



Sen. Dale A. Righter

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09900SB3336sam003

LRB099 16220 SMS 47984 a

1 AMENDMENT TO SENATE BILL 3336

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3336 by replacing  
3 everything after the enacting clause with the following:

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

1 records received by the Experimental Organ Transplantation  
2 Procedures Board and any and all documents or other records  
3 prepared by the Experimental Organ Transplantation  
4 Procedures Board or its staff relating to applications it  
5 has received.

6 (d) Information and records held by the Department of  
7 Public Health and its authorized representatives relating  
8 to known or suspected cases of sexually transmissible  
9 disease or any information the disclosure of which is  
10 restricted under the Illinois Sexually Transmissible  
11 Disease Control Act.

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

14 (f) Firm performance evaluations under Section 55 of  
15 the Architectural, Engineering, and Land Surveying  
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted  
18 and exempted under Section 50 of the Illinois Prepaid  
19 Tuition Act.

20 (h) Information the disclosure of which is exempted  
21 under the State Officials and Employees Ethics Act, and  
22 records of any lawfully created State or local inspector  
23 general's office that would be exempt if created or  
24 obtained by an Executive Inspector General's office under  
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a local  
2 emergency energy plan ordinance that is adopted under  
3 Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution  
5 of surcharge moneys collected and remitted by wireless  
6 carriers under the Wireless Emergency Telephone Safety  
7 Act.

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

12 (l) Records and information provided to a residential  
13 health care facility resident sexual assault and death  
14 review team or the Executive Council under the Abuse  
15 Prevention Review Team Act.

16 (m) Information provided to the predatory lending  
17 database created pursuant to Article 3 of the Residential  
18 Real Property Disclosure Act, except to the extent  
19 authorized under that Article.

20 (n) Defense budgets and petitions for certification of  
21 compensation and expenses for court appointed trial  
22 counsel as provided under Sections 10 and 15 of the Capital  
23 Crimes Litigation Act. This subsection (n) shall apply  
24 until the conclusion of the trial of the case, even if the  
25 prosecution chooses not to pursue the death penalty prior  
26 to trial or sentencing.

1           (o) Information that is prohibited from being  
2 disclosed under Section 4 of the Illinois Health and  
3 Hazardous Substances Registry Act.

4           (p) Security portions of system safety program plans,  
5 investigation reports, surveys, schedules, lists, data, or  
6 information compiled, collected, or prepared by or for the  
7 Regional Transportation Authority under Section 2.11 of  
8 the Regional Transportation Authority Act or the St. Clair  
9 County Transit District under the Bi-State Transit Safety  
10 Act.

11           (q) Information prohibited from being disclosed by the  
12 Personnel Records Review Act.

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

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

17           (t) All identified or deidentified health information  
18 in the form of health data or medical records contained in,  
19 stored in, submitted to, transferred by, or released from  
20 the Illinois Health Information Exchange, and identified  
21 or deidentified health information in the form of health  
22 data and medical records of the Illinois Health Information  
23 Exchange in the possession of the Illinois Health  
24 Information Exchange Authority due to its administration  
25 of the Illinois Health Information Exchange. The terms  
26 "identified" and "deidentified" shall be given the same

1 meaning as in the Health Insurance Portability and  
2 Accountability ~~and Portability~~ Act of 1996, Public Law  
3 104-191, or any subsequent amendments thereto, and any  
4 regulations promulgated thereunder.

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

7 (v) Names and information of people who have applied  
8 for or received Firearm Owner's Identification Cards under  
9 the Firearm Owners Identification Card Act or applied for  
10 or received a concealed carry license under the Firearm  
11 Concealed Carry Act, unless otherwise authorized by the  
12 Firearm Concealed Carry Act; and databases under the  
13 Firearm Concealed Carry Act, records of the Concealed Carry  
14 Licensing Review Board under the Firearm Concealed Carry  
15 Act, and law enforcement agency objections under the  
16 Firearm Concealed Carry Act.

17 (w) Personally identifiable information which is  
18 exempted from disclosure under subsection (g) of Section  
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure  
21 under Section 5-1014.3 of the Counties Code or Section  
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult  
24 Protective Services Act and its predecessor enabling  
25 statute, the Elder Abuse and Neglect Act, including  
26 information about the identity and administrative finding

1 against any caregiver of a verified and substantiated  
2 decision of abuse, neglect, or financial exploitation of an  
3 eligible adult maintained in the Registry established  
4 under Section 7.5 of the Adult Protective Services Act.

5 (z) Records and information provided to a fatality  
6 review team or the Illinois Fatality Review Team Advisory  
7 Council under Section 15 of the Adult Protective Services  
8 Act.

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

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

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

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

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

22 Section 10. The Pharmacy Practice Act is amended by adding  
23 Section 30.1 as follows:

24 (225 ILCS 85/30.1 new)

1           Sec. 30.1. Reporting.

2           (a) When a pharmacist, registered certified pharmacy  
3 technician, or a registered pharmacy technician licensed by the  
4 Department is terminated for actions which may have threatened  
5 patient safety, the pharmacy or pharmacist-in-charge, pursuant  
6 to the policies and procedures of the pharmacy at which he or  
7 she is employed, shall report the termination to the chief  
8 pharmacy coordinator. Such reports shall be strictly  
9 confidential and may be reviewed and considered only by the  
10 members of the Board or by authorized Department staff. Such  
11 reports, and any records associated with such reports, are  
12 exempt from public disclosure and the Freedom of Information  
13 Act. Although the reports are exempt from disclosure, any  
14 formal complaint filed against a licensee or registrant by the  
15 Department or any order issued by the Department against a  
16 licensee, registrant, or applicant shall be a public record,  
17 except as otherwise prohibited by law.

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

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

26                   (2) The name, license number, and last known address

1       and telephone number of the person who is the subject of  
2       the report.

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

5       (c) The contents of any report and any records associated  
6       with such report shall be strictly confidential and may only be  
7       reviewed by:

8               (1) members of the Board of Pharmacy;

9               (2) the Board of Pharmacy's designated attorney;

10              (3) administrative personnel assigned to open mail  
11              containing reports, to process and distribute reports to  
12              authorized persons, and to communicate with senders of  
13              reports; or

14              (4) Department investigators and Department  
15              prosecutors.

16       (d) Whenever a pharmacy or pharmacist-in-charge makes a  
17       report and provides any records associated with that report to  
18       the Department, acts in good faith, and not in a willful and  
19       wanton manner, the person or entity making the report and the  
20       pharmacy or health care institution employing him or her shall  
21       not, as a result of such actions, be subject to criminal  
22       prosecution or civil damages.

23       Section 99. Effective date. This Act takes effect upon  
24       becoming law."