

Good Morning Chairwoman Lee and Members of the Senate Human Service Committee.

For the record, I am Donna Henderson, District 15 Representative. I am here to introduce House Bill 1454. This bill seeks to clarify in century code, the opportunity for opting out of vaccinations. This bill first started out talking about vaccine manufacturers liability, and that's why it was heard in the House Industry Business and Labor committee. It was amended to the version you see here, but know we had rigorous and profitable discussions and I'm pleased with the version you have in front of you today. However, since it is very different from how it started out, please keep that in mind if you look back at some of the testimony on this bill. Much of it no longer applies after the amendment. The goal of this legislation is to prevent individuals from being forced into taking a vaccine, by clearly showing in century code that there is an avenue to opt out.

In our discussions in the House IBL committee, we had testimony from a representative of the Attorney General's office, and she testified that currently there is no requirement in Century code that would allow a

vaccine to be mandated, but at the same time, there was no prohibition either. She presented the information to that effect, and we looked at Title 23- Health and Safety in century code. So I printed that out for you. She stated that this part of code was amended post covid and she walked us thru the changes. Some of the powers of the health officer were changed, as well as the ability to have mask mandates were removed, and vaccine passports were prohibited. Also businesses are not allowed to deny a person entry as a consumer based on their vaccine status. That information is in the testimony on the laws site from Allison Hicks.

23-01-05. Health officer - 5 d. Issue a written order relating to a disease control measure necessary to prevent the spread of a communicable disease. A disease control measure may include a special immunization activity and decontamination measure.

The state health officer shall limit a written order issued under this section to the geographical area affected by the communicable disease. The state health officer may not issue a statewide order under this section unless the

governor has declared a statewide disaster or emergency under chapter 37-17.1

I will repeat that current century code does NOT give any entity the right to mandate vaccines, but there are no prohibitions on vaccine mandates either. That is why this bill is needed. We need to clarify and codify that vaccines cannot be required, or mandated, and an opt out must be available. Thus the language in lines 6-10 of the bill-

"Notwithstanding any other provision of law, a state agency, political subdivision, or any other government entity, may not require an individual to take or receive a vaccine or similar product used to prevent a disease, unless there is a procedure made available for an opt-out for health, religious, or philosophical reasons."

Line 11 was put in by request of the Attorney General's office asking for an exemption for the department of corrections and rehabilitation. That exemption is also in chapter 23-12-20 which deals with Covid-19 vaccinations. So this new chapter will align with that.



then lines 12-14 says, "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."

I have that section printed out for you as well and it directs you to the procedure in current law that needs to be followed for optouts for those facilities. Basically the parent can go to the HHS website, print off the form, fill it out and give it to the school or other facility.

At the last committee work session on this bill, the final version of the bill was approved by the Vice Chancellor of Academics of Student Affairs for the ND University systems. They showed us their vaccine exemption form that is readily available and is the same form for universities across the state. She said they allow the opt outs without even asking whether it is for religious, health, or philosophical reasons. Again they were supportive of the amendment and final version of this bill.

So this bill more clearly states the current opt out provisions. I think we all learned a lot from the covid mandates that can help us going forward. And that's what the goal if this bill is, to provide clear framework and direction for the future.

Thank you.