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# A BILL FOR AN ACT

RELATING TO IMMUNIZATION.

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

1           SECTION 1. Chapter 325, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4                           **"PART . IMMUNIZATION REGISTRY**

5           **§325-A Definitions.** As used in this part:

6           "Health care provider" means a program, agency, clinic,  
7 health care center, physician licensed under the provisions of  
8 chapter 453 [~~or 460,~~] advanced practice registered nurse  
9 recognized under the provisions of chapter 457, pharmacist  
10 licensed under the provisions of chapter 461, physician's  
11 assistant licensed under the provisions of chapter 453, or  
12 person authorized to practice medicine as a physician or  
13 physician's assistant, or nursing as an advanced practice  
14 registered nurse, in federal facilities located in the State,  
15 that administers immunizations in Hawaii;

16           "Post-secondary school" means any adult education school,  
17 business school, trade school, community college, college, or

1 university enrolling or registering students above the age of  
2 compulsory attendance;

3 "Registry" means the Hawaii immunization registry;

4 "School" means any child care center, preschool, day care  
5 center, day nursery, Head Start program, group child care home,  
6 kindergarten, elementary, intermediate, middle, or secondary  
7 school, that is responsible for ensuring student compliance with  
8 mandatory school immunization entrance requirements;

9 "Student" means any child or adult enrolled in any school or  
10 post-secondary school in the State.

11 **§325-B Hawaii immunization registry; establishment and**  
12 **purposes.** The department of health may establish and maintain  
13 an immunization information system to be designated as the  
14 Hawaii immunization registry. The purposes of the registry  
15 shall be to maintain a single statewide repository of  
16 immunization records to aid, coordinate, and help promote  
17 efficient and cost-effective screening, prevention, and control  
18 of vaccine preventable diseases, including pandemic influenza.

19 **§325-C Confidentiality and content of registry records.**

20 (a) All immunization records and reports made for the purposes  
21 of this part and directly or indirectly identifying a person

1 shall be kept confidential and shall not be disclosed by any  
2 person unless:

3 (1) The person identified, the person's legal guardian, or  
4 in the case of a minor, the minor's parent or legal  
5 guardian, consents;

6 (2) Disclosure is deemed necessary by the director of  
7 health to carry out this chapter;

8 (3) A court directs upon its determination that disclosure  
9 is necessary for the conduct of proceedings before it;

10 (4) The disclosure is made between the person's health care  
11 provider and payor to obtain reimbursement for  
12 services rendered to the person; provided that  
13 disclosure shall be made only if the provider informs  
14 the person that a reimbursement claim will be made to  
15 the person's payor, the person is afforded an  
16 opportunity to pay the reimbursement directly, and the  
17 person does not pay; or

18 (5) The department of health releases aggregate  
19 immunization information that does not disclose any  
20 identifying information of persons whose information  
21 is maintained in the registry.

1 (b) Registry information shall be limited to patient name,  
2 demographic information, and contact information; information  
3 specific to immunizations or medications received by the  
4 patient, including types, manufacturers, lot numbers, expiration  
5 dates, anatomical sites of administration, routes of  
6 administration, vaccine information statement publication dates,  
7 doses, dates administered, and adverse reactions to  
8 immunizations or medications; and the name and contact  
9 information of the vaccination administrator or medication  
10 provider, and the patient's health care provider.

11 (c) The department of health shall adopt measures to  
12 assure the security of the registry to prevent unauthorized  
13 access to registry information.

14 **§325-D Purposes for access to registry information; access**  
15 **not a disclosure.** (a) Notwithstanding section 325-C, it shall  
16 not be a disclosure for the persons listed in subsections (b),  
17 (c), and (d) to have limited access to registry information for  
18 the purposes specified in this section.

19 (b) Registry information regarding specific individuals in  
20 the registry may be accessed by health care providers who are  
21 treating, have treated, or have been assigned to treat those  
22 individuals; by employees of these health care providers; and by

1 authorized department of health personnel assigned to monitor  
2 the immunization or health status of these individuals for the  
3 purposes of:

- 4 (1) Recording the administration of any vaccination,  
5 including pandemic influenza vaccine;
- 6 (2) Determining the immunization history of a patient to  
7 deliver health care treatment accordingly;
- 8 (3) Notifying individuals or parents or legal guardians of  
9 the need to schedule a visit for an immunization;
- 10 (4) Generating official immunization records;
- 11 (5) Ensuring compliance with mandatory immunization  
12 requirements; or
- 13 (6) Recording the distribution of prophylactic and  
14 treatment medications administered or dispensed in  
15 preparation for and response to a potentially  
16 catastrophic disease threat.

