

Legislative Report, 2011

The AIDS Foundation of Chicago (AFC) spearheaded or collaborated on the following bills during the 2011 Illinois General Assembly spring session that will impact the lives of people living with or at risk of HIV/AIDS. The bills are described below.

HB 3027 Comprehensive Sex Education

(D-Chicago) & Rep. Camille Lilly (D-Chicago)

AFC and coalition partners sought to pass HB 3027, which provides that if an elementary or secondary public school in Illinois offers sexual health education, the education must be medically accurate and developmentally and age appropriate, and it must include instruction regarding the benefits of delaying or abstaining from sexual activity. This will ensure that Illinois youth have all necessary tools to prevent teen pregnancy, sexually transmitted infections, and HIV/AIDS. AFC thanks partners ACLU of Illinois, of Illinois, Illinois Caucus for Adolescent Health for their leadership on this issue.

Status: On May 25, 2011, bill passed the Senate by a vote of 30-28-1. The sponsor did not call the bill for a vote in the House before the deadline. AFC and partners will continue to educate legislators on the importance of this bill and the positive impact it will have on the lives of Illinois students across the state.

SB 1701 – Emergency Medical Services Access Act

Sen. Ira Silverstein (D-Chicago) & Rep. Kelly Cassidy (D-Chicago)

Too many injection drug users die because friends or family fear arrest for drug possession and do not call 911 for emergency medical assistance. SB 1701 will encourage overdose witnesses to call 911 by protecting them from arrest for possession of small amounts of drugs, such as less than 3 grams of heroin or cocaine (less than 80% of the amount that qualifies for Class 4 possession for controlled substances or Class 3 possession for methamphetamines). Law enforcement could prosecute for drug sales or if large amounts of drugs are found. AFC thanks partners Capt. John Roberts (Retired), Chicago Police Department; Roosevelt University Institute for Metropolitan Affairs; and Stepping Stones Treatment and Recovery Center. We are also grateful for the support of original sponsors Sen. John Millner (R-West Chicago) and Rep. Ann Williams (D-Chicago).

Status: The bill unanimously passed the Senate on April 14, 2011. The bill awaits a vote in the full House. AFC will continue to educate lawmakers on the need for this bill.

HB 1748 – Increase HIV Testing in Prisons and Cook County Jail

Rep. Camille Lilly (D-Chicago) & Sen. Emil Jones III (D-Chicago)

HB 1748 would give the Illinois Department of Corrections and Cook County Jail the option of implementing opt-out HIV testing to increase the number of inmates who are tested for HIV. Under opt-out HIV testing, individuals are informed that they will be tested for HIV unless they refuse testing. All inmates will receive HIV pre-test information under the bill, and testing will be conducted by medical staff, not correctional officers, to ensure testing is not coercive. Opt-out HIV testing is recommended by the U.S. Centers for Disease Control and Prevention for correctional settings.

Status: HB 1748 was unanimously passed by the House on March 31, 2011, and unanimously passed the Senate on May 17, 2011. The bill awaits final action by the Governor.

HB 95 – Privacy Protections for Students with HIV

Rep. La Shawn Ford (D-Chicago)

The bill would repeal a 1980s-era law mandating that health departments notify principals that an HIV-positive student has enrolled in their school. The principal may then disclose the student's HIV status to the classroom teacher, school nurse, and other school personnel. There is no medical need for this outdated law, which results in inappropriate and unnecessary disclosures of a child's HIV status to school officials. The consequences can be disastrous for the child and family if other teachers or students learn the child's status. AFC and a large coalition also attempted to repeal this law in 2009.

Status: HB 95 will not be called for a vote this year. AFC and its partners will continue to determine next steps.

SB 1809 – Criminal Transmission of HIV/AIDS

Sen. Michael Noland (D-Elgin)

Thirty-three states and Illinois make it a crime to expose another individual to HIV. These discriminatory and unnecessary laws fail to protect the public health, stigmatize people with HIV as spreaders of disease, and single out HIV as the only communicable disease with a law punishing transmission. Illinois' law is deeply flawed. Although this bill does not eliminate the criminal transmission law, it will fix



significant flaws in the law by requiring specific intent to infect an individual with HIV; creating a new definition of criminal transmission that includes only sexual activities that are likely to actually transmit HIV (insertive vaginal or anal intercourse); and creating an exemption against prosecution for criminal transmission if a person uses a condom.

