

CHAPTER 224

HOUSE BILL NO. 1093
(Eagles)

INOCULATIONS

AN ACT to provide for a safe level of immunization for the people of North Dakota against diphtheria, pertussis, tetanus, measles (rubeola), rubella, mumps, and poliomyelitis; and to repeal section 23-07-17 of the North Dakota Century Code, relating to compulsory vaccination or inoculation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. INOCULATION REQUIRED BEFORE ADMISSION TO SCHOOL.)

1. No child shall be admitted to any public, private, or parochial elementary school, or day care center, child care facility, head start program, or nursery school operating in North Dakota unless such child's parent or guardian presents to the school authorities a certification from a licensed physician or authorized representative of the state department of health that such child has received immunization against diphtheria, pertussis, tetanus, measles (rubeola), rubella, mumps, and poliomyelitis.
2. A child may enter school upon submitting written proof from a licensed physician stating that he has started receiving the required immunization or has a written consent by the child's parent or guardian for a local health service or department to administer the needed immunization without charge.
3. The immunizations required, and the procedure for their administration, as prescribed by the state department of health, shall conform to recognized standard medical practices in the state. The state department of health shall administer the provisions of this Act and shall promulgate rules and regulations in the manner prescribed by chapter 28-32 for the purpose of administering this Act.
4. The list of diseases in subsection 1 may be revised through regulations by the state department of health upon the development of a nationally recognized effective vaccine against a disease.

5. Any minor child, through his parents or guardian, may submit to the school authorities a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child and the minor child shall then be exempt from the provisions of this Act.
6. Before any child is immunized the school authorities shall notify the parent or guardian of their right to refuse such immunization.

SECTION 2. REPEAL.) Section 23-07-17 of the North Dakota Century Code is hereby repealed.

Approved March 20, 1975