

1/19/2021

HB 1307

Rep. Ben Koppelman- Testimony

Mr. Chairman and Members of the Committee, thank you for the opportunity to introduce HB 1307. I introduced this bill to ensure that all consumers maintain access to essential goods and services in the marketplace.

The response to COVID-19 has caused many changes in behavior within the businesses community in an effort to curb liability and respond to new government regulations and overreach. There has also been many discussions of required vaccinations on the national level, such as denying ones right to board an airplane if they choose not to get the COVID-19 vaccine. As of now, I am not aware of many North Dakota businesses that plan to require vaccinations, and if that is correct, then there is little or no burden placed on businesses to change their practices if this bill passes.

As many of you are aware, I am a pro-business and pro-industry legislator that is typically in favor of reducing regulation and removing government red-tape. However, I believe there is a time when some government regulation makes sense, and that is when its purpose is to protect individual freedom. Now you might look at this bill and say that it appears to take a small amount of freedom away from businesses to choose who to provide good or services to, and there is some truth in that. Some may also look at this bill and say it protects individual freedom by not allowing businesses to refuse service based on your private medical history, that is also true.

The key is that there are two fundamental conflicting freedoms here: an individual's ability to choose where to shop and what medical treatment to seek, and the business' freedom to set sales policy. Government has had to wrestle with how to balance overlapping or conflicting interests before. A few examples are ADA accessibility, not refusing service based on race or religion, or businesses having the right to refuse service to individuals who are behaving poorly. In each of these examples, the attempt is to balance fair access to services without being too overbearing on businesses.

I am supportive of the need for liability protection for businesses from communicable diseases and I believe that there are several bills like HB 1301 that do just that. I also am supportive of businesses ability to refuse entry to sick individuals that threaten to spread disease. However, I think the line is crossed when businesses refuse service based on medical history.

I am not anti-vaccine. In fact, I just received numerous vaccinations to prepare for upcoming international travel. Notably though, not a single vaccine was required, and they all had a long track record of success. Based on this information, I made the choice to proceed. I believe that it should always be a personal choice as to whether to have a procedure performed or to receive a vaccination.

Some might say that consumers should just shop elsewhere if they don't like a business' vaccination policy, and for now, this strategy might work in Fargo or Bismarck. In many small towns however, there is only one grocery store, gas station, café, or bar. If those businesses choose to have such a policy and if the consumer was lacking protection, there is not another alternative, especially if the individual does not have reliable transportation to another city. Therefore, you have a bill before you that protects consumer access and choice in the marketplace, while protecting medical privacy. It achieves this without unreasonable government regulation on businesses.

I respectfully request a Do-Pass from the Committee and would be happy to answer any questions.