

ACT 231

S.B. NO. 1138

A Bill for an Act Relating to Vaccination Guidelines.

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

SECTION 1. National recommendations for vaccine administration are updated yearly, at minimum, by the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services. This may cause a discrepancy between current national vaccination standards and Hawaii's pediatric and school entry and attendance vaccination requirements.

The purpose of this Act is to provide the department of health with the authority to ensure that vaccinations required in Hawaii, and the manner and

frequency of their administration, conform with recognized standard medical practices.

SECTION 2. Section 302A-1162, Hawaii Revised Statutes, is amended to read as follows:

“§302A-1162 Rules. (a) The department of health shall adopt rules under chapter 91 relating to immunization, physical examination, and tuberculin testing under sections 302A-1154 to 302A-1163. Immunizations required, and the manner and frequency of their administration, shall conform with recognized standard medical practices. The list of diseases and minimum requirements for protection under sections 302A-1154 to 302A-1163 may be revised whenever the department of health deems it necessary for the protection of public health.

(b) The department shall establish by rule standards for documentation of compliance with school health requirements under sections 302A-1154 through 302A-1163.

(c) The department may adopt, amend, or repeal rules pursuant to chapter 91 to establish a list of specific vaccines that are available or may become available. Notwithstanding the notice, public hearing, and comment requirements of chapter 91 and the provisions of chapter 201M, the director of health, in consultation with the state epidemiologist, may adopt, amend, or repeal as rules, the immunization recommendations of the United States Department of Health and Human Services, Advisory Committee on Immunization Practices, including interim recommendations, as they apply to the list of specific vaccines, if any, described in this subsection. The department shall make the adoption, amendment, or repeal of rules regarding United States Department of Health and Human Services, Advisory Committee on Immunization Practices immunization recommendations known to the public by:

- (1) Giving public notice of the substance of the proposed rules at least once statewide; and
- (2) Posting the full text of the proposed rulemaking action on the Internet as provided in section 91-2.6.

The rules, when adopted, amended, or repealed pursuant to chapter 91 as modified by this section, shall have the force and effect of law. The department may defer the effective date of adopted, amended, or repealed rules to allow sufficient time to ensure compliance with the new, amended, or repealed rules.”

SECTION 3. Section 325-32, Hawaii Revised Statutes, is amended to read as follows:

“§325-32 Immunization against infectious diseases. (a) The department of health may adopt rules requiring and governing immunization against typhoid fever, pertussis (whooping cough), diphtheria, tetanus, poliomyelitis, measles, mumps, 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.

(b) The department may adopt, amend, or repeal rules pursuant to chapter 91 to establish a list of specific vaccines that are available or may become available. Notwithstanding the notice, public hearing, and comment requirements of chapter 91 and the provisions of chapter 201M, the director of health, in consultation with the state epidemiologist, may adopt, amend, or repeal as rules, the immunization recommendations of the United States Department of

Health and Human Services, Advisory Committee on Immunization Practices, including interim recommendations, as they apply to the list of specific vaccines, if any, described in this subsection. The department shall make the adoption, amendment, or repeal of rules regarding United States Department of Health and Human Services, Advisory Committee on Immunization Practices immunization recommendations known to the public by:

- (1) Giving public notice of the substance of the proposed rules at least once statewide; and
- (2) Posting the full text of the proposed rulemaking action on the Internet as provided in section 91-2.6.

The rules, when adopted or amended pursuant to chapter 91 as modified by this section, shall have the force and effect of law. The department may defer the effective date of adopted, amended, or repealed rules to allow sufficient time to ensure compliance with the new, amended, or repealed rules.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. New statutory material is underscored.

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

(Approved June 27, 2013.)