

February 19, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1467

Introduced by

Representative D. Anderson

1 A BILL for an Act ~~to create and enact a new section to chapter 23-12 of the North Dakota~~
2 ~~Century Code, relating to recording and reporting vaccine adverse event data;~~ to amend and
3 reenact section 23-12-22 of the North Dakota Century Code, relating to the publication of
4 vaccine adverse event data and information; and to provide for a legislative management
5 report; ~~to provide an appropriation; to provide a continuing appropriation; and to provide an~~
6 ~~expiration date.~~

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

8 **SECTION 1. AMENDMENT.** Section 23-12-22 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **23-12-22. Vaccine adverse event data - Website.**

11 ~~1.~~ The department of health and human services shall prominently:

12 ~~a.1.~~ Prominently display, on a website maintained by the department, a link to the federal
13 vaccine adverse event reporting system, along with instructions on how to report an
14 adverse event and how to access state-specific data. ~~The department may compile its~~
15 ~~own data for use on this website.; and~~

16 ~~b.2.~~ ~~Provide information about the vaccine adverse event data system maintained by the~~
17 ~~department under section 2 of this Act, including recording and reporting requirements~~
18 ~~for health care providers~~ By July first of each even-numbered year, provide a report to
19 the legislative management of all state-specific data and a summary of all reported
20 data nationally.

1 ~~2. The department of health and human services may compile its own data for use on its~~
2 ~~website.~~

3 ~~SECTION 2. A new section to chapter 23-12 of the North Dakota Century Code is created~~
4 ~~and enacted as follows:~~

5 ~~Vaccine adverse event data - Recording - Report to department and legislative~~
6 ~~management - Vaccine adverse event data system fund - Continuing appropriation.~~

7 ~~1. As used in this section:~~

8 ~~a. "Department" means the department of health and human services.~~

9 ~~b. "Health care provider" means a licensed individual or facility providing health care~~
10 ~~services.~~

11 ~~c. "Vaccine" means a vaccine recommended by the federal advisory committee on~~
12 ~~immunization practices of the centers for disease control and prevention.~~

13 ~~d. "Vaccine administration error" means a preventable event that may cause or lead~~
14 ~~to inappropriate vaccine use or patient harm. The term includes administering a~~
15 ~~wrong or expired vaccine; using the incorrect route, site, or dosage; scheduling~~
16 ~~errors; improper preparation or storage; and administering a vaccine to the wrong~~
17 ~~individual.~~

18 ~~2. The department shall:~~

19 ~~a. Establish and administer a system to record and compile reported vaccine~~
20 ~~adverse event data;~~

21 ~~b. Designate the adverse events a health care provider shall report to the~~
22 ~~department, including:~~

23 ~~(1) An adverse event required to be reported under the National Childhood~~
24 ~~Vaccine Injury Act of 1986 [Pub. L. 99-660; 100 Stat. 3774; 42 U.S.C.~~
25 ~~300aa-25 et seq.]; and~~

26 ~~(2) A vaccine administration error;~~

27 ~~c. Establish time frames and methods for reporting;~~

28 ~~d. Develop forms for reporting;~~

29 ~~e. Adopt rules necessary to implement this section; and~~

1 ~~f. By July first of each even-numbered year, provide a comprehensive report to the~~
2 ~~legislative management, which includes a summary of all reported data and the~~
3 ~~overall effectiveness of the system.~~

4 ~~3. A health care provider that administers a vaccine to an individual shall report every~~
5 ~~occurrence of an adverse event to the department, on a form prescribed by the~~
6 ~~department.~~

7 ~~4. A member of the public may report an adverse event to the department in a manner~~
8 ~~prescribed by the department.~~

9 ~~5. A report required by this section and held by the department is confidential~~
10 ~~information. Unless otherwise provided by law, information that may identify an~~
11 ~~individual may not be disclosed to any person except:~~

12 ~~a. The individual who received the vaccine, or that individual's parent, legal~~
13 ~~guardian, or legal representative; and~~

14 ~~b. For statistical purposes, in a manner such that personally identifiable information~~
15 ~~can not be identified.~~

16 ~~6. An officer or employee of the department may not be examined in any judicial,~~
17 ~~executive, legislative, or other proceeding regarding the existence or content of any~~
18 ~~individual's report retained by the department under this section.~~

19 ~~7. There is created in the state treasury a vaccine adverse event data system fund. The~~
20 ~~fund consists of all moneys transferred to the fund and all interest and earnings upon~~
21 ~~moneys in the fund. Moneys in the fund are appropriated to the department on a~~
22 ~~continuing basis for the purpose of administering the provisions of this chapter.~~

23 ~~**SECTION 3. APPROPRIATION -- DEPARTMENT OF HEALTH AND HUMAN SERVICES --**~~
24 ~~**VACCINE ADVERSE EVENT DATA SYSTEM.** There is appropriated out of any moneys in the~~
25 ~~general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much~~
26 ~~of the sum as may be necessary, to the department of health and human services for the~~
27 ~~purpose of establishing and administering a system to record and compile reported vaccine-~~
28 ~~adverse event data, for the biennium beginning July 1, 2025, and ending June 30, 2027.~~

29 ~~**SECTION 4. EXPIRATION DATE.** This Act is effective through June 30, 2029, and after that~~
30 ~~date is ineffective.~~