

SB0010



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0010

Introduced 1/31/2007, by Sen. Emil Jones, Jr.

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1
410 ILCS 315/2e new

from Ch. 122, par. 27-8.1

Amends the School Code and the Communicable Disease Prevention Act. Provides that beginning August 1, 2009 a female student who is 11 or 12 years of age may not enter any grade of a public, private, or parochial school unless the child presents to the school proof of having received a human papillomavirus (HPV) vaccination or, after having received HPV information required to be provided by the Department of Public Health, the student's parent or legal guardian presents to the school a signed statement that the parent or legal guardian has elected for the student not to receive the vaccination. Requires a school to include the number of HPV-vaccinated children in its health exam and immunization report to the State Board of Education. Provides that beginning August 1, 2007, prior to entering a grade in a public or private school in this State, the Department of Public Health must provide all female students who are 11 or 12 years of age and their parents or legal guardians written information about the link between human papillomavirus and cervical cancer and the availability of a human papillomavirus vaccine. Provides that the Director of Public Health shall prescribe the content of the information about HPV. Requires the Department of Public Health to adopt emergency rules to the extent necessary to administer the Department's responsibilities under these provisions. Effective immediately.

LRB095 08246 KBJ 28417 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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

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

7 (1.5) In compliance with rules adopted by the Department of
8 Public Health and except as otherwise provided in this Section,
9 all children in kindergarten and the second and sixth grades of
10 any public, private, or parochial school shall have a dental
11 examination. Each of these children shall present proof of
12 having been examined by a dentist in accordance with this
13 Section and rules adopted under this Section before May 15th of
14 the school year. If a child in the second or sixth grade fails
15 to present proof by May 15th, the school may hold the child's
16 report card until one of the following occurs: (i) the child
17 presents proof of a completed dental examination or (ii) the
18 child presents proof that a dental examination will take place
19 within 60 days after May 15th. The Department of Public Health
20 shall establish, by rule, a waiver for children who show an
21 undue burden or a lack of access to a dentist. Each public,
22 private, and parochial school must give notice of this dental
23 examination requirement to the parents and guardians of
24 students at least 60 days before May 15th of each school year.

25 (2) The Department of Public Health shall promulgate rules
26 and regulations specifying the examinations and procedures

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

15 Physicians licensed to practice medicine in all of its
16 branches, advanced practice nurses who have a written
17 collaborative agreement with a collaborating physician which
18 authorizes them to perform health examinations, or physician
19 assistants who have been delegated the performance of health
20 examinations by their supervising physician shall be
21 responsible for the performance of the health examinations,
22 other than dental examinations and vision and hearing
23 screening, and shall sign all report forms required by
24 subsection (4) of this Section that pertain to those portions
25 of the health examination for which the physician, advanced
26 practice nurse, or physician assistant is responsible. If a

1 registered nurse performs any part of a health examination,
2 then a physician licensed to practice medicine in all of its
3 branches must review and sign all required report forms.
4 Licensed dentists shall perform all dental examinations and
5 shall sign all report forms required by subsection (4) of this
6 Section that pertain to the dental examinations. Physicians
7 licensed to practice medicine in all its branches, or licensed
8 optometrists, shall perform all vision exams required by school
9 authorities and shall sign all report forms required by
10 subsection (4) of this Section that pertain to the vision exam.
11 Vision and hearing screening tests, which shall not be
12 considered examinations as that term is used in this Section,
13 shall be conducted in accordance with rules and regulations of
14 the Department of Public Health, and by individuals whom the
15 Department of Public Health has certified. In these rules and
16 regulations, the Department of Public Health shall require that
17 individuals conducting vision screening tests give a child's
18 parent or guardian written notification, before the vision
19 screening is conducted, that states, "Vision screening is not a
20 substitute for a complete eye and vision evaluation by an eye
21 doctor. Your child is not required to undergo this vision
22 screening if an optometrist or ophthalmologist has completed
23 and signed a report form indicating that an examination has
24 been administered within the previous 12 months."

25 (3) Every child shall, at or about the same time as he or
26 she receives a health examination required by subsection (1) of

1 this Section, present to the local school proof of having
2 received such immunizations against preventable communicable
3 diseases as the Department of Public Health shall require by
4 rules and regulations promulgated pursuant to this Section and
5 the Communicable Disease Prevention Act. Beginning August 1,
6 2009 a female student who is 11 or 12 years of age may not enter
7 any grade of a public, private, or parochial school unless the
8 child presents to the school proof of having received a human
9 papillomavirus (HPV) vaccination or, after having received the
10 information required to be provided by the Department of Public
11 Health under subsection (a) of Section 2e of the Communicable
12 Disease Prevention Act, the student's parent or legal guardian
13 presents to the school a signed statement that the parent or
14 legal guardian has elected for the student not to receive the
15 vaccination.

