
A BILL FOR AN ACT

RELATING TO VACCINATIONS AND CONSCIENTIOUS OBJECTORS.

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

1 SECTION 1. The legislature finds that vaccines are said to
2 reduce the risk of ill health, chronic diseases and viruses by
3 augmenting a person's immune system, further assisting the
4 body's natural defenses, and helping to establish immunity
5 against certain ailments. While vaccines may be safe and
6 effective for many individuals, like all prescription
7 medications, vaccines may also carry, in some unique cases, the
8 real risk of permanent injury or death. There are genetic,
9 biological, and environmental risk factors rendering some people
10 more susceptible to adverse reactions thus doctors still cannot
11 conclusively predict who may be harmed. Vaccination continues
12 to be encouraged for all people equally, and it is even a
13 prerequisite for certain activities, including enrolling youth
14 into schools as well as numerous employers.

15 The current state law permits individuals to object to
16 vaccines for medical and religious reasons. However, some
17 individuals may object to one, some, or all vaccines solely on



1 conscientious grounds. Taking into consideration the
2 information found within all vaccine manufacturer's package
3 inserts, including vaccine ingredients, the manufacturer's
4 acknowledgement of severe or adverse reactions, and the
5 statement accompanying all vaccines that the vaccine "has not
6 been evaluated for its carcinogenic or mutagenic potential or
7 impairment of infertility", it is imperative that individuals be
8 given the freedom and right to opt out. Parents and guardians
9 of minors, as well as all non-minors should be entitled to the
10 basic right and freedom to make an independent, rational and
11 well-informed decisions when it comes to deciding on which
12 vaccines to choose for themselves and their minors, taking into
13 consideration all the risks factors already well documented,
14 based solely on moral conscience alone.

15 The legislature finds that informed consent to medical
16 risk-taking has been the central ethical principle guiding
17 modern medicine since the Nuremberg code was issued by the
18 Nuremberg tribunal after World War II. Implicit to the concept
19 of informed consent is the right to decline consent, or in the
20 case of vaccination laws, the right to exercise a philosophical
21 or conscientious objection to the mandatory use of one or more



1 vaccines. Conscientious exemption to vaccines should be allowed
2 without penalty, exclusion or harassment. Currently, nearly
3 twenty states allow for a conscientious exemption to mandatory
4 vaccination. This Act will allow Hawaii to join with those
5 states protecting the ethical principle of informed consent as
6 well as the fundamental human right to bodily sovereignty.

7 The purpose of this Act is to allow conscientious beliefs
8 as sufficient grounds for exemption to any vaccination and
9 immunization requirements in the State.

10 SECTION 2. Section 302A-1156, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§302A-1156 Exemptions. A child may be exempted from the
13 required immunizations:

14 (1) If a licensed physician, physician assistant, licensed
15 naturopathic physician, or advanced practice
16 registered nurse certifies that the physical condition
17 of the child is such that immunizations [~~would~~] could
18 endanger the child's life or health; or

19 (2) If any parent, custodian, guardian, or any other
20 person in loco parentis to a child objects to
21 immunization in writing on the grounds that the



1 immunization conflicts with that person's [~~bona-fide~~
 2 sincere religious [~~tenets and practices~~] or
 3 conscientious beliefs. Upon showing the appropriate
 4 school official [~~satisfactory evidence of the~~
 5 ~~exemption,~~] a statement of religious or conscientious
 6 exemption, no certificate or other evidence of
 7 immunization shall be required for entry into school."

8 SECTION 3. Section 302A-1157, Hawaii Revised Statutes, is
 9 amended to read as follows:

10 "[~~+~~]§302A-1157[~~+~~] Exemptions from immunization; [~~not~~
 11 ~~recognized,~~] epidemic conditions. If at any time [~~there is~~], in
 12 the opinion of the department of health, there is a danger of an
 13 epidemic from [~~any of the communicable diseases for~~] a
 14 communicable disease:

15 (1) For which immunization is required under sections
 16 302A-1154 to 302A-1163[~~, no exemption from immunization against~~
 17 ~~the disease shall be recognized. Quarantine shall be a legal~~
 18 ~~alternative to immunization.~~]

19 (2) That carries a risk of adverse health effects, or,

20 (3) For which the most commonly administered vaccine is
 21 not fully effective,



1 vaccinated and unvaccinated people may be quarantined in
2 accordance with Section 325-8."

