

2025 HB 1391
Senate Industry and Business Committee
Senator Barta, Chairman
March 18, 2025

Chairman Barta and members of the Senate Industry and Business Committee, my name is Brittney Blake, and I have the pleasure of serving as Corporate Counsel of Altru Health System (Altru). Altru stands in opposition to House Bill 1391 and asks that you give this bill a **Do Not Pass** recommendation.

HB 1391 proposes adding "health status" as a protected category under the state's anti-discrimination laws and defines "health status" to mean "an individual's medical records or preferences relating to the right to refuse a medical procedure, treatment, injection, device, vaccine, or prophylactic." [Emphasis added]

Patient Safety

Altru is a patient-centered health organization dedicated to serving our community. Our organization, staff, and students are committed to the health and safety of our patients; especially those with compromised immune systems or in vulnerable conditions. To ensure the safety of our patients, we implement many infection control and safety best practices to include but not limited to requiring employees be vaccinated against serious vaccine-preventable illnesses and occasionally drug tested if in safety sensitive positions caring for vulnerable patients.

As drafted, Altru is concerned that HB 1391 would prohibit our organization from requiring employees be vaccinated and may even prohibit our organization from taking adverse employment action against employees providing direct patient care and refusing to be drug tested based upon their medical choice. Both of these consequences, unintended or otherwise, could be detrimental to patient and employee safety.

Exemptions and Employee Protections in Place

Not only would adding "health status" as a protected category to the North Dakota Human Rights Act (NDHRA) be detrimental to patient care and safety, but it will also cause

unprecedented confusion in our legal system and is simply not necessary to protect North Dakota employees from discrimination. State and federal law, to include, but not limited to NDHRA, the Americans with Disabilities Act (ADA), or Title VII of the Civil Rights Act of 1964 already protect employees from employment discrimination and provide the ability to seek exemptions for both medical and religious reasons. Organizations across North Dakota, including Altru, have been abiding by these laws and providing exemptions to vaccinations for years. Further, in more recent years, federal case law has required employers to accommodate religious beliefs unless doing so creates an undue hardship, which is arguably now interpreted more stringently. Ultimately, making religious exemptions easier to receive.

HB 1391 is not necessary to protect North Dakota employees and will cause more harm to North Dakota patients than good. I respectfully urge the committee to recommend a DO NOT PASS on HB 1391 of North Dakota's anti-discrimination laws.

Respectfully Submitted,

Brittney Blake