

JAN 22 2016

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## A BILL FOR AN ACT

RELATING TO IMMUNIZATION PRACTICES.

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

1           SECTION 1. The legislature finds that the Advisory  
2 Committee on Immunization Practices is a group of medical and  
3 public health experts that develop recommendations on the use of  
4 vaccines in the civilian population of the United States. These  
5 recommendations are reviewed by the Centers for Disease Control  
6 Director and, if adopted, are published as official United  
7 States Department of Health and Human Services recommendations  
8 to assist states in the prevention and control of communicable  
9 diseases.

10           Given the potential for communicable diseases to spread  
11 rapidly, it is incumbent upon states to adopt the Department of  
12 Health and Human Services' recommendations as quickly as  
13 possible. The legislature therefore finds that the rapid  
14 adoption, amendment, or repeal of rules regarding the Department  
15 of Health and Human Services' immunization recommendations  
16 outweighs the public notice, hearing, and comment requirements



1 of the State's rulemaking procedures under chapter 91, Hawaii  
2 Revised Statutes.

3 The purpose of this Act is to exempt the department of  
4 health from the rulemaking process when adopting recommendations  
5 from the United States Department of Health and Human Services  
6 Advisory Committee on Immunization Practices and require the  
7 department to adopt the recommendations within ninety days.

8 SECTION 2. Section 325-32, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

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



1 adoption, amendment, or repeal of rules regarding United States  
2 Department of Health and Human Services, Advisory Committee on  
3 Immunization Practices immunization recommendations known to the  
4 public by:

5 (1) Giving public notice of the substance of the proposed  
6 rules at least once statewide; and

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

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

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 2016.

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# S.B. NO. 2393

**Report Title:**

Department of Health; Advisory Committee on Immunization Practices; Recommendations; Rulemaking

**Description:**

Exempts the department of health from the rulemaking process pursuant to chapter 91, Hawaii Revised Statutes, when adopting recommendations from the United States Department of Health and Human Services, Advisory Committee on Immunization Practices. Requires the department to adopt rules within 90 days.

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