

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, mostly related to unintended consequences. I'll try to be brief in my talking points today.

If this bill were passed, we could no longer ask about COVID-19 status or require testing for individuals or groups. I think about long-term cares or group homes requiring COVID-19 testing for entry in times of outbreak or high community transmission. I also think about screening school or university students during an outbreak, this bill says we cannot make people disclose their COVID-19 status.

There are other groups that would be impacted. Think of the department of corrections or the state hospital or other entities that are at high risk for exposure to COVID-19 and that may experience outbreaks or benefit from vaccination.

I also want to touch on the economic impact of this mandate. This bill may limit which events, whether it be concerts, sporting events or conferences, that require vaccination or negative tests could occur in ND. There are many examples in Fargo of concerts that require vaccination or a negative test for attendance. These events have a big impact on the 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. I think it's also important to note that these businesses have weathered a pandemic, and to further punish them financially with these requirements would be brutal.

Another point in this bill prevents private businesses from requiring patrons or customers to provide proof of vaccination, COVID antibodies or COVID status to gain entry or receive services. BUSINESSES should be able to decide if they want to require vaccines or COVID testing status 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 and their business from COVID disruptions. The free market will decide the rest.

With the way the bills are written, it ultimately comes down to business autonomy. In a state like ND, where many legislators claim to believe in small government, we need to remind them that that means businesses should be able to decide whether or not they want to require vaccines for their employees and patrons. Blocking vaccine requirements at the state level seems like an overreach of government.

Here's why we think businesses should be able to require vaccines for their employees or patrons. Since the start of the pandemic, COVID-19 outbreaks within businesses have led to business closures and lost productivity. One example from early in the pandemic is when LM

windpower in GF had to close because of an outbreak among its employees. Another example is from two weeks ago, when a Walmart in Dickinson closed due to COVID.

It is important to understand that in some situations, ensuring a vaccinated workforce may be good for business. In healthcare we need people to work and they can't be sick. In a production line or food processing facility, we need employees for the business to operate. It's understandable that businesses may want to limit COVID-19 outbreaks and disruptions in business. Businesses many determine that the best way to protect the health of their employees and those they serve is for employees to be vaccinated.

Businesses should decide if they will offer accommodations to those who do not wish to be vaccinated. Exemptions to COVID-19 vaccine requirements and exceptions for previous infection should be up to each business and not based on state law.

While federal law will supersede state law in many instances for COVID-19 vaccination requirements, individual businesses not impacted by federal mandates should have a right to choose if or what vaccination requirements are best for their business, and state government should not interfere.

Other reason businesses may want their employees to be vaccinated is the cost of health care and health insurance. Businesses and their employees may pay more for health insurance because of substantial healthcare costs associated with COVID-19. We know that unvaccinated individuals are more likely to test positive for COVID-19, are more likely to suffer from severe COVID, be hospitalized from COVID-19, and die from COVID-19. We also know that the average COVID-19 hospitalization costs [more than \\$20,000](#), and hospitalizations requiring a ventilator are much higher. As a means of preventing severe disease and keeping healthcare costs low, businesses may consider mandating COVID-19 vaccine for employees.

Now I want to touch on healthcare worker vaccine mandates. Mandating vaccines for healthcare workers 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 consider COVID-19 vaccination, I think 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. And we know that vaccinated healthcare workers [are less likely to get COVID-19](#) than unvaccinated healthcare workers. Even if parts of this legislation get through, we need to strongly consider exempting healthcare and long-term care from state laws regarding employer vaccine requirements.

Other important things to note are that many healthcare systems 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.

Much talk has been given to antibody testing as a means of bypassing vaccination. Let's talk about what we know about natural immunity and antibody testing.

Following infection with the virus that causes COVID-19, many individuals will have immunity. However, it is unknown how long immunity lasts following natural infection, and it is currently impossible to predict who will and who won't develop immunity. It is important to note that infection with other identified coronaviruses does not confer lifelong protection. We do know that reinfections are possible, although they are very unlikely in the 90 days following infection, and the CDC has updated this to say that reinfections are uncommon 6 months out. North Dakota has documented 2,038 reinfections since March 2020. Over half of those reinfections have occurred in the last four and a half months, when the Delta variant became the dominant strain circulating in North Dakota. Because of waning immunity and variants - vaccination will be more important than ever.

To determine immunity, people often look to antibody testing. Current recommendations do not support using antibody testing to determine immunity, as antibody levels do decline over time and the correlates of protection (the level of antibodies needed to be considered "immune") are unknown. Of note, not all individuals recovering from COVID will have detectable antibodies. The presence of antibodies does not necessarily mean one is immune, and the absence of antibodies does not mean an individual has no immunity.

In the future, antibody tests may be developed to ascertain who is and isn't immune. You want that. I want that. This is where we are hoping to get. But we aren't there yet. Knowledge of SARS-CoV-2 and COVID-19 is growing each day and recommendations, such as those regarding protection following natural immunity, may change. It is irresponsible to implement a state law that is not based on the current recommendations or flexible enough to reflect changes that will come as the science evolves. For instance, scientists may determine that antibody tests need to be repeated more frequently than what is included in this bill to accurately determine immunity. This bill, as written, will likely be outdated within weeks or months of its passage.

As a means to provide individuals and our communities with high levels of protection against COVID-19, individuals who have previously tested positive for the virus that causes COVID-19 should receive COVID-19 vaccine. Studies have shown a significant increase in antibodies for individuals who were previously infected and subsequently received COVID-19 vaccines. This may lead to longer and better protection.

Vaccine requirements are for businesses to ask everyone to take all necessary steps to decrease their chance of COVID. We know vaccines aren't perfect. We know prior infection isn't perfect. But a layered approach gives us the best protection possible. This is what we want businesses to be able to do. I'll add this quote from an op-ed published last week about the role of vaccine requirements in keeping everyone healthy.

“Incidentally, the fact that breakthrough infections happen - that some people get the virus despite being vaccinated - actually strengthened the case for mandates, because it means that even those who’ve gotten their shots face some danger from those who refuse to follow suit.”

I want to end by telling you a story about a North Dakota-based business that has implemented a vaccine requirement as a condition of employment. Tellwell is a Fargo Video Production and Marketing Agency owned by Max Kringen. Max was unable to attend today due to other commitments and the expedited schedule of this special session. Tellwell has required COVID-19 vaccines as a condition of employment, and the requirement went into effect on October 15th. The vaccine requirement was announced months before the deadline. In September of this year, an unvaccinated employee came to work and infected over half of the staff. Six people total tested positive out of 11 total staff. The result of this outbreak was \$12,000 in lost revenue out of a monthly revenue stream of approximately \$80,000, and it meant this small business was not profitable for quarter 3 of 2021. For the health of his business and the health of his employees, Max wants to do everything possible to prevent another outbreak of COVID-19 in the workplace. So he has required vaccinations with some accommodations. This is his right, and it should be the right of all private business owners. Max has reported that no one quit as a result of the requirement, no work has been interrupted, and most vaccinated employees are thankful for the requirement, as it promotes a safe work environment.

We often hear from a vocal minority who do not like vaccination requirements, but there are a number of individuals who feel safer at work because those around them are vaccinated. Businesses should have the right to decide if they want to require vaccinations as a condition of employment or as a condition of receipt of services.

Thank you for your time and consideration.