RELATING TO VACCINATIONS AND CONSCIENTIOUS OBJECTORS.

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

SECTION 1. The legislature finds that vaccines are said to reduce the risk of ill health, chronic diseases and viruses by augmenting a person's immune system, further assisting the body's natural defenses, and helping to establish immunity against certain ailments. While vaccines may be safe and effective for many individuals, like all prescription medications, vaccines may also carry, in some unique cases, the real risk of permanent injury or death. There are genetic, biological, and environmental risk factors rendering some people more susceptible to adverse reactions thus doctors still cannot conclusively predict who may be harmed. Vaccination continues to be encouraged for all people equally, and it is even a prerequisite for certain activities, including enrolling youth into schools as well as numerous employers.

The current state law permits individuals to object to vaccines for medical and religious reasons. However, some individuals may object to one, some, or all vaccines solely on
conscientious grounds. Taking into consideration the information found within all vaccine manufacturer's package inserts, including vaccine ingredients, the manufacturer's acknowledgement of severe or adverse reactions, and the statement accompanying all vaccines that the vaccine "has not been evaluated for its carcinogenic or mutagenic potential or impairment of infertility", it is imperative that individuals be given the freedom and right to opt out. Parents and guardians of minors, as well as all non-minors should be entitled to the basic right and freedom to make an independent, rational and well-informed decisions when it comes to deciding on which vaccines to choose for themselves and their minors, taking into consideration all the risks factors already well documented, based solely on moral conscience alone.

The legislature finds that informed consent to medical risk-taking has been the central ethical principle guiding modern medicine since the Nuremberg code was issued by the Nuremberg tribunal after World War II. Implicit to the concept of informed consent is the right to decline consent, or in the case of vaccination laws, the right to exercise a philosophical or conscientious objection to the mandatory use of one or more
vaccines. Conscientious exemption to vaccines should be allowed
without penalty, exclusion or harassment. Currently, nearly
twenty states allow for a conscientious exemption to mandatory
vaccination. This Act will allow Hawaii to join with those
states protecting the ethical principle of informed consent as
well as the fundamental human right to bodily sovereignty.
The purpose of this Act is to allow conscientious beliefs
as sufficient grounds for exemption to any vaccination and
immunization requirements in the State.

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

"$302A-1156 Exemptions. A child may be exempted from the
required immunizations:

(1) If a licensed physician, physician assistant, licensed
naturopathic physician, or advanced practice
registered nurse certifies that the physical condition
of the child is such that immunizations [would] could
endanger the child's 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 the
immunization conflicts with that person's [bona fide] sincere religious [tenets and practices] or conscientious beliefs. Upon showing the appropriate school official [satisfactory evidence of the exemption,] a statement of religious or conscientious exemption, no certificate or other evidence of immunization shall be required for entry into school."

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

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

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

(2) That carries a risk of adverse health effects, or,

(3) For which the most commonly administered vaccine is not fully effective,
vaccinated and unvaccinated people may be quarantined in accordance with Section 325-8."

SECTION 4. Section 325-8, Hawaii Revised Statutes, shall be amended in subsection (b) to read as follows:

"(b) In implementing a quarantine, the dignity of the individual quarantined shall be respected at all times and to the greatest extent possible, consistent with the objective of preventing or limiting the transmission of the disease to others. The needs of individuals quarantined shall be addressed in as systematic and competent a fashion as is reasonable under the circumstances. To the greatest extent possible, the premises in which individuals are quarantined shall be maintained in a safe and hygienic manner, designed to minimize the likelihood of further transmission of infection or other harm to individuals subject to quarantine. Adequate food, clothing, medication, and other necessities, access to counsel, means of communication with those in and outside these settings, and competent medical care shall be provided to the person quarantined.

To the greatest extent possible, cultural and religious beliefs shall be considered in addressing the needs of
quarantined individuals. The department may establish and maintain places of quarantine and quarantine any individual by the least restrictive means necessary to protect the public health; provided that the first option for quarantine of an individual shall be quarantine in that individual's home. The department shall take all reasonable means to prevent the transmission of infection between or among quarantined individuals. The quarantine of any individual shall be terminated when the director determines that the quarantine of that individual is no longer necessary to protect the public health."

SECTION 5. Section 325-34, Hawaii Revised Statutes, is amended to read as follows:"

"§325-34 Exemptions. (a) Section 325-32 shall be construed not to require the vaccination or immunization of any person [for three months] after a duly licensed physician, physician assistant, licensed naturopathic physician, advanced practice registered nurse, or an authorized representative of the department of health has signed two copies of a [certificate] letter stating the name and address of the person and that [because of a stated cause the health of the person
would be endangered by the vaccination or immunization, the person shall not be subject to immunization requirements because the vaccine could pose undue risks to their health, and has forwarded the original copy of the certificate letter to the person or, if the person is a minor or under guardianship, to the person's parent or guardian[, and has forwarded the duplicate copy of the certificate to the department for its files].

(b) No person shall be subjected to vaccination, revaccination, or immunization, who shall in writing object thereto on the grounds that the requirements [are not in accordance with the religious tenets of an established church of which the person is a member or adherent,] conflict with their sincere religious or conscientious beliefs, or[ ] if the person is a minor or under guardianship, whose parent or guardian shall in writing object [there to on such grounds, but no objection shall be recognized when, in the opinion of the director of health, there is danger of an epidemic from any communicable disease] to vaccination, revaccination, or immunization on those grounds."
SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2019.

INTRODUCED BY:

[Signature]

[Signature]

[Signature]

JAN 23 2019
Report Title:
Vaccinations; Immunization; Exemptions; Licensed Naturopathic Physicians

Description:
Authorizes conscientious beliefs as a basis for exemption from vaccination and immunization requirements. Authorizes licensed naturopathic physicians to certify exemption from immunization requirements. Requires that the first option for quarantine of an individual be quarantined inside that individual's residence.

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