



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

GOV. MSG. NO. 1334

June 27, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

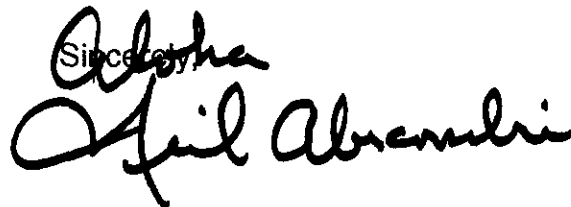
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 27, 2013, the following bill was signed into law:

SB1138 HD1

RELATING TO VACCINATION GUIDELINES
ACT 231 (13)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUN 27 2013

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

ACT 231

S.B. NO. 1138
H.D. 1

A BILL FOR AN ACT

RELATING TO VACCINATION GUIDELINES.

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

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

8 The purpose of this Act is to provide the department of
9 health with the authority to ensure that vaccinations required
10 in Hawaii, and the manner and frequency of their administration,
11 conform with recognized standard medical practices.

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

14 "**§302A-1162 Rules.** (a) The department of health shall
15 adopt rules under chapter 91 relating to immunization, physical
16 examination, and tuberculin testing under sections 302A-1154 to
17 302A-1163. Immunizations required, and the manner and frequency
18 of their administration, shall conform with recognized standard
SB1138 HD1 HMS 2013-2831



1 medical practices. The list of diseases and minimum
2 requirements for protection under sections 302A-1154 to 302A-
3 1163 may be revised whenever the department of health deems it
4 necessary for the protection of public health.

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

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



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

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

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

12 "**§325-32 Immunization against infectious diseases.** (a)
13 The department of health may adopt rules requiring and governing
14 immunization against typhoid fever, pertussis (whooping cough),
15 diphtheria, tetanus, poliomyelitis, measles, mumps, hepatitis B,
16 rubella, haemophilus influenzae type B, and any other
17 communicable disease, if a suitable immunizing agent is
18 available for the disease and a need for immunization against it
19 exists within the State. The department may also provide
20 vaccines and other immunizing agents to private and public
21 health care providers for administration to the general public.



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

16 (1) Giving public notice of the substance of the proposed
17 rules at least once statewide; and

18 (2) Posting the full text of the proposed rulemaking
19 action on the Internet as provided in section 91-2.6.

20 The rules, when adopted or amended pursuant to chapter 91 as
21 modified by this section, shall have the force and effect of
22 law. The department may defer the effective date of adopted,



1 amended, or repealed rules to allow sufficient time to ensure
2 compliance with the new, amended, or repealed rules."

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

6 SECTION 5. New statutory material is underscored.

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

APPROVED this 27 day of JUN, 2013



GOVERNOR OF THE STATE OF HAWAII