

1 AN ACT concerning public health.

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

4 Section 5. The School Code is amended by changing Section  
5 27-8.1 as follows:

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

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

8 (1) In compliance with rules and regulations which the  
9 Department of Public Health shall promulgate, and except as  
10 hereinafter provided, all children in Illinois shall have a  
11 health examination as follows: within one year prior to  
12 entering kindergarten or the first grade of any public,  
13 private, or parochial elementary school; upon entering the  
14 fifth and ninth grades of any public, private, or parochial  
15 school; prior to entrance into any public, private, or  
16 parochial nursery school; and, irrespective of grade,  
17 immediately prior to or upon entrance into any public, private,  
18 or parochial school or nursery school, each child shall present  
19 proof of having been examined in accordance with this Section  
20 and the rules and regulations promulgated hereunder.

21 A tuberculosis skin test screening shall be included as a  
22 required part of each health examination included under this  
23 Section if the child resides in an area designated by the  
24 Department of Public Health as having a high incidence of  
25 tuberculosis. Additional health examinations of pupils,  
26 including dental and vision examinations, may be required when  
27 deemed necessary by school authorities. Parents are encouraged  
28 to have their children undergo dental and vision examinations  
29 at the same points in time required for health examinations.

30 (2) The Department of Public Health shall promulgate rules  
31 and regulations specifying the examinations and procedures  
32 that constitute a health examination, which shall include the

1 collection of data relating to obesity, including at a minimum,  
2 date of birth, gender, height, weight, blood pressure, and date  
3 of exam, and may recommend by rule that certain additional  
4 examinations be performed. The rules and regulations of the  
5 Department of Public Health shall specify that a tuberculosis  
6 skin test screening shall be included as a required part of  
7 each health examination included under this Section if the  
8 child resides in an area designated by the Department of Public  
9 Health as having a high incidence of tuberculosis. The  
10 Department of Public Health shall specify that a diabetes  
11 screening as defined by rule shall be included as a required  
12 part of each health examination. Diabetes testing is not  
13 required.

14 Physicians licensed to practice medicine in all of its  
15 branches, advanced practice nurses who have a written  
16 collaborative agreement with a collaborating physician which  
17 authorizes them to perform health examinations, or physician  
18 assistants who have been delegated the performance of health  
19 examinations by their supervising physician shall be  
20 responsible for the performance of the health examinations,  
21 other than dental examinations and vision and hearing  
22 screening, and shall sign all report forms required by  
23 subsection (4) of this Section that pertain to those portions  
24 of the health examination for which the physician, advanced  
25 practice nurse, or physician assistant is responsible. If a  
26 registered nurse performs any part of a health examination,  
27 then a physician licensed to practice medicine in all of its  
28 branches must review and sign all required report forms.  
29 Licensed dentists shall perform all dental examinations and  
30 shall sign all report forms required by subsection (4) of this  
31 Section that pertain to the dental examinations. Physicians  
32 licensed to practice medicine in all its branches, or licensed  
33 optometrists, shall perform all vision exams required by school  
34 authorities and shall sign all report forms required by  
35 subsection (4) of this Section that pertain to the vision exam.  
36 Vision and hearing screening tests, which shall not be

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

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

21 (4) The individuals conducting the health examination  
22 shall record the fact of having conducted the examination, and  
23 such additional information as required, including data  
24 relating to obesity, including at a minimum, date of birth,  
25 gender, height, weight, blood pressure, and date of exam, on  
26 uniform forms which the Department of Public Health and the  
27 State Board of Education shall prescribe for statewide use. The  
28 examiner shall summarize on the report form any condition that  
29 he or she suspects indicates a need for special services,  
30 including factors relating to obesity. The individuals  
31 confirming the administration of required immunizations shall  
32 record as indicated on the form that the immunizations were  
33 administered.

34 (5) If a child does not submit proof of having had either  
35 the health examination or the immunization as required, then  
36 the child shall be examined or receive the immunization, as the

1 case may be, and present proof by October 15 of the current  
2 school year, or by an earlier date of the current school year  
3 established by a school district. To establish a date before  
4 October 15 of the current school year for the health  
5 examination or immunization as required, a school district must  
6 give notice of the requirements of this Section 60 days prior  
7 to the earlier established date. If for medical reasons one or  
8 more of the required immunizations must be given after October  
9 15 of the current school year, or after an earlier established  
10 date of the current school year, then the child shall present,  
11 by October 15, or by the earlier established date, a schedule  
12 for the administration of the immunizations and a statement of  
13 the medical reasons causing the delay, both the schedule and  
14 the statement being issued by the physician, advanced practice  
15 nurse, physician assistant, registered nurse, or local health  
16 department that will be responsible for administration of the  
17 remaining required immunizations. If a child does not comply by  
18 October 15, or by the earlier established date of the current  
19 school year, with the requirements of this subsection, then the  
20 local school authority shall exclude that child from school  
21 until such time as the child presents proof of having had the  
22 health examination as required and presents proof of having  
23 received those required immunizations which are medically  
24 possible to receive immediately. During a child's exclusion  
25 from school for noncompliance with this subsection, the child's  
26 parents or legal guardian shall be considered in violation of  
27 Section 26-1 and subject to any penalty imposed by Section  
28 26-10.

