

JAN 24 2018

A BILL FOR AN ACT

RELATING TO INFORMED CONSENT FOR VACCINATIONS.

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

1 SECTION 1. The legislature finds that under the National
2 Childhood Vaccine Injury Act, all vaccine providers must give
3 patients, or their parents or legal representatives, the
4 appropriate Vaccine Information Statement ("VIS") before each
5 dose of vaccinations are given. These statements provide the
6 consumer with information about the benefits of the vaccine and
7 the risks to adverse reactions. Additionally, if consumers were
8 more informed about the Vaccine Adverse Events Reporting System
9 ("VAERS") and the federally funded Vaccine Injury Compensation
10 Program ("VICP"), the State would be able to obtain more
11 accurate numbers for possible adverse reactions to vaccines.

12 The legislature also finds that Hawaii statute requires
13 informed consent to be obtained for invasive medical treatments,
14 but currently there is no such provision included in the
15 vaccination laws of the State.

16 The purpose of this Act is to require health care providers
17 to obtain written informed consent before administering a



1 vaccination and to increase awareness about the possible adverse
2 effects of vaccinations.

3 SECTION 2. Section 325-33, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§325-33 Performance of vaccination and immunization.** (a)

6 Vaccinations or immunizations required of any person under this
7 chapter shall be performed by duly licensed physicians or
8 paramedical personnel under their direction, advanced practice
9 registered nurses, physician assistants, or by authorized
10 representatives of the department of health.

11 (b) No person may be vaccinated without informed consent.

12 If the person is a minor or under guardianship, the person's
13 parent or guardian, or the minor if he or she is emancipated, is
14 required to give informed consent on the person's behalf for
15 each vaccination administered. To obtain informed consent under
16 this section, a health care provider is required to gather and
17 provide, at a minimum, with ample time to review, the following
18 information:

19 (1) A complete individual and family health history;

20 (2) The vaccine manufacturer's product insert sheet; and



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1 (3) The benefits and risks of each vaccine, including the
2 Vaccine Information Statement provided by the Center
3 for Disease Control, as required under 42 U.S.C.
4 Section 300aa-26.

5 As used in this sub-section, unless the context requires
6 otherwise:

7 "Informed consent" means the written voluntary agreement,
8 given by a person, parent, guardian, or minor, if he or she is
9 emancipated, to receive a vaccination.

10 "Health care provider" means any provider listed under
11 subsection (a).

12 (c) A record of the immunization shall be maintained by
13 the physician, physician assistant, or advanced practice
14 registered nurse and shall be available to the department of
15 education for school entry requirements and the department of
16 health."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

 (BR)



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Report Title:

Health; Vaccinations; Informed Consent for Vaccinations.

Description:

Requires health care providers to obtain informed consent in writing from a person before administering a vaccination.

Establishes requirements for obtaining informed consent.

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

