatment Center Act.

2 For purposes of this Section, "person with a disability"
3 means a person, regardless of age, with a chronic disability
4 if the chronic disability meets all of the following
5 conditions:

6 (1) It is attributable to a mental or physical
7 impairment or combination of mental and physical
8 impairments.

9 (2) It is likely to continue.

10 (3) It results in substantial functional limitations
11 in one or more of the following areas of major life
12 activity:

13 (A) self-care;

14 (B) receptive and expressive language;

15 (C) learning;

16 (D) mobility;

17 (E) capacity for independent living; or

18 (F) economic self-sufficiency.

19 (c) The coverage required under this Section may be
20 subject to any limitations, exclusions, or cost-sharing
21 provisions that apply generally under the insurance policy.

22 (d) This Section does not apply to a policy that covers
23 only dental care.

24 (e) Nothing in this Section requires that the dental
25 services be covered.

26 (f) The provisions of this Section do not apply to

1 short-term travel, accident-only, limited, or specified
2 disease policies, nor to policies or contracts designed for
3 issuance to persons eligible for coverage under Title XVIII of
4 the Social Security Act, known as Medicare, or any other
5 similar coverage under State or federal governmental plans.

6 (Source: P.A. 101-525, eff. 1-1-20.)

7 Section 45. The Mental Health and Developmental
8 Disabilities Code is amended by changing Sections 1-106 and
9 1-116 as follows:

10 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

11 Sec. 1-106. "Developmental disability" means a severe,
12 chronic disability, other than mental illness, found to be
13 closely related to an intellectual disability because this
14 condition results in impairment of general intellectual
15 functioning or adaptive behavior similar to that of persons
16 with ID, and requires services similar to those required for a
17 person with an intellectual disability. In addition, a
18 developmental disability: (1) is manifested before the
19 individual reaches 22 years of age; (2) is likely to continue
20 indefinitely; (3) results in substantial functional
21 limitations in three or more of the following areas of major
22 life activity: self-care, receptive and expressive language,
23 learning, mobility, self-direction, capacity for independent
24 living, or economic self-sufficiency; and (4) reflects the

1 individual's need for a combination and sequence of special
2 interdisciplinary or generic services, individualized
3 supports, or other forms of assistance that are of lifelong or
4 extended duration and are individually planned and coordinated
5 ~~a disability which is attributable to: (a) an intellectual~~
6 ~~disability, cerebral palsy, epilepsy or autism; or (b) any~~
7 ~~other condition which results in impairment similar to that~~
8 ~~caused by an intellectual disability and which requires~~
9 ~~services similar to those required by persons with an~~
10 ~~intellectual disability. Such disability must originate before~~
11 ~~the age of 18 years, be expected to continue indefinitely, and~~
12 ~~constitute a substantial disability.~~

13 (Source: P.A. 99-143, eff. 7-27-15.)

14 (405 ILCS 5/1-116) (from Ch. 91 1/2, par. 1-116)

15 Sec. 1-116. Intellectual disability. "Intellectual
16 disability" means a disorder with onset during the
17 developmental period (before the individual reaches age 22),
18 that includes both intellectual and adaptive deficits in
19 conceptual, social and practical domains. The following 3
20 criteria must be met: (1) deficits in intellectual functions
21 such as reasoning, problem solving, planning, abstract
22 thinking, judgment, academic learning, and learning from
23 experience confirmed by both clinical assessment and
24 individualized, standardized intelligence testing (generally
25 indicated with an IQ score of about 70 or below), (2) deficits

1 in adaptive functioning that result in failure to meet
2 developmental and sociocultural standards for personal
3 independence and social responsibility. Without ongoing
4 support, the adaptive deficits limit functioning in one or
5 more activities of daily life, such as communication, social
6 participation, and independent living, across multiple
7 environments, such as home, school, work, and community, and
8 (3) onset of intellectual and adaptive deficits during the
9 developmental period ~~significantly subaverage general~~
10 ~~intellectual functioning which exists concurrently with~~
11 ~~impairment in adaptive behavior and which originates before~~
12 ~~the age of 18 years.~~

13 (Source: P.A. 97-227, eff. 1-1-12.)

