



Sen. Linda Holmes

Filed: 2/26/2018

10000SB2866sam001

LRB100 19072 MJP 36663 a

1 AMENDMENT TO SENATE BILL 2866

2 AMENDMENT NO. _____. Amend Senate Bill 2866 by replacing
3 everything after the enacting clause with the following:

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 2310-617 as follows:

7 (20 ILCS 2310/2310-617)

8 Sec. 2310-617. Human papillomavirus vaccine.

9 (a) As used in this Section, "eligible individual" means a
10 female child under the age of 18, and, beginning on January 1,
11 2020, a male child under the age of 18, who is a resident of
12 Illinois who: (1) is not entitled to receive a human
13 papillomavirus (HPV) vaccination at no cost as a benefit under
14 a plan of health insurance, a managed care plan, or a plan
15 provided by a health maintenance organization, a health
16 services plan corporation, or a similar entity, and (2) meets

1 the requirements established by the Department of Public Health
2 by rule.

3 (b) Subject to appropriation, the Department of Public
4 Health shall establish and administer a program, commencing no
5 later than July 1, 2011, under which any eligible individual
6 shall, upon the eligible individual's request, receive a series
7 of HPV vaccinations as medically indicated, at no cost to the
8 eligible individual.

9 (c) The Department of Public Health shall adopt rules for
10 the administration and operation of the program, including, but
11 not limited to: determination of the HPV vaccine formulation to
12 be administered and the method of administration; eligibility
13 requirements and eligibility determinations; and standards and
14 criteria for acquisition and distribution of the HPV vaccine
15 and related supplies. The Department may enter into contracts
16 or agreements with public or private entities for the
17 performance of such duties under the program as the Department
18 may deem appropriate to carry out this Section and its rules
19 adopted under this Section.

20 (Source: P.A. 95-422, eff. 8-24-07.)

21 Section 10. The School Code is amended by changing Section
22 27-8.1 as follows:

23 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

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

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

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 eye examinations, may be required when deemed

1 necessary by school authorities. Parents are encouraged to have
2 their children undergo eye examinations at the same points in
3 time required for health examinations.

4 (1.5) In compliance with rules adopted by the Department of
5 Public Health and except as otherwise provided in this Section,
6 all children in kindergarten and the second and sixth grades of
7 any public, private, or parochial school shall have a dental
8 examination. Each of these children shall present proof of
9 having been examined by a dentist in accordance with this
10 Section and rules adopted under this Section before May 15th of
11 the school year. If a child in the second or sixth grade fails
12 to present proof by May 15th, the school may hold the child's
13 report card until one of the following occurs: (i) the child
14 presents proof of a completed dental examination or (ii) the
15 child presents proof that a dental examination will take place
16 within 60 days after May 15th. The Department of Public Health
17 shall establish, by rule, a waiver for children who show an
18 undue burden or a lack of access to a dentist. Each public,
19 private, and parochial school must give notice of this dental
20 examination requirement to the parents and guardians of
21 students at least 60 days before May 15th of each school year.

22 (1.10) Except as otherwise provided in this Section, all
23 children enrolling in kindergarten in a public, private, or
24 parochial school on or after January 1, 2008 (the effective
25 date of Public Act 95-671) ~~this amendatory Act of the 95th~~
26 ~~General Assembly~~ and any student enrolling for the first time

1 in a public, private, or parochial school on or after January
2 1, 2008 (the effective date of Public Act 95-671) ~~this~~
3 ~~amendatory Act of the 95th General Assembly~~ shall have an eye
4 examination. Each of these children shall present proof of
5 having been examined by a physician licensed to practice
6 medicine in all of its branches or a licensed optometrist
7 within the previous year, in accordance with this Section and
8 rules adopted under this Section, before October 15th of the
9 school year. If the child fails to present proof by October
10 15th, the school may hold the child's report card until one of
11 the following occurs: (i) the child presents proof of a
12 completed eye examination or (ii) the child presents proof that
13 an eye examination will take place within 60 days after October
14 15th. The Department of Public Health shall establish, by rule,
15 a waiver for children who show an undue burden or a lack of
16 access to a physician licensed to practice medicine in all of
17 its branches who provides eye examinations or to a licensed
18 optometrist. Each public, private, and parochial school must
19 give notice of this eye examination requirement to the parents
20 and guardians of students in compliance with rules of the
21 Department of Public Health. Nothing in this Section shall be
22 construed to allow a school to exclude a child from attending
23 because of a parent's or guardian's failure to obtain an eye
24 examination for the child.

