

JAN 22 2026

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature recognizes that forty-five
2 states, including Hawaii, honor the First Amendment of the
3 United States Constitution by granting religious exemptions from
4 vaccinations. The legislature believes that these exemptions
5 help ensure continued school attendance.

6 The legislature also recognizes, however, that current
7 state law, when in providing religious exemptions from medical
8 examinations, immunizations, vaccinations, and revaccinations,
9 requires those exemptions to be based on "religious tenets of an
10 established church". The legislature believes that the
11 exemptions should be amended to also accommodate people of faith
12 who might not attend established churches.

13 Accordingly, the purpose of this Act is to expand statutory
14 provisions that provide for religious exemptions from medical
15 examinations, immunizations, vaccinations, and revaccinations to
16 protect parents and other persons with bona fide religious
17 tenets and practices.



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

3 "**§302A-1156 Exemptions.** A child [~~may~~] shall be exempted
4 from the required immunizations:

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

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

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



1 **"§321-11 Subjects of health rules, generally.** The
2 department of health pursuant to chapter 91 may adopt rules that
3 it deems necessary for the public health and safety respecting:

4 (1) Nuisances, foul or noxious odors, gases, vapors,
5 waters in which mosquitoes breed or may breed, sources
6 of filth, and causes of sickness or disease, within
7 the respective districts of the State, and on board
8 any vessel;

9 (2) Adulteration and misbranding of food or drugs;

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

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

20 (4) Privy vaults and cesspools;

21 (5) Fish and fishing;



- 1 (6) Interments and dead bodies;
- 2 (7) Disinterments of dead human bodies, including the
- 3 exposing, disturbing, or removing of these bodies from
- 4 their place of burial, or the opening, removing, or
- 5 disturbing after due interment of any receptacle,
- 6 coffin, or container holding human remains or a dead
- 7 human body or a part thereof and the issuance and
- 8 terms of permits for the aforesaid disinterments of
- 9 dead human bodies;
- 10 (8) Cemeteries and burying grounds;
- 11 (9) Laundries, and the laundering, sanitation, and
- 12 sterilization of articles including linen and uniforms
- 13 used by or in the following businesses and
- 14 professions: barber shops, manicure shops, beauty
- 15 parlors, electrology shops, restaurants, soda
- 16 fountains, hotels, rooming and boarding houses,
- 17 bakeries, butcher shops, public bathhouses, midwives,
- 18 masseurs, and others in similar calling, public or
- 19 private hospitals, and canneries and bottling works
- 20 where foods or beverages are canned or bottled for
- 21 public consumption or sale; provided that nothing in



1 this chapter shall be construed as authorizing the
2 prohibiting of laundering, sanitation, and
3 sterilization by those conducting any of these
4 businesses or professions where the laundering or
5 sterilization is done in an efficient and sanitary
6 manner;

7 (10) Hospitals, freestanding surgical outpatient
8 facilities, skilled nursing facilities, intermediate
9 care facilities, adult residential care homes, adult
10 foster homes, assisted living facilities, special
11 treatment facilities and programs, home health
12 agencies, home care agencies, hospices, freestanding
13 birthing facilities, adult day health centers,
14 independent group residences, and therapeutic living
15 programs, but excluding youth shelter facilities
16 unless clinical treatment of mental, emotional, or
17 physical disease or handicap is a part of the routine
18 program or constitutes the main purpose of the
19 facility, as defined in section 346-16 under "child
20 caring institution". For the purpose of this



paragraph, "adult foster home" has the same meaning as provided in section 321-11.2;

(11) Hotels, rooming houses, lodging houses, apartment houses, tenements, and residences for persons with developmental disabilities including those built under federal funding;

(12) Laboratories;

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

(14) Milk;

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

(A) Is corrosive;

(B) Is an irritant;

(C) Is a strong sensitizer;

(D) Is inflammable; or

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

if the substance or mixture of substances may cause substantial personal injury or substantial illness



