

HOUSE BILL NO. 1502

Introduced by

Representatives Hoverson, Bellew, Dyk, Fisher, Heilman, Henderson, Marschall, Meier, D. Ruby

Senators Paulson, Weston

1 A BILL for an Act to create and enact a new section ~~to chapter 23-02.1 and two new sections~~ to
2 chapter 23-16 of the North Dakota Century Code, relating to ~~medical certification requirements,~~
3 ~~prohibitions on hospitals and health care facilities requiring employees receive certain~~
4 ~~vaccinations, and~~ access to hospital care.

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

6 ~~**SECTION 1.** A new section to chapter 23-02.1 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~— **Medical certification – COVID-19.**~~

9 ~~— A medical certification must include data regarding whether a death is related to severe~~
10 ~~acute respiratory syndrome coronavirus 2, identified as SARS-CoV-2 (COVID-19), including the~~
11 ~~COVID-19 vaccination status of a COVID-19-related death and whether a death is caused by a~~
12 ~~COVID-19 vaccine.~~

13 ~~— **SECTION 2.** A new section to chapter 23-16 of the North Dakota Century Code is created~~
14 ~~and enacted as follows:~~

15 ~~— **COVID-19 and experimental vaccinations.**~~

16 ~~— 1. An employer that is a hospital or a health care facility may not:~~

17 ~~— a. Require an employee to be vaccinated against severe acute respiratory~~
18 ~~syndrome coronavirus 2, identified as SARS-CoV-2 (COVID-19) or receive an~~
19 ~~experimental vaccine, as a condition of employment.~~

20 ~~— b. Promote employee vaccination against COVID-19 or receipt of an experimental~~
21 ~~vaccine.~~

22 ~~— 2. A hospital or health care facility that violates this section may be liable to the employee~~
23 ~~for wages lost as a result of the violation.~~

- 1 ~~3. As used in this section, "experimental vaccine" means a vaccine approved by the~~
2 ~~United States food and drug administration which does not meet each of the following~~
3 ~~criteria:~~
- 4 ~~a. The pivotal clinical trial the United States food and drug administration relied on~~
5 ~~to approve the vaccine evaluated the safety of the vaccine for at least one year~~
6 ~~after the vaccine was administered against a control group that received either a~~
7 ~~placebo or another vaccine that meets the criteria under this subsection.~~
- 8 ~~b. The department of health and human services has posted on the department's~~
9 ~~website the injuries or diseases caused by the vaccine and the rate at which the~~
10 ~~injury or disease occurs from the vaccine.~~
- 11 ~~c. The department of health and human services has determined the risk of~~
12 ~~permanent disability or death from the vaccine has been proven to be less than~~
13 ~~the risk caused by the infection the vaccine is intended to prevent.~~
- 14 ~~d. The vaccine's manufacturer has liability, including for design defect claims, for~~
15 ~~any death or injury caused by the vaccine.~~

16 **SECTION 1.** A new section to chapter 23-16 of the North Dakota Century Code is created
17 and enacted as follows:

18 **COVID-19 vaccination status - Access to care.**

19 A hospital may not deny health care treatment or services to an individual based on that
20 individual's severe acute respiratory syndrome coronavirus 2, identified as SARS-CoV-2
21 (COVID-19) vaccination status.