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 an
2 age-appropriate developmental screening, an age-appropriate
3 social and emotional screening, and the collection of data
4 relating to asthma and obesity (including at a minimum, date of
5 birth, gender, height, weight, blood pressure, and date of
6 exam), and a dental examination and may recommend by rule that
7 certain additional examinations be performed. The rules and
8 regulations of the Department of Public Health shall specify
9 that a tuberculosis skin test screening shall be included as a
10 required part of each health examination included under this
11 Section if the child resides in an area designated by the
12 Department of Public Health as having a high incidence of
13 tuberculosis. With respect to the developmental screening and
14 the social and emotional screening, the Department of Public
15 Health must develop rules and appropriate revisions to the
16 Child Health Examination form in conjunction with a statewide
17 organization representing school boards; a statewide
18 organization representing pediatricians; statewide
19 organizations representing individuals holding Illinois
20 educator licenses with school support personnel endorsements,
21 including school social workers, school psychologists, and
22 school nurses; a statewide organization representing
23 children's mental health experts; a statewide organization
24 representing school principals; the Director of Healthcare and
25 Family Services or his or her designee, the State
26 Superintendent of Education or his or her designee; and

1 representatives of other appropriate State agencies and, at a
2 minimum, must recommend the use of validated screening tools
3 appropriate to the child's age or grade, and, with regard to
4 the social and emotional screening, require recording only
5 whether or not the screening was completed. The rules shall
6 take into consideration the screening recommendations of the
7 American Academy of Pediatrics and must be consistent with the
8 State Board of Education's social and emotional learning
9 standards. The Department of Public Health shall specify that a
10 diabetes screening as defined by rule shall be included as a
11 required part of each health examination. Diabetes testing is
12 not required.

13 Physicians licensed to practice medicine in all of its
14 branches, licensed advanced practice registered nurses, or
15 licensed physician assistants shall be responsible for the
16 performance of the health examinations, other than dental
17 examinations, eye examinations, and vision and hearing
18 screening, and shall sign all report forms required by
19 subsection (4) of this Section that pertain to those portions
20 of the health examination for which the physician, advanced
21 practice registered nurse, or physician assistant is
22 responsible. If a registered nurse performs any part of a
23 health examination, then a physician licensed to practice
24 medicine in all of its branches must review and sign all
25 required report forms. Licensed dentists shall perform all
26 dental examinations and shall sign all report forms required by

1 subsection (4) of this Section that pertain to the dental
2 examinations. Physicians licensed to practice medicine in all
3 its branches or licensed optometrists shall perform all eye
4 examinations required by this Section and shall sign all report
5 forms required by subsection (4) of this Section that pertain
6 to the eye examination. For purposes of this Section, an eye
7 examination shall at a minimum include history, visual acuity,
8 subjective refraction to best visual acuity near and far,
9 internal and external examination, and a glaucoma evaluation,
10 as well as any other tests or observations that in the
11 professional judgment of the doctor are necessary. Vision and
12 hearing screening tests, which shall not be considered
13 examinations as that term is used in this Section, shall be
14 conducted in accordance with rules and regulations of the
15 Department of Public Health, and by individuals whom the
16 Department of Public Health has certified. In these rules and
17 regulations, the Department of Public Health shall require that
18 individuals conducting vision screening tests give a child's
19 parent or guardian written notification, before the vision
20 screening is conducted, that states, "Vision screening is not a
21 substitute for a complete eye and vision evaluation by an eye
22 doctor. Your child is not required to undergo this vision
23 screening if an optometrist or ophthalmologist has completed
24 and signed a report form indicating that an examination has
25 been administered within the previous 12 months.".

26 (2.5) With respect to the developmental screening and the

1 social and emotional screening portion of the health
2 examination, each child may present proof of having been
3 screened in accordance with this Section and the rules adopted
4 under this Section before October 15th of the school year. With
5 regard to the social and emotional screening only, the
6 examining health care provider shall only record whether or not
7 the screening was completed. If the child fails to present
8 proof of the developmental screening or the social and
9 emotional screening portions of the health examination by
10 October 15th of the school year, qualified school support
11 personnel may, with a parent's or guardian's consent, offer the
12 developmental screening or the social and emotional screening
13 to the child. Each public, private, and parochial school must
14 give notice of the developmental screening and social and
15 emotional screening requirements to the parents and guardians
16 of students in compliance with the rules of the Department of
17 Public Health. Nothing in this Section shall be construed to
18 allow a school to exclude a child from attending because of a
19 parent's or guardian's failure to obtain a developmental
20 screening or a social and emotional screening for the child.
21 Once a developmental screening or a social and emotional
22 screening is completed and proof has been presented to the
23 school, the school may, with a parent's or guardian's consent,
24 make available appropriate school personnel to work with the
25 parent or guardian, the child, and the provider who signed the
26 screening form to obtain any appropriate evaluations and

1 services as indicated on the form and in other information and
2 documentation provided by the parents, guardians, or provider.

