

A Bill for an Act Relating to Immunization.

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

SECTION 1. The purpose of this Act is to allow the department of health to provide vaccines and other immunizing agents to the public and to expand the category of persons charged with the responsibility of having minors or incompetents immunized.

SECTION 2. Section 325-32, Hawaii Revised Statutes, is amended to read as follows:

**“§325-32 Immunization against infectious diseases.** The department of health may [make regulations] adopt rules requiring and governing immunization against typhoid fever, pertussis (whooping cough), diphtheria, tetanus, poliomyelitis, measles, mumps, [small pox,] hepatitis B, rubella, haemophilus influenzae type B, and any other communicable disease, if a suitable immunizing agent is available for the disease and a need for immunization against it exists within the State. The department may also provide vaccines and other immunizing agents to private and public health care providers for administration to the general public.”

SECTION 3. Section 325-36, Hawaii Revised Statutes, is amended to read as follows:

**“§325-36 Duty of adult, or of parent [or], guardian[.], or caregiver. (a)** Every adult person required to be [vaccinated or] immunized, or to do any other act, unless the person is a minor or incompetent, shall cause the [vaccination or] immunization or other act to be performed.

**(b)** If the person is a minor or incompetent, the person’s parent, or guardian having the person’s care, custody, and control, shall cause the [vaccination or] immunization or other related act to be performed.

**(c)** If reasonable efforts have been made to obtain consent from the person’s parent or guardian, and consent is not obtainable because the parent or guardian cannot be located or contacted, a caregiver with whom the minor or incompetent person lives, or a non-custodial parent, may cause the immunization or other related act to be performed.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 18, 1993.)