

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 Health and Hazardous Substances  
5 Registry Act is amended by changing Sections 3, 4, 6, 9, and 13  
6 as follows:

7 (410 ILCS 525/3) (from Ch. 111 1/2, par. 6703)

8 Sec. 3. For the purposes of this Act, unless the context  
9 requires otherwise:

10 (a) "Department" means the Illinois Department of Public  
11 Health.

12 (b) "Director" means the Director of the Illinois  
13 Department of Public Health.

14 (c) (Blank). ~~"Council" means the Health and Hazardous~~  
15 ~~Substances Coordinating Council created by this Act.~~

16 (d) "Registry" means the Illinois Health and Hazardous  
17 Substances Registry established by the Department of Public  
18 Health under Section 6 of this Act.

19 (e) "Cancer" means all malignant neoplasms, regardless of  
20 the tissue of origin, including malignant lymphoma and  
21 leukemia.

22 (f) "Cancer incidence" means a medical diagnosis of  
23 cancer, consisting of a record of cases of cancer and

1 specified cases of tumorous or precancerous diseases which  
2 occur in Illinois, and such other information concerning these  
3 cases as the Department deems necessary or appropriate in  
4 order to conduct thorough and complete epidemiological surveys  
5 of cancer and cancer-related diseases in Illinois.

6 (g) "Occupational disease" includes but is not limited to  
7 all occupational diseases covered by the Workers' Occupational  
8 Diseases Act.

9 (h) "Hazardous substances" means a hazardous substance as  
10 defined in the Environmental Protection Act.

11 (i) "Hazardous substances incident" includes but is not  
12 limited to a spill, fire, or accident involving hazardous  
13 substances, illegal disposal, transportation, or use of  
14 hazardous substances, and complaints or permit violations  
15 involving hazardous substances.

16 (j) "Company profile" includes but is not limited to the  
17 name of any company operating in the State of Illinois which  
18 generates, uses, disposes of or transports hazardous  
19 substances, identification of the types of permits issued in  
20 such company's name relating to transactions involving  
21 hazardous substances, inventory of hazardous substances  
22 handled by such company, and the manner in which such  
23 hazardous substances are used, disposed of, or transported by  
24 the company.

25 (k) "Hazardous nuclear material" means (1) any source or  
26 special nuclear material intended for use or used as an energy

1 source in a production or utilization facility as defined in  
2 Sec. 11.v. or 11.cc. of the federal Atomic Energy Act of 1954  
3 as amended; (2) any fuel which has been discharged from such a  
4 facility following irradiation, the constituent elements of  
5 which have not been separated by reprocessing; or (3) any  
6 by-product material resulting from operation of such a  
7 facility.

8 (l) "Adverse pregnancy outcome" includes but is not  
9 limited to birth defects, fetal loss, infant mortality, low  
10 birth weight, selected life-threatening conditions, and other  
11 developmental disabilities as defined by the Department.

12 (m) "News medium" means any newspaper or other periodical  
13 issued at regular intervals, whether in print or electronic  
14 format, and having a general circulation; a news service,  
15 whether in print or electronic format; a radio station, a  
16 television station; a television network; a community antenna  
17 television service; and any person or corporation engaged in  
18 the making of news reels or other motion picture news for  
19 public showing.

20 (n) "Researcher" means an individual who is affiliated  
21 with or supported by universities, academic centers, research  
22 institutions, hospitals, and governmental entities who conduct  
23 scientific research or investigation on human diseases.

24 (Source: P.A. 95-941, eff. 8-29-08.)

25 (410 ILCS 525/4) (from Ch. 111 1/2, par. 6704)

1           Sec. 4. (a) (Blank). ~~There is created the Health and~~  
2 ~~Hazardous Substances Coordinating Council, to be comprised of~~  
3 ~~the following persons ex officio or their designees: Dean of~~  
4 ~~the School of Public Health of the University of Illinois,~~  
5 ~~Director of Natural Resources, Director of Public Health,~~  
6 ~~Director of Labor, Director of Agriculture, Director of the~~  
7 ~~Environmental Protection Agency and the Director of Nuclear~~  
8 ~~Safety.~~

9           The University of Illinois School of Public Health shall  
10 advise the Department in the design, function and utilization  
11 of the Registry.

12           (b) To facilitate the collection of cancer incidence  
13 information, the Department, in consultation with the Advisory  
14 Board of Cancer Control, shall have the authority to require  
15 hospitals, laboratories or other facilities to report  
16 incidences of cancer and other specified tumorous and  
17 precancerous diseases to the Department, and to require the  
18 submission of such other information pertaining to or in  
19 connection with such reported cases as the Department deems  
20 necessary or appropriate for the purposes of this Act. The  
21 Department may promulgate rules or regulations specifying the  
22 hospitals, laboratories or other facilities which are required  
23 to submit information pursuant to this Section, the types of  
24 information required to be submitted, methods of submitting  
25 such information and any other detail deemed by the Department  
26 to be necessary or appropriate for administration of this Act.

