



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB3000

Introduced 2/16/2023, by Rep. Patrick Windhorst

#### SYNOPSIS AS INTRODUCED:

New Act

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

110 ILCS 20/2

from Ch. 144, par. 2602

410 ILCS 315/2

from Ch. 111 1/2, par. 22.12

Creates the COVID-19 Vaccine Freedom of Choice in Education Act. Provides that no employee or student of a public school or institution of higher education in this State may be required to receive a COVID-19 vaccine or a subsequent booster dose as a term of new or continued employment or enrollment in the school or institution. Amends the School Code, College Student Immunization Act, and Communicable Disease Prevention Act to make conforming changes. Effective immediately.

LRB103 05670 RJT 50689 b

1 AN ACT concerning education.

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

4 Section 1. Short title. This Act may be cited as the  
5 COVID-19 Vaccine Freedom of Choice in Education Act.

6 Section 5. Definition. As used in this Act, "school" means  
7 a preschool, elementary or secondary school, vocational  
8 school, or special educational facility.

9 Section 10. COVID-19 vaccine requirement prohibited.

10 (a) Notwithstanding any requirements under the School Code  
11 or rules of the Department of Public Health to the contrary, no  
12 employee or student of a public school in this State may be  
13 required to receive a COVID-19 vaccine or a subsequent booster  
14 dose as a term of new or continued employment or enrollment in  
15 the school.

16 (b) Notwithstanding any requirements under the College  
17 Student Immunization Act or rules of the Department of Public  
18 Health to the contrary, no employee or student of a public  
19 institution of higher education in this State may be required  
20 to receive a COVID-19 vaccine or a subsequent booster dose as a  
21 term of new or continued employment or enrollment in the  
22 institution of higher education.

1 Section 90. The School Code is amended by changing Section  
2 27-8.1 as follows:

3 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

4 Sec. 27-8.1. Health examinations and immunizations.

5 (1) In compliance with rules and regulations which the  
6 Department of Public Health shall promulgate, and except as  
7 hereinafter provided, all children in Illinois shall have a  
8 health examination as follows: within one year prior to  
9 entering kindergarten or the first grade of any public,  
10 private, or parochial elementary school; upon entering the  
11 sixth and ninth grades of any public, private, or parochial  
12 school; prior to entrance into any public, private, or  
13 parochial nursery school; and, irrespective of grade,  
14 immediately prior to or upon entrance into any public,  
15 private, or parochial school or nursery school, each child  
16 shall present proof of having been examined in accordance with  
17 this Section and the rules and regulations promulgated  
18 hereunder. Any child who received a health examination within  
19 one year prior to entering the fifth grade for the 2007-2008  
20 school year is not required to receive an additional health  
21 examination in order to comply with the provisions of Public  
22 Act 95-422 when he or she attends school for the 2008-2009  
23 school year, unless the child is attending school for the  
24 first time as provided in this paragraph.

1           A tuberculosis skin test screening shall be included as a  
2 required part of each health examination included under this  
3 Section if the child resides in an area designated by the  
4 Department of Public Health as having a high incidence of  
5 tuberculosis. Additional health examinations of pupils,  
6 including eye examinations, may be required when deemed  
7 necessary by school authorities. Parents are encouraged to  
8 have their children undergo eye examinations at the same  
9 points in time required for health examinations.

10           (1.5) In compliance with rules adopted by the Department  
11 of Public Health and except as otherwise provided in this  
12 Section, all children in kindergarten and the second, sixth,  
13 and ninth grades of any public, private, or parochial school  
14 shall have a dental examination. Each of these children shall  
15 present proof of having been examined by a dentist in  
16 accordance with this Section and rules adopted under this  
17 Section before May 15th of the school year. If a child in the  
18 second, sixth, or ninth grade fails to present proof by May  
19 15th, the school may hold the child's report card until one of  
20 the following occurs: (i) the child presents proof of a  
21 completed dental examination or (ii) the child presents proof  
22 that a dental examination will take place within 60 days after  
23 May 15th. A school may not withhold a child's report card  
24 during a school year in which the Governor has declared a  
25 disaster due to a public health emergency pursuant to Section  
26 7 of the Illinois Emergency Management Agency Act. The

1 Department of Public Health shall establish, by rule, a waiver  
2 for children who show an undue burden or a lack of access to a  
3 dentist. Each public, private, and parochial school must give  
4 notice of this dental examination requirement to the parents  
5 and guardians of students at least 60 days before May 15th of  
6 each school year.

