
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, or
7 health care center; physician licensed under the provisions of
8 chapter 453; advanced practice registered nurse recognized under
9 the provisions of chapter 457; pharmacist licensed under the
10 provisions of chapter 461; physician's assistant licensed under
11 the provisions of chapter 453; or person authorized to practice
12 medicine as a physician or physician's assistant, or nursing as
13 an advanced practice registered nurse in a federal facility that
14 administers immunizations and is located in the state;

15 "Post-secondary school" means any adult education school,
16 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" and serve as a single statewide
15 repository of immunization records to aid, coordinate, and help
16 promote efficient and cost-effective screening, prevention, and
17 control of vaccine preventable diseases, including pandemic
18 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 except so far as:

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

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

8 (3) A court may direct that disclosure is necessary for
9 the conduct of proceedings before it;

10 (4) Disclosures are 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 may release aggregate
19 immunization information that does not disclose any
20 identifying information of persons whose information
21 is maintained in the registry.

22 (b) Registry information shall be limited to:



- 1 (1) Patient name, demographic, and contact information;
- 2 (2) Information specific to immunizations or medications
- 3 received, including types, manufacturers, lot numbers,
- 4 expiration dates, anatomical sites of administration,
- 5 routes of administration, vaccine information
- 6 statement publication dates, doses, dates
- 7 administered, and adverse reactions to immunizations
- 8 or medications; and
- 9 (3) The name and contact information of the vaccination
- 10 administrator or medication provider, and the patient's
- 11 health care provider.
- 12 (c) The department of health shall adopt measures to
- 13 assure the security of the registry to prevent unauthorized
- 14 access to registry information.
- 15 **§325-D Purposes for access to registry information; access**
- 16 **not a disclosure.** (a) Notwithstanding section 325-C, it shall
- 17 not be a disclosure for the persons listed below to have limited
- 18 access to registry information for the purposes specified in
- 19 this section.



1 (b) Registry information regarding specific individuals in
2 the registry may be accessed by:

3 (1) Health care providers who are treating, have treated,
4 or have been assigned to treat those individuals;

5 (2) Employees of these health care providers; and

6 (3) Authorized department of health personnel assigned to
7 monitor the immunization or health status of these
8 individuals for the purposes of:

9 (A) Recording the administration of any vaccination,
10 including pandemic influenza vaccine;

11 (B) Determining the immunization history of a patient
12 to deliver health care treatment accordingly;

13 (C) Notifying individuals or parents or legal
14 guardians of the need to schedule a visit for an
15 immunization;

16 (D) Generating official immunization records;

17 (E) Ensuring compliance with mandatory immunization
18 requirements; or

19 (F) Recording the distribution of prophylactic and
20 treatment medications administered or dispensed
21 in preparation for and response to a potentially
22 catastrophic disease threat.



1 (c) Registry information regarding specific individuals in
2 the registry may be accessed by school and post-secondary school
3 personnel authorized by the director of health, the
4 superintendent of education, or the administrator of a private
5 or post-secondary school for the purpose of ensuring compliance
6 with mandatory student immunization requirements.

7 (d) Registry information regarding specific individuals in
8 the registry may be accessed by the department of health or
9 agents of the department of health for the purposes of:

- 10 (1) Ensuring compliance with mandatory immunization
11 requirements;
- 12 (2) Performing immunization-related quality improvement or
13 quality assessment activities;
- 14 (3) Complying with Hawaii vaccines for children/teen vax
15 program vaccine accountability policies and
16 procedures;
- 17 (4) Producing aggregate immunization assessment reports to
18 monitor and improve public health;
- 19 (5) Supporting efforts to prevent and manage outbreaks of
20 vaccine preventable diseases, including pandemic
21 influenza;



1 (6) Assisting the department of health in the event of a
2 public health emergency; or

3 (7) Managing and maintaining the Hawaii immunization
4 registry system.

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

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



1 refusal of inclusion and shall report any refusal to the
2 department of health in a manner specified by rule.

3 (b) Registry information for any individual included
4 within the registry shall be retained as a part of the registry
5 for twenty-five years after the last entry, except in the case
6 of minors, whose records shall be retained during the period of
7 minority plus twenty-five years after the minor reaches the age
8 of majority. At the conclusion of the retention period, the
9 data stored in the registry for that individual shall be
10 archived.

11 **§325-F Civil and criminal liability.** (a) Authorized
12 users of the registry shall not be subject to civil liability
13 for damages by reason of:

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

15 or

16 (2) Accessing and using information from the registry in
17 good faith for the purposes specified in section 325-
18 D.

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



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

3 "§325-13 [~~Regulations~~] Rules. (a) For the purposes of
4 carrying out this chapter, the director of health, with the
5 approval of the governor, may [~~make such regulations~~] adopt,
6 amend, or repeal such rules as the director deems necessary
7 which, when adopted in accordance with [~~section 321-10,~~] chapter
8 91, shall have the force and effect of law.

9 (b) The rules shall be designed to:

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

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

13 (3) Establish data entry and reporting requirements for
14 health care providers; and

15 (4) Establish penalties for the failure to comply with any
16 rule."

17 SECTION 3. In codifying the new sections in the new part
18 added to chapter 325, Hawaii Revised Statutes, by section 1 of
19 this Act, the revisor of statutes shall substitute appropriate
20 section numbers for the letters used in designating and
21 referring to the new sections in this Act.



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

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on July 1, 2020.



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. Effective July 1, 2020. (HB2576 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