Status: SB 1809 was defeated in the Senate by a vote of 18-33, on April 14, 2011.

SB 1123 – Anti-Gay Adoption

Sen. Dave Koehler (D-Peoria)

The bill, an amendment to SB 1123, would have allowed adoption agencies supported by state tax dollars to deny adoptions to couples united by a civil union (including gay and lesbians) if such adoptions went against that agency's "sincerely held religious beliefs" regarding gays and lesbians.

AFC worked with numerous organizations to defeat this discriminatory legislation, including Equality Illinois, American Civil Liberties Union (ACLU) of Illinois, Planned Parenthood, amongst others. The bill was an initiative of the Catholic Conference of Illinois.

Status: SB 1123 was defeated in the Senate Executive Committee by a vote of 7-7-1 on April 13, 2011.

SB 1729 – Creation of a Consumer and Small Business Friendly Health Benefit Exchange

Sen. David Kochler (D-Peoria)

SB 1729 would create a health insurance exchange that will make costs more predictable by allowing small businesses and individuals to pool their buying power so insurers compete for their business.

While SB 1729 was not called for a vote, SB 1555 an insurance industry bill was voted on and passed both chambers. Varies consumer, public interest and patient rights advocates, have serious concerns with Senate Bill 1555 and encourage a strong health insurance exchange that will provide a more competitive health insurance marketplace for small businesses and individuals.

Status: The bill was not yet been called this session. AFC and its coalition partners will continue to monitor the bill's progress.

HB 2889 – Mandate Installment of Censorware (Filters) on Public School Computers

Rep. Michelle Mussman (D-Schaumburg)

The proposed legislation mandates that Illinois public schools that accept state funds must install censorware (filters) on school computers. The technology often engages in viewpoint discrimination regarding Gay, Lesbian, Bisexual and Transgendered (GLBT) issues, blocking pro-GLBT websites and allowing access to anti-GLBT sites.

Status: A coalition consisting including ACLU of Illinois, Illinois State Board of Education (ISBE), Planned Parenthood of Illinois, AFC, and others successfully convinced the sponsor not to call HB 2889 this legislative session.

SB 1802 – ADAP Waiting List & IL Cares Rx Changes

Rep. Sara Feigenholtz (D-Chicago) & Sen. Heather Steans (D-Chicago)

The bill requires the Department of Public Health put in place a waiting list for the AIDS Drug Assistance Program (ADAP) if they reduce eligibility for new enrollees while grandfathering current clients. A waiting list is needed to track the health status of individuals who are unable to access the program, link them to other sources of medications, and track the true need for life-saving HIV drugs. Another provision included at the request of AFC and partners from the Make Medicare Work Coalition requires the state to delay until September 1, 2011 changes to Illinois Cares Rx that will make hundreds of low-income people with HIV ineligible for the program. The General Assembly originally proposed that the eligibility reduction take effect July 1, which would have not allowed adequate time for individuals to transition to other programs or prepare to pay for medications themselves.

Status: SB 1802 has passed both the House and Senate and awaits the Governor's signature for enactment into law.

HB 204 – Eliminates References to Outdated HIV Tests

Rep. La Shawn Ford (D-Chicago) & Sen. Christine Radogno (R-Lemont)

HB 204 eliminates references to ELISA and Western Blot tests throughout Illinois law. These tests were specifically named but have been replaced newer, more accurate tests.

Status: The bill passed the House and Senate unanimously, and is headed to the governor's desk.

HB 299- Amends the HIV/AIDS Registry Act to Include CD4 and HIV Viral Load Test Results

Rep. La Shawn Ford (D-Chicago) & Sen. Christine Radogno (R-Lemont)

HB 299, which requires reporting by labs of all CD4 and viral load test results, passed the Senate and House unanimously. This bill will allow Illinois monitor the success of linkage to care efforts by measuring community viral load.

Status: The bill passed the House and Senate unanimously, and is headed to the governor's desk for final action.