



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3940

Introduced 5/27/2010, by Sen. Edward D. Maloney

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.756 new
430 ILCS 132/5
430 ILCS 132/10
430 ILCS 132/15
430 ILCS 132/17 new
430 ILCS 132/20
430 ILCS 132/30

Amends the State Finance Act and the Illinois Premise Alert Program (PAP) Act. Provides that whenever a supplier of pressurized oxygen cylinders causes a pressurized oxygen cylinder to be delivered to the residence of a user of pressurized oxygen cylinders, the supplier shall report the delivery to the appropriate local law enforcement agency and the appropriate local fire department or fire protection district within 2 days after the delivery. Provides that the local law enforcement agency to whom the information is reported shall ensure that the information is entered into the PAP database. Also requires a supplier to give notice to the user. Provides that if a supplier fails to report the delivery of a pressurized oxygen cylinder as required, the supplier is subject to a civil penalty of \$250, which may be imposed by the Illinois Emergency Management Agency. Creates the Premise Alert Program (PAP) Fund as a special fund in the State treasury, and provides that all civil penalties collected under these provisions shall be deposited into the Fund. Provides that moneys in the Fund shall, subject to appropriation, be used by the Illinois Emergency Management Agency to administer these provisions. Makes other changes. Effective immediately.

LRB096 22257 DRJ 41504 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 5. The State Finance Act is amended by adding
5 Section 5.756 as follows:

6 (30 ILCS 105/5.756 new)

7 Sec. 5.756. The Premise Alert Program (PAP) Fund.

8 Section 10. The Illinois Premise Alert Program (PAP) Act is
9 amended by changing Sections 5, 10, 15, 20, and 30 and by
10 adding Section 17 as follows:

11 (430 ILCS 132/5)

12 Sec. 5. Purpose. It is the policy of the State of Illinois
13 to ensure that consistently high levels of public safety
14 services are available to all members of the State, including
15 people who may require special consideration in order to access
16 services. This program shall seek to afford people with
17 disabilities or special needs, or both, and individuals who
18 have pressurized oxygen cylinders at their residence for
19 medical or other use, the same access to public safety services
20 provided to all citizens. It is the intent of this program to
21 do the following:

1 (1) Offer ~~offer~~ guidance and direction to public safety
2 workers in responding to and assisting those people with
3 special needs or disabilities or both with whom they will
4 have contact in the performance of their duties and
5 responsibilities.

6 (2) Provide notice to public safety workers who respond
7 to or assist users of pressurized oxygen cylinders that
8 such cylinders may be located on the premises.

9 The ability to effectively deal with special needs
10 individuals and users of pressurized oxygen cylinders is
11 enhanced with knowledge or information. The ability to identify
12 special needs individuals, their places of employment,
13 educational facilities, and residences, and the ability to
14 identify residences that may contain pressurized oxygen
15 cylinders, are valuable resources in instances when or if an
16 emergency response by law enforcement or fire protection
17 personnel or both are needed.

18 (Source: P.A. 96-788, eff. 8-28-09.)

19 (430 ILCS 132/10)

20 Sec. 10. Definitions. As used in this Act:

21 "Disability" means an individual's physical or mental
22 impairment that substantially limits one or more of the major
23 life activities; a record of such impairment; or when the
24 individual is regarded as having such an impairment.

25 "Special needs individuals" means those individuals who

1 have or are at increased risk for a chronic physical,
2 developmental, behavioral, or emotional condition and who also
3 require health and related services of a type or amount beyond
4 that required by individuals generally.

5 "User of pressurized oxygen cylinders" or "user" means (i)
6 an individual who uses or stores at his or her residence one or
7 more pressurized oxygen cylinders, including self-contained
8 underwater breathing apparatus (scuba) tanks, for medical,
9 recreational, or other use, or (ii) an individual who resides
10 with such an individual. "User of pressurized oxygen cylinders"
11 does not include an individual who has one or more empty oxygen
12 cylinders stored at his or her residence but does not have any
13 pressurized oxygen cylinders stored at his or her residence.

14 "Supplier of pressurized oxygen cylinders" or "supplier"
15 means an individual or entity who causes a pressurized oxygen
16 cylinder to be delivered to the residence of a user of
17 pressurized oxygen cylinders.

18 "Public safety agency" means a functional division of a
19 public agency that provides firefighting, police, medical, or
20 other emergency services.

21 "Computer aided dispatch" or "CAD" means a database
22 maintained by the public safety agency or public safety
23 answering point used in conjunction with 9-1-1 caller data.

24 "Premise Alert Program" or "PAP" means a computer aided
25 dispatch database of individuals with special needs and users
26 of pressurized oxygen cylinders maintained by public safety

1 agencies.

2 (Source: P.A. 96-788, eff. 8-28-09.)

