
Good morning, Chairwoman Lee and the Senate Human Services Committee. I am Sandy Tibke, Executive Director of Foundation for a Healthy North Dakota.

I am providing testimony in opposition to SB2274.

This proposed bill would prohibit an employer — from private businesses to healthcare — from protecting their employees and customers from transmissible diseases. North Dakotans deserve to feel safe when they seek healthcare, go to work, and support the North Dakota economy by shopping at stores in their communities. If an employer's rights to uphold immunization requirements, to ask about employees' vaccination status in work settings, and to assign employees to certain duties or exclude them from certain duties are restricted as this legislation intends to do — North Dakota employers will be stymied in their efforts to keep their workforce, customer base, and communities healthy and safe.

The Foundation for a Healthy North Dakota is concerned that this bill would restrict private and independent healthcare institutions from maintaining vaccination requirements amongst their employees. The majority of North Dakotans receive care from private institutions — Sanford Health, Essentia Health, and Catholic Healthcare Initiatives (CHI). These patients could therefore face an enhanced risk of infectious disease transmission and outbreak due to unvaccinated staff. This is an unconscionable risk to vulnerable North Dakotans, from infants to the elderly.

Vulnerable North Dakotans would be significantly affected by this legislation. For example, Veterans' Honor Flights in North Dakota are a cherished means of demonstrating our gratitude for the service of our veterans. This bill would restrict the operators from ensuring staff on the flights — a team of individuals in a small, shared space — have the vaccinations to protect those veterans. Similarly, organizations like the Ronald McDonald House, which supports families of children receiving serious, long-term care by providing a place to stay close to major healthcare providers, would not be able to guarantee the safety of families using its services. When a rural parent has a gravely ill child and is stressed, scared, and worried about their child, the last thing that parent should have to worry about when staying at the Ronald McDonald House is putting their family at even greater risk for illness.

Similarly, this bill would restrict the rights of higher education institutions to uphold the existing school requirements that have been in place and largely uncontroversial for

decades. Vaccines are safe and effective. Vaccine requirements in higher education settings that are rife with opportunities for infectious disease transmission keep educators and students safe and healthy.

Finally, the Foundation has concerns about the new protected discrimination class this legislation would create. The North Dakota legislature has shown caution around expanding protected classes around discrimination in other areas of the law. However, this bill *would* create a new protected class. Similar laws have been implemented elsewhere, including in Montana. A federal judge has already blocked Montana's vaccination discrimination law enforcement in healthcare settings. Due to this law's conflicting guidance, we expect that the injunction will likely expand to other settings.¹

I urge a no vote on SB2274.

Thank you for the opportunity to speak today. I am open to any questions.

References

1. *Montana's vaccination discrimination law: Federal court blocks enforcement*. The National Law Review. (n.d). Retrieved January 23, 2023, from <https://www.natlawreview.com/article/montana-s-vaccination-discrimination-law-federal-court-blocks-enforcement>.