

HB5043



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5043

Introduced 2/8/2024, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-700

20 ILCS 2310/2310-391 rep.

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Repeals a requirement for the Department of Public Health to provide to school districts educational materials on meningococcal disease and meningococcal vaccines. Amends the School Code to make conforming changes.

LRB103 39160 RJT 69306 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-700 as follows:

7 (20 ILCS 2310/2310-700)

8 Sec. 2310-700. Influenza ~~and meningococcal disease~~ and
9 vaccine information; school districts. The Department shall
10 develop, provide, or approve and shall publish informational
11 materials for school districts in this State regarding
12 influenza and influenza vaccinations ~~and meningococcal disease~~
13 ~~and meningococcal vaccinations~~ in accordance with the latest
14 information provided by the Advisory Committee on Immunization
15 Practices of the Centers for Disease Control and Prevention.

16 (Source: P.A. 100-977, eff. 1-1-19.)

17 (20 ILCS 2310/2310-391 rep.)

18 Section 10. The Department of Public Health Powers and
19 Duties Law of the Civil Administrative Code of Illinois is
20 amended by repealing Section 2310-391.

21 Section 15. The School Code is amended by changing Section

1 27-8.1 as follows:

2 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

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

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

24 A tuberculosis skin test screening shall be included as a
25 required part of each health examination included under this

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

8 (1.5) In compliance with rules adopted by the Department
9 of Public Health and except as otherwise provided in this
10 Section, all children in kindergarten and the second, sixth,
11 and ninth grades of any public, private, or parochial school
12 shall have a dental examination. Each of these children shall
13 present proof of having been examined by a dentist in
14 accordance with this Section and rules adopted under this
15 Section before May 15th of the school year. If a child in the
16 second, sixth, or ninth grade fails to present proof by May
17 15th, the school may hold the child's report card until one of
18 the following occurs: (i) the child presents proof of a
19 completed dental examination or (ii) the child presents proof
20 that a dental examination will take place within 60 days after
21 May 15th. A school may not withhold a child's report card
22 during a school year in which the Governor has declared a
23 disaster due to a public health emergency pursuant to Section
24 7 of the Illinois Emergency Management Agency Act. The
25 Department of Public Health shall establish, by rule, a waiver
26 for children who show an undue burden or a lack of access to a

1 dentist. Each public, private, and parochial school must give
2 notice of this dental examination requirement to the parents
3 and guardians of students at least 60 days before May 15th of
4 each school year.

5 (1.10) Except as otherwise provided in this Section, all
6 children enrolling in kindergarten in a public, private, or
7 parochial school on or after January 1, 2008 (the effective
8 date of Public Act 95-671) and any student enrolling for the
9 first time in a public, private, or parochial school on or
10 after January 1, 2008 (the effective date of Public Act
11 95-671) shall have an eye examination. Each of these children
12 shall present proof of having been examined by a physician
13 licensed to practice medicine in all of its branches or a
14 licensed optometrist within the previous year, in accordance
15 with this Section and rules adopted under this Section, before
16 October 15th of the school year. If the child fails to present
17 proof by October 15th, the school may hold the child's report
18 card until one of the following occurs: (i) the child presents
19 proof of a completed eye examination or (ii) the child
20 presents proof that an eye examination will take place within
21 60 days after October 15th. A school may not withhold a child's
22 report card during a school year in which the Governor has
23 declared a disaster due to a public health emergency pursuant
24 to Section 7 of the Illinois Emergency Management Agency Act.
25 The Department of Public Health shall establish, by rule, a
26 waiver for children who show an undue burden or a lack of

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

10 (2) The Department of Public Health shall promulgate rules
11 and regulations specifying the examinations and procedures
12 that constitute a health examination, which shall include an
13 age-appropriate developmental screening, an age-appropriate
14 social and emotional screening, and the collection of data
15 relating to asthma and obesity (including at a minimum, date
16 of birth, gender, height, weight, blood pressure, and date of
17 exam), and a dental examination and may recommend by rule that
18 certain additional examinations be performed. The rules and
19 regulations of the Department of Public Health shall specify
20 that a tuberculosis skin test screening shall be included as a
21 required part of each health examination included under this
22 Section if the child resides in an area designated by the
23 Department of Public Health as having a high incidence of
24 tuberculosis. With respect to the developmental screening and
25 the social and emotional screening, the Department of Public
26 Health must, no later than January 1, 2019, develop rules and