3 (430 ILCS 132/15)

4 Sec. 15. Reporting of Special Needs Individuals.

5 (a) Public safety agencies shall make reasonable efforts to
6 publicize the Premise Alert Program (PAP) database. Means of
7 publicizing the database include, but are not limited to,
8 pamphlets and websites.

9 (b) Families, caregivers, or the individuals with
10 disabilities or special needs may contact their local law
11 enforcement agency or fire department or fire protection
12 district.

13 (c) Public safety workers are to be cognizant ~~cognitive~~ of
14 special needs individuals they may come across when they
15 respond to calls. If workers are able to identify individuals
16 who have special needs, they shall try to ascertain as
17 specifically as possible what that special need might be. The
18 public safety worker should attempt to verify the special need
19 as provided in item (2) of subsection (d).

20 (d) The disabled individual's name, date of birth, phone
21 number, and residential address or place of employment should
22 also be obtained for possible entry into the PAP database.

23 (1) Whenever possible, it is preferable that written
24 permission is obtained from a parent, guardian, family
25 member, or caregiver of the individual themselves prior to

1 being entered into the PAP database.

2 (2) No individual may be entered into a PAP database
3 unless the special need has been verified. Acceptable means
4 of verifying a special need for purposes of this program
5 shall include statements by:

6 (A) the individual,

7 (B) family members,

8 (C) friends,

9 (D) caregivers, or

10 (E) medical personnel familiar with the
11 individual.

12 (e) For public safety agencies that share the same CAD
13 database, information collected by one agency serviced by the
14 CAD database is to be disseminated to all agencies utilizing
15 that database.

16 (f) Information received at an incorrect public safety
17 agency shall be accepted and forwarded to the correct agency as
18 soon as possible.

19 (g) All information entered into the PAP database
20 concerning a special needs individual must be updated every 2
21 years or when such information changes.

22 (Source: P.A. 96-788, eff. 8-28-09.)

23 (430 ILCS 132/17 new)

24 Sec. 17. Reporting delivery of pressurized oxygen
25 cylinder.

1 (a) Whenever a supplier causes a pressurized oxygen
2 cylinder to be delivered to the residence of a user of
3 pressurized oxygen cylinders, the supplier shall report the
4 delivery to the appropriate local law enforcement agency and
5 the appropriate local fire department or fire protection
6 district within 2 days after the delivery. The supplier shall
7 report the name, residence address, and telephone number of the
8 user to whom the pressurized oxygen cylinder was delivered as
9 well as the number and size or sizes of the cylinders
10 delivered. The local law enforcement agency to whom the
11 information is reported shall ensure that the information is
12 entered into the PAP database.

13 (b) A supplier who causes a pressurized oxygen cylinder to
14 be delivered to the residence of a user of pressurized oxygen
15 cylinders shall notify the user that:

16 (1) The supplier is required to report information
17 concerning the delivery to the appropriate local law
18 enforcement agency and the appropriate local fire
19 department or fire protection district as required under
20 subsection (a).

21 (2) The reporting of this information will not result
22 in preferential treatment of the user.

23 A supplier need not give this notice to a user more than
24 once each 12 months.

25 (c) Public safety workers shall be cognizant of users of
26 pressurized oxygen cylinders whom they may come into contact

1 when they respond to calls.

2 (d) If a supplier fails to report the delivery of a
3 pressurized oxygen cylinder as required under subsection (a),
4 the supplier is subject to a civil penalty of \$250. The
5 Illinois Emergency Management Agency may impose a civil penalty
6 under this subsection following notice to the supplier and an
7 opportunity for the supplier to participate in an
8 administrative hearing and offer evidence on the matter. The
9 Attorney General may bring an action in the circuit court to
10 enforce the collection of a penalty imposed under this
11 subsection.

12 (e) The Premise Alert Program (PAP) Fund is created as a
13 special fund in the State treasury. All civil penalties
14 collected under this Section shall be deposited into the Fund.
15 Interest earned on moneys in the Fund shall be credited to the
16 Fund. Moneys in the Fund shall, subject to appropriation, be
17 used by the Illinois Emergency Management Agency to administer
18 the provisions of this amendatory Act of the 96th General
19 Assembly.

20 (430 ILCS 132/20)

21 Sec. 20. Provision of information to the field. When
22 special needs information or information concerning a user of
23 pressurized oxygen cylinders comes up in a CAD database, the
24 telecommunicator shall relay that information to responding
25 personnel.

1 (Source: P.A. 96-788, eff. 8-28-09.)

2 (430 ILCS 132/30)

3 Sec. 30. Liability. Except for willful or wanton
4 misconduct, a public safety agency shall not be subject to
5 civil liabilities for duties relating to the reporting of
6 special needs individuals or the reporting of information
7 concerning a user of pressurized oxygen cylinders.

8 (Source: P.A. 96-788, eff. 8-28-09.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.