
A BILL FOR AN ACT

RELATING TO NON-MEDICAL EXEMPTIONS TO IMMUNIZATION REQUIREMENTS.

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

1 SECTION 1. The legislature finds that school entry
2 immunization requirements have been shown to be effective in
3 improving immunization coverage rates. Based on decades of
4 strong evidence of effectiveness, the United States Department
5 of Health and Human Services Task Force on Community Preventive
6 Services recommended the continued implementation of school
7 immunization requirements as a means of increasing immunization
8 coverage, thereby reducing disease incidence. When ninety-five
9 per cent of individuals in a community are immunized, those
10 persons serve as a protective barrier against the likelihood of
11 transmission of vaccine-preventable diseases in the community.
12 This occurrence is referred to as "herd immunity".

13 High immunization rates at schools are especially important
14 for medically fragile children. Some children have conditions
15 that affect their immunity, such as illnesses that require
16 chemotherapy. These children cannot be safely immunized, and,
17 at the same time, they are less able to fight off illness when



1 they are infected. They depend on herd immunity for their
2 health and their lives. In Hawaii for the 2023-2024 school
3 year, two hundred ninety-six students had a medical exemption
4 from immunization; they were unable to get immunized due to a
5 medical condition and relied on herd immunity to attend school
6 safely.

7 The legislature further finds that decreasing immunization
8 coverage due to non-medical exemptions increases the risk for
9 vaccine-preventable disease outbreaks that can be fatal to
10 children. In Hawaii for the 2015-2016 school year, the rate of
11 non-medical immunization exemption was 2.5 per cent. The rate
12 of non-medical immunization exemption more than doubled to 5.3
13 per cent for the 2023-2024 school year. The rate of non-medical
14 exemptions varied by school with fifty-five of the three hundred
15 eighty-two schools that reported for school year 2023-2024
16 having a non-medical immunization exemption rate greater than
17 ten per cent.

18 The legislature finds that since the health and safety of
19 Hawaii's keiki are paramount, the State has a compelling
20 interest in protecting the public against deadly diseases
21 considering an increasing trend in non-medical immunization



1 exemptions, while honoring certain non-medical exemptions that
2 previously have been approved.

3 Accordingly, the purpose of this Act is to improve the
4 health and safety of school-aged children by minimizing
5 exemptions from school immunization requirements.

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

8 **"§302A-1156 Exemptions.** (a) A child ~~[may]~~ shall be
9 exempted from the required immunizations[÷

10 ~~(1)~~ ~~If]~~ if a licensed physician, physician assistant, or
11 advanced practice registered nurse certifies that the
12 physical condition of the child is such that
13 immunizations would endanger the child's life or
14 health[; ~~or~~

15 ~~(2)~~ ~~If any parent, custodian, guardian, or any other~~
16 ~~person in loco parentis to a child objects to~~
17 ~~immunization in writing on the grounds that the~~
18 ~~immunization conflicts with that person's bona fide~~
19 ~~religious tenets and practices. Upon showing the~~
20 ~~appropriate school official satisfactory evidence of~~



~~the exemption, no certificate or other evidence of
immunization shall be required for entry into school].~~

(b) Any child attending school who had an approved
religious exemption from required immunizations for the 2024-
2025 school year shall be permitted to remain exempt while
continuing to attend school in Hawaii.

(c) This section does not prohibit a pupil who qualifies
for an individualized education action program pursuant to
federal and state law, from accessing any special education and
related services required by their individualized education
program."

SECTION 3. Section 321-11, Hawaii Revised Statutes, is
amended to read as follows:

"§321-11 Subjects of health rules, generally. The
department of health pursuant to chapter 91 may adopt rules that
it deems necessary for the public health and safety respecting:

- (1) Nuisances, foul or noxious odors, gases, vapors,
waters in which mosquitoes breed or may breed, sources
of filth, and causes of sickness or disease, within
the respective districts of the State, and on board
any vessel;



- 1 (2) Adulteration and misbranding of food or drugs;
- 2 (3) Location, air space, ventilation, sanitation,
- 3 drainage, sewage disposal, and other health conditions
- 4 of buildings, courts, construction projects,
- 5 excavations, pools, watercourses, areas, and alleys.
- 6 For purposes of this paragraph, "pool" means a
- 7 watertight artificial structure containing a body of
- 8 water that does not exchange water with any other body
- 9 of water, either naturally or mechanically, and is
- 10 used for swimming, diving, recreational bathing, or
- 11 therapy by humans;
- 12 (4) Privy vaults and cesspools;
- 13 (5) Fish and fishing;
- 14 (6) Interments and dead bodies;
- 15 (7) Disinterments of dead human bodies, including the
- 16 exposing, disturbing, or removing of these bodies from
- 17 their place of burial, or the opening, removing, or
- 18 disturbing after due interment of any receptacle,
- 19 coffin, or container holding human remains or a dead
- 20 human body or a part thereof and the issuance and



1 terms of permits for the aforesaid disinterments of
2 dead human bodies;

3 (8) Cemeteries and burying grounds;

4 (9) Laundries, and the laundering, sanitation, and
5 sterilization of articles including linen and uniforms
6 used by or in the following businesses and
7 professions: barber shops, manicure shops, beauty
8 parlors, electrology shops, restaurants, soda
9 fountains, hotels, rooming and boarding houses,
10 bakeries, butcher shops, public bathhouses, midwives,
11 masseurs, and others in similar calling, public or
12 private hospitals, and canneries and bottling works
13 where foods or beverages are canned or bottled for
14 public consumption or sale; provided that nothing in
15 this chapter shall be construed as authorizing the
16 prohibiting of laundering, sanitation, and
17 sterilization by those conducting any of these
18 businesses or professions where the laundering or
19 sterilization is done in an efficient and sanitary
20 manner;



