
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 senate. All members shall be appointed for terms of three years
2 each and may serve no more than two consecutive terms.

3 (c) An executive director shall be selected by the
4 members.

5 (d) Each member shall hold office until the member's
6 successor is appointed and qualified.

7 (e) Three members shall constitute a quorum, whose
8 affirmative vote shall be necessary for all valid actions by the
9 commission.

10 § -2 Hawaii health commission; duties and

11 responsibilities. (a) The commission shall be responsible for
12 continuing the work of the governor's Hawaii health care task
13 force of 2005, created by Act 223, Session Laws of Hawaii 2005,
14 in the overall health planning for the State and shall be
15 responsible for determining future capacity needs of health
16 providers, facilities, equipment, and support services
17 providers.

18 (b) The commission shall develop for all individuals in
19 the State, a comprehensive health plan that includes:

20 (1) Establishment of eligibility for inclusion in a health
21 plan;

1 (2) Establishment of all reimbursable services to be paid
2 by the commission;

3 (3) Establishment of all approved providers of services in
4 a health plan;

5 (4) Evaluation of health care and cost effectiveness of
6 all aspects of a health plan; and

7 (5) Establishment of a budget for a health plan.

8 (c) The commission shall adopt rules pursuant to chapter
9 91 necessary for the purposes of this chapter.

10 (d) The commission shall submit to the legislature a
11 comprehensive health plan for all individuals in the State,
12 including its findings and recommendations, no later than twenty
13 days prior to the convening of the regular session of 2008."

14 SECTION 2. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$200,000 or so much
16 thereof as may be necessary for fiscal year 2006-2007 for the
17 purpose of operating the Hawaii health commission.

18 The sum shall be expended by the department of commerce and
19 consumer affairs for the purposes of this Act.

20 PART II

21 SECTION 3. The legislature finds that thimerosal is a
22 preservative that has been used in some vaccines since the 1930s



1 and consists of 49.6 per cent mercury by weight and is
2 metabolized or degraded into ethylmercury and thiosalicylate.
3 While the use of mercury-containing preservatives has declined
4 in recent years, thimerosal is still used in certain vaccines
5 recommended for adults, pregnant women, and children.

6 The United States Food and Drug Administration (FDA)
7 acknowledges that: "depending on the vaccine formulations used
8 and the weight of the infant, some infants could have been
9 exposed to cumulative levels of mercury during the first six
10 months of life that exceeded Environmental Protection Agency
11 recommended guidelines for safe intake of methylmercury. As a
12 precautionary measure, the Public Health Service (including the
13 FDA, National Institutes of Health, Centers for Disease Control
14 and Prevention and Health Resources and Services Administration)
15 and the American Academy of Pediatrics issued a Joint Statement
16 on July 7, 1999, urging vaccine manufacturers to reduce or
17 eliminate thimerosal in vaccines as soon as possible."

18 Legislation to ban thimerosal-containing vaccines has been
19 enacted in six states--California, Delaware, Illinois, Iowa,
20 Missouri, and New York. Fourteen other states have introduced
21 similar legislation.



1 The purpose of this part is to limit the use of mercury-
2 containing vaccines in Hawaii.

3 SECTION 4. Chapter 321, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§321- Mercury-containing vaccines. (a) Depending upon
7 availability in this State, preference during the 2006-2007
8 influenza season shall be given to children under twelve years
9 of age and pregnant women to receive vaccine containing not more
10 than a trace of mercury, defined as 1.25 micrograms per
11 administered dose amount.

12 The department of health may seek an exemption from this
13 section only when it determines there is a shortage of the
14 mercury-free product. The exemption shall apply to children
15 under the age of twelve only if the mercury-free, pediatric
16 formulation of influenza vaccine is unavailable. Exemptions for
17 pregnant women shall apply only in the absence of the mercury-
18 free adult formulation of influenza vaccine. In that case, any
19 person receiving a vaccine that is not mercury-free shall be
20 informed in advance in writing that the product contains a
21 mercury-based preservative.

SB2133, SD2, HD2, CD1

Report Title:

Health

Description:

Establishes the Hawaii Health Commission and appropriates funds.
Limits use of mercury-containing vaccines in Hawaii. (CD1)

