
A BILL FOR AN ACT

RELATING TO IMMUNIZATIONS.

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

1 SECTION 1. The legislature finds that the removal of
2 religious exemptions from the vaccine schedule may create
3 barriers to school attendance at a time when national confidence
4 in vaccine safety has declined. Hawaii's children continue to
5 experience rising rates of chronic disease, and a comprehensive
6 approach to student health remains essential.

7 The legislature further finds that vaccines have a long
8 record of reducing infectious diseases, and the United States
9 Department of Health and Human Services Task Force on Community
10 Preventive Services recommends continued school immunization
11 requirements to maintain coverage and reduce disease. Recent
12 national adjustments to recommended vaccines emphasize shared
13 decision-making, and although vaccines are effective public
14 health tools, no medical intervention is entirely risk-free.
15 Hawaii also faces high levels of chronic conditions among youth,
16 and national data show that roughly twenty per cent of children
17 experience mental, emotional, developmental, or behavioral



1 disorders influenced by multiple health and environmental
2 factors.

3 The legislature additionally finds that some children
4 cannot be safely immunized due to medical conditions and rely on
5 low disease prevalence in schools. During the 2024-2025 school
6 year, Hawaii had 192,853 enrolled students, including three
7 hundred sixty-six students with medical exemptions,
8 approximately 0.19 per cent of the student population. The
9 remaining students also deserve individualized health
10 decision-making between their health care provider and parent or
11 guardian to address their unique circumstances.

12 Accordingly, the purpose of this Act is to support the
13 health and safety of school-aged children by balancing infectious
14 disease prevention with respect for individualized health
15 considerations and ensure that families retain the ability to
16 make informed decisions with their child's physician or health
17 care provider regarding vaccines.

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

20 "**§302A-1156 Exemptions.** A child [~~may~~] shall be exempted
21 from the required immunizations:



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

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

SECTION 3. Section 321-11, Hawaii Revised Statutes, is amended to read as follows:

"§321-11 Subjects of health rules, generally. The department of health pursuant to chapter 91 may adopt rules that it deems necessary for the public health and safety respecting:

(1) Nuisances, foul or noxious odors, gases, vapors, waters in which mosquitoes breed or may breed, sources of filth, and causes of sickness or disease, within



the respective districts of the State, and on board
any vessel;

(2) Adulteration and misbranding of food or drugs;

(3) Location, air space, ventilation, sanitation,
drainage, sewage disposal, and other health conditions
of buildings, courts, construction projects,
excavations, pools, watercourses, areas, and alleys.

For purposes of this paragraph, "pool" means a
watertight artificial structure containing a body of
water that does not exchange water with any other body
of water, either naturally or mechanically, and is
used for swimming, diving, recreational bathing, or
therapy by humans;

(4) Privy vaults and cesspools;

(5) Fish and fishing;

(6) Interments and dead bodies;

(7) Disinterments of dead human bodies, including the
exposing, disturbing, or removing of these bodies from
their place of burial, or the opening, removing, or
disturbing after due interment of any receptacle,
coffin, or container holding human remains or a dead



1 human body or a part thereof and the issuance and
2 terms of permits for the aforesaid disinterments of
3 dead human bodies;

4 (8) Cemeteries and burying grounds;

5 (9) Laundries, and the laundering, sanitation, and
6 sterilization of articles including linen and uniforms
7 used by or in the following businesses and
8 professions: barber shops, manicure shops, beauty
9 parlors, electrology shops, restaurants, soda
10 fountains, hotels, rooming and boarding houses,
11 bakeries, butcher shops, public bathhouses, midwives,
12 masseurs, and others in similar calling, public or
13 private hospitals, and canneries and bottling works
14 where foods or beverages are canned or bottled for
15 public consumption or sale; provided that nothing in
16 this chapter shall be construed as authorizing the
17 prohibiting of laundering, sanitation, and
18 sterilization by those conducting any of these
19 businesses or professions where the laundering or
20 sterilization is done in an efficient and sanitary
21 manner;



- 1 (10) Hospitals, freestanding surgical outpatient
2 facilities, skilled nursing facilities, intermediate
3 care facilities, adult residential care homes, adult
4 foster homes, assisted living facilities, special
5 treatment facilities and programs, home health
6 agencies, home care agencies, hospices, freestanding
7 birthing facilities, adult day health centers,
8 independent group residences, and therapeutic living
9 programs, but excluding youth shelter facilities
10 unless clinical treatment of mental, emotional, or
11 physical disease or handicap is a part of the routine
12 program or constitutes the main purpose of the
13 facility, as defined in section 346-16 under "child
14 caring institution". For the purpose of this
15 paragraph, "adult foster home" has the same meaning as
16 provided in section 321-11.2;
- 17 (11) Hotels, rooming houses, lodging houses, apartment
18 houses, tenements, and residences for persons with
19 developmental disabilities including those built under
20 federal funding;
- 21 (12) Laboratories;



1 (13) Any place or building where noisome or noxious trades
2 or manufacturing is carried on, or intended to be
3 carried on;

4 (14) Milk;

