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Good morning Chairwoman Lee and members of the Senate Human Services Committee. My name is Molly Howell, and I am the Immunization Director for the North Dakota Department of Health and Human Services (Department). I am here to provide testimony in opposition to Senate Bill 2274.

Of public health concern, is that this bill appears to limit public health actions that extend to all vaccine-preventable diseases. The bill would not allow employers, including hospitals, correctional facilities, congregate housing settings or law enforcement, to treat vaccinated and unvaccinated people differently after exposure to a disease. This means that close contacts to individuals with communicable diseases such as hepatitis A, measles or Ebola, would need to be treated the same regardless of their vaccination and/or immunity status.

Here are a few real-life examples of this law's impact:

- A healthcare facility may not be able to exclude a susceptible, unvaccinated healthcare worker after exposure to measles, because the bill would not allow vaccinated and unvaccinated people to be treated differently.
- If a healthcare worker or police officer has a needlestick, the employer needs to know the worker's hepatitis B vaccination status and immunity to determine if vaccination and/or treatment is needed.
- If a restaurant worker is diagnosed with hepatitis A, which can be spread through contaminated food, and other employees were exposed, the vaccinated contacts would be protected against hepatitis A and would not need quarantine. Unvaccinated close contacts are supposed to be excluded from work for 30 days after exposure. Because a restaurant owner cannot treat vaccinated and unvaccinated employees differently, the owner would have to decide to exclude all exposed employees or to let them all work, regardless of vaccination status.

- A final example is veterinary clinics and animal control agencies where employers need to know the rabies vaccination status of staff in case of exposure.

This bill limits the ability of businesses, group homes, correctional facilities and the healthcare industry to choose to offer the safest work environment for employees and the safest environment for customers, residents and patients. Of major concern is the risk to patients who may be receiving care and are susceptible to infections and at increased risk for complications from infections.

The bill eliminates basic tools used to reduce the risk of disease transmission, especially in healthcare settings. These are:

1. The ability to require vaccinations.
2. The ability to assess vaccination status.
3. The ability to assess or test for immune status.
4. The ability to assess post-recovery status.

This bill appears to impact the ability of the board of higher education to require measles vaccination or vaccination against a form of bacterial meningitis called meningococcal disease, which has a fatality rate of about 15%, with older adolescents and young adults having a slightly higher risk for death. Philosophical, moral and religious exemptions are currently available for university students who choose not to be vaccinated.

The bill does not address the issue of out-of-state companies or the federal government (i.e., OSHA, CMS) who require vaccination. Employees for these entities will need to know if they are to follow North Dakota law, the employer requirements or the federal mandate? In a similar situation, the Federal Court blocked enforcement of Montana's COVID-19 vaccination discrimination law in healthcare settings, finding the law unconstitutional and preempted by federal law.<sup>i</sup>

In conclusion, this bill limits the ability of businesses, institutions of higher education, group homes, corrections, and healthcare facilities to operate in a manner that maximizes the safety of students, customers, patients, residents, staff and healthcare providers.

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

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<sup>i</sup> [Federal Court Blocks Enforcement of Montana's Vaccination Discrimination Law \(shrm.org\)](https://www.shrm.org)