

HOUSE BILL NO. 1320

Introduced by

Representatives Hoverson, Magrum, Marschall

Senators O. Larsen, Schaible

1 A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota
2 Century Code, relating to limitations on vaccinations requirements; to amend and reenact
3 subsection 2 of section 15.1-23-02 and section 23-01-05.3 of the North Dakota Century Code,
4 relating to immunization records and data; and to repeal section 23-07-17.1 of the North Dakota
5 Century Code, relating to immunizations required for entry to school or day care.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 15.1-23-02 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 2. The statement must be accompanied by a copy of the child's immunization record, if
10 any, and proof of the child's identity as required by section 12-60-26.

11 **SECTION 2. AMENDMENT.** Section 23-01-05.3 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **23-01-05.3. Immunization data.**

14 1. The state department of health may establish an immunization information system and
15 may require the childhood immunizations specified in ~~subsection 4 of section~~
16 ~~23-07-17.1~~ and other information be reported to the department. The state department
17 of health may ~~only~~ require the reporting of childhood immunizations and other data
18 only upon completion of the immunization information reporting system. A health care
19 provider who administers a childhood immunization shall report the patient's
20 identifying information, the immunization that is administered, and other required
21 information to the department. The report must be submitted using electronic media,
22 and must contain the data content and use the format and codes specified by the
23 department.

- 1 2. If a health care provider fails to submit an immunization report required under this
2 section within four weeks of vaccination:
- 3 a. That health care provider may not order or receive any vaccine from the North
4 Dakota immunization program until that provider submits all reports required
5 under this section.
- 6 b. The state department of health shall make a report to that health care provider's
7 occupational licensing entity outlining that provider's failure to comply with the
8 reporting requirements under this section.
- 9 3. Notwithstanding any other provision of law, a health care provider, elementary or
10 secondary school, early childhood facility, public or private postsecondary educational
11 institution, city or county board of health, district health unit, and the state health officer
12 may exchange immunization data in any manner with one another. Immunization data
13 that may be exchanged under this section is limited to the date and type of
14 immunization administered to a patient and may be exchanged regardless of the date
15 of the immunization.

16 **SECTION 3.** A new section to chapter 23-07 of the North Dakota Century Code is created
17 and enacted as follows:

18 **Limitations on immunizations.**

- 19 1. A state or local elected official, the state, or a political subdivision of the state may not
20 mandate an individual in this state receive a vaccination.
- 21 2. Subsection 1 prohibits making receipt of a vaccine a condition for entry, education,
22 employment, or services.
- 23 3. Subsection 1 applies, notwithstanding authority granted under other provisions of law,
24 including section 23-01-05, section 23-07-06, and chapter 37-17.1.
- 25 4. If a state or local elected official, the state, or a political subdivision of the state
26 recommends an individual in this state receive a vaccination, the official or entity shall
27 provide notice the recommendation is not mandatory.

28 **SECTION 4. REPEAL.** Section 23-07-17.1 of the North Dakota Century Code is repealed.