

A Bill for an Act Relating to Schools and Attendance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 298, Hawaii Revised Statutes is amended by adding a new part to be appropriately designated and to read:

“PART II. SCHOOL ENTRY EXAMINATION

Sec. 298- Definitions. As used in this part, “school” means any day care center, child care facility, headstart program, preschool, kindergarten, elementary, or secondary school, public or private, including any special school for children in the State.

Sec. 298- Immunization upon entering school; tuberculin test. (a) No child shall be admitted to any school for the first time in the State unless such child presents to the appropriate school official certification from a licensed physician stating that the child has received immunizations against communicable diseases as required by the department of health.

(b) No child shall be admitted to any school for the first time in the State unless such child presents to the appropriate school official certification from a licensed physician or other authorized personnel stating the child has received a tuberculin test or x-ray.

Sec. 298- Provisional entrance to school. (a) A child may enter school provisionally upon submitting written proof from a licensed physician or an authorized representative of the department of health stating that the child is in the process of receiving the required immunizations or tuberculin test. Further certification showing that the required immunizations and tuberculin test have been completed must be submitted to the appropriate school official no later than three months after the child first entered the school.

Sec. 298- Exemptions. A child may be exempted from the required immunizations:

- (1) If a licensed physician certifies that the physical condition of the child is such that immunizations would endanger his life or health; or
- (2) If any parent, custodian, guardian, or any other person in loco parentis to a child objects to immunization in writing on the grounds that such immunization conflicts with his bonafide religious tenets and practices.

Upon showing the appropriate school official satisfactory evidence of such exemption, no certificate or other evidence of immunization shall be required for entry into school.

Sec. 298- Exemptions from immunization; not recognized; epidemic conditions. If at any time there is, in the opinion of the department of health, danger of an epidemic from any of the communicable diseases for which immunization is required under this part, no exemption from immunization against such disease shall be recognized. Quarantine shall be a legal alternative to immunization.

Sec. 298- Immunization of indigent children. The department of health shall provide all immunizations and tuberculin tests to comply with this part, as far as public funds will permit, to each child whose parents, guardians, or custodians cannot afford to have the child immunized or tested for tuberculosis, and who have not been exempted under section 298-. Nothing in this section shall preclude the department of health from distributing immunizations and vaccines to physicians or other authorized persons as required by law or by the rules of the department of health.

Sec. 298- Physical examination required. No child shall be admitted to any school for the first time in the State unless such child presents to the appropriate school official a certification from a licensed physician stating that the child has undergone a physical examination. The physical examination shall be performed within a year of the date of entry into school. A child may enter school provisionally upon submitting written proof from a licensed physician or other authorized representative of the department of health stating that the child is in the process of undergoing a physical examination. Further certification showing that the required physical examination has been completed must be submitted to the appropriate school official no later than three months after the child first entered the school.

Sec. 298- Health certificates. The department of education shall provide health certificate forms for immunization and physical examination to the schools, private physicians, and authorized personnel of the department of health. Any immunization record signed by a licensed physician may be accepted by the appropriate school official as certification of immunization if the information is transferred to the health certificate form and verified by the appropriate school official.

Sec. 298- Notification for noncompliance. If a child does not complete his immunization and tuberculin requirement under section 298- or his physical examination requirement under section 298- within the three month period provided after provisional entry into school, the department of education shall refer the child to the department of health. The department of health shall cause a notice to be sent to the parent of the child stating that if the required immunizations, tuberculin test, or physical examination is not completed within thirty days of the date of the notice, the child shall not be admitted to school.

Sec. 298- Rules. The department of health shall adopt rules relating to immunization and tuberculin testing under this part. Immunizations required, and the manner and frequency of their administration shall conform with recognized standard medical practices. The list of diseases and minimum requirements for protection under this part may be revised whenever the department of health deems it necessary for the protection of public health.

Sec. 298- Enforcement. The department of health shall administer and enforce the immunization and tuberculin test requirements under this part.”

SECTION 2. The present chapter 298, sections 298-1 to 298-26, Hawaii Revised Statutes, shall be renumbered as “Part I: School Attendance, Generally.”

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SECTION 3. This Act shall take effect upon its approval.
(Approved May 25, 1974.)