14 Section 50. The Specialized Living Centers Act is amended
15 by changing Section 2.03 as follows:

16 (405 ILCS 25/2.03) (from Ch. 91 1/2, par. 602.03)

17 Sec. 2.03. "Person with a developmental disability" means
18 a person with a "developmental disability" as defined in
19 Section 1-116 of the Mental Health and Developmental
20 Disabilities Code ~~individuals whose disability is attributable~~
21 ~~to an intellectual disability, cerebral palsy, epilepsy or~~
22 ~~other neurological condition which generally originates before~~
23 ~~such individuals attain age 18 which had continued or can be~~
24 ~~expected to continue indefinitely and which constitutes a~~

1 ~~substantial disability to such individuals.~~

2 (Source: P.A. 99-143, eff. 7-27-15.)

3 Section 55. The Developmental Disability and Mental
4 Disability Services Act is amended by changing Section 2-3 as
5 follows:

6 (405 ILCS 80/2-3) (from Ch. 91 1/2, par. 1802-3)

7 Sec. 2-3. As used in this Article, unless the context
8 requires otherwise:

9 (a) "Agency" means an agency or entity licensed by the
10 Department pursuant to this Article or pursuant to the
11 Community Residential Alternatives Licensing Act.

12 (b) "Department" means the Department of Human Services,
13 as successor to the Department of Mental Health and
14 Developmental Disabilities.

15 (c) "Home-based services" means services provided to an
16 adult with a mental disability who lives in his or her own
17 home. These services include but are not limited to:

18 (1) home health services;

19 (2) case management;

20 (3) crisis management;

21 (4) training and assistance in self-care;

22 (5) personal care services;

23 (6) habilitation and rehabilitation services;

24 (7) employment-related services;

1 (8) respite care; and

2 (9) other skill training that enables a person to
3 become self-supporting.

4 (d) "Legal guardian" means a person appointed by a court
5 of competent jurisdiction to exercise certain powers on behalf
6 of an adult with a mental disability.

7 (e) "Adult with a mental disability" means a person over
8 the age of 18 years who lives in his or her own home; who needs
9 home-based services, but does not require 24-hour-a-day
10 supervision; and who has one of the following conditions:
11 severe autism, severe mental illness, a severe or profound
12 intellectual disability, or severe and multiple impairments.

13 (f) In one's "own home" means that an adult with a mental
14 disability lives alone; or that an adult with a mental
15 disability is in full-time residence with his or her parents,
16 legal guardian, or other relatives; or that an adult with a
17 mental disability is in full-time residence in a setting not
18 subject to licensure under the Nursing Home Care Act, the
19 Specialized Mental Health Rehabilitation Act of 2013, the
20 ID/DD Community Care Act, the MC/DD Act, or the Child Care Act
21 of 1969, as now or hereafter amended, with 3 or fewer other
22 adults unrelated to the adult with a mental disability who do
23 not provide home-based services to the adult with a mental
24 disability.

25 (g) "Parent" means the biological or adoptive parent of an
26 adult with a mental disability, or a person licensed as a

1 foster parent under the laws of this State who acts as a foster
2 parent to an adult with a mental disability.

3 (h) "Relative" means any of the following relationships by
4 blood, marriage or adoption: parent, son, daughter, brother,
5 sister, grandparent, uncle, aunt, nephew, niece, great
6 grandparent, great uncle, great aunt, stepbrother, stepsister,
7 stepson, stepdaughter, stepparent or first cousin.

8 (i) "Severe autism" means a lifelong developmental
9 disability which is typically manifested before 30 months of
10 age and is characterized by severe disturbances in reciprocal
11 social interactions; verbal and nonverbal communication and
12 imaginative activity; and repertoire of activities and
13 interests. A person shall be determined severely autistic, for
14 purposes of this Article, if both of the following are
15 present:

16 (1) Diagnosis consistent with the criteria for
17 autistic disorder in the current edition of the Diagnostic
18 and Statistical Manual of Mental Disorders.

19 (2) Severe disturbances in reciprocal social
20 interactions; verbal and nonverbal communication and
21 imaginative activity; repertoire of activities and
22 interests. A determination of severe autism shall be based
23 upon a comprehensive, documented assessment with an
24 evaluation by a licensed clinical psychologist or
25 psychiatrist. A determination of severe autism shall not
26 be based solely on behaviors relating to environmental,

1 cultural or economic differences.

