

February 7, 2023

Chairman Weisz, Former Colleagues, and Members of the House Human Services Committee,

I am before you today to testify in support of House Bill 1505 and urge a DO PASS recommendation.

While the subject matter of this bill includes vaccinations, I will not be speaking to you today about potential benefits or known risks of any particular vaccine. I trust that others who testify for this bill, or numerous others introduced this session on the topic, will.

My father is fond of relating a story of a man who purchased a new piece of land. This property was marked by boundary stones and in one corner of the property there was a rather large portion of land outside the boundary stones compared to the other three. Now the man was well aware that the actual boundary of the property included a portion outside the boundary stones, and being the industrious fellow he was, removed the boundary stones to make use of every available acre on the property. Unfortunately, he hadn't bothered to ask the prior owner why the boundary stones had been set as they were. To this day, no crop has grown on that extra bit of land despite all the best efforts of the new steward, and he learned why the boundary stones had been placed where they were.

In 1919, on the heels of the biggest waves of what was called the "Spanish flu", and while new cases were still being recorded in this state, the 16th Legislative Assembly of the State of North Dakota took decisive action to protect the people from coerced vaccination with the approval of Senate Bill 31 on St. Valentine's Day, 1919. <https://www.ndlegis.gov/assembly/sessionlaws/1919/sl1919.pdf#page=492>

Much like the Bill of Rights to the U.S. Constitution, Senate Bill 31 was quite simple, stating "No form of vaccination or inoculation shall hereafter be made a condition precedent, in this State, for the admission to any public or private school or college, of any person, or for the exercise of any right, the performance of any duty, or the enjoyment of any privilege, by any person." It was also enacted with an emergency provision which stated, "An emergency is hereby declared to exist in that it is necessary to safeguard the health and welfare of the people of the State of North Dakota".

The law remained in effect for a few generations, until 1975, when the 44th Legislative Assembly with House Bill 1093, replaced the prohibition on coerced vaccination with compulsory vaccination for admission to public, private, or parochial elementary school, or day care center, child care facility, head start program, or nursery school operating in North Dakota, with a very limited exemption. <https://www.ndlegis.gov/assembly/sessionlaws/1975/pdf/helth.pdf#page=18>

Most likely, the members of the 44th Legislative Assembly did not consult with members of the 16th Legislative Assembly before moving their prudently placed boundary stones. Like the man who set the boundary stone, many members of the 16th Legislative Assembly were likely dead at the time, God rest their souls. It should be sufficient to note that just over a decade later there was enough damage caused by vaccination of children for vaccine manufacturers to request liability immunity from Congress with the passage of National Childhood Vaccine Injury Act of 1986.

Fast forward to 2020 to present and coerced inoculation has expanded broadly, and perhaps most impactfully, to the workplace. People of our state have been coerced into accepting an injection of undisclosed content to put food on the table for themselves and their children. The 1919 law protected the people of our state from that too.

House Bill 1505 before you today offers that same simple solution. It similarly states, “Notwithstanding law to the contrary, a person may not require an individual to undergo a vaccination, an inoculation, or any means of inducing an immune response as a condition for the individual to exercise any right, perform any duty, or enjoy any privilege.” While the class C felony penalty may appear a bit stiff, and you may wish to reduce it, it is on par with that for breach of confidentiality of HIV positive individuals as found in North Dakota Century Code section 23-07-21.

Please consider replacing the boundary stones set by our predecessors and give House Bill 1505 a DO PASS recommendation.

Sincerely,

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