7 (1.10) Except as otherwise provided in this Section, all  
8 children enrolling in kindergarten in a public, private, or  
9 parochial school on or after January 1, 2008 (the effective  
10 date of Public Act 95-671) and any student enrolling for the  
11 first time in a public, private, or parochial school on or  
12 after January 1, 2008 (the effective date of Public Act  
13 95-671) shall have an eye examination. Each of these children  
14 shall present proof of having been examined by a physician  
15 licensed to practice medicine in all of its branches or a  
16 licensed optometrist within the previous year, in accordance  
17 with this Section and rules adopted under this Section, before  
18 October 15th of the school year. If the child fails to present  
19 proof by October 15th, the school may hold the child's report  
20 card until one of the following occurs: (i) the child presents  
21 proof of a completed eye examination or (ii) the child  
22 presents proof that an eye examination will take place within  
23 60 days after October 15th. A school may not withhold a child's  
24 report card during a school year in which the Governor has  
25 declared a disaster due to a public health emergency pursuant  
26 to Section 7 of the Illinois Emergency Management Agency Act.

1 The Department of Public Health shall establish, by rule, a  
2 waiver for children who show an undue burden or a lack of  
3 access to a physician licensed to practice medicine in all of  
4 its branches who provides eye examinations or to a licensed  
5 optometrist. Each public, private, and parochial school must  
6 give notice of this eye examination requirement to the parents  
7 and guardians of students in compliance with rules of the  
8 Department of Public Health. Nothing in this Section shall be  
9 construed to allow a school to exclude a child from attending  
10 because of a parent's or guardian's failure to obtain an eye  
11 examination for the child.

12 (2) The Department of Public Health shall promulgate rules  
13 and regulations specifying the examinations and procedures  
14 that constitute a health examination, which shall include an  
15 age-appropriate developmental screening, an age-appropriate  
16 social and emotional screening, and the collection of data  
17 relating to asthma and obesity (including at a minimum, date  
18 of birth, gender, height, weight, blood pressure, and date of  
19 exam), and a dental examination and may recommend by rule that  
20 certain additional examinations be performed. The rules and  
21 regulations of the Department of Public Health shall specify  
22 that a tuberculosis skin test screening shall be included as a  
23 required part of each health examination included under this  
24 Section if the child resides in an area designated by the  
25 Department of Public Health as having a high incidence of  
26 tuberculosis. With respect to the developmental screening and

1 the social and emotional screening, the Department of Public  
2 Health must, no later than January 1, 2019, develop rules and  
3 appropriate revisions to the Child Health Examination form in  
4 conjunction with a statewide organization representing school  
5 boards; a statewide organization representing pediatricians;  
6 statewide organizations representing individuals holding  
7 Illinois educator licenses with school support personnel  
8 endorsements, including school social workers, school  
9 psychologists, and school nurses; a statewide organization  
10 representing children's mental health experts; a statewide  
11 organization representing school principals; the Director of  
12 Healthcare and Family Services or his or her designee, the  
13 State Superintendent of Education or his or her designee; and  
14 representatives of other appropriate State agencies and, at a  
15 minimum, must recommend the use of validated screening tools  
16 appropriate to the child's age or grade, and, with regard to  
17 the social and emotional screening, require recording only  
18 whether or not the screening was completed. The rules shall  
19 take into consideration the screening recommendations of the  
20 American Academy of Pediatrics and must be consistent with the  
21 State Board of Education's social and emotional learning  
22 standards. The Department of Public Health shall specify that  
23 a diabetes screening as defined by rule shall be included as a  
24 required part of each health examination. Diabetes testing is  
25 not required.

