
Good afternoon, Chairman Weisz and members of the House Human Services Committee. I am Molly Howell, the Immunization Director for the North Dakota Department of Health and Human Services (Department).

I am providing testimony in opposition to HB1200. The greatest concern with HB1200 is the definition of "experimental vaccination." If a vaccine does not meet all four criteria outlined in the bill, then it is considered an "experimental vaccination" which could have an unintended consequence for other routine wellness vaccines.

One of the criteria, Section 1, 2d states, "The vaccine's manufacturer has liability, including for design defect claims, for any death or injury caused by the vaccine."

The [National Childhood Vaccine Injury Act of 1986](#), as amended, created the National Vaccine Injury Compensation Program (VICP), a no-fault alternative to the traditional tort system. It provides streamlined compensation to people found to be injured by certain vaccines. The VICP was established after lawsuits against vaccine manufacturers and health care providers threatened to cause vaccine shortages and reduce vaccination rates. Serious adverse events related to vaccination are extremely [rare](#). Vaccine manufacturers are not liable for unforeseen adverse events, however, they are liable for negligence. Attached is a factsheet for additional information about the VICP.

Based on the definition of "experimental vaccination" in HB1200, this legislation would eliminate all college, child care and school immunization documentation requirements because these vaccines are included in VICP, and therefore would meet the proposed definition of "experimental vaccination."

Child care, school and university immunization requirements play an important role in maintaining immunization rates and ensuring environments where

children and students congregate are safe. Measles is so contagious that experts recommend a 95% vaccination rate to prevent outbreaks from occurring.

North Dakota already has one of the most relaxed child care and school immunization policies in the United States. NDCC 23-07-17.1 allows medical, religious, and moral/philosophical exemptions. To claim a religious, moral/philosophical exemption, parents simply have to sign a document prior to school entry.

North Dakota is one of only 15 states that still allow moral/philosophical exemptions; many of the other states that allow philosophical exemptions require a notary signature or education from a health care provider prior to claiming an exemption. Six states allow medical exemptions and don't offer religious or philosophical exemptions.¹ States that have easily obtained personal belief exemptions have higher rates of pertussis and measles.^{2,3}

There are two additional concerns about HB1200. The first is the lack of a definition in Section 1, 1b of what it means to "promote" in the collegiate setting. For example, could education about vaccines to nursing, pharmacy and medical students be considered promotion? Another concern lies in Section 1, 2a, where the requirements for "pivotal clinical trials" are generally in accordance with current vaccine clinical trials in the United States, but historical clinical trials for vaccines such as polio or measles, may not meet this requirement and therefore would be unallowable.

Before immunizations were available, diseases like diphtheria, measles, whooping cough, polio, *Haemophilus influenzae* type B and rubella caused severe illness, hospitalization and death in the United States. More than 15,000 Americans died of diphtheria in 1921, before there was a vaccine. Because of the successes of vaccines, many people have forgotten these diseases.

¹ [States With Religious and Philosophical Exemptions From School Immunization Requirements \(ncsl.org\)](https://www.ncsl.org/legislative-analysis/federal-legislation/individual-and-community-risks-of-measles-and-pertussis-associated-with-personal-exemptions-to-immunization)

² [Nonmedical Exemptions to School Immunization Requirements: Secular Trends and Association of State Policies With Pertussis Incidence | Infectious Diseases | JAMA | JAMA Network](https://pubmed.ncbi.nlm.nih.gov/26111111/)

³ [Individual and community risks of measles and pertussis associated with personal exemptions to immunization - PubMed \(nih.gov\)](https://pubmed.ncbi.nlm.nih.gov/26111111/)

Most vaccine-preventable diseases are spread from person to person. Vaccines not only protect the individual receiving the immunization, but they also protect others around them, including children and adults who are unable to be vaccinated for medical reasons or who have weakened immune systems. Most vaccines do not offer 100% protection to the individual who receives them, meaning sometimes those who are vaccinated can still be at risk of a vaccine-preventable disease. The more people who are vaccinated, then the fewer opportunities for the disease to circulate.

In addition to preventing disease, hospitalization and death, vaccination reduces costs. For every \$1 spent on vaccines, the United States saves \$10.90.⁴ The vaccination of children born between 1994 and 2018 has saved the U.S. nearly \$406 billion in direct medical costs and \$1.88 trillion in total societal costs. Vaccination of one birth cohort (children born in 2009) will prevent ~42,000 early deaths, 20 million cases of disease, save \$13.5 billion in direct costs and \$68.8 billion in total societal costs.⁵ In 2017, the Minnesota Department of Health spent \$2.3 million in five months responding to an outbreak of 79 cases of measles.⁶

In conclusion, NDCC already outlines which vaccines are required for child care and school attendance. This list does not include a requirement for COVID-19 vaccine. The current law also provides simple ways for parents to submit for an exemption. Therefore, HB1200 is not needed. The language in the bill could unintentionally restrict educational activities at the college level and the definitions of experimental vaccines could have unintended consequences to current vaccine standards for child cares, schools and universities, putting North Dakotans at risk. Maintaining high, routine, wellness vaccination rates is necessary to keep children healthy and in school and reduce medical and societal costs.

Thank you for the opportunity to appear before you today. I would be happy to respond to any questions you may have.

⁴ <https://doi.org/10.1542/peds.2013-0698>

⁵ [Vaccines Are Cost Saving | Vaccinate Your Family](#)

⁶ [MN Health Dept. Spent \\$2.3M During 5-Month Measles Outbreak – WCCO | CBS Minnesota \(cbslocal.com\)](#)