

1 AN ACT concerning regulation.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by wireless
25 carriers under the Wireless Emergency Telephone Safety
26 Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability and Portability Act of 1996, Public Law
22 104-191, or any subsequent amendments thereto, and any
23 regulations promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) ~~(bb)~~ Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is exempted from disclosure
10 under Section 30.1 of the Pharmacy Practice Act.

11 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
12 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
13 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
14 revised 10-14-15.)

15 Section 10. The Pharmacy Practice Act is amended by adding
16 Section 30.1 as follows:

17 (225 ILCS 85/30.1 new)

18 Sec. 30.1. Reporting.

19 (a) When a pharmacist, registered certified pharmacy
20 technician, or a registered pharmacy technician licensed by the
21 Department is terminated for actions which may have threatened
22 patient safety, the pharmacy or pharmacist-in-charge, pursuant
23 to the policies and procedures of the pharmacy at which he or
24 she is employed, shall report the termination to the chief

1 pharmacy coordinator. Such reports shall be strictly
2 confidential and may be reviewed and considered only by the
3 members of the Board or by authorized Department staff. Such
4 reports, and any records associated with such reports, are
5 exempt from public disclosure and the Freedom of Information
6 Act. Although the reports are exempt from disclosure, any
7 formal complaint filed against a licensee or registrant by the
8 Department or any order issued by the Department against a
9 licensee, registrant, or applicant shall be a public record,
10 except as otherwise prohibited by law.

11 (b) The report shall be submitted to the chief pharmacy
12 coordinator in a timely fashion. Unless otherwise provided in
13 this Section, the reports shall be filed in writing, on forms
14 provided by the Department, within 60 days after a pharmacy's
15 determination that a report is required under this Act. All
16 reports shall contain only the following information:

17 (1) The name, address, and telephone number of the
18 person making the report.

19 (2) The name, license number, and last known address
20 and telephone number of the person who is the subject of
21 the report.

22 (3) A brief description of the facts which gave rise to
23 the issuance of the report, including dates of occurrence.

24 (c) The contents of any report and any records associated
25 with such report shall be strictly confidential and may only be
26 reviewed by:

- 1 (1) members of the Board of Pharmacy;
2 (2) the Board of Pharmacy's designated attorney;
3 (3) administrative personnel assigned to open mail
4 containing reports, to process and distribute reports to
5 authorized persons, and to communicate with senders of
6 reports;
7 (4) Department investigators and Department
8 prosecutors; or
9 (5) attorneys from the Office of the Illinois Attorney
10 General representing the Department in litigation in
11 response to specific disciplinary action the Department
12 has taken or initiated against a specific individual
13 pursuant to this Section.
14 (d) Whenever a pharmacy or pharmacist-in-charge makes a
15 report and provides any records associated with that report to
16 the Department, acts in good faith, and not in a willful and
17 wanton manner, the person or entity making the report and the
18 pharmacy or health care institution employing him or her shall
19 not, as a result of such actions, be subject to criminal
20 prosecution or civil damages.

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