

S.B. NO. 1138

JAN 24 2013

A BILL FOR AN ACT

RELATING TO VACCINATION GUIDELINES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 302A-1162, Hawaii Revised Statutes, is amended to read as follows:

"§302A-1162 Rules. (a) The department of health shall adopt rules under chapter 91 relating to immunization, physical examination, and tuberculin testing under sections 302A-1154 to 302A-1163. Immunizations required, and the manner and frequency of their administration, shall conform with recognized standard medical practices. The list of diseases and minimum requirements for protection under sections 302A-1154 to 302A-1163 may be revised whenever the department of health deems it necessary for the protection of public health.

(b) The department shall establish by rule standards for documentation of compliance with school health requirements under sections 302A-1154 through 302A-1163.

(c) The department may adopt, amend, or repeal rules pursuant to chapter 91 to establish a list of specific vaccines which are available or may become available. Notwithstanding

1 the notice, public hearing, and comment requirements of chapter
2 91 and the provisions of chapter 201M, the director of health,
3 in consultation with the state epidemiologist, may adopt, amend,
4 or repeal as rules, the immunization recommendations of the
5 United States Department of Health and Human Services, Advisory
6 Committee on Immunization Practices, including interim
7 recommendations, as they apply to the list of specific vaccines,
8 if any, described in this subsection. This authority shall
9 ensure that vaccinations required, and the manner and frequency
10 of their administration, shall conform with recognized standard
11 medical practices. The department shall make the adoption,
12 amendment, or repeal of United States Department of Health and
13 Human Services, Advisory Committee on Immunization Practices
14 immunization recommendations known to the public by:

15 (1) Giving public notice of the substance of the proposed
16 rule at least once statewide;

17 (2) Posting the full text of the proposed rulemaking
18 action on the Internet as provided in section 91-2.6;

19 and

20 (3) Publication at least once in a newspaper of general
21 circulation.

1 The rules, when adopted, amended, or repealed pursuant to
2 chapter 91 as modified by this section, shall have the force and
3 effect of law. The department may defer the effective date of
4 adopted, amended, or repealed rules to allow sufficient time to
5 ensure compliance with the new, amended, or repealed rules."

6 SECTION 2. Section 325-32, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§325-32 Immunization against infectious diseases. (a)**

9 The department of health may adopt rules requiring and governing
10 immunization against typhoid fever, pertussis (whooping cough),
11 diphtheria, tetanus, poliomyelitis, measles, mumps, hepatitis B,
12 rubella, haemophilus influenzae type B, and any other
13 communicable disease, if a suitable immunizing agent is
14 available for the disease and a need for immunization against it
15 exists within the State. The department may also provide
16 vaccines and other immunizing agents to private and public
17 health care providers for administration to the general public.

18 (b) The department may adopt, amend, or repeal rules
19 pursuant to chapter 91 to establish a list of specific vaccines
20 which are available or may become available. Notwithstanding
21 the notice, public hearing, and comment requirements of chapter
22 91 and the provisions of chapter 201M, the director of health,

S.B. NO. 1138

1 in consultation with the state epidemiologist, may adopt, amend,
2 or repeal as rules, the immunization recommendations of the
3 United States Department of Health and Human Services, Advisory
4 Committee on Immunization Practices, including interim
5 recommendations, as they apply to the list of specific vaccines,
6 if any, described in this subsection. This authority shall
7 ensure that vaccinations required, and the manner and frequency
8 of their administration, conform with current recognized
9 standard medical practices. The department shall make the
10 adoption, amendment, or repeal of United States Department of
11 Health and Human Services, Advisory Committee on Immunization
12 Practices immunization recommendations known to the public by:

13 (1) Giving public notice of the substance of the proposed
14 rule at least once statewide;

15 (2) Posting the full text of the proposed rulemaking
16 action on the Internet as provided in section 91-2.6;
17 and

18 (3) Publication at least once in a newspaper of general
19 circulation.

20 The rules, when adopted or amended pursuant to chapter 91 as
21 modified by this section, shall have the force and effect of
22 law. The department may defer the effective date of adopted,

S.B. NO. 1138

1 amended, or repealed rules to allow sufficient time to ensure
2 compliance with the new, amended, or repealed rules."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

8
9 INTRODUCED BY:



10 BY REQUEST

S.B. NO. 1138

Report Title:

Vaccination Guidelines

Description:

Authorizes the Department of Health to adopt, amend, or repeal a list of specific vaccines and to adopt, amend, or repeal, as rules, the immunization recommendations of the United States Department of Health and Human Services, Advisory Committee on Immunization Practices, as they apply to the list of specific vaccines. This will ensure that immunizations required, and the manner and frequency of their administration, conform with currently recognized standard medical practices.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO VACCINATION GUIDELINES.

PURPOSE: To authorize the Department of Health, without regard to the notice, public hearing, and comment requirements of chapter 91 and the provisions of chapter 201M, Hawaii Revised Statutes, to adopt, amend, or repeal as rules, the immunization recommendations of the United States Department of Health and Human Services, Advisory Committee on Immunization Practices (ACIP), including interim recommendations, as they apply to a list of specific vaccines. The list will be adopted, amended, or repealed pursuant to chapter 91. This authority will ensure that immunizations required and the manner and frequency of their administration conform with currently recognized standard medical practices. The Department shall make the adoption, amendment, or repeal of ACIP immunization recommendations known to the public by giving public notice of the substance of the proposed rule statewide, by posting the full text of the rule on the Internet, and by publication at least once in a newspaper of general circulation.

MEANS: Amend sections 302A-1162 and 325-32, Hawaii Revised Statutes.

JUSTIFICATION: National recommendations for vaccine administration are updated yearly, at minimum, by the ACIP and have resulted in discrepancies between current national vaccination standards and Hawaii's pediatric and school entry and attendance requirements.

Impact on the public: Since chapter 11-157, Hawaii Administrative Rules (HAR),

"Examination and Immunization," was last updated in 2001, numerous changes to the timing and spacing of vaccinations have been recommended by the ACIP. These changes are not reflected in the current State pediatric immunization requirements and preschool, compulsory school, and post-secondary school entry and attendance requirements. This may result in students who, although they meet the school entry and attendance requirements specified in chapter 11-157, would not be considered "up-to-date" according to recommended immunization schedules because they are missing doses of currently recommended vaccinations (i.e., those not included in chapter 11-157). In addition, students who may have received vaccinations according to current ACIP recommended immunization schedules may be non-compliant with chapter 11-157 because of updates to recommended immunization timing or intervals that have not yet been incorporated into the rules. Currently, these students are placed on preschool, compulsory school, or post-secondary school provisional entrance status until the additional dose is administered and the outdated chapter 11-157 immunization requirement is met. Parents or guardians, as well as immunization providers, must pay for these additional vaccines, vaccine administration fees, and office visits in order for children affected by these discrepancies to attend school in Hawaii.

Impact on the department and other agencies:
Authorizing the Director of Health to adopt ACIP immunization recommendations as they apply to a specific list of vaccines, as rules, without regard to the notice, public hearing and comment requirements of chapter 91 and the provisions of chapter 201M, Hawaii Revised Statutes, will allow for the frequent, timely, updates necessary to ensure concurrence between national vaccine recommendations, in keeping with recognized standard medical practices, and the school immunization requirements.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HTH-131.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.