

HOUSE BILL NO. 1502

Introduced by

Representatives Hoverson, Bellew, Dyk, Fisher, Heilman, Henderson, Marschall, Meier, D. Ruby

Senators Paulson, Weston

1 A BILL for an Act to create and enact a new section to chapter 23-02.1 and two new sections to
2 chapter 23-16 of the North Dakota Century Code, relating to medical certification requirements,
3 prohibitions on hospitals and health care facilities requiring employees receive certain
4 vaccinations, and access to hospital care.

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

6 **SECTION 1.** A new section to chapter 23-02.1 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Medical certification - COVID-19.**

9 A medical certification must include data regarding whether a death is related to severe
10 acute respiratory syndrome coronavirus 2, identified as SARS-CoV-2 (COVID-19), including the
11 COVID-19 vaccination status of a COVID-19-related death and whether a death is caused by a
12 COVID-19 vaccine.

13 **SECTION 2.** A new section to chapter 23-16 of the North Dakota Century Code is created
14 and enacted as follows:

15 **COVID-19 and experimental vaccinations.**

- 16 1. An employer that is a hospital or a health care facility may not:
17 a. Require an employee to be vaccinated against severe acute respiratory
18 syndrome coronavirus 2, identified as SARS-CoV-2 (COVID-19) or receive an
19 experimental vaccine, as a condition of employment.
20 b. Promote employee vaccination against COVID-19 or receipt of an experimental
21 vaccine.
22 2. A hospital or health care facility that violates this section may be liable to the employee
23 for wages lost as a result of the violation.

- 1 3. As used in this section, "experimental vaccine" means a vaccine approved by the
2 United States food and drug administration which does not meet each of the following
3 criteria:
- 4 a. The pivotal clinical trial the United States food and drug administration relied on
5 to approve the vaccine evaluated the safety of the vaccine for at least one year
6 after the vaccine was administered against a control group that received either a
7 placebo or another vaccine that meets the criteria under this subsection.
- 8 b. The department of health and human services has posted on the department's
9 website the injuries or diseases caused by the vaccine and the rate at which the
10 injury or disease occurs from the vaccine.
- 11 c. The department of health and human services has determined the risk of
12 permanent disability or death from the vaccine has been proven to be less than
13 the risk caused by the infection the vaccine is intended to prevent.
- 14 d. The vaccine's manufacturer has liability, including for design defect claims, for
15 any death or injury caused by the vaccine.

16 **SECTION 3.** A new section to chapter 23-16 of the North Dakota Century Code is created
17 and enacted as follows:

18 **COVID-19 vaccination status - Access to care.**

19 A hospital may not deny health care treatment or services to an individual based on that
20 individual's severe acute respiratory syndrome coronavirus 2, identified as SARS-CoV-2
21 (COVID-19) vaccination status.