

**Senate Industry and Business Committee
Senator Jeff Barta, Chair
March 18, 2025
HB 1391**

Chairman Barta and members of the Senate Industry and Business Committee:

I am Chris Meeker, a board-certified emergency physician and I serve as chief medical officer at Sanford Health Bismarck. I am here to testify in opposition to House Bill 1391. I respectfully ask that you give this bill a **Do Not Pass** recommendation.

By creating a protected class for individuals who refuse medical interventions such as vaccinations and drug testing, the bill restricts hospitals' ability to protect employees and the patients we serve. Current North Dakota law provides that all individuals have the right to refuse a vaccination based upon medical or religious objections.

As an example, at Sanford when we require an influenza vaccination, it is to keep our staff and our patients safe. Employees have the right to opt out of the vaccination and we work with those employee to make accommodations that allow them to work while not putting others at risk of infection from a non-vaccinated employee. If this bill is passed, however, we may be at risk from litigation from employees who believe they have been unfairly treated if and when we must remove them from patient care areas to protect patients or to comply with applicable federal requirements.

Additionally, we are concerned passage of HB 1391 could be problematic for our safety-related employee drug testing policies. To be specific, a drug test could be categorized as a "medical procedure" as included in this bill because a drug test, e.g. a urinalysis, is diagnostic.

The bill sponsor offered a late amendment to seemingly carve out healthcare facilities. While the effort is appreciated, stakeholders were not provided an opportunity to review the amendment and we do not believe the language would protect healthcare facilities from the potential for litigation. (PER ANGIE: "The amendment only allows us to ask for information and use it to prevent spread of communicable disease. So, if it was a violation of another policy this amendment may not apply.")

For these reasons I ask that you please vote NO on HB 1391.

Thank you for your consideration and I would stand for any questions.

Sincerely,

Respectfully Submitted,
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