

Testimony by Nash Binigar
to the
House Human Services Committee
Hearing on House Bill 1502
January 23, 2023

Chairman Weisz and Committee Members, my name is Nash Binigar. I'm currently a 3rd-year medical student. I was born and raised in Bismarck, attended my undergrad and graduate-level education in the state, and deeply care for the people of North Dakota. I'm here today to raise concerns that I have with House Bill No. 1502. Specifically, about two portions of this bill.

The first problematic portion that I see is found within Section 2. Part 1. b. "An employer that is a hospital or a health care facility may not: Promote employee vaccination against COVID-19 or receipt of an experimental vaccine." The word promote leaves the reader with some level of ambiguity. I think most people would agree that healthcare employers shouldn't financially promote or promote an individual higher in the company based on that individual's willingness to take a new vaccine. As the bill currently stands, hospitals, nursing homes, and other medical facilities wouldn't be able to promote vaccines by hanging posters in the staff break rooms or encouraging yearly influenza vaccinations. My grandmother currently resides in a nursing home here in Bismarck. I feel grateful that the influenza vaccination is recommended to all staff as it protects all of the residents, including her, from healthcare-acquired illnesses, like influenza. This bill would certainly impede the transmission of information and would ultimately hurt patients in North Dakota. Perhaps a simple change in vocabulary or an elaboration of the definition would remedy this. I would suggest elaboration being "Promote meaning the hospital facility cannot financially or through career enhancement reward the behavior of an individual for receiving a vaccination or encouraging others to receive it."

The second concern I would like to raise is section 2. Part 3. d. or the clarification of what constitutes an experimental vaccine. It reads an "experimental vaccine" means a vaccine approved by the United States Food and Drug Administration which does not meet each of the following criteria: The vaccine's manufacturer has liability, including for design defect claims, for any death or injury caused by the vaccine." If this section is to remain in this bill it would

make manufacturers vulnerable to even minor injuries caused by vaccines, including common side effects. Ronald Reagan signed the National Childhood Vaccine Injury Act into law in 1986 to ensure an adequate supply of vaccines, stabilization of vaccine costs, and establish compensation for individuals inadvertently harmed by vaccinations. This law offers liability protection to manufacturers. If House Bill No. 1502 were to pass, as it currently stands, it would seriously undermine vaccination efforts across the State for any vaccinations that would not meet these new standards. Examples of current vaccinations that would be affected include hepatitis B and influenza which have been utilized for decades. To clarify, if section 2. paragraph 3. Part d. is to remain in this bill it would make immunizations like hepatitis B and influenza subject to this “experimental vaccine” categorization, and therefore subject to this bill. I believe that if individuals are given section 2. paragraph 3. a, b, and c of this proposed bill, they will have reliable information to make informed consent on whether to proceed with their vaccination. It raises the question, would certain manufacturers not supply future vaccines to North Dakota if this liability proposition were put into place?

I appreciate the opportunity to address you all today. May God bless you all, this State, and all of this Nation. I'm open to any questions you may have.

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H.R.5546 – 99th Congress (1985-1986): National Childhood Vaccine Injury Act of 1986. (1986, October 18). <https://www.congress.gov/bill/99th-congress/house-bill/5546>

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