

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1200

Introduced by

Representatives Hoverson, K. Anderson, Bellew, Christensen, Fisher, Meier, Prichard,
Schatz, VanWinkle

Senators Boehm, Clemens, Paulson

1 A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota
2 Century Code, relating to COVID-19 vaccinations and emergency-use authorized vaccines for
3 students at institutions of higher education; and to amend and reenact subsection 1 of section
4 23-07-17.1 and section 23-12-20 of the North Dakota Century Code, relating to school and day
5 care immunizations and COVID-19 vaccination and infection information.

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

7 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
8 and enacted as follows:

9 **COVID-19 and emergency-use authorized vaccinations - Limitations.**

- 10 1. An institution under the control of the state board of higher education may not:
11 a. Require a student to be vaccinated against severe acute respiratory syndrome
12 coronavirus 2, identified as SARS-CoV-2 (COVID-19) or receive an
13 emergency-use authorized vaccine, as a condition of enrollment or in-person
14 attendance.
15 b. Promote student vaccination against COVID-19 or receipt of an emergency-use
16 authorized vaccine.

17 **SECTION 2. AMENDMENT.** Subsection 1 of section 23-07-17.1 of the North Dakota
18 Century Code is amended and reenacted as follows:

- 19 1. A child may not be admitted to any public, private, or parochial school, or day care
20 center, child care facility, head start program, or nursery school operating in this state
21 or be supervised through home-based instruction unless the child's parent or guardian
22 presents to the institution authorities a certification from a licensed physician or
23 authorized representative of the department of health and human services that the

1 child has received age-appropriate immunization against diphtheria, pertussis,
2 tetanus, measles, rubella (German measles), mumps, hepatitis B, haemophilus
3 influenza type b (Hib), varicella (chickenpox), poliomyelitis, pneumococcal disease,
4 meningococcal disease, rotovirus, and hepatitis A. The immunizations required under
5 this section do not include the severe acute respiratory syndrome coronavirus 2,
6 identified as SARS-CoV-2 (COVID-19), vaccine. Any political subdivision, school,
7 department, or institution of higher education shall differentiate between
8 recommended and required vaccination on any form. An immunization listed under this
9 subsection is not required if the immunization is provided by an emergency-use
10 authorized vaccine. In the case of a child receiving home-based instruction, the child's
11 parent or legal guardian shall file the certification with the public school district in which
12 the child resides.

13 **SECTION 3. AMENDMENT.** Section 23-12-20 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **23-12-20. COVID-19 vaccination and infection information. (Repealed effective August**
16 **1, ~~2023~~2025)**

- 17 1. Neither a state government entity nor any of its political subdivisions, agents, or
18 assigns may:
 - 19 a. Require documentation, whether physical or electronic, for the purpose of
20 certifying or otherwise communicating the following before providing access to
21 property, funds, or services:
 - 22 (1) An individual's COVID-19 vaccination status;
 - 23 (2) The presence of COVID-19 pathogens, antigens, or antibodies; or
 - 24 (3) An individual's COVID-19 post-transmission recovery status;
 - 25 b. Otherwise publish or share an individual's COVID-19 vaccination record or similar
26 health information, except as specifically authorized by the individual or otherwise
27 authorized by statute; or
 - 28 c. Require a private business to obtain documentation, whether physical or
29 electronic, for purposes of certifying or otherwise communicating the following
30 before employment or providing access to property, funds, or services based on:
 - 31 (1) An individual's COVID-19 vaccination status;

1 (2) The presence of COVID-19 pathogens, antigens, or antibodies; or

2 (3) An individual's COVID-19 post-transmission recovery status.

3 2. Subsection 1 does not apply to the department of corrections and rehabilitation, a
4 correctional facility as defined under section 12-44.1-01, the state hospital, or a public
5 health unit.

6 3. A private business located in this state or doing business in this state may not require
7 a patron, client, or customer in this state to provide any documentation certifying
8 COVID-19 vaccination, the presence of COVID-19 pathogens, antigens, or antibodies,
9 or COVID-19 post-transmission recovery to gain access to, entry upon, or services
10 from the business. This subsection does not apply to a developmental disability
11 residential facility or a health care provider, including a long-term care provider, basic
12 care provider, and assisted living provider. As used in this subsection, a private
13 business does not include a nonprofit entity that does not sell a product or a service.

14 4. This section may not be construed to interfere with an individual's rights to access that
15 individual's own personal health information or with a person's right to access personal
16 health information of others which the person otherwise has a right to access.

17 5. Subsection 1 is not applicable to the state board of higher education, the university
18 system, or institutions under the control of the state board of higher education to the
19 extent the entity has adopted policies and procedures governing the type of
20 documentation required, the circumstances under which such documentation may be
21 shared, and exemptions from providing such documentation.

22 6. This section is not applicable during a public health disaster or emergency declared in
23 accordance with chapter 37-17.1.

24 7. As used in this section, the term "COVID-19" means severe acute respiratory
25 syndrome coronavirus 2 identified as SARS-CoV-2 and any mutation or viral
26 fragments of SARS-CoV-2.