



2021 HB 1320
House Human Services Committee
Representative Robin Weisz, Chairman
January 19, 2021

Chairman Weisz and members of the House Human Services Committee, I am Tim Blasl, President of the North Dakota Hospital Association (NDHA). I am here to testify in opposition to House Bill 1320. I ask that you give this bill a **Do Not Pass** recommendation.

I am here on behalf of hospitals in opposition to the bill because it would prohibit a state or local elected official, the state, or a political subdivision from mandating an individual receive a vaccination. It also provides that this provision "...prohibits making receipt of a vaccine a condition for entry, education, employment, or services." It is unclear if this later language prohibits private employers and schools from mandating vaccines, or if it only applies to employees of the governmental entities listed in the first subsection. In any case, we are concerned with the outright prohibition on mandatory vaccinations.

Immunizations have rightfully been acknowledged as one of the 10 greatest public health achievements of the 20th century. School vaccination laws, for example, have played a key role in the prevention and control of vaccine preventable disease. Currently, all states have immunization requirements for school children, and these requirements have helped our country achieve high vaccination rates.

In the healthcare setting, immunizations don't just protect vulnerable patients, they also protect employees. Healthcare workers are at risk for exposure to serious, and sometimes deadly, diseases. If they work directly with patients or handle material that could spread infection, they should get appropriate vaccines to reduce the chance that they will get or spread vaccine-preventable diseases. Even those workers not directly involved in patient care can potentially be exposed to infectious agents that can be transmitted to and from patients.

Patients who require hospitalization are often the most vulnerable and need more protection. Hospitals and health care workers have a shared responsibility to prevent occupationally acquired infections and avoid causing harm to patients by taking reasonable precautions to prevent transmission of vaccine-preventable diseases. We are concerned that the bill would prohibit any healthcare provider from being able to require a vaccine as a condition of employment. It would mean that vaccination programs would no longer be an essential part of hospital infection prevention and control. Vulnerable patients would not be as protected as they could and should be.

North Dakota should implement policies that are aimed at increasing immunization rates, not policies that undermine vaccination efforts. Mandating vaccination is akin to legally requiring that young children be secured in an appropriate car seat. The state is acting to prevent parents from making decisions on behalf of their children that unnecessarily expose them to the risk of infectious disease. Failure to vaccinate not only puts the unvaccinated individual at risk, but also anyone they come into contact with — including those too young to be immunized and people who, for medical reasons, cannot be vaccinated. It is imperative that North Dakota continues to allow healthcare providers the ability to determine which immunizations are necessary to keep patients and employees safe, just as we should continue to require vaccinations for school entry.

Since 1980, all 50 states have formally linked vaccination to school entry. That action was backed by nationwide surveys in the 1970s showing that the incidence of measles was higher in states without mandates, and lowest in states where mandates were strictly enforced. If this bill passed, North Dakota would become the only state in the country that doesn't require immunizations for school. It is worth pointing out that our current policy does not force anyone to be vaccinated - it is a foundational principle of medical ethics that consent must be given for any procedure. The decision to make vaccination mandatory is therefore a decision to impose some form of penalty on those who do not follow the law. A common penalty is to exclude unvaccinated children from school, or to allow a healthcare provider to decide not to employ those who refuse to be vaccinated.

Especially as the COVID-19 pandemic continues, we are reminded of the importance of vaccines and their ability to stop the spread of disease and save lives. Rather than telling employers and schools what they cannot do, we see a need for greater engagement. The small (albeit vocal) minority of people who refuse vaccines outright rarely change their minds. The much larger hesitant population, however, does respond to information campaigns. Therefore, rather than prohibiting vaccination mandates outright, we would prefer to see greater investment in education and more efforts to facilitate meaningful conversations between concerned people and health-care professionals. For these reasons, we urge you to oppose House Bill 1320.

I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

Tim Blasl, President
North Dakota Hospital Association