

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1136

Introduced by

Human Services Committee

(At the request of the State Department of Health)

1 A BILL for an Act to create and enact a new subsection to section 23-07-17.1 of the North
2 Dakota Century Code, relating to circumstances when children's immunization requirements
3 may be waived; and to amend and reenact subsection 1 of section 23-07-17.1 of the North
4 Dakota Century Code, relating to children's required immunizations for attending school.

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

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

8 1. A child may not be admitted to any public, private, or parochial school, or day care
9 center, child care facility, head start program, or nursery school operating in this
10 state or be supervised through home-based instruction unless the child's parent or
11 guardian presents to the institution authorities a certification from a licensed
12 physician or authorized representative of the state department of health that the
13 child has received immunization against diphtheria, pertussis, tetanus, measles,
14 rubella (German measles), mumps, hepatitis B, haemophilus influenza type b
15 (Hib), varicella (chickenpox), ~~and~~ poliomyelitis, pneumococcal disease,
16 meningococcal disease, rotavirus, and hepatitis A. In the case of a child receiving
17 home-based instruction, the child's parent or legal guardian shall file the
18 certification with the public school district in which the child resides.

19 **SECTION 2.** A new subsection to section 23-07-17.1 of the North Dakota Century
20 Code is created and enacted as follows:

21 When, in the opinion of the state health officer, extenuating circumstances make it
22 difficult or impossible to comply with immunization requirements, the state health
23 officer may authorize children who are not immunized to be admitted to an
24 institution listed in subsection 1 until the state health officer determines that the

- 1 extenuating circumstances no longer exist. Extenuating circumstances include a
- 2 shortage of vaccine and other temporary circumstances.