29 (6) Every school shall report to the State Board of  
30 Education by November 15, in the manner which that agency shall  
31 require, the number of children who have received the necessary  
32 immunizations and the health examination as required,  
33 indicating, of those who have not received the immunizations  
34 and examination as required, the number of children who are  
35 exempt from health examination and immunization requirements  
36 on religious or medical grounds as provided in subsection (8).

1 This reported information shall be provided to the Department  
2 of Public Health by the State Board of Education.

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

11 (8) Parents or legal guardians who object to health  
12 examinations or any part thereof, or to immunizations, on  
13 religious grounds shall not be required to submit their  
14 children or wards to the examinations or immunizations to which  
15 they so object if such parents or legal guardians present to  
16 the appropriate local school authority a signed statement of  
17 objection, detailing the grounds for the objection. If the  
18 physical condition of the child is such that any one or more of  
19 the immunizing agents should not be administered, the examining  
20 physician, advanced practice nurse, or physician assistant  
21 responsible for the performance of the health examination shall  
22 endorse that fact upon the health examination form. Exempting a  
23 child from the health examination does not exempt the child  
24 from participation in the program of physical education  
25 training provided in Sections 27-5 through 27-7 of this Code.

26 (9) For the purposes of this Section, "nursery schools"  
27 means those nursery schools operated by elementary school  
28 systems or secondary level school units or institutions of  
29 higher learning.

30 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;  
31 93-530, eff. 1-1-04; revised 9-11-03.)

32 Section 10. The Illinois Health Statistics Act is amended  
33 by changing Section 4 as follows:

34 (410 ILCS 520/4) (from Ch. 111 1/2, par. 5604)

1           Sec. 4. (a) In carrying out the purposes of this Act, the  
2 Department may:

3           (1) Collect and maintain health data on:

4           (i) The extent, nature, and impact of illness, including  
5 factors relating to obesity and disability on the population of  
6 the State;

7           (ii) The determinants of health and health hazards  
8 including obesity;

9           (iii) Health resources, including the extent of available  
10 manpower and resources;

11           (iv) Utilization of health care;

12           (v) Health care costs and financing; and

13           (vi) Other health or health-related matters.

14           (2) Undertake and support research, demonstrations, and  
15 evaluations respecting new or improved methods for obtaining  
16 current data on the matters referred to in subparagraph (1).

17           (b) The Department may collect health data under authority  
18 granted by any unit of local government and on behalf of other  
19 governmental or not-for-profit organizations, including data  
20 collected by local schools and the State Board of Education  
21 relating to obesity on the health examination form required  
22 pursuant to Section 27-8.1 of the School Code. The data shall  
23 be de-identified and aggregated pursuant to rules promulgated  
24 by the Department to prevent disclosure of personal identifying  
25 information.

26           (c) The Department shall collect data only on a voluntary  
27 basis from individuals and organizations, except when there is  
28 specific legal authority to compel the mandatory reporting of  
29 the health data so requested. In making any collection of  
30 health data from an individual or organization the Department  
31 must give to such individual or organization a written  
32 statement which states:

33           (1) Whether the individual or organization is required to  
34 respond, and any sanctions for noncompliance;

35           (2) The purposes for which the health data are being  
36 collected; and

1           (3) In the case of any disclosure of identifiable health  
2 data for other than research and statistical purposes, the  
3 items to be disclosed, to whom the data are to be disclosed and  
4 the purposes for which the data are to be disclosed.

5           (d) Except as provided in Section 5, no health data  
6 obtained in the course of activities undertaken or supported  
7 under this Act may be used for any purpose other than the  
8 purpose for which they were supplied or for which the  
9 individual or organization described in the data has otherwise  
10 consented.

11           (e) The Department shall take such actions as may be  
12 necessary to assure that statistics developed under this Act  
13 are of high quality, timely, comprehensive, as well as  
14 specific, standardized and adequately analyzed and indexed.

15           (f) The Department shall take such action as is appropriate  
16 to effect the coordination of health data activities, including  
17 health data specifically relating to obesity collected  
18 pursuant to Section 27-8.1 of the School Code, within the State  
19 to eliminate unnecessary duplication of data collection and  
20 maximize the usefulness of data collected.

21           (g) The Department shall (1) participate with state, local  
22 and federal agencies in the design and implementation of a  
23 cooperative system for producing comparable and uniform health  
24 information and statistics at the federal, state, and local  
25 levels; and (2) undertake and support research, development,  
26 demonstrations, and evaluations respecting such cooperative  
27 system.

28           (Source: P.A. 82-215.)