



TESTIMONY on HB 1200
from the
NATIONAL ASSOCIATION OF SOCIAL WORKERS—NORTH DAKOTA CHAPTER
to the
ND Senate Human Services Committee
March 8, 2023

Chairman Lee and members of the Senate Human Services Committee:

The Advocacy Committee of the NASW-ND submits this testimony in opposition to House Bill 1200. We appreciate the opportunity to share our perspective.

NASW-ND urges the members of the House Human Services Committee to vote DO NOT PASS on HB 1200 for the following reasons:

1. HB 1200 will jeopardize the health of North Dakota students through the prohibition of necessary immunizations and medical advice as recommended by the Centers for Disease Control and Prevention in health emergencies.

Under Section 1, point 1 (p.1 lines 10-14), this bill would prevent North Dakota colleges and universities from protecting students and the surrounding community from preventable illness by preventing them from implementing vaccine requirements. The Federal Food, Drug, and Cosmetic Act allows the Food and Drug Administration (FDA) to authorize the use of vaccinations and other medical products in order to protect public health through the prevention and treatment of life-threatening conditions in emergencies—such as the COVID-19 pandemic¹. This bill would prevent the effectiveness of emergency authorizations and deny educational institutions the opportunity to make important safety decisions.

This bill also seeks to introduce language in Section 1, points 2 (p.1 lines 15-16) that would prevent institutions from promoting lifesaving vaccinations that have been authorized for emergency use. In public health emergencies, the Centers for Disease Control and Prevention (CDC) may recommend the use of vaccines, such as the current recommendations for the COVID-19 vaccine², and this bill would prevent future CDC recommendations from being promoted in case of emergencies.

NASW supports COVID-19 vaccination requirements and/or testing³ and the NASW Code of Ethics supports the use of evidence-based practice and research⁴ that go into vaccine recommendations regardless of whether they are authorized under emergency use or not.

The National Association of Social Workers (NASW) also supports policies that “promote [...and] strengthen young adult health care.”⁵ This bill would limit the authority of the state board of higher education, and individual colleges and universities, to determine if emergency use of vaccines are needed to protect students. HB 1200 will jeopardize the health of both students and surrounding community members in emergencies by restricting institutions from making vaccine requirements and recommendations based on the unique healthcare needs and circumstances of their campuses.

2. HB 1200 introduces unnecessary language pertaining to required and recommended vaccinations of children in North Dakota.

Language in section 2, point 1 (p2 lines 4-10) makes additions to the existing section that: 1) specify that COVID-19 is not required under existing language 2) requires that schools and institutions differentiate between required and recommended vaccinations, and 3) specifies that vaccines under emergency use authorization are not required.

All states currently have listed vaccine requirements for school attendance in order to protect students from illness and to prevent the spread of illness in school settings⁶ and it is implied that other vaccines not listed are not required; listing all not-required vaccines could create unnecessary confusion and is not needed. Specifically, the existing North Dakota Century Code 23-07-17.1 and the North Dakota Department of Health and Human Services⁷ do not currently require COVID-19 vaccination or a number of other vaccinations for school aged children or daycares and the law does not need to be modified to reflect this.

Further, if another public health emergency occurs, the new language could inhibit effective vaccine responses because it would provide a potential loophole in the event that COVID-19 vaccines (or a vaccine with emergency authorization) need to be required to protect public health. Again, the NASW Code of Ethics supports the use of evidence-based practices and research⁴ that go into vaccine recommendations. The addition of this unnecessary language could endanger North Dakota's children in future public health emergencies and may create avoidable confusion for parents seeking information on required vaccines.

Thank you for the opportunity to share our objections to this bill, and the **NASW-ND respectfully urges the House Human Services Committee to vote DO NOT PASS on HB 1200.**

Submitted by: Kristin Rubbelke, NASW-ND Executive Director

Notes

1. Emergency Use Authorization
<https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization>
2. Overview of COVID-19 Vaccines
<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/overview-COVID-19-vaccines.html>
3. NASW Supports COVID-19 Vaccination Requirements and Strongly Urges All Social Workers to be Fully Vaccinated Against COVID-19
<https://www.socialworkers.org/News/News-Releases/ID/2372/NASW-Supports-COVID-19-Vaccination-Requirements-and-Strongly-Urges-All-Social-Workers-to-be-Fully-Vaccinated-Against-COVID-19>
4. NASW Code of Ethics
5. Social Works Speaks, 12th edition
6. State Vaccination Requirements
<https://www.cdc.gov/vaccines/imz-managers/laws/state-reqs.html>
7. ND Health & Human Services School Immunization Requirements
<https://www.hhs.nd.gov/sites/www/files/documents/DOH%20Legacy/Immunization/School%20Imm%20Requirements.pdf>