5 (15) Poisons and hazardous substances, the latter term
6 including any substance or mixture of substances that:

7 (A) Is corrosive;

8 (B) Is an irritant;

9 (C) Is a strong sensitizer;

10 (D) Is inflammable; or

11 (E) Generates pressure through decomposition, heat,
12 or other means,

13 if the substance or mixture of substances may cause
14 substantial personal injury or substantial illness
15 during or as a proximate result of any customary or
16 reasonably foreseeable handling or use, including
17 reasonably foreseeable ingestion by children;

18 (16) Pig and duck ranches;

19 (17) Places of business, industry, employment, and
20 commerce, and the processes, materials, tools,
21 machinery, and methods of work done therein; and



1 places of public gathering, recreation, or
2 entertainment;

3 (18) Any restaurant, theater, market, stand, shop, store,
4 factory, building, wagon, vehicle, or place where any
5 food, drug, or cosmetic is manufactured, compounded,
6 processed, extracted, prepared, stored, distributed,
7 sold, offered for sale, or offered for human
8 consumption or use;

9 (19) Foods, drugs, and cosmetics, and the manufacture,
10 compounding, processing, extracting, preparing,
11 storing, selling, and offering for sale, consumption,
12 or use of any food, drug, or cosmetic;

13 (20) Device as defined in section 328-1;

14 (21) Sources of ionizing radiation;

15 (22) Medical examination, vaccination, revaccination, and
16 immunization of school children. No child shall be
17 subjected to medical examination, vaccination,
18 revaccination, or immunization, whose parent or
19 guardian objects in writing thereto on grounds that
20 the ~~[requirements are not in accordance with the~~
21 ~~religious tenets of an established church of which the~~



1 ~~parent or guardian is a member or adherent, but no~~
2 ~~objection shall be recognized when, in the opinion of~~
3 ~~the department, there is danger of an epidemic from~~
4 ~~any communicable disease;]~~ medical examination,
5 vaccination, revaccination, or immunization conflicts
6 with that person's bona fide religious tenets and
7 practices;

8 (23) Disinsectization of aircraft entering or within the
9 State as may be necessary to prevent the introduction,
10 transmission, or spread of disease or the introduction
11 or spread of any insect or other vector of
12 significance to health;

13 (24) Fumigation, including the process by which substances
14 emit or liberate gases, fumes, or vapors that may be
15 used for the destruction or control of insects,
16 vermin, rodents, or other pests, which, in the opinion
17 of the department, may be lethal, poisonous, noxious,
18 or dangerous to human life;

19 (25) Ambulances and ambulance equipment;

20 (26) Development, review, approval, or disapproval of
21 management plans submitted pursuant to the Asbestos



1 Hazard Emergency Response Act of 1986, Public Law 99-
2 519; and

3 (27) Development, review, approval, or disapproval of an
4 accreditation program for specially trained persons
5 pursuant to the Residential Lead-Based Paint Hazard
6 Reduction Act of 1992, Public Law 102-550.

7 The department of health may require any certificates,
8 permits, or licenses that it may deem necessary to adequately
9 regulate the conditions or businesses referred to in this
10 section."

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

13 **"§325-34 Exemptions.** (a) Section 325-32 shall be
14 construed not to require the vaccination or immunization of any
15 person for three months after a duly licensed physician,
16 physician assistant, advanced practice registered nurse, or an
17 authorized representative of the department of health has signed
18 two copies of a certificate stating the name and address of the
19 person and that because of a stated cause the health of the
20 person would be endangered by the vaccination or immunization,
21 and has forwarded the original copy of the certificate to the



1 person or, if the person is a minor or under guardianship, to
2 the person's parent or guardian, and has forwarded the duplicate
3 copy of the certificate to the department for its files.

4 ~~[No]~~ (b) Except as provided under section 302A-1154, no
5 person shall be subjected to vaccination, revaccination, or
6 immunization, who shall in writing object ~~[thereto]~~ on the
7 grounds that ~~[the requirements are not in accordance with the~~
8 ~~religious tenets of an established church of which the person is~~
9 ~~a member or adherent,]~~ vaccination, revaccination, or
10 immunization conflicts with the person's bona fide religious
11 tenets and practices, or, if the person is a minor or under
12 guardianship, whose parent or guardian shall in writing object
13 thereto on such grounds, but no objection shall be recognized
14 when, in the opinion of the director of health, there is danger
15 of an epidemic from any communicable disease."

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.
19

INTRODUCED BY:

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JAN 26 2026



H.B. NO. 2166

Report Title:

Immunizations; Exemptions; Schools; Medical Examinations; Vaccinations; DOH; Rulemaking Authority; Infectious and Communicable Diseases; Bona Fide Religious Tenets and Practices

Description:

Requires, rather than authorizes, schools to provide an exemption from required immunizations. Specifies that for purposes of the Department of Health's rulemaking authority and authority regarding infectious and communicable diseases, no child shall be subjected to medical examination, vaccination, revaccination, or immunization if a parent or legal guardian objects based on bona fide religious tenets and practices.

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