1 Nothing in this Act shall be construed to compel any  
2 individual to submit to a medical examination or supervision.

3 (c) The Director shall by rule or regulation establish  
4 standards or guidelines for ensuring the protection of  
5 information made confidential or privileged under law.

6 (d) The identity, or any group of facts that tends to lead  
7 to the identity, of any person whose condition or treatment is  
8 submitted to the Illinois Health and Hazardous Substances  
9 Registry is confidential and shall not be open to public  
10 inspection or dissemination and is exempt from disclosure  
11 under Section 7 of the Freedom of Information Act. The  
12 following data elements, alone or in combination, are  
13 confidential, shall not be open to public inspection or  
14 dissemination, and are exempt from disclosure under Section 7  
15 of the Freedom of Information Act: name, social security  
16 number, street address, email address, telephone number, fax  
17 number, medical record number, certificate/license number,  
18 reporting source (unless permitted by the reporting facility),  
19 age (unless aggregated for 5 or more years, ZIP code (unless  
20 aggregated for 5 or more years), and diagnosis date (unless  
21 aggregated for one or more years for the entire State or for 3  
22 or more years for a single county). The identity of any person  
23 or persons claimed to be derived from cancer registry data is  
24 not admissible in evidence, and no court shall require  
25 information to be produced in discovery if it determines that  
26 the information tends to lead to the identity of any person.

1 Information for specific research purposes may be released in  
2 accordance with procedures established by the Department.  
3 Except as provided by rule, and as part of an epidemiologic  
4 investigation, an officer or employee of the Department may  
5 interview a patient named in a report made under this Act, or  
6 relatives of any such patient, only with the express written  
7 consent of the patient.

8 (e) Hospitals, laboratories, other facilities or  
9 physicians shall not be held liable for the release of  
10 information or confidential data to the Department in  
11 accordance with this Act. The Department shall protect any  
12 information made confidential or privileged under law.

13 (Source: P.A. 95-941, eff. 8-29-08.)

14 (410 ILCS 525/6) (from Ch. 111 1/2, par. 6706)

15 Sec. 6. (a) No later than January 1, 1985, the Department  
16 shall commence the work necessary to compile the information  
17 which will constitute the Health and Hazardous Substances  
18 Registry. The Registry shall consist of the compilation of  
19 information in the following categories:

20 (i) adverse pregnancy outcomes;

21 (ii) cancer incidences;

22 (iii) occupational diseases;

23 (iv) location, transportation, and exposure to hazardous  
24 nuclear materials;

25 (v) company profiles; and

1 (vi) hazardous substances incidents.

2 The Department, ~~pursuant to any guidelines established by~~  
3 ~~the Council,~~ shall promulgate rules or regulations specifying  
4 the types of information in each category which will be  
5 compiled for the Registry. Such information shall be compiled  
6 in the Registry in such a manner as to allow for geographical  
7 correlation of the data on public health and the data on  
8 hazardous substances and hazardous nuclear materials. To the  
9 extent feasible, the Registry shall be compatible with other  
10 national models of such type so as to facilitate the  
11 coordination of information with other data bases.

12 (Source: P.A. 83-1361.)

13 (410 ILCS 525/9) (from Ch. 111 1/2, par. 6709)

14 Sec. 9. The Department shall utilize the Registry to  
15 conduct research on the relationships between hazardous  
16 substances, hazardous nuclear materials, and public health  
17 issues. The ~~In consultation with the Council,~~ the Director  
18 shall establish guidelines for determining the specific  
19 questions and areas to be researched. The guidelines shall  
20 specifically include the question of the potential public  
21 health significance of an increase in cancer incidence. The  
22 ~~Upon the approval of the Council,~~ the information contained in  
23 the Registry shall be available to other State agencies  
24 wishing to conduct research on these issues. Upon review and  
25 approval of an appropriate Institutional Review Board (IRB) or

1 its equivalent on protection of human subjects in research,  
2 the Department shall release data to researchers for purposes  
3 of medical and scientific research consistent with the  
4 fundamental purposes of the Registry.

5 (Source: P.A. 95-941, eff. 8-29-08.)

6 (410 ILCS 525/13) (from Ch. 111 1/2, par. 6713)

7 Sec. 13. (a) Violation of this Act is a Class A  
8 misdemeanor.

9 (b) Any person who violates this Act shall be liable for a  
10 civil penalty not to exceed \$1,000 for each violation.

11 (c) The Department Council may request the Attorney  
12 General or the State's Attorney of the county in which the  
13 violation occurred to proceed in a court of competent  
14 jurisdiction to secure such relief as provided in this  
15 Section, as well as injunctive relief to restrain violations  
16 of this Act.

17 (Source: P.A. 83-1361.)

18 (410 ILCS 525/5 rep.)

19 Section 10. The Illinois Health and Hazardous Substances  
20 Registry Act is amended by repealing Section 5.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.