

November 9, 2021

Testimony offered in opposition to HB1511

Representative Weisz, Senator Lee, and members of the Technical Corrections Committee,

I am Karen Ehrens, Bismarck I am a member of the Governing Board of the North Dakota Public Health Association. I am a registered dietitian with a certificate in the core courses of public health, and have been working in public health for more than 25 years.

The North Dakota Public Health Association was founded in 1944, and is the only organization in the state that represents the public health workforce and public health professionals with 177 members from all around the state.

Please do not vote in favor of Special Session HB1511. Following find some of many concerns that public health workers, responding to the COVID-19 pandemic since the beginning of the pandemic, have expressed.

This bill would harm local jurisdictions' and business owners' ability to make decisions in the interest of public health, their population or customers, and their staff.

- This bill infringes on local control and political subdivisions' ability to make decisions and regulations that are appropriate for the conditions in their areas.
- This bill infringes on the rights of business owners. Just as business owners are afforded the right to not allow patronage from people without shoes or a shirt, so too should these businesses be allowed to refuse patronage from unvaccinated individuals if they so choose. This bill would have a tremendous impact on the ability of concert promoters or other large event planners to safely allow large gatherings.
- Public health organizations have a duty to protect workers. This bill harms public health organizations the ability to protect their employees.
 - This legislation may have negative impact on health care organizations' ability to require vaccination for employees and protect its patients or the population they serve.
- This legislation may harm university system operations, particularly colleges that train those entering the health professions.

COVID disease testing is not a reliable alternative to vaccination for North Dakota

- Testing is part of an overall approach to reducing the spread of disease. There does not exist in all parts of North Dakota the capacity to offer regular testing to individuals.
- Population serial testing (testing multiple people multiple times), which varies in price and availability, can be more expensive than vaccination. As with any screening, tests will not

identify 100% of cases 100% of the time, so the testing only option leaves itself open to false negatives and false security.

- The cost and lack of availability of serial testing makes this requirement discriminatory. It only works where people have the means and access to such testing. Many residents in rural and frontier areas DO NOT have the opportunity to obtain regular tests.

COVID antibody testing is not a safe alternative to vaccination

- There is not evidence that testing for the presence of antibodies provides reliable proof of immunity to disease. There is not yet enough evidence or agreement that the presence of antibodies after 12 months of experiencing a COVID-19 infection signals that people are immune to or could not spread COVID-19.
- Commercial antibody tests are NOT authorized for use in any clinical decision-making. The antibody tests available now cannot and should not be compared to serum testing that is available to clinicians to make recommendations about who is susceptible to diseases such as rubella or hepatitis b. This is like comparing the purchase of \$1.00 pregnancy test from the drug store to a blood test provided at an OB/GYN office; the commercial tests are not reliable and are not yet ready to be used to make decisions.

Please consider that this bill would have tremendous, negative impacts on the health of the North Dakotans you serve. Thank you for your time and the consideration of these comments.