



EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

GOV. MSG. NO. 843

July 11, 2006

The Honorable Robert Bunda, President  
and Members of the Senate  
Twenty-Third State Legislature  
State Capitol, Room 003  
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith SB2133 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB2133 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO HEALTH.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

# VETO

THE SENATE  
TWENTY-THIRD LEGISLATURE, 2006  
STATE OF HAWAII

S.B. NO. 2133  
S.D. 2  
H.D. 2  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 PART I

2 SECTION 1. The Hawaii Revised Statutes is amended by  
3 adding a new chapter to be appropriately designated and to read  
4 as follows:

5 "CHAPTER

6 HAWAII HEALTH COMMISSION

7 § -1 Hawaii health commission; establishment. (a)

8 There is established within the insurance division of the  
9 department of commerce and consumer affairs for administrative  
10 purposes the Hawaii health commission. The commission shall be  
11 an autonomous public body corporate and politic and an  
12 instrumentality of the State.

13 (b) The commission shall be composed of five members  
14 appointed by the governor as provided in section 26-34; provided  
15 that a minimum of two members shall be appointed from a list of  
16 nominees submitted by the speaker of the house of  
17 representatives and a minimum of two members shall be appointed  
18 from a list of nominees submitted by the president of the



1 The department of health shall immediately notify all  
2 vaccine providers of this subsection.

3 (b) Beginning in the 2007-2008 influenza season, no person  
4 shall be vaccinated with a vaccine or injected with any product  
5 that contains, or prior to dilution had contained as an  
6 additive, any mercury-based product, whether as a preservative  
7 or at a trace amount level.

8 The department may seek an exemption from this subsection  
9 only when it determines there is a shortage of the mercury-free  
10 product. In that case, any person receiving a vaccine that is  
11 not mercury-free shall be informed in advance in writing that  
12 the product contains a mercury-based preservative.

13 The department of health shall notify all medical providers  
14 of this subsection."

15 PART III

16 SECTION 5. New statutory material is underscored.


17 SECTION 6. This Act shall take effect on July 1, 2006, and  
18 shall be repealed June 30, 2009.



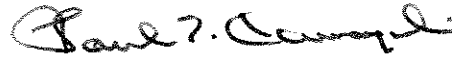
**THE SENATE OF THE STATE OF HAWAII**

Date: May 4, 2006  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



President of the Senate




Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF HAWAII**

Date: May 2, 2006  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



Speaker, House of Representatives



Clerk, House of Representatives

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2133, entitled "A Bill for an Act Relating to Health," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2133 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2133 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 26th  
day of June, 2006.



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LINDA LINGLE  
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2133

Honorable Members  
Twenty-Third Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2133, entitled "A Bill for an Act Relating to Health."

The purposes of this bill are to establish a Hawaii health commission within the Department of Commerce and Consumer Affairs that would develop a comprehensive health plan for people in Hawaii and to restrict the use in Hawaii of vaccines that contain mercury.

This bill is objectionable because it restricts the use of FDA-approved vaccines for no scientifically sound reason. This restriction will put the health and well-being of Hawaii residents at risk, particularly in the event of an influenza pandemic.

Thimerosal, an organic mercury compound, has been used as a preservative in some vaccines for many years. The FDA requires that vials of vaccines that provide multiple doses, such as many flu vaccines, contain preservatives to prevent contamination as individual doses are withdrawn from the vial. When thimerosal is processed by the body, it breaks down into ethyl mercury, one form of mercury. Others are pure mercury, such as that formerly used in thermometers, and methyl mercury, which is produced by microorganisms in water and soil and can accumulate in fish. Exposure to high levels of methyl mercury is toxic.

In 1999, the FDA determined that on a regular vaccination schedule some infants might be exposed to accumulated

doses of *ethyl mercury* that would exceed some guidelines for *methyl mercury*. These forms of mercury are different and are processed differently by the body. Ethyl mercury breaks down much more rapidly and is eliminated more quickly than methyl mercury. But as a precaution, the United States Department of Health and Human Services, the American Academy of Pediatrics, and vaccine manufacturers decided that thimerosal should be reduced or eliminated in vaccines. As a result, the vaccines routinely recommended for childhood immunization no longer contain thimerosal. However, some immunizations for adolescents and adults still do. Further, much of the flu vaccine supply does as well.

Two years after that precautionary decision, the Immunization Safety Review Committee of the Institute of Medicine in the National Academies of Science reported that there was not enough evidence to say that vaccines with thimerosal either do or do not cause various disorders in children such as autism, hyperactivity, and delayed speech. By 2004 enough additional studies had been done for the committee to conclude that there is no causal relationship between thimerosal-containing vaccines and autism.

This bill ignores the body of current scientific evidence on thimerosal-containing vaccines. It also ignores the American Academy of Pediatrics, the Hawaii Academy of Family Practice, the Hawaii Medical Association, the Hawaii Chapter of the American College of Obstetrics and Gynecology, and numerous physicians who are on record opposing this legislation. Its enactment could cause some parents to doubt the general safety of vaccines and to decline vaccinations for their children, a step backward in our efforts to encourage families to participate in vaccination and to reduce or eliminate preventable illness and deaths from communicable diseases.

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SENATE BILL NO. 2133  
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Any action that potentially lowers the immunization rate is of concern to me, particularly since Hawaii is a natural gateway for a flu pandemic. Reducing our population's health protection is a risk I am not willing to take.

For the foregoing reasons, I am returning Senate Bill No. 2133 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE  
Governor of Hawaii