1 appropriate revisions to the Child Health Examination form in
2 conjunction with a statewide organization representing school
3 boards; a statewide organization representing pediatricians;
4 statewide organizations representing individuals holding
5 Illinois educator licenses with school support personnel
6 endorsements, including school social workers, school
7 psychologists, and school nurses; a statewide organization
8 representing children's mental health experts; a statewide
9 organization representing school principals; the Director of
10 Healthcare and Family Services or his or her designee, the
11 State Superintendent of Education or his or her designee; and
12 representatives of other appropriate State agencies and, at a
13 minimum, must recommend the use of validated screening tools
14 appropriate to the child's age or grade, and, with regard to
15 the social and emotional screening, require recording only
16 whether or not the screening was completed. The rules shall
17 take into consideration the screening recommendations of the
18 American Academy of Pediatrics and must be consistent with the
19 State Board of Education's social and emotional learning
20 standards. The Department of Public Health shall specify that
21 a diabetes screening as defined by rule shall be included as a
22 required part of each health examination. Diabetes testing is
23 not required.

24 Physicians licensed to practice medicine in all of its
25 branches, licensed advanced practice registered nurses, or
26 licensed physician assistants shall be responsible for the

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

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

12 (2.5) With respect to the developmental screening and the
13 social and emotional screening portion of the health
14 examination, each child may present proof of having been
15 screened in accordance with this Section and the rules adopted
16 under this Section before October 15th of the school year.
17 With regard to the social and emotional screening only, the
18 examining health care provider shall only record whether or
19 not the screening was completed. If the child fails to present
20 proof of the developmental screening or the social and
21 emotional screening portions of the health examination by
22 October 15th of the school year, qualified school support
23 personnel may, with a parent's or guardian's consent, offer
24 the developmental screening or the social and emotional
25 screening to the child. Each public, private, and parochial
26 school must give notice of the developmental screening and

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

16 (3) Every child shall, at or about the same time as he or
17 she receives a health examination required by subsection (1)
18 of this Section, present to the local school proof of having
19 received such immunizations against preventable communicable
20 diseases as the Department of Public Health shall require by
21 rules and regulations promulgated pursuant to this Section and
22 the Communicable Disease Prevention Act.

23 (4) The individuals conducting the health examination,
24 dental examination, or eye examination shall record the fact
25 of having conducted the examination, and such additional
26 information as required, including for a health examination

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

17 (5) If a child does not submit proof of having had either
18 the health examination or the immunization as required, then
19 the child shall be examined or receive the immunization, as
20 the case may be, and present proof by October 15 of the current
21 school year, or by an earlier date of the current school year
22 established by a school district. To establish a date before
23 October 15 of the current school year for the health
24 examination or immunization as required, a school district
25 must give notice of the requirements of this Section 60 days
26 prior to the earlier established date. If for medical reasons

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

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

15 (6) Every school shall report to the State Board of
16 Education by November 15, in the manner which that agency
17 shall require, the number of children who have received the
18 necessary immunizations and the health examination (other than
19 a dental examination or eye examination) as required,
20 indicating, of those who have not received the immunizations
21 and examination as required, the number of children who are
22 exempt from health examination and immunization requirements
23 on religious or medical grounds as provided in subsection (8).
24 On or before December 1 of each year, every public school
25 district and registered nonpublic school shall make publicly
26 available the immunization data they are required to submit to

1 the State Board of Education by November 15. The immunization
2 data made publicly available must be identical to the data the
3 school district or school has reported to the State Board of
4 Education.

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

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

24 The reported information under this subsection (6) shall
25 be provided to the Department of Public Health by the State
26 Board of Education.

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

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

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

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

19 If the physical condition of the child is such that any one
20 or more of the immunizing agents should not be administered,
21 the examining physician, advanced practice registered nurse,
22 or physician assistant responsible for the performance of the
23 health examination shall endorse that fact upon the health
24 examination form.

25 Exempting a child from the health, dental, or eye
26 examination does not exempt the child from participation in

1 the program of physical education training provided in
2 Sections 27-5 through 27-7 of this Code.

3 (8.5) The school board of a school district shall include
4 informational materials regarding influenza and influenza
5 vaccinations ~~and meningococcal disease and meningococcal~~
6 ~~vaccinations~~ developed, provided, or approved by the
7 Department of Public Health under Section 2310-700 of the
8 Department of Public Health Powers and Duties Law of the Civil
9 Administrative Code of Illinois when the board provides
10 information on immunizations, infectious diseases,
11 medications, or other school health issues to the parents or
12 guardians of students.

13 (9) For the purposes of this Section, "nursery schools"
14 means those nursery schools operated by elementary school
15 systems or secondary level school units or institutions of
16 higher learning.

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