

JAN 18 2019

A BILL FOR AN ACT

RELATING TO VACCINATION GUIDELINES.

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

1 SECTION 1. Section 302A-1162, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§302A-1162 Rules.** (a) The department of health shall
4 adopt rules under chapter 91 relating to immunization, physical
5 examination, and tuberculin testing under sections 302A-1154 to
6 302A-1163. Immunizations required, and the manner and frequency
7 of their administration, shall conform with recognized standard
8 medical practices. The list of diseases and minimum
9 requirements for protection under sections 302A-1154 to 302A-
10 1163 may be revised whenever the department of health deems it
11 necessary for the protection of public health.

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

15 ~~[(c) The department may adopt, amend, or repeal rules~~
16 ~~pursuant to chapter 91 to establish a list of specific vaccines~~
17 ~~that are available or may become available. Notwithstanding the~~



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

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

17 ~~The rules, when adopted, amended, or repealed pursuant to~~
18 ~~chapter 91 as modified by this section, shall have the force and~~
19 ~~effect of law. The department may defer the effective date of~~
20 ~~adopted, amended, or repealed rules to allow sufficient time to~~
21 ~~ensure compliance with the new, amended, or repealed rules.] "~~



1 SECTION 2. Section 325-32, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§325-32 Immunization against infectious diseases. [(a)]
4 The department of health may adopt rules requiring and governing
5 immunization against typhoid fever, pertussis (whooping cough),
6 diphtheria, tetanus, poliomyelitis, measles, mumps, hepatitis B,
7 rubella, haemophilus influenzae type B, and any other
8 communicable disease, if a suitable immunizing agent is
9 available for the disease and a need for immunization against it
10 exists within the State. The department may also provide
11 vaccines and other immunizing agents to private and public
12 health care providers for administration to the general public.

13 ~~[(b) The department may adopt, amend, or repeal rules~~
14 ~~pursuant to chapter 91 to establish a list of specific vaccines~~
15 ~~that are available or may become available. Notwithstanding the~~
16 ~~notice, public hearing, and comment requirements of chapter 91~~
17 ~~and the provisions of chapter 201M, the director of health, in~~
18 ~~consultation with the state epidemiologist, may adopt, amend, or~~
19 ~~repeal as rules, the immunization recommendations of the United~~
20 ~~States Department of Health and Human Services, Advisory~~
21 ~~Committee on Immunization Practices, including interim~~



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1 ~~recommendations, as they apply to the list of specific vaccines,~~
 2 ~~if any, described in this subsection. The department shall make~~
 3 ~~the adoption, amendment, or repeal of rules regarding United~~
 4 ~~States Department of Health and Human Services, Advisory~~
 5 ~~Committee on Immunization Practices immunization recommendations~~
 6 ~~known to the public by:~~

7 (1) ~~Giving public notice of the substance of the proposed~~
 8 ~~rules at least once statewide; and~~

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

11 ~~The rules, when adopted or amended pursuant to chapter 91 as~~
 12 ~~modified by this section, shall have the force and effect of~~
 13 ~~law. The department may defer the effective date of adopted,~~
 14 ~~amended, or repealed rules to allow sufficient time to ensure~~
 15 ~~compliance with the new, amended, or repealed rules.] "~~

16 SECTION 3. Statutory material to be repealed is bracketed
 17 and stricken.

18 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



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S.B. NO. 925

Report Title:

Vaccination Guidelines; Department of Health; Rulemaking; Repeal

Description:

Repeals the authority of the Department of Health to adopt, amend, or repeal rules to establish a list of specific vaccines and the immunization recommendations of the United States Department of Health and Human Services, Advisory Committee on Immunization Practices.

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