26 Physicians licensed to practice medicine in all of its

1 branches, licensed advanced practice registered nurses, or  
2 licensed physician assistants shall be responsible for the  
3 performance of the health examinations, other than dental  
4 examinations, eye examinations, and vision and hearing  
5 screening, and shall sign all report forms required by  
6 subsection (4) of this Section that pertain to those portions  
7 of the health examination for which the physician, advanced  
8 practice registered nurse, or physician assistant is  
9 responsible. If a registered nurse performs any part of a  
10 health examination, then a physician licensed to practice  
11 medicine in all of its branches must review and sign all  
12 required report forms. Licensed dentists shall perform all  
13 dental examinations and shall sign all report forms required  
14 by subsection (4) of this Section that pertain to the dental  
15 examinations. Physicians licensed to practice medicine in all  
16 its branches or licensed optometrists shall perform all eye  
17 examinations required by this Section and shall sign all  
18 report forms required by subsection (4) of this Section that  
19 pertain to the eye examination. For purposes of this Section,  
20 an eye examination shall at a minimum include history, visual  
21 acuity, subjective refraction to best visual acuity near and  
22 far, internal and external examination, and a glaucoma  
23 evaluation, as well as any other tests or observations that in  
24 the professional judgment of the doctor are necessary. Vision  
25 and hearing screening tests, which shall not be considered  
26 examinations as that term is used in this Section, shall be



1 conducted in accordance with rules and regulations of the  
2 Department of Public Health, and by individuals whom the  
3 Department of Public Health has certified. In these rules and  
4 regulations, the Department of Public Health shall require  
5 that individuals conducting vision screening tests give a  
6 child's parent or guardian written notification, before the  
7 vision screening is conducted, that states, "Vision screening  
8 is not a substitute for a complete eye and vision evaluation by  
9 an eye doctor. Your child is not required to undergo this  
10 vision screening if an optometrist or ophthalmologist has  
11 completed and signed a report form indicating that an  
12 examination has been administered within the previous 12  
13 months."

14 (2.5) With respect to the developmental screening and the  
15 social and emotional screening portion of the health  
16 examination, each child may present proof of having been  
17 screened in accordance with this Section and the rules adopted  
18 under this Section before October 15th of the school year.  
19 With regard to the social and emotional screening only, the  
20 examining health care provider shall only record whether or  
21 not the screening was completed. If the child fails to present  
22 proof of the developmental screening or the social and  
23 emotional screening portions of the health examination by  
24 October 15th of the school year, qualified school support  
25 personnel may, with a parent's or guardian's consent, offer  
26 the developmental screening or the social and emotional

1 screening to the child. Each public, private, and parochial  
2 school must give notice of the developmental screening and  
3 social and emotional screening requirements to the parents and  
4 guardians of students in compliance with the rules of the  
5 Department of Public Health. Nothing in this Section shall be  
6 construed to allow a school to exclude a child from attending  
7 because of a parent's or guardian's failure to obtain a  
8 developmental screening or a social and emotional screening  
9 for the child. Once a developmental screening or a social and  
10 emotional screening is completed and proof has been presented  
11 to the school, the school may, with a parent's or guardian's  
12 consent, make available appropriate school personnel to work  
13 with the parent or guardian, the child, and the provider who  
14 signed the screening form to obtain any appropriate  
15 evaluations and services as indicated on the form and in other  
16 information and documentation provided by the parents,  
17 guardians, or provider.

18 (3) Except as otherwise provided in the COVID-19 Vaccine  
19 Freedom of Choice in Education Act, every ~~Every~~ child shall,  
20 at or about the same time as he or she receives a health  
21 examination required by subsection (1) of this Section,  
22 present to the local school proof of having received such  
23 immunizations against preventable communicable diseases as the  
24 Department of Public Health shall require by rules and  
25 regulations promulgated pursuant to this Section and the  
26 Communicable Disease Prevention Act.

