

Introduced by

Representative Keiser

Senator Kilzer

1 A BILL for an Act to amend and reenact section 23-01-05.3 and subsection 1 of section  
2 43-15-01 of the North Dakota Century Code, relating to the North Dakota immunization  
3 information system.

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

5 **SECTION 1. AMENDMENT.** Section 23-01-05.3 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **23-01-05.3. Immunization data.**

- 8 1. The state department of health ~~may~~shall establish an immunization information system  
9 ~~and may require the childhood immunizations specified in subsection 1 of section~~  
10 ~~23-07-17.1. The immunization information system must provide for receipt and~~  
11 ~~retention of data on all adult immunizations, all childhood immunizations,~~ and other  
12 information ~~be reported to~~ as may be designated by the department. ~~The state~~  
13 ~~department of health may only require the reporting of childhood immunizations and~~  
14 ~~other data upon completion of the immunization information reporting system.~~ A health  
15 care provider who administers an adult or a childhood immunization shall report the  
16 patient's identifying information, the immunization that is administered, and other  
17 required information to the department. The report must be submitted using electronic  
18 media, and must contain the data content and use the format and codes specified by  
19 the department.
- 20 2. If a health care provider fails to submit an immunization report required under this  
21 section within four weeks of vaccination:
- 22 a. That health care provider may not order or receive any vaccine from the North  
23 Dakota immunization program until that provider submits all reports required  
24 under this section.

- 1           b. The state department of health shall make a report to that health care provider's  
2           occupational licensing entity outlining that provider's failure to comply with the  
3           reporting requirements under this section.
- 4           3. Notwithstanding any other provision of law, a health care provider, elementary or  
5           secondary school, early childhood facility, public or private postsecondary educational  
6           institution, city or county board of health, district health unit, and the state health officer  
7           may exchange immunization data in any manner with one another. Immunization data  
8           that may be exchanged under this section is limited to the date and type of  
9           immunization administered to a patient and may be exchanged regardless of the date  
10          of the immunization.

11           **SECTION 2. AMENDMENT.** Subsection 1 of section 43-15-01 of the North Dakota Century  
12 Code is amended and reenacted as follows:

- 13          1. "Administration" means the direct application of a drug to the body of a patient.
- 14          a. The term includes:
- 15           (1) The emergency maintenance of a drug delivery device used in home  
16           infusion therapy by a qualified home pharmacist when nursing service is not  
17           available;
- 18           (2) Upon an order by a physician, a physician assistant, or nurse practitioner  
19           authorized to prescribe such a drug or by written protocol with a physician or  
20           nurse practitioner and subsequently reported as ~~a childhood~~ an  
21           immunization and other information if required to the state's immunization  
22           information system pursuant to section 23-01-05.3:
- 23           (a) Immunization and vaccination by injection of an individual who is at  
24           least eleven years of age; and
- 25           (b) Influenza vaccination by injection or by live, attenuated influenza  
26           vaccine of an individual who is at least five years of age; and
- 27           (3) Provision of drugs by subcutaneous, intradermal, and intramuscular  
28           injection to an individual who is at least eighteen years of age upon the  
29           order of a physician, a physician assistant, or nurse practitioner authorized  
30           to prescribe such a drug.

- 1            b.    The term does not include the regular ongoing delivery of a drug to the patient in
- 2                            a health care setting and other parenteral administration of a drug.