

1 AN ACT in relation to public health.

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

4 Section 5. The Communicable Disease Prevention Act is
5 amended by adding Sections 0.5, 2.5, 2.10, and 2.15 and
6 changing Sections 1 and 2 as follows:

7 (410 ILCS 315/0.5 new)

8 Sec. 0.5. Definitions. In this Act:

9 "Department" means the Illinois Department of Public
10 Health.

11 "Director" means the Director of Public Health.

12 "Authorized user" means any person or entity that has
13 applied to the Department and has signed a written contract
14 and confidentiality agreement and includes public health
15 departments and private and public health care providers that
16 administer immunizations. A child care facility, school, or
17 post-secondary education institution may apply to become an
18 authorized user if that entity administers immunizations.

19 "Patient" means an individual receiving or having
20 received immunization services.

21 "Health care provider" means a physician, nurse
22 practitioner, physician's assistant, nurse, or other health
23 professional duly licensed and authorized to administer
24 immunizations in Illinois. The term includes clinics,
25 facilities, and hospitals where the licensed health
26 professional practices.

27 (410 ILCS 315/1) (from Ch. 111 1/2, par. 22.11)

28 Sec. 1. Public policy. Certain communicable diseases
29 such as measles, poliomyelitis and tetanus, may and do result
30 in serious physical and mental disability including mental

1 retardation, permanent paralysis, encephalitis, convulsions,
2 pneumonia, and not infrequently, death.

3 Most of these diseases attack young children, and if they
4 have not been immunized, may spread to other susceptible
5 children and possibly, adults, thus, posing serious threats
6 to the health of the community. Effective, safe and widely
7 used vaccines and immunization procedures have been developed
8 and are available to prevent these diseases and to limit
9 their spread. Even though such immunization procedures are
10 available, many children fail to receive this protection
11 either through parental oversight, lack of concern, knowledge
12 or interest, or lack of available facilities or funds. The
13 existence of susceptible children in the community
14 constitutes a health hazard to the individual and to the
15 public at large by serving as a focus for the spread of these
16 communicable diseases.

17 It is declared to be the public policy of this State that
18 (i) all children shall be protected, as soon after birth as
19 medically indicated, by the appropriate vaccines and
20 immunizing procedures to prevent communicable diseases which
21 are or which may in the future become preventable by
22 immunization and (ii) all residents of the State are better
23 protected with a greater rate of immunization of children.

24 It is further declared to be the public policy of this
25 State that because all children enrolled in schools and child
26 care facilities are required to have periodic health
27 examinations and fulfill certain immunization requirements,
28 it is desirable to have information concerning the
29 immunization status of individual children made available as
30 accurately, quickly, and easily as possible through a State
31 immunization registry that has been developed by the
32 Department.

33 (Source: P.A. 78-255; 78-303; 78-1297.)

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

Sec. 2. Immunization required; exceptions. The Department of--Public--Health shall promulgate rules and regulations requiring immunization of children against preventable communicable diseases designated by the Director. Before any regulation or amendment thereto is prescribed, the Department shall conduct a public hearing regarding such regulation. In addition, before any regulation or any amendment to a regulation is adopted, and after the Immunization Advisory Committee has made its recommendations, the State Board of Health shall conduct 3 public hearings, geographically distributed throughout the State, regarding the regulation or amendment to the regulation. At the conclusion of the hearings, the State Board of Health shall issue a report, including its recommendations, to the Director. The Director shall take into consideration any comments or recommendations made by the Board based on these hearings. The Department may prescribe additional rules and regulations for immunization of other diseases as vaccines are developed.

The provisions of this Act shall not apply if:

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

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

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

(410 ILCS 315/2.5 new)

Sec. 2.5. State immunization registry.

(a) After June 30, 2003, immunization information for a

1 child who is aged 18 years or under shall be reported within
2 14 days to the State immunization registry by any health care
3 provider performing those immunization services.

4 (b) The State immunization registry is a confidential
5 computerized system maintained by the Department that shall
6 include the following:

7 (1) Identifying information that serves to uniquely
8 identify each patient, including the patient's name, date
9 of birth, sex, race, ethnicity, place of birth, mother's
10 name, mother's date of birth, and father's name.

11 (2) Locating information that indicates an updated
12 location for each patient, including address and
13 telephone numbers and the name of any health care
14 providers who administered immunizations to the patient.

15 (3) Immunization data that indicates the type or
16 types of immunization received and the dates of those
17 immunizations.

18 (c) The State immunization registry shall also
19 incorporate identifying information and locating information,
20 as specified in subsection (b), for every child born in
21 Illinois. This information shall be transmitted by the
22 Department as it receives that information from a hospital
23 where a child was delivered.

24 (d) Immunization information shall be released by any
25 authorized user, or by the Department upon written request,
26 to a patient, parent, or legal guardian requesting the
27 information.

28 (e) The Department shall adopt rules and regulations for
29 the procedures to be utilized in transmitting information to
30 and receiving information from the State immunization
31 registry under this Section. The State immunization registry
32 shall provide immunization information about a particular
33 patient in a format that is easy to understand, including
34 information on when additional or follow-up immunizations are

1 recommended.

2 (f) No person shall be liable for civil damages or
3 professional discipline as a result of the reporting of
4 immunization information to the State immunization registry,
5 except for willful or wanton misconduct.

6 (410 ILCS 315/2.10 new)

7 Sec. 2.10. Enrollment.

8 (a) Any health care provider who administers
9 immunization services for a child who is aged 18 years or
10 under shall inform the child's parent or guardian about
11 immunization information that will be transmitted to the
12 State immunization registry. The parent or guardian may
13 elect, for any reason, not to participate in the State
14 immunization registry by signing a specific form developed
15 and made available for that purpose. The health care provider
16 shall keep any such signed form with the medical records
17 maintained for the child.

18 (b) Upon written request to the Department from any
19 patient over 18 years of age, the Director shall delete the
20 patient's immunization record from the State immunization
21 registry.

22 (410 ILCS 315/2.15 new)

23 Sec. 2.15. Confidentiality.

24 (a) Any authorized user requesting immunization
25 information shall maintain the confidentiality of the
26 information in the same manner as other medical record
27 information with patient identification and shall use the
28 information only for the following purposes:

29 (1) To provide immunization services to a patient,
30 including issuing reminder notifications when
31 immunizations are due.

32 (2) To compile aggregate data and distribute

1 statistical reports on the status of immunizations in
2 geographic areas and population groups and to assist in
3 the management of State, county, and local immunization
4 programs.

5 (3) To provide or facilitate provision of third
6 party payer payments for immunizations.

7 (b) Each employee of an authorized user shall be
8 required to sign a confidentiality agreement as designated by
9 the Department before entering data into or retrieving
10 information from the State immunization registry. One signed
11 agreement shall be returned to the Department, and the
12 remaining signed agreements shall be kept on file at the site
13 of the health care provider.

14 (c) Any patient, parent, or legal guardian may request a
15 limitation on the transfer of a patient's information by
16 providing a written request to the Department, when that
17 person reasonably believes there is a risk of harm to the
18 patient or other family members if the person could be
19 located through information from the registry.

20 (d) Unauthorized use or misuse of the State immunization
21 registry for any purposes except as specified in this Section
22 is a Class A misdemeanor.