

SENATE INDUSTRY & BUSINESS

HB 1391 OPPOSITION

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Greetings, Chair Barta and members of the Senate Industry and Business Committee.

My name is Brenda Stallman, and I have served as the Executive Director of Trall District Health Unit for 34 years. Our public health office is located in Hillsboro.

I am opposed to HB 1391 and the idea of including "Health Status" to the list of classes protected in the ND Human Rights Act. Discrimination is a word to describe unfair practices that single out or cause harm to an individual or group based on characteristics of a protected group. Adding "Health Status" to this group of classes differs and is dangerous due to the likelihood of disease transmission in the workplace to other employees, patrons, and vendors. It opens the door to imposing harm on unsuspecting people who are in contact with an unvaccinated and/or infectious disease carrying individual. This "protection" brings harm to innocent associates.

By eliminating the ability of an employer to have record of an employee's vaccination status, particularly in relation to vaccines that are associated with the nature of work required in a place of employment, the employer lacks the ability to maintain a safe and healthy workforce. Harm will occur to those who cannot be vaccinated or who have underlying health conditions and will be unknowingly exposed to vaccine preventable diseases.

Our state and employers have always had the luxury and ability to guarantee a healthy work environment to our employees through workforce safety laws, practices, and the

assurance they are safe from exposure to vaccine-preventable diseases. Adding health status to human rights and antidiscrimination policies creates an environment of mistrust and doubt.

A preventable outbreak of an infectious disease will result in lawsuits from employees, customers, or other parties. Employers may be held liable if an outbreak occurs in the workplace due to failure to implement proper health and safety measures, including the assurance that employees are vaccinated when required.

Let us consider the measles outbreak currently occurring in the state of Texas. As of last Friday, the number of measles cases associated with an outbreak in western Texas has grown to 259 known cases, with 36 cases reported over the last week, according to new data released Friday. Two children have died. Measles is one of the most contagious diseases known to humans. Just one infected patient can spread measles to up to nine out of 10 susceptible close contacts, according to the CDC. Almost all of the cases are in unvaccinated individuals or in individuals whose vaccination status is unknown. Airports are burdened with the spread of measles that will easily spread to travelers in the U.S., including to ND, and around the world. This can be prevented! Measles was declared eliminated from the U.S. in 2000 due to the highly effective vaccination program.

Unfortunately, vaccination rates have been lagging in recent years, and the measles outbreak proves what will become the norm in absence of monitored vaccination statuses and upheld best practices.

This one scenario demonstrates the dangers of removing the vaccination status from the available information we have that is necessary to protect our population, employees, and patrons. We cannot put our employees, citizens, and children at risk due to weakened laws that eliminate our ability to determine who is vaccinated. Understanding the health status of an employee is necessary for employers to protect workers and to keep our businesses open.

While the intent behind not asking for vaccination status is generally to respect privacy and avoid discrimination, there are notable risks for employers. These risks include health and safety concerns, legal liabilities, difficulties in accommodation, impacts on workplace morale, and operational challenges.

Thank you for your consideration in opposing this life-threatening legislation. HB 1391 is extremely dangerous and will most certainly have regrettable consequences.