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

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

1 the screening. The individuals confirming the administration
2 of required immunizations 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 registered nurse, physician assistant, registered nurse, or
22 local health department that will be responsible for
23 administration of the remaining required immunizations. If a
24 child does not comply by October 15, or by the earlier
25 established date of the current school year, with the
26 requirements of this subsection, then the local school

1 authority shall exclude that child from school until such time
2 as the child presents proof of having had the health
3 examination as required and presents proof of having received
4 those required immunizations which are medically possible to
5 receive immediately. During a child's exclusion from school for
6 noncompliance with this subsection, the child's parents or
7 legal guardian shall be considered in violation of Section 26-1
8 and subject to any penalty imposed by Section 26-10. This
9 subsection (5) does not apply to dental examinations, eye
10 examinations, and the developmental screening and the social
11 and emotional screening portions of the health examination. If
12 the student is an out-of-state transfer student and does not
13 have the proof required under this subsection (5) before
14 October 15 of the current year or whatever date is set by the
15 school district, then he or she may only attend classes (i) if
16 he or she has proof that an appointment for the required
17 vaccinations has been scheduled with a party authorized to
18 submit proof of the required vaccinations. If the proof of
19 vaccination required under this subsection (5) is not submitted
20 within 30 days after the student is permitted to attend
21 classes, then the student is not to be permitted to attend
22 classes until proof of the vaccinations has been properly
23 submitted. No school district or employee of a school district
24 shall be held liable for any injury or illness to another
25 person that results from admitting an out-of-state transfer
26 student to class that has an appointment scheduled pursuant to

1 this subsection (5).

2 (6) Every school shall report to the State Board of
3 Education by November 15, in the manner which that agency shall
4 require, the number of children who have received the necessary
5 immunizations and the health examination (other than a dental
6 examination or eye examination) as required, indicating, of
7 those who have not received the immunizations and examination
8 as required, the number of children who are exempt from health
9 examination and immunization requirements on religious or
10 medical grounds as provided in subsection (8). On or before
11 December 1 of each year, every public school district and
12 registered nonpublic school shall make publicly available the
13 immunization data they are required to submit to the State
14 Board of Education by November 15. The immunization data made
15 publicly available must be identical to the data the school
16 district or school has reported to the State Board of
17 Education.

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 dental
21 examination, indicating, of those who have not received the
22 required dental examination, the number of children who are
23 exempt from the dental examination on religious grounds as
24 provided in subsection (8) of this Section and the number of
25 children who have received a waiver under subsection (1.5) of
26 this Section.

1 Every school shall report to the State Board of Education
2 by June 30, in the manner that the State Board requires, the
3 number of children who have received the required eye
4 examination, indicating, of those who have not received the
5 required eye examination, the number of children who are exempt
6 from the eye examination as provided in subsection (8) of this
7 Section, the number of children who have received a waiver
8 under subsection (1.10) of this Section, and the total number
9 of children in noncompliance with the eye examination
10 requirement.

11 The reported information under this subsection (6) shall be
12 provided to the Department of Public Health by the State Board
13 of Education.

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

22 (8) Children of parents or legal guardians who object to
23 health, dental, or eye examinations or any part thereof, to
24 immunizations, or to vision and hearing screening tests on
25 religious grounds shall not be required to undergo the
26 examinations, tests, or immunizations to which they so object

1 if such parents or legal guardians present to the appropriate
2 local school authority a signed Certificate of Religious
3 Exemption detailing the grounds for objection and the specific
4 immunizations, tests, or examinations to which they object. The
5 grounds for objection must set forth the specific religious
6 belief that conflicts with the examination, test,
7 immunization, or other medical intervention. The signed
8 certificate shall also reflect the parent's or legal guardian's
9 understanding of the school's exclusion policies in the case of
10 a vaccine-preventable disease outbreak or exposure. The
11 certificate must also be signed by the authorized examining
12 health care provider responsible for the performance of the
13 child's health examination confirming that the provider
14 provided education to the parent or legal guardian on the
15 benefits of immunization and the health risks to the student
16 and to the community of the communicable diseases for which
17 immunization is required in this State. However, the health
18 care provider's signature on the certificate reflects only that
19 education was provided and does not allow a health care
20 provider grounds to determine a religious exemption. Those
21 receiving immunizations required under this Code shall be
22 provided with the relevant vaccine information statements that
23 are required to be disseminated by the federal National
24 Childhood Vaccine Injury Act of 1986, which may contain
25 information on circumstances when a vaccine should not be
26 administered, prior to administering a vaccine. A healthcare

