

**SENATE BILL NO. 2126  
with House Amendments**

Fifty-sixth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2126**

Introduced by

Senators Thane, DeMers, Kilzer

Representatives Price, Rose

(At the request of the State Department of Health)

1 A BILL for an Act to amend and reenact subsections 1 and 3 of section 23-07-17.1 of the North  
2 Dakota Century Code, relating to diseases for which inoculations are required before a child's  
3 admission to school.

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

5 **SECTION 1. AMENDMENT.** Subsections 1 and 3 of section 23-07-17.1 of the 1997  
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 1. ~~No~~ A child may not be admitted to any public, private, or parochial school, or day  
8 care center, child care facility, headstart program, or nursery school operating in  
9 ~~North Dakota~~ this state or be supervised through home-based instruction unless  
10 ~~such~~ the child's parent or guardian presents to the institution authorities a  
11 certification from a licensed physician or authorized representative of the state  
12 department of health that ~~such~~ the child has received immunization against  
13 diphtheria, pertussis, tetanus, measles, rubella (German measles), mumps, ~~and~~  
14 hepatitis B, haemophilus influenza type b (Hib), and poliomyelitis. In the case of a  
15 child receiving home-based instruction, the child's parent or legal guardian shall file  
16 the certification with the ~~superintendent of public instruction~~ public school district in  
17 which the child resides.

18 3. Any minor child, through the child's parent or guardian, may submit to the  
19 institution authorities either a certificate from a licensed physician stating that the  
20 physical condition of the child is such that immunization would endanger the life or  
21 health of the child or a certificate signed by the child's parent or guardian whose  
22 religious, philosophical, or moral beliefs are opposed to such immunization. The  
23 minor child is then exempt from the provisions of this section.