

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 e. ~~"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.c.~~ "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 children
4 program or in any other immunization program for children, adolescents, or adults
5 which is administered through the state using federal or state funds, may select any
6 licensed vaccine, including combination vaccines, and any dosage forms that have in
7 effect a recommendation from the federal advisory committee on immunization
8 practices. This subsection does not apply in the event of a shortage or delay in
9 vaccine availability, disaster, public health emergency, terrorist attack, hostile military
10 or paramilitary action, or extraordinary law enforcement emergency.

11 b. ~~The department shall establish a program through which the department~~
12 ~~purchases vaccines through the federal vaccine purchasing contract.~~

13 (1) ~~The department shall supply public health units with the purchased~~
14 ~~vaccines. A public health unit that receives vaccines under this subdivision~~
15 ~~shall administer the vaccines to program-eligible children.~~

16 (2) ~~A public health unit that receives vaccines under this purchasing program~~
17 ~~may not bill an insurer for the cost of the vaccine but may charge an~~
18 ~~administration fee.~~

19 (3) ~~The department shall fund this purchasing program through participation in~~
20 ~~the vaccines for children program, the federal section 317 vaccine program,~~
21 ~~and state funds appropriated for this purpose. If it appears there will be~~
22 ~~inadequate funds to fund this purchasing program, the department shall~~
23 ~~petition the emergency commission for a transfer from the state contingency~~
24 ~~fund. The emergency commission may grant the transfer request, or so~~
25 ~~much thereof as may be necessary, to fund this purchasing program.~~