2 (j) "Severe mental illness" means the manifestation of all
3 of the following characteristics:

4 (1) A primary diagnosis of one of the major mental
5 disorders in the current edition of the Diagnostic and
6 Statistical Manual of Mental Disorders listed below:

7 (A) Schizophrenia disorder.

8 (B) Delusional disorder.

9 (C) Schizo-affective disorder.

10 (D) Bipolar affective disorder.

11 (E) Atypical psychosis.

12 (F) Major depression, recurrent.

13 (2) The individual's mental illness must substantially
14 impair his or her functioning in at least 2 of the
15 following areas:

16 (A) Self-maintenance.

17 (B) Social functioning.

18 (C) Activities of community living.

19 (D) Work skills.

20 (3) Disability must be present or expected to be
21 present for at least one year.

22 A determination of severe mental illness shall be based
23 upon a comprehensive, documented assessment with an evaluation
24 by a licensed clinical psychologist or psychiatrist, and shall
25 not be based solely on behaviors relating to environmental,
26 cultural or economic differences.

1 (k) "Severe or profound intellectual disability" means a
2 manifestation of all of the following characteristics:

3 (1) A diagnosis which meets Classification in Mental
4 Retardation or criteria in the current edition of the
5 Diagnostic and Statistical Manual of Mental Disorders for
6 severe or profound mental retardation (an IQ of 40 or
7 below). This must be measured by a standardized instrument
8 for general intellectual functioning.

9 (2) A severe or profound level of disturbed adaptive
10 behavior. This must be measured by a standardized adaptive
11 behavior scale or informal appraisal by the professional
12 in keeping with illustrations in Classification in Mental
13 Retardation, 1983.

14 (3) Disability diagnosed before age of 18.

15 A determination of a severe or profound intellectual
16 disability shall be based upon a comprehensive, documented
17 assessment with an evaluation by a licensed clinical
18 psychologist or certified school psychologist or a
19 psychiatrist, and shall not be based solely on behaviors
20 relating to environmental, cultural or economic differences.

21 (l) "Severe and multiple impairments" means the
22 manifestation of all of the following characteristics:

23 (1) The evaluation determines the presence of a
24 developmental disability which is expected to continue
25 indefinitely, constitutes a substantial disability and is
26 attributable to any of the following:

1 (A) Intellectual disability as defined in Section
2 1-116 of the Mental Health and Developmental
3 Disabilities Code , ~~which is defined as general~~
4 ~~intellectual functioning that is 2 or more standard~~
5 ~~deviations below the mean concurrent with impairment~~
6 ~~of adaptive behavior which is 2 or more standard~~
7 ~~deviations below the mean. Assessment of the~~
8 ~~individual's intellectual functioning must be measured~~
9 ~~by a standardized instrument for general intellectual~~
10 ~~functioning.~~

11 (B) Cerebral palsy.

12 (C) Epilepsy.

13 (D) Autism.

14 (E) Any other condition which results in
15 impairment similar to that caused by an intellectual
16 disability and which requires services similar to
17 those required by persons with intellectual
18 disabilities.

19 (2) The evaluation determines multiple disabilities in
20 physical, sensory, behavioral or cognitive functioning
21 which constitute a severe or profound impairment
22 attributable to one or more of the following:

23 (A) Physical functioning, which severely impairs
24 the individual's motor performance that may be due to:

25 (i) Neurological, psychological or physical
26 involvement resulting in a variety of disabling

1 conditions such as hemiplegia, quadriplegia or
2 ataxia,

3 (ii) Severe organ systems involvement such as
4 congenital heart defect,

5 (iii) Physical abnormalities resulting in the
6 individual being non-mobile and non-ambulatory or
7 confined to bed and receiving assistance in
8 transferring, or

9 (iv) The need for regular medical or nursing
10 supervision such as gastrostomy care and feeding.

11 Assessment of physical functioning must be based
12 on clinical medical assessment by a physician licensed
13 to practice medicine in all its branches, using the
14 appropriate instruments, techniques and standards of
15 measurement required by the professional.

16 (B) Sensory, which involves severe restriction due
17 to hearing or visual impairment limiting the
18 individual's movement and creating dependence in
19 completing most daily activities. Hearing impairment
20 is defined as a loss of 70 decibels aided or speech
21 discrimination of less than 50% aided. Visual
22 impairment is defined as 20/200 corrected in the
23 better eye or a visual field of 20 degrees or less.
24 Sensory functioning must be based on clinical medical
25 assessment by a physician licensed to practice
26 medicine in all its branches using the appropriate

1 instruments, techniques and standards of measurement
2 required by the professional.

