

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO MEDICAL AUTONOMY.

**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 infection by working with the body's natural  
3 defenses to develop immunity to certain diseases. While  
4 vaccines may be safe and effective for many individuals, like  
5 all pharmaceutical products, they may also carry risk of injury,  
6 death, and failure to prevent infection in others. Vaccination,  
7 however, continues to be encouraged for all people and is  
8 required for child daycare, school enrollment, and employment at  
9 specific jobs.

10           The legislature further finds that individuals may object  
11 to vaccines for medical and religious reasons. Additionally,  
12 some individuals may object to one, some, or all vaccines based  
13 on moral conscientious alone. After consideration of family and  
14 individual medical histories, vaccine ingredients, potential  
15 adverse reactions listed in the manufacturer's package inserts,  
16 and the universal statement that such vaccine "has not been  
17 evaluated for its carcinogenic or mutagenic potential or



1 impairment of infertility", individuals and parents of minor  
2 children should have the freedom to make an informed and  
3 voluntary risk-benefit decision.

4 Informed consent to medical risk-taking has been the  
5 central ethical principle guiding modern medicine since the  
6 Nuremberg code was issued by the Nuremberg tribunal after World  
7 War II. Implicit to the concept of informed consent is the  
8 right to decline consent or, in the case of vaccination laws,  
9 the right to exercise a conscientious exemption to the mandatory  
10 use of one or more vaccines without penalty, exclusion, or  
11 harassment. Currently, nearly twenty states allow for a  
12 conscientious exemption to mandatory vaccination. This Act  
13 would allow Hawaii to join with those states protecting the  
14 fundamental human right to bodily sovereignty and medical  
15 autonomy.

16 The purpose of this Act is to allow conscientious beliefs  
17 as sufficient grounds for exemption to any vaccination  
18 requirements in the State.

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



1           "§302A-1156 Exemptions. A child may be exempted from the  
2 required [~~immunizations~~] vaccination:

3           (1) If a licensed physician, physician assistant, or  
4 advanced practice registered nurse certifies that the  
5 physical condition of the child is such that  
6 [~~immunizations would~~] the administration of one or any  
7 combination of vaccinations could endanger the child's  
8 life or health; or

9           (2) If any parent, custodian, guardian, or any other  
10 person in loco parentis to a child objects to  
11 [~~immunization~~] vaccination in writing on the grounds  
12 that the [~~immunization~~] vaccination conflicts with  
13 that person's [~~bona fide~~] sincere religious [~~tenets~~  
14 ~~and practices~~] or conscientious beliefs. Upon  
15 showing the appropriate school official [~~satisfactory~~  
16 ~~evidence of the exemption~~], the statement of religious  
17 or conscientious exemption, no certificate or other  
18 evidence of [~~immunization~~] vaccination shall be  
19 required for entry into school."

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



1 " ~~[+]§302A-1157 [.]~~ Exemptions from ~~[immunization; not~~  
 2 ~~recognized;]~~ vaccination; epidemic conditions. If at any time  
 3 ~~[there is]~~, in the opinion of the department of health, there is  
 4 danger of an epidemic from ~~[any of the]~~ a communicable ~~[diseases~~  
 5 ~~for]~~ disease:

6 (1) For which [immunization] vaccination is required under  
 7 sections 302A-1154 to 302A-1163 [no exemption from  
 8 immunization against the disease shall be recognized.  
 9 Quarantine shall be a legal alternative to  
 10 immunization.];

11 (2) That carries a risk of high morbidity or mortality; or

12 (3) The vaccine in use is not fully effective,  
 13 quarantine shall be a legal alternative to vaccination, and both  
 14 vaccinated and unvaccinated persons may be quarantined in the  
 15 least restrictive means necessary to protect public health;  
 16 provided that the first option for quarantine of an individual  
 17 shall be in that individual's legal place of residence."

18 SECTION 4. Section 325-34, Hawaii Revised Statutes, is  
 19 amended to read as follows:

20 "§325-34 Exemptions. (a) Section 325-32 shall be  
 21 construed not to require the vaccination ~~[or immunization]~~ of



1 any person [~~for three months~~] after a duly licensed physician,  
2 physician assistant, advanced practice registered nurse, or an  
3 authorized representative of the department of health has signed  
4 two copies of a certificate stating the name and address of the  
5 person and, that because of a stated cause the health of the  
6 person [~~would~~] could be endangered by the vaccination [~~or~~  
7 ~~immunization~~], and has forwarded the original copy of the  
8 certificate to the person or, if the person is a minor or under  
9 guardianship, to the person's parent or guardian, and has  
10 forwarded the duplicate copy of the certificate to the  
11 department for its files.

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



# S.B. NO. 2270

1 epidemic from any communicable, vaccine targeted disease[-] that  
 2 carries a risk of high morbidity or mortality, or the vaccine in  
 3 use is not fully effective, quarantine shall be a legal  
 4 alternative to vaccination, and both vaccinated and unvaccinated  
 5 persons may be quarantined in the least restrictive means  
 6 necessary to protect public health, with the first option being  
 7 in their homes."

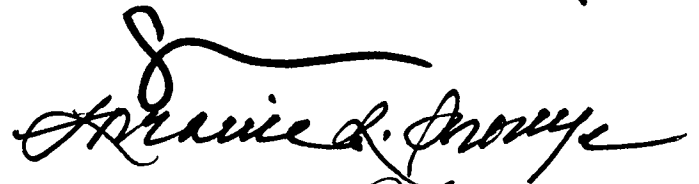

8 SECTION 5. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:





# S.B. NO. 2270

**Report Title:**

Vaccinations; Exemptions

**Description:**

Authorizes conscientious beliefs as a basis for exemption from vaccination requirements. Requires that the first option for quarantine of an individual be quarantined inside that individual's residence.

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