17 (c) Registry information regarding specific individuals in  
18 the registry may be accessed by school and post-secondary school  
19 personnel authorized by the director of health, the  
20 superintendent of education, or the administrator of a private  
21 or post-secondary school for the purpose of ensuring compliance  
22 with mandatory student immunization requirements.

1 (d) Registry information regarding specific individuals in  
2 the registry may be accessed by the department of health or  
3 agents of the department of health for the purposes of:

4 (1) Ensuring compliance with mandatory immunization  
5 requirements;

6 (2) Performing immunization-related quality improvement or  
7 quality assessment activities;

8 (3) Complying with Hawaii vaccines for children and teen  
9 vax program vaccine accountability policies and  
10 procedures;

11 (4) Producing aggregate immunization assessment reports to  
12 monitor and improve public health;

13 (5) Supporting efforts to prevent and manage outbreaks of  
14 vaccine preventable diseases, including pandemic  
15 influenza;

16 (6) Assisting the department of health in the event of a  
17 public health emergency; or

18 (7) Managing and maintaining the Hawaii immunization  
19 registry system.

20 (e) The use of registry information accessed pursuant to  
21 this section shall be limited to the purposes for which access  
22 is granted.

1           **§325-E Registry record requirements; duration of**  
2 **retention.** (a) The establishment of an individual's record in  
3 the registry shall not require the prior consent of a patient,  
4 or in the case of a minor or dependent, the consent of a parent  
5 or legal guardian. The department of health shall make  
6 available to the patient, or in the case of a minor or  
7 dependent, the patient's parent or legal guardian, via the  
8 patient's health care provider or birthing hospital, a written  
9 description of the purpose and benefits of the registry as well  
10 as the procedure for refusing inclusion in the registry. No  
11 registry information shall be established in the registry for  
12 any individual who refuses, or in the case of a minor or  
13 dependent, whose parent or legal guardian refuses, in writing,  
14 to allow their information or information of their child,  
15 dependent, or ward to be included in the registry. Each health  
16 care provider or birthing hospital shall maintain the records of  
17 refusal of inclusion and shall report any refusal to the  
18 department of health in a manner specified by rule.

19           (b) Registry information for any individual included  
20 within the registry shall be retained as a part of the registry  
21 for twenty-five years after the last entry, except in the case

1 of minors, whose records shall be retained during the period of  
2 minority plus twenty-five years after the minor reaches the age  
3 of majority. At the conclusion of the retention period, the  
4 data stored in the registry for that individual shall be  
5 archived.

6 **§325-F Civil and criminal liability.** (a) Authorized  
7 users of the registry shall not be subject to civil liability  
8 for damages by reason of:

9 (1) Providing information to the registry in good faith;

10 or

11 (2) Accessing and using information from the registry in  
12 good faith for the purposes specified in section 325-  
13 D.

14 (b) Any person who intentionally or knowingly discloses  
15 registry information contrary to the confidentiality provisions  
16 of this part shall be guilty of a misdemeanor."

17 SECTION 2. Section 325-13, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§325-13 [Regulations.] Rules.** (a) For the purposes of  
20 carrying out this chapter, the director of health, with the  
21 approval of the governor, may [~~make such regulations~~] adopt,  
22 amend, or repeal such rules as the director deems necessary



1 which, when adopted in accordance with [~~section 321-10,~~] chapter  
2 91, shall have the force and effect of law.

3 (b) The rules shall be designed to:

4 (1) Protect the health and safety of the public;

5 (2) Establish appropriate levels of access to Hawaii  
6 immunization registry information by authorized users;

7 (3) Establish data entry and reporting requirements for  
8 health care providers; and

9 (4) Establish penalties for the failure to comply with any  
10 rule."

11 SECTION 3. In codifying the new sections in the new part  
12 added to chapter 325, Hawaii Revised Statutes, by section 1 of  
13 this Act, the revisor of statutes shall substitute appropriate  
14 section numbers for the letters used in designating and  
15 referring to the new sections in this Act.

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

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

19

**Report Title:**

Immunization

**Description:**

Authorizes the Department of Health to establish and maintain a single repository of immunization records to be designated as the "Hawaii Immunization Registry" in order to aid, coordinate, and help promote efficient and cost-effective screening, prevention, and control of vaccine preventable diseases, including pandemic influenza. (SD1)

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