3 (C) Behavioral, which involves behavior that is
4 maladaptive and presents a danger to self or others,
5 is destructive to property by deliberately breaking,
6 destroying or defacing objects, is disruptive by
7 fighting, or has other socially offensive behaviors in
8 sufficient frequency or severity to seriously limit
9 social integration. Assessment of behavioral
10 functioning may be measured by a standardized scale or
11 informal appraisal by a clinical psychologist or
12 psychiatrist.

13 (D) Cognitive, which involves intellectual
14 functioning at a measured IQ of 70 or below.
15 Assessment of cognitive functioning must be measured
16 by a standardized instrument for general intelligence.

17 (3) The evaluation determines that development is
18 substantially less than expected for the age in cognitive,
19 affective or psychomotor behavior as follows:

20 (A) Cognitive, which involves intellectual
21 functioning at a measured IQ of 70 or below.
22 Assessment of cognitive functioning must be measured
23 by a standardized instrument for general intelligence.

24 (B) Affective behavior, which involves over and
25 under responding to stimuli in the environment and may
26 be observed in mood, attention to awareness, or in

1 behaviors such as euphoria, anger or sadness that
2 seriously limit integration into society. Affective
3 behavior must be based on clinical assessment using
4 the appropriate instruments, techniques and standards
5 of measurement required by the professional.

6 (C) Psychomotor, which includes a severe
7 developmental delay in fine or gross motor skills so
8 that development in self-care, social interaction,
9 communication or physical activity will be greatly
10 delayed or restricted.

11 (4) A determination that the disability originated
12 before the age of 18 years.

13 A determination of severe and multiple impairments shall
14 be based upon a comprehensive, documented assessment with an
15 evaluation by a licensed clinical psychologist or
16 psychiatrist.

17 If the examiner is a licensed clinical psychologist,
18 ancillary evaluation of physical impairment, cerebral palsy or
19 epilepsy must be made by a physician licensed to practice
20 medicine in all its branches.

21 Regardless of the discipline of the examiner, ancillary
22 evaluation of visual impairment must be made by an
23 ophthalmologist or a licensed optometrist.

24 Regardless of the discipline of the examiner, ancillary
25 evaluation of hearing impairment must be made by an
26 otolaryngologist or an audiologist with a certificate of

1 clinical competency.

2 The only exception to the above is in the case of a person
3 with cerebral palsy or epilepsy who, according to the
4 eligibility criteria listed below, has multiple impairments
5 which are only physical and sensory. In such a case, a
6 physician licensed to practice medicine in all its branches
7 may serve as the examiner.

8 (m) "Twenty-four-hour-a-day supervision" means
9 24-hour-a-day care by a trained mental health or developmental
10 disability professional on an ongoing basis.

11 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
12 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

13 Section 60. The Developmental Disability Prevention Act is
14 amended by changing Section 2 as follows:

15 (410 ILCS 250/2) (from Ch. 111 1/2, par. 2102)

16 Sec. 2. As used in this Act:

17 (a) "perinatal" means the period of time between the
18 conception of an infant and the end of the first month of life;

19 (b) "congenital" means those intrauterine factors which
20 influence the growth, development and function of the fetus;

21 (c) "environmental" means those extrauterine factors which
22 influence the adaptation, well being or life of the newborn
23 and may lead to disability;

24 (d) "high risk" means an increased level of risk of harm or

1 mortality to the woman of childbearing age, fetus or newborn
2 from congenital and/or environmental factors;

3 (e) "perinatal center" means a referral facility intended
4 to care for the high risk patient before, during, or after
5 labor and delivery and characterized by sophistication and
6 availability of personnel, equipment, laboratory,
7 transportation techniques, consultation and other support
8 services;

9 (f) "developmental disability" means "developmental
10 disability" as defined in Section 1-106 of the Mental Health
11 and Developmental Disabilities Code ~~an intellectual~~
12 ~~disability, cerebral palsy, epilepsy, or other neurological~~
13 ~~disabling conditions of an individual found to be closely~~
14 ~~related to an intellectual disability or to require treatment~~
15 ~~similar to that required by individuals with an intellectual~~
16 ~~disability, and the disability originates before such~~
17 ~~individual attains age 18, and has continued, or can be~~
18 ~~expected to continue indefinitely, and constitutes a~~
19 ~~substantial disability of such individuals;~~

20 (g) "disability" means a condition characterized by
21 temporary or permanent, partial or complete impairment of
22 physical, mental or physiological function;

23 (h) "Department" means the Department of Public Health.