1           (4) The individuals conducting the health examination,  
2 dental examination, or eye examination shall record the fact  
3 of having conducted the examination, and such additional  
4 information as required, including for a health examination  
5 data relating to asthma and obesity (including at a minimum,  
6 date of birth, gender, height, weight, blood pressure, and  
7 date of exam), on uniform forms which the Department of Public  
8 Health and the State Board of Education shall prescribe for  
9 statewide use. The examiner shall summarize on the report form  
10 any condition that he or she suspects indicates a need for  
11 special services, including for a health examination factors  
12 relating to asthma or obesity. The duty to summarize on the  
13 report form does not apply to social and emotional screenings.  
14 The confidentiality of the information and records relating to  
15 the developmental screening and the social and emotional  
16 screening shall be determined by the statutes, rules, and  
17 professional ethics governing the type of provider conducting  
18 the screening. The individuals confirming the administration  
19 of required immunizations shall record as indicated on the  
20 form that the immunizations were administered.

21           (5) If a child does not submit proof of having had either  
22 the health examination or the immunization as required, then  
23 the child shall be examined or receive the immunization, as  
24 the case may be, and present proof by October 15 of the current  
25 school year, or by an earlier date of the current school year  
26 established by a school district. To establish a date before

1 October 15 of the current school year for the health  
2 examination or immunization as required, a school district  
3 must give notice of the requirements of this Section 60 days  
4 prior to the earlier established date. If for medical reasons  
5 one or more of the required immunizations must be given after  
6 October 15 of the current school year, or after an earlier  
7 established date of the current school year, then the child  
8 shall present, by October 15, or by the earlier established  
9 date, a schedule for the administration of the immunizations  
10 and a statement of the medical reasons causing the delay, both  
11 the schedule and the statement being issued by the physician,  
12 advanced practice registered nurse, physician assistant,  
13 registered nurse, or local health department that will be  
14 responsible for administration of the remaining required  
15 immunizations. If a child does not comply by October 15, or by  
16 the earlier established date of the current school year, with  
17 the requirements of this subsection, then the local school  
18 authority shall exclude that child from school until such time  
19 as the child presents proof of having had the health  
20 examination as required and presents proof of having received  
21 those required immunizations which are medically possible to  
22 receive immediately. During a child's exclusion from school  
23 for noncompliance with this subsection, the child's parents or  
24 legal guardian shall be considered in violation of Section  
25 26-1 and subject to any penalty imposed by Section 26-10. This  
26 subsection (5) does not apply to dental examinations, eye

1 examinations, and the developmental screening and the social  
2 and emotional screening portions of the health examination. If  
3 the student is an out-of-state transfer student and does not  
4 have the proof required under this subsection (5) before  
5 October 15 of the current year or whatever date is set by the  
6 school district, then he or she may only attend classes (i) if  
7 he or she has proof that an appointment for the required  
8 vaccinations has been scheduled with a party authorized to  
9 submit proof of the required vaccinations. If the proof of  
10 vaccination required under this subsection (5) is not  
11 submitted within 30 days after the student is permitted to  
12 attend classes, then the student is not to be permitted to  
13 attend classes until proof of the vaccinations has been  
14 properly submitted. No school district or employee of a school  
15 district shall be held liable for any injury or illness to  
16 another person that results from admitting an out-of-state  
17 transfer student to class that has an appointment scheduled  
18 pursuant to this subsection (5).

19 (6) Every school shall report to the State Board of  
20 Education by November 15, in the manner which that agency  
21 shall require, the number of children who have received the  
22 necessary immunizations and the health examination (other than  
23 a dental examination or eye examination) as required,  
24 indicating, of those who have not received the immunizations  
25 and examination as required, the number of children who are  
26 exempt from health examination and immunization requirements

1 on religious or medical grounds as provided in subsection (8).  
2 On or before December 1 of each year, every public school  
3 district and registered nonpublic school shall make publicly  
4 available the immunization data they are required to submit to  
5 the State Board of Education by November 15. The immunization  
6 data made publicly available must be identical to the data the  
7 school district or school has reported to the State Board of  
8 Education.

9 Every school shall report to the State Board of Education  
10 by June 30, in the manner that the State Board requires, the  
11 number of children who have received the required dental  
12 examination, indicating, of those who have not received the  
13 required dental examination, the number of children who are  
14 exempt from the dental examination on religious grounds as  
15 provided in subsection (8) of this Section and the number of  
16 children who have received a waiver under subsection (1.5) of  
17 this Section.