- 1 during or as a proximate result of any customary or
2 reasonably foreseeable handling or use, including
3 reasonably foreseeable ingestion by children;
- 4 (16) Pig and duck ranches;
- 5 (17) Places of business, industry, employment, and
6 commerce, and the processes, materials, tools,
7 machinery, and methods of work done therein; and
8 places of public gathering, recreation, or
9 entertainment;
- 10 (18) Any restaurant, theater, market, stand, shop, store,
11 factory, building, wagon, vehicle, or place where any
12 food, drug, or cosmetic is manufactured, compounded,
13 processed, extracted, prepared, stored, distributed,
14 sold, offered for sale, or offered for human
15 consumption or use;
- 16 (19) Foods, drugs, and cosmetics, and the manufacture,
17 compounding, processing, extracting, preparing,
18 storing, selling, and offering for sale, consumption,
19 or use of any food, drug, or cosmetic;
- 20 (20) Device as defined in section 328-1;
- 21 (21) Sources of ionizing radiation;



- 1 (22) Medical examination, vaccination, revaccination, and
2 immunization of school children. No child shall be
3 subjected to medical examination, vaccination,
4 revaccination, or immunization, whose parent or
5 guardian objects in writing thereto on grounds that
6 the ~~[requirements are not in accordance]~~ medical
7 examination, vaccination, revaccination, or
8 immunization conflicts with the parent's bona fide
9 religious tenets ~~[of an established church of which~~
10 ~~the parent or guardian is a member or adherent, but no~~
11 ~~objection shall be recognized when, in the opinion of~~
12 ~~the department, there is danger of an epidemic from~~
13 ~~any communicable disease;]~~ and practices;
- 14 (23) Disinsectization of aircraft entering or within the
15 State as may be necessary to prevent the introduction,
16 transmission, or spread of disease or the introduction
17 or spread of any insect or other vector of
18 significance to health;
- 19 (24) Fumigation, including the process by which substances
20 emit or liberate gases, fumes, or vapors that may be
21 used for the destruction or control of insects,



1 vermin, rodents, or other pests, which, in the opinion
2 of the department, may be lethal, poisonous, noxious,
3 or dangerous to human life;

4 (25) Ambulances and ambulance equipment;

5 (26) Development, review, approval, or disapproval of
6 management plans submitted pursuant to the Asbestos
7 Hazard Emergency Response Act of 1986, Public Law
8 99-519; and

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

13 The department of health may require any certificates,
14 permits, or licenses that it may deem necessary to adequately
15 regulate the conditions or businesses referred to in this
16 section."

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

19 "**§325-34 Exemptions.** (a) Section 325-32 shall be
20 construed not to require the vaccination or immunization of any
21 person for three months after a duly licensed physician, a



1 physician assistant, an advanced practice registered nurse, or
2 an authorized representative of the department of health has
3 signed two copies of a certificate stating the name and address
4 of the person and that because of a stated cause the health of
5 the person would be endangered by the vaccination or
6 immunization, and has forwarded the original copy of the
7 certificate to the person or, if the person is a minor or under
8 guardianship, to the person's parent or guardian, and has
9 forwarded the duplicate copy of the certificate to the
10 department for its files.

11 ~~[No]~~ (b) Except as required under section 302A-1154, no
12 person shall be subjected to vaccination, revaccination, or
13 immunization, who shall in writing object [thereto] on the
14 grounds that the [requirements are not in accordance]
15 vaccination, revaccination, or immunization conflicts with the
16 person's bona fide religious tenets [of an established church of
17 which the person is a member or adherent,] and practices, or, if
18 the person is a minor or under guardianship, whose parent or
19 guardian shall in writing object [thereto] based on [such
20 grounds, but] the parent or guardian's bona fide religious
21 tenets and practices; provided that no objection shall be



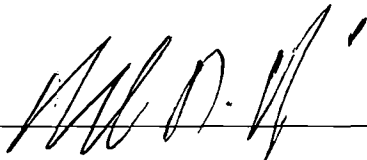
1 recognized when, in the opinion of the director of health, there
2 is danger of an epidemic from any communicable disease."

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

6

INTRODUCED BY:



By Request



S.B. NO. 2472

Report Title:

Health; Medical Examinations; Vaccinations; Religious Exemptions

Description:

Expands statutory provisions that provide for religious exemptions from medical examinations, immunizations, vaccinations, and revaccinations to protect parents and other persons with 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.

