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Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1454

Introduced by

Representatives Henderson, K. Anderson, Frellich, Hauck, Kasper

Senators Paulson, Clemens

1 A BILL for an Act to create and enact a new section to chapter 32-12.1 of the North Dakota
2 Century Code, relating to the medical liability of a government entity.

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

4 **SECTION 1.** A new section to chapter 32-12.1 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Medical liability of government entity.**

- 7 1. ~~As used in this section, "medical product" means a product used to diagnose or~~
8 ~~manage a disease, including a medical device, drug, or biologic.~~
- 9 2. Notwithstanding any other provision of law, a state agency, political subdivision, or any
10 other government entity, may not require an individual to take, or receive, or disclose
11 whether the individual has taken or received a medical product unless the
12 manufacturer of the medical product is liable for any death or serious injury caused by
13 the medical product, a vaccine or similar product used to prevent a disease unless there
is a procedure made available to opt-out for health, religious, or philosophical reasons.
- 14 3. This section ~~does~~ ^{is} not applicable to the department of corrections and rehabilitation.
- 15 4. For a school, daycare center, child care facility, head start program, or nursery
school, the provisions of section 23-07-17.1 must be followed for vaccines and vaccine
opt-out provisions.