18 Every school shall report to the State Board of Education  
19 by June 30, in the manner that the State Board requires, the  
20 number of children who have received the required eye  
21 examination, indicating, of those who have not received the  
22 required eye examination, the number of children who are  
23 exempt from the eye examination as provided in subsection (8)  
24 of this Section, the number of children who have received a  
25 waiver under subsection (1.10) of this Section, and the total  
26 number of children in noncompliance with the eye examination

1 requirement.

2 The reported information under this subsection (6) shall  
3 be provided to the Department of Public Health by the State  
4 Board of Education.

5 (7) Upon determining that the number of pupils who are  
6 required to be in compliance with subsection (5) of this  
7 Section is below 90% of the number of pupils enrolled in the  
8 school district, 10% of each State aid payment made pursuant  
9 to Section 18-8.05 or 18-8.15 to the school district for such  
10 year may be withheld by the State Board of Education until the  
11 number of students in compliance with subsection (5) is the  
12 applicable specified percentage or higher.

13 (8) Children of parents or legal guardians who object to  
14 health, dental, or eye examinations or any part thereof, to  
15 immunizations, or to vision and hearing screening tests on  
16 religious grounds shall not be required to undergo the  
17 examinations, tests, or immunizations to which they so object  
18 if such parents or legal guardians present to the appropriate  
19 local school authority a signed Certificate of Religious  
20 Exemption detailing the grounds for objection and the specific  
21 immunizations, tests, or examinations to which they object.  
22 The grounds for objection must set forth the specific  
23 religious belief that conflicts with the examination, test,  
24 immunization, or other medical intervention. The signed  
25 certificate shall also reflect the parent's or legal  
26 guardian's understanding of the school's exclusion policies in

1 the case of a vaccine-preventable disease outbreak or  
2 exposure. The certificate must also be signed by the  
3 authorized examining health care provider responsible for the  
4 performance of the child's health examination confirming that  
5 the provider provided education to the parent or legal  
6 guardian on the benefits of immunization and the health risks  
7 to the student and to the community of the communicable  
8 diseases for which immunization is required in this State.  
9 However, the health care provider's signature on the  
10 certificate reflects only that education was provided and does  
11 not allow a health care provider grounds to determine a  
12 religious exemption. Those receiving immunizations required  
13 under this Code shall be provided with the relevant vaccine  
14 information statements that are required to be disseminated by  
15 the federal National Childhood Vaccine Injury Act of 1986,  
16 which may contain information on circumstances when a vaccine  
17 should not be administered, prior to administering a vaccine.  
18 A healthcare provider may consider including without  
19 limitation the nationally accepted recommendations from  
20 federal agencies such as the Advisory Committee on  
21 Immunization Practices, the information outlined in the  
22 relevant vaccine information statement, and vaccine package  
23 inserts, along with the healthcare provider's clinical  
24 judgment, to determine whether any child may be more  
25 susceptible to experiencing an adverse vaccine reaction than  
26 the general population, and, if so, the healthcare provider



1 may exempt the child from an immunization or adopt an  
2 individualized immunization schedule. The Certificate of  
3 Religious Exemption shall be created by the Department of  
4 Public Health and shall be made available and used by parents  
5 and legal guardians by the beginning of the 2015-2016 school  
6 year. Parents or legal guardians must submit the Certificate  
7 of Religious Exemption to their local school authority prior  
8 to entering kindergarten, sixth grade, and ninth grade for  
9 each child for which they are requesting an exemption. The  
10 religious objection stated need not be directed by the tenets  
11 of an established religious organization. However, general  
12 philosophical or moral reluctance to allow physical  
13 examinations, eye examinations, immunizations, vision and  
14 hearing screenings, or dental examinations does not provide a  
15 sufficient basis for an exception to statutory requirements.  
16 The local school authority is responsible for determining if  
17 the content of the Certificate of Religious Exemption  
18 constitutes a valid religious objection. The local school  
19 authority shall inform the parent or legal guardian of  
20 exclusion procedures, in accordance with the Department's  
21 rules under Part 690 of Title 77 of the Illinois  
22 Administrative Code, at the time the objection is presented.

