

HOUSE BILL NO. 1377

Introduced by

Representatives Hoverson, Simons, Skroch

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 immunization exemptions.

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

4 **SECTION 1.** A new section to chapter 23-07 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Immunization - Exception.**

7 1. Notwithstanding any other law, an individual who is required to receive an
8 immunization for any purpose, including as a condition of employment, school
9 attendance, or licensure, may claim an exemption from the immunization requirement
10 if there is not a vaccine approved by the United States food and drug administration
11 which meets the following criteria:

12 a. The pivotal clinical trial the United States food and drug administration relied
13 upon to approve the vaccine evaluated the safety of the vaccine for at least one
14 year after the vaccine was administered against a control group that received
15 either a placebo or another vaccine that meets this criteria.

16 b. The state department of health posts on the department's website the injuries or
17 diseases caused by the vaccine and the rate at which the injury or disease
18 occurs from the vaccine.

19 c. The risk of permanent disability or death from the vaccine has been proven to be
20 less than that caused by the infection the vaccine is intended to prevent.

21 d. The vaccine's manufacturer has liability, including for design defect claims, for
22 any death or injury caused by the vaccine.

23 2. An individual may claim the exemption in subsection 1 on the individual's own behalf
24 or on behalf of the individual's child or dependent. The state department of health or

- 1 any other state agency, board, or commission may not require the individual to meet
- 2 any other condition or requirement to claim the exemption.