



2023 HOUSE BILL 1505

House Human Services Committee

Robin Weisz, Chairman

February 7, 2023

Chairman Weisz and members of the House Human Services Committee. I am J'Patrick Fahn, a board-certified physician, and I serve as chief medical officer at CHI St. Alexius Medical Center. I am here to testify in opposition to House Bill 1505. I respectfully ask that you give this bill a **Do Not Pass** recommendation.

The bill would prohibit anyone from requiring a vaccination, an inoculation, or any means of inducing an immune response as a condition for an individual to exercise any right, perform any duty, or enjoy any privilege. Let me start by confirming that vaccinations are always voluntary. Adults decide whether they want to be vaccinated and parents decide whether to vaccinate their children. Our schools have liberal exemptions for those who have objections to vaccination. Failure to be vaccinated may have consequences, but there is always bodily autonomy and the right to refuse.

Our concern with this bill is not only with the effect it could have on public health but also how it would negatively impact health care facilities' ability to operate. It makes North Dakota more vulnerable to preventable diseases and it would punish the very people who are trying to keep us safe. This bill would criminalize a core function of public health by making any vaccination requirement a class C felony with a penalty of up to five years imprisonment, a fine of ten thousand dollars, or both. It would remove all immunization requirements – even routine wellness vaccines – for employers, health care facilities, schools, universities, and more settings where diseases spread. Parents should have the right to choose what they deem best for their children, including the decision to vaccinate them without fear of punishment from the law.

This bill would also take away the ability of hospitals to require staff be vaccinated against any disease, including mumps, measles, rubella and polio, and seriously impair the ability of health care providers to protect their patients and employees. It would also be in direct

conflict with current health care worker vaccine requirements of the Centers for Medicare and Medicaid Services (CMS) and would threaten hospital Medicare and Medicaid funding. Because more than 60 percent of hospital services in North Dakota are paid for by Medicare and Medicaid, the financial impact would be devastating. It would put hospitals in the difficult spot of having to choose between violating state law or federal regulations.

Requiring healthcare workers to be vaccinated is not new. Hospitals have long required vaccinations for measles, mumps, rubella, chicken pox, hepatitis B, and influenza with remarkable impact on staff and patient safety. These immunizations are well-researched, safe and provide incredible protection from the greater risk of illness. Vaccinations are a global health success story, saving millions of lives every year. Immunization is a key component of primary health care and it's one of the best health investments money can buy. If a health care worker is not willing to get vaccinated to protect vulnerable patients, it is his choice, but that worker should understand why that choice means he may no longer be allowed to work in the health care setting. I would also like to note that we lost very few employees due to the COVID-19 vaccination requirements.

In summary, this bill would have too many negative consequences for health care providers. And that is why we oppose the bill and ask that you give it a **Do Not Pass** recommendation. I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

J'Patrick Fahn, DO