1 provider may consider including without limitation the
2 nationally accepted recommendations from federal agencies such
3 as the Advisory Committee on Immunization Practices, the
4 information outlined in the relevant vaccine information
5 statement, and vaccine package inserts, along with the
6 healthcare provider's clinical judgment, to determine whether
7 any child may be more susceptible to experiencing an adverse
8 vaccine reaction than the general population, and, if so, the
9 healthcare provider may exempt the child from an immunization
10 or adopt an individualized immunization schedule. The
11 Certificate of Religious Exemption shall be created by the
12 Department of Public Health and shall be made available and
13 used by parents and legal guardians by the beginning of the
14 2015-2016 school year. Parents or legal guardians must submit
15 the Certificate of Religious Exemption to their local school
16 authority prior to entering kindergarten, sixth grade, and
17 ninth grade for each child for which they are requesting an
18 exemption. The religious objection stated need not be directed
19 by the tenets of an established religious organization.
20 However, general philosophical or moral reluctance to allow
21 physical examinations, eye examinations, immunizations, vision
22 and hearing screenings, or dental examinations does not provide
23 a sufficient basis for an exception to statutory requirements.
24 The local school authority is responsible for determining if
25 the content of the Certificate of Religious Exemption
26 constitutes a valid religious objection. The local school

1 authority shall inform the parent or legal guardian of
2 exclusion procedures, in accordance with the Department's
3 rules under Part 690 of Title 77 of the Illinois Administrative
4 Code, at the time the objection is presented.

5 If the physical condition of the child is such that any one
6 or more of the immunizing agents should not be administered,
7 the examining physician, advanced practice registered nurse,
8 or physician assistant responsible for the performance of the
9 health examination shall endorse that fact upon the health
10 examination form.

11 Exempting a child from the health, dental, or eye
12 examination does not exempt the child from participation in the
13 program of physical education training provided in Sections
14 27-5 through 27-7 of this Code.

15 (8.5) The school board of a school district shall provide
16 all students who are entering sixth grade and their parents or
17 legal guardians written information about the link between
18 human papillomavirus (HPV) and cervical, vulvar, vaginal,
19 penile, anal, and oropharyngeal cancers and the Centers for
20 Disease Control and Prevention's recommendation for children
21 to be vaccinated with the HPV vaccine when it provides
22 information on immunizations, infectious diseases,
23 medications, or other school health issues to the parents or
24 guardians of students.

25 (9) For the purposes of this Section, "nursery schools"
26 means those nursery schools operated by elementary school

1 systems or secondary level school units or institutions of
2 higher learning.

3 (Source: P.A. 99-173, eff. 7-29-15; 99-249, eff. 8-3-15;
4 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-238, eff.
5 1-1-18; 100-465, eff. 8-31-17; 100-513, eff. 1-1-18; revised
6 9-22-17.)

7 Section 15. The Communicable Disease Prevention Act is
8 amended by changing Section 2e as follows:

9 (410 ILCS 315/2e)

10 Sec. 2e. HPV-related ~~Cervical~~ cancer prevention.

11 (a) Notwithstanding the provisions of Section 2 of this
12 Act, ~~beginning August 1, 2007,~~ the Department of Public Health
13 must provide all ~~female~~ students who are entering sixth grade
14 and their parents or legal guardians written information about
15 the link between human papillomavirus (HPV) and cervical,
16 vulvar, vaginal, penile, anal, and oropharyngeal cancers in
17 males and females, as applicable, and the Centers for Disease
18 Control and Prevention's recommendation for children to be
19 vaccinated with the HPV vaccine so that they are protected
20 before ever being exposed to the virus ~~cervical cancer and the~~
21 ~~availability of a HPV vaccine.~~

22 (b) The Director of Public Health shall prescribe the
23 content of the information required in subsection (a) of this
24 Section.

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

10 (d) In order to provide for the expeditious and timely
11 implementation of the provisions of this amendatory Act of the
12 100th General Assembly, the Department of Public Health shall
13 adopt emergency rules in accordance with Section 5-45 of the
14 Illinois Administrative Procedure Act to the extent necessary
15 to administer the Department's responsibilities under this
16 amendatory Act of the 100th General Assembly no later than July
17 1, 2019. The adoption of emergency rules authorized by this
18 subsection (d) is deemed to be necessary for the public
19 interest, safety, and welfare.

20 (Source: P.A. 95-422, eff. 8-24-07.)".