24 (Source: P.A. 99-143, eff. 7-27-15.)

25 Section 65. The Firearm Owners Identification Card Act is

1 amended by changing Section 1.1 as follows:

2 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

3 Sec. 1.1. For purposes of this Act:

4 "Addicted to narcotics" means a person who has been:

5 (1) convicted of an offense involving the use or
6 possession of cannabis, a controlled substance, or
7 methamphetamine within the past year; or

8 (2) determined by the Illinois State Police to be
9 addicted to narcotics based upon federal law or federal
10 guidelines.

11 "Addicted to narcotics" does not include possession or use
12 of a prescribed controlled substance under the direction and
13 authority of a physician or other person authorized to
14 prescribe the controlled substance when the controlled
15 substance is used in the prescribed manner.

16 "Adjudicated as a person with a mental disability" means
17 the person is the subject of a determination by a court, board,
18 commission or other lawful authority that the person, as a
19 result of marked subnormal intelligence, or mental illness,
20 mental impairment, incompetency, condition, or disease:

21 (1) presents a clear and present danger to himself,
22 herself, or to others;

23 (2) lacks the mental capacity to manage his or her own
24 affairs or is adjudicated a person with a disability as
25 defined in Section 11a-2 of the Probate Act of 1975;

1 (3) is not guilty in a criminal case by reason of
2 insanity, mental disease or defect;

3 (3.5) is guilty but mentally ill, as provided in
4 Section 5-2-6 of the Unified Code of Corrections;

5 (4) is incompetent to stand trial in a criminal case;

6 (5) is not guilty by reason of lack of mental
7 responsibility under Articles 50a and 72b of the Uniform
8 Code of Military Justice, 10 U.S.C. 850a, 876b;

9 (6) is a sexually violent person under subsection (f)
10 of Section 5 of the Sexually Violent Persons Commitment
11 Act;

12 (7) is a sexually dangerous person under the Sexually
13 Dangerous Persons Act;

14 (8) is unfit to stand trial under the Juvenile Court
15 Act of 1987;

16 (9) is not guilty by reason of insanity under the
17 Juvenile Court Act of 1987;

18 (10) is subject to involuntary admission as an
19 inpatient as defined in Section 1-119 of the Mental Health
20 and Developmental Disabilities Code;

21 (11) is subject to involuntary admission as an
22 outpatient as defined in Section 1-119.1 of the Mental
23 Health and Developmental Disabilities Code;

24 (12) is subject to judicial admission as set forth in
25 Section 4-500 of the Mental Health and Developmental
26 Disabilities Code; or

1 (13) is subject to the provisions of the Interstate
2 Agreements on Sexually Dangerous Persons Act.

3 "Clear and present danger" means a person who:

4 (1) communicates a serious threat of physical violence
5 against a reasonably identifiable victim or poses a clear
6 and imminent risk of serious physical injury to himself,
7 herself, or another person as determined by a physician,
8 clinical psychologist, or qualified examiner; or

9 (2) demonstrates threatening physical or verbal
10 behavior, such as violent, suicidal, or assaultive
11 threats, actions, or other behavior, as determined by a
12 physician, clinical psychologist, qualified examiner,
13 school administrator, or law enforcement official.

14 "Clinical psychologist" has the meaning provided in
15 Section 1-103 of the Mental Health and Developmental
16 Disabilities Code.

17 "Controlled substance" means a controlled substance or
18 controlled substance analog as defined in the Illinois
19 Controlled Substances Act.

20 "Counterfeit" means to copy or imitate, without legal
21 authority, with intent to deceive.

22 "Federally licensed firearm dealer" means a person who is
23 licensed as a federal firearms dealer under Section 923 of the
24 federal Gun Control Act of 1968 (18 U.S.C. 923).