3 SECTION 4. Section 325-8, Hawaii Revised Statutes, shall
4 be amended in subsection (b) to read as follows:

5 "(b) In implementing a quarantine, the dignity of the
6 individual quarantined shall be respected at all times and to
7 the greatest extent possible, consistent with the objective of
8 preventing or limiting the transmission of the disease to
9 others. The needs of individuals quarantined shall be addressed,
10 in as systematic and competent a fashion as is reasonable under
11 the circumstances. To the greatest extent possible, the
12 premises in which individuals are quarantined shall be
13 maintained in a safe and hygienic manner, designed to minimize
14 the likelihood of further transmission of infection or other
15 harm to individuals subject to quarantine. Adequate food,
16 clothing, medication, and other necessities, access to counsel,
17 means of communication with those in and outside these settings,
18 and competent medical care shall be provided to the person
19 quarantined.

20 To the greatest extent possible, cultural and religious
21 beliefs shall be considered in addressing the needs of



1 quarantined individuals. The department may establish and
2 maintain places of quarantine and quarantine any individual by
3 the least restrictive means necessary to protect the public
4 health[-]; provided that the first option for quarantine of an
5 individual shall be quarantine in that individual's home.

6 The department shall take all reasonable means to prevent
7 the transmission of infection between or among quarantined
8 individuals. The quarantine of any individual shall be
9 terminated when the director determines that the quarantine of
10 that individual is no longer necessary to protect the public
11 health."

12 SECTION 5. Section 325-34, Hawaii Revised Statutes, is
13 amended to read as follows:"

14 "**§325-34 Exemptions.** (a) Section 325-32 shall be
15 construed not to require the vaccination or immunization of any
16 person [~~for three months~~] after a duly licensed physician,
17 physician assistant, licensed naturopathic physician, advanced
18 practice registered nurse, or an authorized representative of
19 the department of health has signed two copies of a
20 [~~certificate~~] letter stating the name and address of the person
21 and that [~~because of a stated cause the health of the person~~



1 ~~would be endangered by the vaccination or immunization,~~ the
2 person shall not be subject to immunization requirements because
3 the vaccine could pose undue risks to their health, and has
4 forwarded the original copy of the [certificate] letter to the
5 person or, if the person is a minor or under guardianship, to
6 the person's parent or guardian[~~, and has forwarded the~~
7 ~~duplicate copy of the certificate to the department for its~~
8 ~~files.]~~

9 (b) No person shall be subjected to vaccination,
10 revaccination, or immunization, who shall in writing object
11 thereto on the grounds that the requirements [are not in
12 ~~accordance with the religious tenets of an established church of~~
13 ~~which the person is a member or adherent,~~ conflict with their
14 sincere religious or conscientious beliefs, or[~~]~~ if the person
15 is a minor or under guardianship, whose parent or guardian shall
16 in writing object [thereto on such grounds, but no objection
17 ~~shall be recognized when, in the opinion of the director of~~
18 ~~health, there is danger of an epidemic from any communicable~~
19 ~~disease.]~~ vaccination, revaccination, or immunization on
20 those grounds."



H.B. NO. 1182

1 SECTION 6. Statutory material to be repealed is bracketed
 2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

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JAN 23 2019



H.B. NO. 1182

Report Title:

Vaccinations; Immunization; Exemptions; Licensed Naturopathic Physicians

Description:

Authorizes conscientious beliefs as a basis for exemption from vaccination and immunization requirements. Authorizes licensed naturopathic physicians to certify exemption from immunization requirements. Requires that the first option for quarantine of an individual be quarantined inside that individual's residence.

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