

HOUSE BILL NO. 1468

Introduced by

Representatives Skroch, Bellew, Fisher, Jones, Paulson, Rohr

Senators Dwyer, O. Larsen, Myrdal

1 A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota
2 Century Code, relating to informed consent and notice of risks associated with vaccines; and to
3 provide a penalty.

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

5 **SECTION 1.** A new section to chapter 23-12 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Informed consent for vaccines - Notice of risk - Penalty.**

- 8 1. Every government official, health care provider, and employer that provides an
9 immunization or in the official capacity as a public official or public health officer
10 formally provides information on immunizations, shall provide information of the
11 potential risks of vaccination. This information must be provided to an individual before
12 a vaccine is administered and must include:
- 13 a. The vaccine package insert, provided by the manufacturer; and
14 b. Information regarding exemptions for vaccination as provided under section
15 23-07-17.1.
- 16 2. The state department of health shall make a vaccine exemption form publicly available
17 on the department's website and in all public schools. The department also shall
18 publish a document detailing vaccine exemption information clearly linked to the
19 immunization information on the department's website. The exemption form must
20 include a statement indicating the individual or, if a minor, the individual's parent or
21 guardian, understands the benefits and risks of immunizations and the benefits and
22 risks of not being immunized. Before administering a vaccination, the government
23 official, medical provider, and employer providing or requiring immunization shall

- 1 inform the individual, parent, or guardian of the right to an exemption and make the
2 exemption form available.
- 3 3. Every medical provider providing services to a pregnant woman shall provide a clear
4 and detailed explanation of all vaccinations included in any consent for biologics. The
5 fact that vaccinations have never been studied in pregnant women must be provided
6 to the patient before administering a vaccination. Dissemination of this information
7 must be witnessed and may not be issued while the woman is in labor or under
8 duress.
- 9 4. This section does not reduce or remove liability for a manufacturer of immunizations
10 as liability relates to vaccine injury.
- 11 5. A government official, medical provider, or employer that violates this section is guilty
12 of an infraction.