16 (4) The individuals conducting the health examination or
17 dental examination shall record the fact of having conducted
18 the examination, and such additional information as required,
19 including for a health examination data relating to obesity,
20 (including at a minimum, date of birth, gender, height, weight,
21 blood pressure, and date of exam), on uniform forms which the
22 Department of Public Health and the State Board of Education
23 shall prescribe for statewide use. The examiner shall summarize
24 on the report form any condition that he or she suspects
25 indicates a need for special services, including for a health
26 examination factors relating to obesity. The individuals

1 confirming the administration of required immunizations, other
2 than an HPV vaccination, shall record as indicated on the form
3 that the immunizations were administered.

4 (5) If a child does not submit proof of having had either
5 the health examination or the immunization as required, then
6 the child shall be examined or receive the immunization, as the
7 case may be, and present proof by October 15 of the current
8 school year, or by an earlier date of the current school year
9 established by a school district. To establish a date before
10 October 15 of the current school year for the health
11 examination or immunization as required, a school district must
12 give notice of the requirements of this Section 60 days prior
13 to the earlier established date. If for medical reasons one or
14 more of the required immunizations must be given after October
15 15 of the current school year, or after an earlier established
16 date of the current school year, then the child shall present,
17 by October 15, or by the earlier established date, a schedule
18 for the administration of the immunizations and a statement of
19 the medical reasons causing the delay, both the schedule and
20 the statement being issued by the physician, advanced practice
21 nurse, physician assistant, registered nurse, or local health
22 department that will be responsible for administration of the
23 remaining required immunizations. If a child does not comply by
24 October 15, or by the earlier established date of the current
25 school year, with the requirements of this subsection, then the
26 local school authority shall exclude that child from school

1 until such time as the child presents proof of having had the
2 health examination as required and presents proof of having
3 received those required immunizations which are medically
4 possible to receive immediately. During a child's exclusion
5 from school for noncompliance with this subsection, the child's
6 parents or legal guardian shall be considered in violation of
7 Section 26-1 and subject to any penalty imposed by Section
8 26-10. This subsection (5) does not apply to dental
9 examinations or HPV vaccinations.

10 (6) Every school shall report to the State Board of
11 Education by November 15, in the manner which that agency shall
12 require, the number of children who have received the necessary
13 immunizations, other than an HPV vaccination, and the health
14 examination (other than a dental examination) as required,
15 indicating, of those who have not received the immunizations
16 and examination as required, the number of children who are
17 exempt from health examination and immunization requirements
18 on religious or medical grounds as provided in subsection (8).
19 This report shall also include the number of female students
20 who are 11 or 12 years of age who have received an HPV
21 vaccination and the number of female students who are 11 or 12
22 years of age who have not received an HPV vaccination. Every
23 school shall report to the State Board of Education by June 30,
24 in the manner that the State Board requires, the number of
25 children who have received the required dental examination,
26 indicating, of those who have not received the required dental

1 examination, the number of children who are exempt from the
2 dental examination on religious grounds as provided in
3 subsection (8) of this Section and the number of children who
4 have received a waiver under subsection (1.5) of this Section.
5 This reported information shall be provided to the Department
6 of Public Health by the State Board of Education.

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

15 (8) This subsection (8) does not apply to HPV vaccinations.
16 Parents or legal guardians who object to health or dental
17 examinations or any part thereof, or to immunizations, on
18 religious grounds shall not be required to submit their
19 children or wards to the examinations or immunizations to which
20 they so object if such parents or legal guardians present to
21 the appropriate local school authority a signed statement of
22 objection, detailing the grounds for the objection. If the
23 physical condition of the child is such that any one or more of
24 the immunizing agents should not be administered, the examining
25 physician, advanced practice nurse, or physician assistant
26 responsible for the performance of the health examination shall

1 endorse that fact upon the health examination form. Exempting a
2 child from the health or dental examination does not exempt the
3 child from participation in the program of physical education
4 training provided in Sections 27-5 through 27-7 of this Code.

5 (9) For the purposes of this Section, "nursery schools"
6 means those nursery schools operated by elementary school
7 systems or secondary level school units or institutions of
8 higher learning.

9 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;
10 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;
11 revised 12-1-05.)

12 Section 10. The Communicable Disease Prevention Act is
13 amended by adding Section 2e as follows:

14 (410 ILCS 315/2e new)

15 Sec. 2e. Cervical cancer prevention.

16 (a) Notwithstanding the provisions of Section 2 of this
17 Act, beginning August 1, 2007, prior to entering a grade in
18 public or private school in this State, the Department of
19 Public Health must provide all female students who are 11 or 12
20 years of age and their parents or legal guardians written
21 information about the link between human papillomavirus (HPV)
22 and cervical cancer and the availability of a human
23 papillomavirus vaccine.

24 (b) The Director of Public Health shall prescribe the

1 content of the information required in subsection (a) of this
2 Section.

3 (c) In order to provide for the expeditious and timely
4 implementation of the provisions of this amendatory Act of the
5 95th General Assembly, the Department of Public Health shall
6 adopt emergency rules in accordance with Section 5-45 of the
7 Illinois Administrative Procedure Act to the extent necessary
8 to administer the Department's responsibilities under this
9 amendatory Act of the 95th General Assembly. The adoption of
10 emergency rules authorized by this subsection (c) is deemed to
11 be necessary for the public interest, safety, and welfare.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.