
A BILL FOR AN ACT

RELATING TO MEDICAL EXEMPTIONS.

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

1 SECTION 1. The legislature finds that vaccinations and
2 immunizations are required for various activities in the State,
3 including enrolling children into school and working in certain
4 offices. The current state law allows for medical and religious
5 exemptions. However, residents are required to renew medical
6 exemptions every three months, which may impose unreasonable
7 burdens. The purpose of this Act is to standardize issuing an
8 enduring medical exemption.

9 SECTION 2. Section 302A-1156, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§302A-1156 Exemptions.** (a) A child may be exempted from
12 the required immunizations:

13 (1) If a licensed physician, physician assistant, or
14 advanced practice registered nurse certifies that the
15 physical condition of the child is such that
16 immunizations would endanger the child's life or
17 health; or



1 (2) If any parent, custodian, guardian, or any other
2 person in loco parentis to a child objects to
3 immunization in writing on the grounds that the
4 immunization conflicts with that person's bona fide
5 religious tenets and practices. Upon showing the
6 appropriate school official satisfactory evidence of
7 the exemption, no certificate or other evidence of
8 immunization shall be required for entry into school.

9 (b) An exemption under subsection (a)(1) shall be valid
10 until such vaccination is found to no longer be detrimental to
11 the child's health by the licensed physician, physician
12 assistant, or advanced practice registered nurse.

13 (c) A licensed physician, physician assistant, or advanced
14 practice registered nurse who believes that such vaccination may
15 be detrimental to the child's health under subsection (a)(1)
16 must complete a medical exemption form that contains the
17 following:

- 18 (1) Name of person;
19 (2) If a minor, name of parent, parents, or guardian;
20 (3) Date of birth;
21 (4) Residence, including mailing address; and



1 (5) A health care provider's signed statement certifying
2 that the specific vaccine or vaccines may be
3 detrimental to the person's health.

4 (d) The department, board, commission, or any other state
5 or municipal agency may not require any other condition or
6 requirement for the medical exemption to a vaccine or vaccines.

7 (e) Discrimination on basis of the person's status of
8 having a medical exemption provided for in this section is
9 prohibited.

10 (f) Absent fraud or intentional misrepresentation of
11 verifiable facts, a licensed physician, physician assistant, or
12 advanced practice registered nurse shall not be subject to any
13 disciplinary action or penalty by the department, board,
14 commission, or any other state or municipal agency for issuing a
15 medical exemption form as provided for in this section."

16 SECTION 3. Section 302A-1157, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**\$302A-1157 Exemptions from immunization; [~~not~~**
19 **~~recognized;~~ epidemic conditions.** (a) If at any time there is,
20 in the opinion of the department of health, danger of an
21 epidemic from any of the communicable diseases for which



1 immunization is required under sections 302A-1154 to 302A-1163,
2 [ne] an exemption from immunization against the disease shall be
3 recognized if a licensed physician, physician assistant, or
4 advanced practice registered nurse completes the required
5 medical exemption form stating that such vaccination may be
6 detrimental to the child's health. Quarantine shall be a legal
7 alternative to immunization.

8 (b) An exemption under subsection (a) shall be valid until
9 such vaccination is found to no longer be detrimental to the
10 child's health by the licensed physician, physician assistant,
11 or advanced practice registered nurse.

12 (c) A licensed physician, physician assistant, or advanced
13 practice registered nurse who believes that such vaccination may
14 be detrimental to the child's health under subsection (a) must
15 complete the medical exemption form that contains the following:

- 16 (1) Name of person;
17 (2) If a minor, name of parent, parents, or guardian;
18 (3) Date of birth;
19 (4) Residence, including mailing address; and



1 (5) A health care provider's signed statement certifying
2 that the specific vaccine or vaccines may be
3 detrimental to the person's health.

4 (d) The department, board, commission, or any other state
5 or municipal agency may not require any other condition or
6 requirement for the medical exemption to a vaccine or vaccines.

7 (e) Discrimination on basis of the person's status of
8 having a medical exemption provided for in this section is
9 prohibited.

10 (f) Absent fraud or intentional misrepresentation of
11 verifiable facts, a licensed physician, physician assistant, or
12 advanced practice registered nurse shall not be subject to any
13 disciplinary action or penalty by the department, board,
14 commission, or any other state or municipal agency for issuing a
15 medical exemption form as provided for in this section."

16 SECTION 4. Section 325-34, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§325-34 Exemptions.** (a) Section 325-32 shall be
19 construed not to require the vaccination or immunization of any
20 person [~~for three months after~~] a duly licensed physician,
21 physician assistant, advanced practice registered nurse, or an



1 authorized representative of the department of health has signed
2 two copies of a [~~certificate~~] medical exemption form stating
3 that such vaccination may be detrimental to the person's health
4 ~~[stating the name and address of the person and that because of~~
5 ~~a stated cause the health of the person would be endangered by~~
6 ~~the vaccination or immunization]~~, and has forwarded the original
7 copy of the [~~certificate~~] medical exemption form to the person
8 or, if the person is a minor or under guardianship~~[, to the~~
9 ~~person's parent or guardian, and has forwarded the duplicate~~
10 ~~copy of the certificate to the department for its files]~~.

11 (b) An exemption under subsection (a) shall be valid until
12 such vaccination is found to no longer be detrimental to the
13 person's health by the licensed physician, physician assistant,
14 or advanced practice registered nurse.

15 (c) A licensed physician, physician assistant, or advanced
16 practice registered nurse who believes that such vaccination may
17 be detrimental to the person's health under subsection (a) must
18 complete the medical exemption form that contains the following:

- 19 (1) Name of person;
20 (2) If a minor, name of parent, parents, or guardian;
21 (3) Date of birth;



1 (4) Residence, including mailing address; and

2 (5) A health care provider's signed statement certifying
3 that the specific vaccine or vaccines may be
4 detrimental to the person's health.

5 (d) The department of health, board, commission, or any
6 other state or municipal agency may not require any other
7 condition or requirement for the medical exemption to a vaccine
8 or vaccines.

9 (e) Discrimination on basis of the person's status of
10 having a medical exemption provided for in this section is
11 prohibited.

12 (f) Absent fraud or intentional misrepresentation of
13 verifiable facts, a licensed physician, physician assistant, or
14 advanced practice registered nurse shall not be subject to any
15 disciplinary action or penalty by department of health, board,
16 commission, or any other state or municipal agency for issuing a
17 medical exemption form as provided for in this section.

18 (g) No person shall be subjected to vaccination,
19 revaccination or immunization, who shall in writing object
20 thereto on the grounds that the requirements are not in
21 accordance with the religious tenets of an established church of



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1 which the person is a member or adherent, or, if the person is a
 2 minor or under guardianship, whose parent or guardian shall in
 3 writing object thereto on such grounds, but no objection shall
 4 be recognized when, in the opinion of the director of health,
 5 there is danger of an epidemic from any communicable disease."

6 SECTION 5. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval.
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 10

INTRODUCED BY:

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JAN 18 2024



H.B. NO. 1726

Report Title:

Minority Caucus Package; Immunization; Medical Exemptions

Description:

Standardizes medical exemptions from vaccination and immunization requirements. Allows one medical exemption form to remain valid.

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