

ACT 271

S.B. NO. 59

A Bill for an Act Relating to Immunization for School Attendance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 298-42, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No child shall attend [be admitted to] any school [for the first time] in the State unless such child presents to the appropriate school official certification from a licensed physician stating that the child has received immunizations against communicable diseases as required by the department of health.”

SECTION 2. Section 298-43, Hawaii Revised Statutes, is amended to read:

“§298-43 Provisional entrance to school. (a) A child may enter school provisionally upon submitting written proof from a licensed physician or an authorized representative of the department of health stating that the child is in the process of receiving the required immunizations. Further certification showing that the required immunizations have been completed must be submitted to the appropriate school official no later than three months after the child first entered the school.

(b) Provisional entrance to school may be suspended by the department of health when there is danger of an epidemic from any of the communicable diseases for which immunization is required."

SECTION 3. Chapter 298, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§298- Emergency measures. The department of health may implement emergency measures to refuse, modify, or limit attendance at any school in the State pursuant to section 321-1 if it is determined that there is imminent danger of epidemic or serious outbreak of communicable disease."

SECTION 4. Section 321-1, Hawaii Revised Statutes, is amended to read as follows:

"§321-1 General powers of the department. The department of health shall have general charge, oversight, and care of the health and lives of the people of the State. It shall have authority in matters of quarantine and other health matters and may declare and enforce quarantine when none exists and modify or release quarantine when it is established. When it is determined that there is imminent danger of epidemic or serious outbreak of communicable disease, it may refuse, modify, or limit attendance at any school in the State. When in the judgment of its director, there is deemed to be a potential health hazard, the department, through its director, may take precautionary measures to protect the public through the imposition of an embargo or the detention of products regulated by the department, or the removal of products regulated by the department from the market, or the declaration of quarantine; provided that the director must find evidence of a health hazard within seventy-two hours of the action taken or rescind the action. The director shall make public the findings. All county health authorities, sheriffs and police officers, and all other officers and employees of the State, and every county thereof, shall enforce the rules [and regulations] of the department. All such powers in health matters as have been or may be conferred upon any county shall be concurrent with those of the department. It shall make, through its director, an annual report to the governor, showing in detail all its expenditures and transactions, and such other information regarding the public health as it may deem of special interest.

The department shall also, during the prevalence of any severe pestilence or epidemic, publish a weekly report of the public health."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on August 1, 1985.

Approved June 7, 1985.)

Note

1. Edited pursuant to HRS §23G-16.5.