

Introduced by

Human Services Committee

(At the request of the State Department of Health)

1 A BILL for an Act to amend and reenact section 23-01-39 of the North Dakota Century Code,  
2 relating to the immunization program.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-01-39 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **23-01-39. Immunization program - Provider choice - Purchasing.**

7 1. As used in this section:

8 a. "Department" means the state department of health.

9 b. "North Dakota immunization advisory committee" means the group of private  
10 health care providers, local public health units, department staff, and other  
11 applicable individuals which makes immunization and vaccine selection  
12 recommendations to the North Dakota immunization program.

13 c. "North Dakota immunization program" means the program administered by the  
14 department to provide vaccinations to North Dakota children consistent with state  
15 and federal law.

16 d. "Program-eligible child" means any child, who is under nineteen years of age,  
17 whose custodial parent or legal guardian resides in this state.

18 e. "Vaccine" means any vaccine recommended by the federal advisory committee  
19 on immunization practices of the centers for disease control and prevention.

20 f. "Vaccines for children program" is a federally funded program that provides  
21 vaccines at no cost to eligible children pursuant to section 1928 of the Social  
22 Security Act [42 U.S.C. 1396s].

23 2. As part of the North Dakota immunization program:

- 1           a. The department shall implement a provider choice system as part of the state's  
2           implementation of the vaccines for children program. This provider choice system  
3           must provide a health care provider participating in the state's vaccines for  
4           children program or in any other immunization program for children, adolescents,  
5           or adults which is administered through the state using federal or state funds,  
6           may select any licensed vaccine, including combination vaccines, and any  
7           dosage forms that have in effect a recommendation from the federal advisory  
8           committee on immunization practices. This subsection does not apply in the  
9           event of a shortage or delay in vaccine availability, disaster, public health  
10          emergency, terrorist attack, hostile military or paramilitary action, or extraordinary  
11          law enforcement emergency.
- 12          b. The department ~~shall~~may establish a program through which the department  
13          purchases vaccines through the federal vaccine purchasing contract.
- 14           (1) The department shall supply public health units with the purchased  
15           vaccines. A public health unit that receives vaccines under this subdivision  
16           shall administer the vaccines to program-eligible children.
- 17           (2) A public health unit that receives vaccines under this purchasing program  
18           may not bill an insurer for the cost of the vaccine but may charge an  
19           administration fee.
- 20           (3) The department shall fund this purchasing program through participation in  
21           the vaccines for children program, the federal section 317 vaccine program,  
22           and state funds appropriated for this purpose. If it appears there will be  
23           inadequate funds to fund this purchasing program, the department shall  
24           petition the emergency commission for a transfer from the state contingency  
25           fund. The emergency commission may grant the transfer request, or so  
26           much thereof as may be necessary, to fund this purchasing program.