

Good afternoon, Rep. Weisz, Senator Lee and members of the Technical Corrections Committee.

My name is Kylie Hall, and I am a resident of District 45 in North Fargo. I have a Master's Degree in Public Health and I am a passionate vaccine advocate with more than 6 years of professional public health experience.

I have a number of concerns about the bill before us today. While the undertones of the bill appear to be directed at COVID-19 vaccination, the bill is written in a way that would affect all vaccines, including those against measles, influenza, pertussis and hepatitis B.

I want to start by talking about Montana. Why Montana? Well, Montana has just passed a similar bill in their legislature, and in the few months it has been in effect, it is already causing confusion and frustration.

It is worth noting that there are two challenges to the bill making their way through the court system. Also, thus far, there are two sections of the bill that have been a challenge for the state of Montana. First – the healthcare accommodations section listed in this bill leaves it up to the employer and there is no clear guidance on what is considered “reasonable”. Who decides this? The state? The federal government? The employer? While one facility may require a surgical mask for unvaccinated employees, another may require regular testing and wearing of an N95. One facility may require something completely different. It is confusing and frustrating for those trying to implement the law.

The other area of the bill that has caused confusion and challenges is quarantine requirements for COVID-19. The CDC states that vaccinated individuals do not need to quarantine, but unvaccinated individuals do. So what is a school or workplace to do when someone is a close contact...can you exclude unvaccinated workers from work? Is that discrimination? Under this law, making unvaccinated people quarantine while not making vaccinated people quarantine would be a violation.

This does not just apply to COVID. Another instance this could be an issue is a hepatitis A outbreak in a restaurant. One employee gets hepatitis A and starts an outbreak. To contain the outbreak, it would be best to exclude unvaccinated workers for the time being but allow vaccinated workers to continue their work. However – this bill says you cannot discriminate based on vaccination status. So do you keep the restaurant open and potentially continue to spread hepatitis A, or do you close your restaurant and send your vaccinated and unvaccinated workers home? I can tell you what the public health guidance would be, but based on this bill it might be considered discrimination.

Going back to businesses, I believe that all businesses, not just those in healthcare, should be able to determine if they would like to require vaccinations for employees or patrons, and an employer should be able to deny employment to an individual based on their vaccination status or immunity passport. In the mind of an employer, having a highly vaccinated population may be good for business, as it provides for safer and healthier environments for employees and customers.

For those who are not vaccinated or not immune, you may need to be treated differently. You may need to sit elsewhere in an office. You may need to wear a mask or be tested regularly. If you have not done everything in your power to prevent you from spreading a deadly infectious disease and you are a potential threat to the health of others, you may need to be treated differently. This bill tells businesses that we cannot treat people differently even though they might be posing a threat to the rest of our employees, to the health of our business and bottom line, and to the health of our customers or clients. Does that seem fair?

This bill says that healthcare facilities cannot require their employees to be vaccinated....against ANYTHING. This is a mistake. It will put many of our most vulnerable patients at risk when there are safe and effective vaccines available, and it may lead to unnecessary exposures and cases of vaccine-preventable diseases.

In the healthcare setting, mandating vaccines for healthcare workers as a condition of employment is a common policy that was initially prompted by a dual desire to protect patients from health care-acquired influenza and to protect the workplace from the disruption and expense of worker illnesses. As we now consider COVID-19 vaccination for healthcare workers, you can make an even stronger case for why vaccination is important. COVID is more serious, it spreads easier, it causes significant disruptions in healthcare delivery, the vaccines are much more effective, and ultimately - the vaccines are very safe.

We know that immunization requirements for employees in healthcare help boost immunization rates among staff, they protect our healthcare workers, and that ultimately also protects the patients being served. For COVID-19, we know that vaccinated healthcare workers [are less likely to get COVID-19](#) than unvaccinated healthcare workers.

Other important things to note are that many healthcare systems regularly require influenza vaccination, in addition to proof of immunity to hepatitis B and measles. Some staff members are required to be vaccinated against rabies and meningitis. Tuberculosis testing is also commonplace for healthcare workers. These requirements are not new, but COVID would expand the list of requirements and help protect staff and patients.

What about outside of healthcare? This bill does not allow for workplace vaccination requirements, which is concerning as many employees benefit from vaccination requirements.

There are two examples I want to touch on. 1) Federal OSHA requirements state that police officers and EMTs must be vaccinated against hepatitis B if they are at risk for occupational exposure to blood and other potentially infectious materials. Under this law, we cannot deny employment to a police officer who isn't vaccinated or immune to hepatitis B. What would you suggest we do when a police officer or other high-risk employee has a needlestick? 2) Per this bill, a restaurant owner could not require COVID-19 vaccination or an immunity passport for their employees. But to keep staff and customers safe, the owner would like unvaccinated staff to wear a mask. This bill says you can't do that, as the restaurant worker is not a healthcare worker and it may be considered discrimination.

Here's another example of where this bill falls short: a facility that serves vulnerable populations, such as the Ronald McDonald House, would not be able to deny access to the facility based on someone's vaccination status or immunity passport. Now ask yourself, should we be able to ask about vaccination status (and potentially deny entry) when there's a global pandemic, community transmission is high, and the facility is home to vulnerable patients and their families?

I also want to touch on the economic impact of this mandate. This bill would prevent private businesses from requiring patrons or customers to provide proof of vaccination or an immunity passport to gain entry or receive services. Many events, such as concerts in Fargo, require vaccination or negative tests for attendance. These events have a big impact on our local economy. Not only do events like this include ticket sales, but they bring in people to stay in hotels, eat in our restaurants, ride in our taxi services, and shop in our communities. If this bill were put in place, these events likely would not go forth as planned. The hospitality industry has weathered a pandemic, and to further punish them financially with this law would be very harsh.

In terms of business requirements, shouldn't businesses be able to decide if they want to require vaccinations or immunity passports for customers? If people don't like it, they won't support that business. The free market will determine whether or not that is a sustainable move for the business. It might actually move more people to support a business, or it may harm the business. Regardless, businesses should be able to decide if they want to protect their staff, their business, and their patrons from COVID disruptions. The free market will decide the rest.

Thank you for your time and consideration.