

Testimony
House Bill No.1391
Senate Industry and Business Committee
Senator Barta, Chairman
March 18, 2025

Chairman Barta, and members of the Senate Industry and Business Committee, I am Molly Howell, Assistant Director of Disease Control and Forensic Pathology with the Department of Health and Human Services (Department). I appear before you in opposition of House Bill No. 1391.

In Section 2, subsection 10, "Health Status" is defined as "an individual's medical records or preferences relating to the right to refuse a medical procedure, treatment, injection, device, vaccine or prophylactic." In Section 2, subsection 15, "public accommodation," as defined, appears to be any establishment in the state, including restaurants, childcares, grocery stores, or concert venues. In Section 2, subsection 16, "public services," as defined, would include all state and local agencies, schools, and public facilities.

Section 9, subsection 1 states it would be discrimination for "a person engaged in the provision of public accommodations" to refuse access to services based on "health status." Similarly, Section 10, subsection 1, states the same for "public services." This means that an individual with an infectious disease, including tuberculosis, E. Coli, hepatitis A, Ebola, or measles, could not be excluded from public accommodations or public services. Therefore, an individual with a known infectious disease would be allowed to spread the disease to others.

Of public health concern, is that this bill appears to limit public health actions that extend to infectious diseases, including isolation and quarantine. The bill would not allow public accommodations or services, including childcares, schools, universities, correctional facilities, restaurants, etc. to prevent the spread of infectious diseases by excluding individuals who are actively sick, risking the health of employees and customers. Childcares would be forced to accept children who are not immunized, placing young infants too young to be immunized at risk.

House Bill No. 1391 also potentially conflicts with North Dakota Century Code 23-07-17.1, which if an epidemic exists, allows the state health officer to exclude unimmunized children from schools or childcares to prevent outbreaks of vaccine-preventable diseases. For example, if a measles case occurs in a school, children who are not immunized and likely to have measles could not be excluded to prevent the spread of disease.

The Department requests amendments to House Bill No. 1391 to remove health status from Sections 9 and 10. The other option would be to add language that it is not discrimination if there is a threat to an individual's health or safety.

In conclusion, this bill limits the ability of businesses, institutions of higher education, group homes, corrections, and healthcare facilities to operate in a manner that maximizes the health and safety of students, customers, patients, residents, staff and healthcare providers.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.