

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) ~~There is created the Health and Hazardous~~
2 ~~Substances Coordinating Council, to be comprised of the~~
3 ~~following persons ex officio or their designees: Dean of the~~
4 ~~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.