25 "Firearm" means any device, by whatever name known, which
26 is designed to expel a projectile or projectiles by the action

1 of an explosion, expansion of gas or escape of gas; excluding,
2 however:

3 (1) any pneumatic gun, spring gun, paint ball gun, or
4 B-B gun which expels a single globular projectile not
5 exceeding .18 inch in diameter or which has a maximum
6 muzzle velocity of less than 700 feet per second;

7 (1.1) any pneumatic gun, spring gun, paint ball gun,
8 or B-B gun which expels breakable paint balls containing
9 washable marking colors;

10 (2) any device used exclusively for signaling or
11 safety and required or recommended by the United States
12 Coast Guard or the Interstate Commerce Commission;

13 (3) any device used exclusively for the firing of stud
14 cartridges, explosive rivets or similar industrial
15 ammunition; and

16 (4) an antique firearm (other than a machine-gun)
17 which, although designed as a weapon, the Illinois State
18 Police finds by reason of the date of its manufacture,
19 value, design, and other characteristics is primarily a
20 collector's item and is not likely to be used as a weapon.

21 "Firearm ammunition" means any self-contained cartridge or
22 shotgun shell, by whatever name known, which is designed to be
23 used or adaptable to use in a firearm; excluding, however:

24 (1) any ammunition exclusively designed for use with a
25 device used exclusively for signaling ~~signalling~~ or safety
26 and required or recommended by the United States Coast

1 Guard or the Interstate Commerce Commission; and

2 (2) any ammunition designed exclusively for use with a
3 stud or rivet driver or other similar industrial
4 ammunition.

5 "Gun show" means an event or function:

6 (1) at which the sale and transfer of firearms is the
7 regular and normal course of business and where 50 or more
8 firearms are displayed, offered, or exhibited for sale,
9 transfer, or exchange; or

10 (2) at which not less than 10 gun show vendors
11 display, offer, or exhibit for sale, sell, transfer, or
12 exchange firearms.

13 "Gun show" includes the entire premises provided for an
14 event or function, including parking areas for the event or
15 function, that is sponsored to facilitate the purchase, sale,
16 transfer, or exchange of firearms as described in this
17 Section. Nothing in this definition shall be construed to
18 exclude a gun show held in conjunction with competitive
19 shooting events at the World Shooting Complex sanctioned by a
20 national governing body in which the sale or transfer of
21 firearms is authorized under subparagraph (5) of paragraph (g)
22 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

23 Unless otherwise expressly stated, "gun show" does not
24 include training or safety classes, competitive shooting
25 events, such as rifle, shotgun, or handgun matches, trap,
26 skeet, or sporting clays shoots, dinners, banquets, raffles,

1 or any other event where the sale or transfer of firearms is
2 not the primary course of business.

3 "Gun show promoter" means a person who organizes or
4 operates a gun show.

5 "Gun show vendor" means a person who exhibits, sells,
6 offers for sale, transfers, or exchanges any firearms at a gun
7 show, regardless of whether the person arranges with a gun
8 show promoter for a fixed location from which to exhibit,
9 sell, offer for sale, transfer, or exchange any firearm.

10 "Involuntarily admitted" has the meaning as prescribed in
11 Sections 1-119 and 1-119.1 of the Mental Health and
12 Developmental Disabilities Code.

13 "Mental health facility" means any licensed private
14 hospital or hospital affiliate, institution, or facility, or
15 part thereof, and any facility, or part thereof, operated by
16 the State or a political subdivision thereof which provides
17 ~~provide~~ treatment of persons with mental illness and includes
18 all hospitals, institutions, clinics, evaluation facilities,
19 mental health centers, colleges, universities, long-term care
20 facilities, and nursing homes, or parts thereof, which provide
21 treatment of persons with mental illness whether or not the
22 primary purpose is to provide treatment of persons with mental
23 illness.

24 "National governing body" means a group of persons who
25 adopt rules and formulate policy on behalf of a national
26 firearm sporting organization.

1 "Patient" means:

2 (1) a person who is admitted as an inpatient or
3 resident of a public or private mental health facility for
4 mental health treatment under Chapter III of the Mental
5 Health and Developmental Disabilities Code as an informal
6 admission, a voluntary admission, a minor admission, an
7 emergency admission, or an involuntary admission, unless
8 the treatment was solely for an alcohol abuse disorder; or

9 (2) a person who voluntarily or involuntarily receives
10 mental health treatment as an out-patient or is otherwise
11 provided services by a public or private mental health
12 facility, and who poses a clear and present danger to
13 himself, herself, or ~~to~~ others.

