

HB 1454 Testimony
Industry, Business and Labor Committee
January 29, 2025 10 a.m.

Good morning, Chairman Warrey and members of the Industry, Business and Labor Committee. My name is Kylie Hall, and I live in District 45 in North Fargo. I am writing to state my opposition to this bill. I have a Master's Degree in Public Health and have worked at the North Dakota State University Center for Immunization Research and Education for the past 9 and 1/2 years. I would like to make clear that my comments today are not on behalf of NDSU.

As written, House Bill 1454 would not allow any state agencies, political subdivisions or government entities to require any vaccinations or require someone to disclose their vaccination status. This is because vaccine manufacturers are not liable for injuries caused by their products.

Questions about vaccine manufacturer liability come up regularly in my work. I understand how hearing that vaccine manufacturers are not liable for injury caused by their products would seem concerning, but I would like to offer some perspective that I hope will help alleviate your concerns.

The National Vaccine Injury Compensation Program (NVICP)

This true story starts in the 1970s. At the time, there were vaccines against smallpox, measles, mumps, rubella, polio, diphtheria, tetanus and pertussis. The DPT (diphtheria, pertussis, and tetanus) vaccine was known to be very reactogenic, which means it caused a lot of side effects. It wasn't uncommon for vaccine recipients to have injection site reactions, high fevers, and some even had febrile seizures and whole-limb swelling. These short-term side effects did not cause any long-term problems, but public concerns about the vaccine were growing. Some thought the vaccine caused brain injuries (further studies showed no association), and a TV documentary blamed the vaccine on intellectual and physical disabilities.

Through the 1970s and 1980s, many lawsuits were filed against vaccine manufacturers. Manufacturers made large payouts to those claiming vaccine injury, many of them tied to the DPT vaccine. More and more lawsuits were filed, and they became more expensive. In 1985, vaccine manufacturers knew that a successful vaccine could prevent hundreds of thousands of cases of a deadly disease, but it could also cause a few rare side effects that would lead to multi-million-dollar lawsuits...even in the absence of scientific evidence. The vaccine manufacturers struggled to obtain liability insurance. Vaccines had low profit margins, so manufacturers began to withdraw their DPT vaccines from the market. In the end, only one vaccine manufacturer was still making DPT. Vaccine prices soared, so providers limited their purchases. Experts saw the writing on the wall – if this continued, there would be a limited supply of vaccines to prevent infectious diseases and vaccine-preventable diseases would return. Additionally, the development of new vaccines would be halted by pharmaceutical companies because the risk was too high.

The United States government stepped in. Congress passed, and President Ronald Reagan signed, the National Childhood Vaccine Injury Act – it was meant to 1) eliminate the potential

financial liability of vaccine manufacturers due to vaccine injury claims, 2) help ensure a stable supply of vaccines, 3) stabilize vaccine costs, and 4) provide cost-effective arbitration for vaccine injury claims.

This act created the National Vaccine Injury Compensation Program – often referred to as NVICP or VICP. This is the program that will compensate individuals that experience rare, serious side effects from vaccination. It's also worth mentioning that while vaccine manufacturers are not liable for unforeseen events, they are liable for negligence.

We see the liability language pop up in bills from time to time, and I really can understand how someone who doesn't understand the history and the program would be alarmed and think that vaccines are not safe. But the truth is, if you look closely at the data from the compensation program, it shows that vaccines are extremely safe. Approximately one compensation happens for every million doses of vaccine received.

Impact of this Bill

This bill would impact the school and childcare laws in North Dakota around vaccine requirements for attendance. It would also impact immunization requirements for institutions of higher education. These laws play an important role in the prevention and control of vaccine preventable diseases and help keep students and staff safe.

It conflicts with federal requirements (ex. CMS, OSHA) for vaccinations for employment, which includes healthcare. Immunizations for healthcare workers help protect the workers themselves, their patients, and their families.

It could also affect immunization requirements for specific groups of people who are required to be vaccinated because of their profession and its inherent risks, such as hepatitis B vaccination requirements for tattoo artists, police officers, and first responders. Everyday occupational hazards may expose these individuals to needlesticks and other sharps injuries, putting them at risk for hepatitis B.

The bill also says that state and government entities cannot require an individual to disclose their immunization status. This would be harmful in many situations, such as in the event of an outbreak of a vaccine-preventable disease on a college campus. Knowing the vaccination status of students would help public health authorities to target their interventions and bring the outbreak under control.

Ultimately, the removal of immunization requirements would mean North Dakotans are more vulnerable to vaccine preventable diseases. Please vote "do not pass" on House Bill 1454.

Respectfully submitted,
Kylie Hall, MPH
Fargo, ND - District 45