23 If the physical condition of the child is such that any one  
24 or more of the immunizing agents should not be administered,  
25 the examining physician, advanced practice registered nurse,  
26 or physician assistant responsible for the performance of the

1 health examination shall endorse that fact upon the health  
2 examination form.

3 Exempting a child from the health, dental, or eye  
4 examination does not exempt the child from participation in  
5 the program of physical education training provided in  
6 Sections 27-5 through 27-7 of this Code.

7 (8.5) The school board of a school district shall include  
8 informational materials regarding influenza and influenza  
9 vaccinations and meningococcal disease and meningococcal  
10 vaccinations developed, provided, or approved by the  
11 Department of Public Health under Section 2310-700 of the  
12 Department of Public Health Powers and Duties Law of the Civil  
13 Administrative Code of Illinois when the board provides  
14 information on immunizations, infectious diseases,  
15 medications, or other school health issues to the parents or  
16 guardians of students.

17 (9) For the purposes of this Section, "nursery schools"  
18 means those nursery schools operated by elementary school  
19 systems or secondary level school units or institutions of  
20 higher learning.

21 (Source: P.A. 100-238, eff. 1-1-18; 100-465, eff. 8-31-17;  
22 100-513, eff. 1-1-18; 100-829, eff. 1-1-19; 100-863, eff.  
23 8-14-18; 100-977, eff. 1-1-19; 100-1011, eff. 8-21-18; 101-81,  
24 eff. 7-12-19; 101-643, eff. 6-18-20.)

25 Section 95. The College Student Immunization Act is

1 amended by changing Section 2 as follows:

2 (110 ILCS 20/2) (from Ch. 144, par. 2602)

3 Sec. 2. Proof of immunization. No person shall attend a  
4 post-secondary educational institution without presenting  
5 proof that he or she has received such immunizations against  
6 preventable communicable diseases as the Department shall  
7 require by rules and regulations promulgated pursuant to this  
8 Act and the Communicable Disease Prevention Act ~~"An Act in~~  
9 ~~relation to the prevention of certain communicable diseases",~~  
10 ~~approved July 5, 1967, as now or hereafter amended,~~ except as  
11 provided in Section 3 of this Act and except as otherwise  
12 provided in the COVID-19 Vaccine Freedom of Choice in  
13 Education Act. The proof of immunization required by this  
14 Section shall be presented to the post-secondary educational  
15 institution.

16 (Source: P.A. 85-1315.)

17 Section 100. The Communicable Disease Prevention Act is  
18 amended by changing Section 2 as follows:

19 (410 ILCS 315/2) (from Ch. 111 1/2, par. 22.12)

20 Sec. 2. Except as otherwise provided in the COVID-19  
21 Vaccine Freedom of Choice in Education Act, the ~~The~~ Department  
22 of Public Health shall promulgate rules and regulations  
23 requiring immunization of children against preventable

1 communicable diseases designated by the Director. Before any  
2 regulation or amendment thereto is prescribed, the Department  
3 shall conduct a public hearing regarding such regulation. In  
4 addition, before any regulation or any amendment to a  
5 regulation is adopted, and after the Immunization Advisory  
6 Committee has made its recommendations, the State Board of  
7 Health shall conduct 3 public hearings, geographically  
8 distributed throughout the State, regarding the regulation or  
9 amendment to the regulation. At the conclusion of the  
10 hearings, the State Board of Health shall issue a report,  
11 including its recommendations, to the Director. The Director  
12 shall take into consideration any comments or recommendations  
13 made by the Board based on these hearings. The Department may  
14 prescribe additional rules and regulations for immunization of  
15 other diseases as vaccines are developed.

16 The provisions of this Act shall not apply if:

17 1. The parent or guardian of the child objects thereto on  
18 the grounds that the administration of immunizing agents  
19 conflicts with his religious tenets or practices or,

20 2. A physician employed by the parent or guardian to  
21 provide care and treatment to the child states that the  
22 physical condition of the child is such that the  
23 administration of one or more of the required immunizing  
24 agents would be detrimental to the health of the child.

25 (Source: P.A. 90-607, eff. 6-30-98.)

26 Section 999. Effective date. This Act takes effect upon

1 becoming law.