14 "Person with a developmental disability" means a person
15 with a "developmental disability" as defined in Section 1-106
16 of the Mental Health and Developmental Disabilities Code.
17 ~~which is attributable to any other condition which results in~~
18 ~~impairment similar to that caused by an intellectual~~
19 ~~disability and which requires services similar to those~~
20 ~~required by persons with intellectual disabilities. The~~
21 ~~disability must originate before the age of 18 years, be~~
22 ~~expected to continue indefinitely, and constitute a~~
23 ~~substantial disability. This disability results, in the~~
24 ~~professional opinion of a physician, clinical psychologist, or~~
25 ~~qualified examiner, in significant functional limitations in 3~~
26 ~~or more of the following areas of major life activity:~~

- 1 ~~(i) self care;~~
- 2 ~~(ii) receptive and expressive language;~~
- 3 ~~(iii) learning;~~
- 4 ~~(iv) mobility; or~~
- 5 ~~(v) self direction.~~

6 "Person with an intellectual disability" means a
7 "intellectual disability" as defined in Section 1-106 of the
8 Mental Health and Developmental Disabilities Code ~~person with~~
9 ~~a significantly subaverage general intellectual functioning~~
10 ~~which exists concurrently with impairment in adaptive behavior~~
11 ~~and which originates before the age of 18 years.~~

12 "Physician" has the meaning as defined in Section 1-120 of
13 the Mental Health and Developmental Disabilities Code.

14 "Protective order" means any orders of protection issued
15 under the Illinois Domestic Violence Act of 1986, stalking no
16 contact orders issued under the Stalking No Contact Order Act,
17 civil no contact orders issued under the Civil No Contact
18 Order Act, and firearms restraining orders issued under the
19 Firearms Restraining Order Act.

20 "Qualified examiner" has the meaning provided in Section
21 1-122 of the Mental Health and Developmental Disabilities
22 Code.

23 "Sanctioned competitive shooting event" means a shooting
24 contest officially recognized by a national or state shooting
25 sport association, and includes any sight-in or practice
26 conducted in conjunction with the event.

1 "School administrator" means the person required to report
2 under the School Administrator Reporting of Mental Health
3 Clear and Present Danger Determinations Law.

4 "Stun gun or taser" has the meaning ascribed to it in
5 Section 24-1 of the Criminal Code of 2012.

6 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
7 revised 10-6-21.)

8 Section 70. The Probate Act of 1975 is amended by changing
9 Section 11a-1 as follows:

10 (755 ILCS 5/11a-1) (from Ch. 110 1/2, par. 11a-1)

11 Sec. 11a-1. "Developmental disability", "intellectual
12 disability", and "related condition" defined.

13 "Developmental disability" means "developmental
14 disability" as defined in Section 1-116 of the Mental Health
15 and Developmental Disabilities Code ~~a disability that is~~
16 ~~attributable to an intellectual disability or a related~~
17 ~~condition.~~

18 "Intellectual disability" means "intellectual disability"
19 as defined in Section 1-116 of the Mental Health and
20 Developmental Disabilities Code ~~significantly subaverage~~
21 ~~general intellectual functioning existing concurrently with~~
22 ~~deficits in adaptive behavior and manifested before the age of~~
23 ~~22 years.~~

24 "Related condition" means a condition that:

1 (1) is attributable to cerebral palsy, epilepsy, or
2 any other condition, other than mental illness, found to
3 be closely related to an intellectual disability because
4 that condition results in impairment of general
5 intellectual functioning or adaptive behavior similar to
6 that of individuals with an intellectual disability, and
7 requires treatment or services similar to those required
8 for those individuals. For purposes of this Act, autism is
9 considered a related condition;

10 (2) is manifested before the individual reaches age
11 22;

12 (3) is likely to continue indefinitely; and

13 (4) results in substantial functional limitation in 3
14 or more of the following areas of major life activity:
15 self-care, language, learning, mobility, self-direction,
16 and capacity for independent living.

17 (Source: P.A. 102-72, eff. 1-1-22; 102-109, eff. 1-1-22.)