

**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, rotovirus, hepatitis A, and additional diseases as required  
17 by rule. In the case of a child receiving home-based instruction, the child's parent  
18 or legal guardian shall file the certification with the public school district in which  
19 the child resides.

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

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

1                   institution listed in subsection 1 until the state health officer determines that the  
2                   extenuating circumstances no longer exist. Extenuating circumstances include a  
3                   shortage of vaccine, lack of funding, and other temporary circumstances.