

Testimony
House Bill No. 1454
Senate Human Services
Senator Lee, Chairwoman
March 11, 2025

Chairwoman Lee, and members of the Human Services Committee, I am Molly Howell, Immunization Director with the Department of Health and Human Services (Department). I appear before you in opposition of House Bill No. 1454.

House Bill No. 1454 would require state agencies, political subdivisions and other government entities to have a procedure for opting out of vaccine requirements. An exception is included for the Department of Corrections. Having opt-out procedures for vaccine requirements in all situations could have unintended consequences. Listed below are some potential examples:

- Law enforcement losing the ability to require hepatitis B vaccine to protect officers from infection due to needlesticks.
- Local correctional facilities being unable to respond and prevent the spread of infectious diseases through post-exposure vaccination in jails.
- Local public health being unable to require vaccination of staff needing to respond to vaccine preventable disease outbreaks, including measles.
- The Department from being unable to require meningitis or rabies vaccine for laboratory workers needing to process meningococcal or rabies specimens.
- Group homes being unable to respond and prevent the spread of infectious diseases, including measles, through vaccination.

- The Veterans Home or State Hospital being unable to require vaccination of staff or residents, even during a future pandemic.

As a reminder, during the 68th Legislative Assembly, the Legislature passed Senate Bill No. 2274, which already prohibits COVID-19 and other emergency use authorized vaccine requirements. House Bill No. 1454 would go further and hamper the ability of certain government entities from preventing the spread of vaccine preventable diseases.

The Department is proposing amendments to House Bill No. 1454, which include additional exceptions for a correctional facility as defined under section 12-44.1-01, the state hospital, or a public health unit. Additional exceptions are also requested for a developmental disability residential facility or a health care provider, including a long-term care provider, basic care provider, and assisted living provider. The Department would also request language be added to reflect that this law not be applicable during a public health disaster or emergency declared in accordance with chapter 31-17.1.

In conclusion, this bill limits the ability of certain government entities, including the State Hospital, group homes, local public health, local law enforcement, local correctional facilities, and the Veterans Home from offering the safest work environment for employees and the safest environment for customers, residents and patients.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

Introduced by

HOUSE BILL NO. 1454

Representatives Henderson, K. Anderson, Frelich, Hauck, Kasper

Senators Paulson, Clemens

1 A BILL for an Act to create and enact a new section to chapter ~~32-12.1~~23-12 of the North
2 Dakota Century Code, relating to an opt-out procedure for required vaccines.

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

4 **SECTION 1.** A new section to chapter ~~32-12.1~~23-12 of the North Dakota Century
5 Code is created and enacted as follows:

6 **Required vaccine- Opt-out procedure- Exemptions.**

- 7 1. ~~Notwithstanding any other provision of law~~Unless otherwise provided by law, a
8 state agency, political subdivision, or any other government entity, may not
9 require an individual to take, or receive a vaccine or similar product used to
10 prevent a disease, unless there is a procedure made available for an opt-out
11 for health, religious, or philosophical reasons.
- 12 2. ~~This section is not applicable to the department~~ Subsection 1 does not apply to
13 the following state agencies, political subdivisions, or other government entities:
- 14 a. Department of corrections and rehabilitation or a correctional facility as
15 defined under section 12-44.1-01;
- 16 b. The state hospital;
- 17 c. A developmental disability residential facility or other health care provider,
18 including a long-term care provider, basic care provider, and assisted living
19 provider; or
- 20 d. A school, day care center, child care facility, head start program, or nursery

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school in compliance with section 23-07-17.1.

- 3. For a school, day care center, child care facility, head start program, or nursery school, the provisions of section 23-07-17.1 must be followed for vaccines and vaccine opt-out provisions. This section is not applicable during a public health disaster or emergency declared in accordance with chapter 37-17.1.