- 1 (10) Hospitals, freestanding surgical outpatient
2 facilities, skilled nursing facilities, intermediate
3 care facilities, adult residential care homes, adult
4 foster homes, assisted living facilities, special
5 treatment facilities and programs, home health
6 agencies, home care agencies, hospices, freestanding
7 birthing facilities, adult day health centers,
8 independent group residences, and therapeutic living
9 programs, but excluding youth shelter facilities
10 unless clinical treatment of mental, emotional, or
11 physical disease or handicap is a part of the routine
12 program or constitutes the main purpose of the
13 facility, as defined in section 346-16 under "child
14 caring institution". For the purpose of this
15 paragraph, "adult foster home" has the same meaning as
16 provided in section 321-11.2;
- 17 (11) Hotels, rooming houses, lodging houses, apartment
18 houses, tenements, and residences for persons with
19 developmental disabilities including those built under
20 federal funding;
- 21 (12) Laboratories;



1 (13) Any place or building where noisome or noxious trades
2 or manufacturing is carried on, or intended to be
3 carried on;

4 (14) Milk;

5 (15) Poisons and hazardous substances, the latter term
6 including any substance or mixture of substances that:

7 (A) Is corrosive;

8 (B) Is an irritant;

9 (C) Is a strong sensitizer;

10 (D) Is inflammable; or

11 (E) Generates pressure through decomposition, heat,
12 or other means,

13 if the substance or mixture of substances may cause
14 substantial personal injury or substantial illness
15 during or as a proximate result of any customary or
16 reasonably foreseeable handling or use, including
17 reasonably foreseeable ingestion by children;

18 (16) Pig and duck ranches;

19 (17) Places of business, industry, employment, and
20 commerce, and the processes, materials, tools,
21 machinery, and methods of work done therein; and



1 places of public gathering, recreation, or
2 entertainment;

3 (18) Any restaurant, theater, market, stand, shop, store,
4 factory, building, wagon, vehicle, or place where any
5 food, drug, or cosmetic is manufactured, compounded,
6 processed, extracted, prepared, stored, distributed,
7 sold, offered for sale, or offered for human
8 consumption or use;

9 (19) Foods, drugs, and cosmetics, and the manufacture,
10 compounding, processing, extracting, preparing,
11 storing, selling, and offering for sale, consumption,
12 or use of any food, drug, or cosmetic;

13 (20) Device as defined in section 328-1;

14 (21) Sources of ionizing radiation;

15 (22) Medical examination, vaccination, revaccination, and
16 immunization of school children[~~-. No child shall be~~
17 ~~subjected to medical examination, vaccination,~~
18 ~~revaccination, or immunization, whose parent or~~
19 ~~guardian objects in writing thereto on grounds that~~
20 ~~the requirements are not in accordance with the~~
21 ~~religious tenets of an established church of which the~~



~~parent or guardian is a member or adherent, but no
objection shall be recognized when, in the opinion of
the department, there is danger of an epidemic from
any communicable disease];~~

(23) Disinsectization of aircraft entering or within the
State as may be necessary to prevent the introduction,
transmission, or spread of disease or the introduction
or spread of any insect or other vector of
significance to health;

(24) Fumigation, including the process by which substances
emit or liberate gases, fumes, or vapors that may be
used for the destruction or control of insects,
vermin, rodents, or other pests, which, in the opinion
of the department, may be lethal, poisonous, noxious,
or dangerous to human life;

(25) Ambulances and ambulance equipment;

(26) Development, review, approval, or disapproval of
management plans submitted pursuant to the Asbestos
Hazard Emergency Response Act of 1986, Public Law 99-
519; and



1 (27) Development, review, approval, or disapproval of an
2 accreditation program for specially trained persons
3 pursuant to the Residential Lead-Based Paint Hazard
4 Reduction Act of 1992, Public Law 102-550.

5 The department of health may require any certificates,
6 permits, or licenses that it may deem necessary to adequately
7 regulate the conditions or businesses referred to in this
8 section."

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

11 **"§325-34 Exemptions.** (a) Section 325-32 shall be
12 construed not to require the vaccination or immunization of any
13 person for three months after a duly licensed physician,
14 physician assistant, advanced practice registered nurse, or an
15 authorized representative of the department of health has signed
16 two copies of a certificate stating the name and address of the
17 person and that because of a stated cause the health of the
18 person would be endangered by the vaccination or immunization,
19 and has forwarded the original copy of the certificate to the
20 person or, if the person is a minor or under guardianship, to



1 the person's parent or guardian, and has forwarded the duplicate
2 copy of the certificate to the department for its files.

3 ~~[No]~~ (b) Except as required under section 302A-1154, no
4 person shall be subjected to vaccination, revaccination, or
5 immunization, who shall in writing object ~~[thereto]~~ on the
6 grounds that ~~[the requirements are not in accordance with the~~
7 ~~religious tenets of an established church of which the person is~~
8 ~~a member or adherent,]~~ immunization conflicts with the person's
9 bona fide religious tenets and practices, or, if the person is a
10 minor or under guardianship, whose parent or guardian shall in
11 writing object ~~[thereto]~~ on such grounds~~[, but]~~; provided that
12 no objection shall be recognized when, in the opinion of the
13 director of health, there is danger of an epidemic from any
14 communicable disease."

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

17 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Immunizations; Non-Medical Exemptions; Repeal

Description:

Prohibits new non-medical immunization exemptions for school-aged children. Effective 7/1/3000. (HD1)

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

