

**2023 HOUSE HUMAN SERVICES**

**HB 1505**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Pioneer Room, State Capitol

HB 1505  
2/7/2023

Relating to a prohibition on requiring a vaccination; and to provide a penalty.

**Chairman Weisz**-Called the meeting to order at 9:02 AM

**All Members Present:** Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich.

**Discussion Topics:**

- Vaccine Prohibition
- Class C Felony if Mandated.
- Includes Private Businesses

**Representative Louser**- Introduces HB 1505, Testifies in favor.

**In Favor Testimony:**

**Lisa Pulkrabek, District 31**- Testifies in favor of HB 1505. (Testimony #19175)

**Kari Roller**- Testifies in favor orally.

**Brenda Reems**- Testifies in favor orally.

**Testimony in Opposition:**

**Dr. Nizar Wehbi, North Dakota State Health Officer**- Testifies in Offered testimony in opposition to bill. (Testimony #19494)

**Joan Connell, Pediatrician & President of North Dakota Medical Association 6<sup>th</sup> District Medical Society**- Testifies in Opposition. (Testimony #19507)

**Shelly Peterson- Long Term Care Association**- Testifies in Opposition. (Testimony #19264)

**Brenda Stallman, Trail District Health Unit**- Testifies in Opposition. (Testimony #19361)

**Dr. J'Patrick Fahn, North Dakota Hospital Association**- Testifies in Opposition. (Testimony #19413)

**Amy De Kok, General Counsel of the North Dakota School Boards Association** - Testifies in opposition. (Testimony #19550)

**Andrea Pfenning, Greater North Dakota Chamber-** Testifies in opposition. (Testimony #19503)

**Robert Marthaller, North Dakota United-** Testifies in Opposition. (Testimony # 19406)

**Chris Martens, North Dakota National Guard-** Testifies orally in opposition.

**Additional written testimony: In Favor:** Robin Johnson #19473, Sebastian E. Ertelt #19469, #19467 and #19468, Anthony Freeman #19456, Christine Aberle #19455, Tara Dukart # 19441, Jodi Plecity # 19398, Heidi Oien #19387, Debra Bolte # 19226, David Ormonde # 19225, Tiffany Ormonde #19224, Melyssa Howry #19198, Richard Jensen #19073. **Testimony in Opposition:** Andrew Askew Essentail Health #19516, Katie Fitzsimmons North Dakota University System # 19511, Kylie Hall #19509, Sandra Tibke Foundation for a Healthy North Dakota # 19485, Parveen Wahab # 19461, Mary Korsom #19310

**Representative Weisz-** Closed the hearing for HB 1505 at 9:57 AM

*Phillip Jacobs, Committee Clerk by Risa Berube*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

HB 1505  
2/8/2023

Relating to a prohibition on requiring a vaccination; and to provide a penalty.

Chairman Weisz-Called the meeting to order at 3:53 PM

All Members Present: Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich.

### Discussion Topics:

- Committee work
- Proposed amendment (23.1059.01001)
- Discrimination policy

Chairman Weisz- called for a discussion on HB 1505.

Representative Frelich – explained the proposed amendment and moved to amend HB 1505 with 9 pages additional language #27000.

Vice Chairman Ruby – Seconded the motion.

### Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	N
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	N
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Clayton Fegley	N
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	N
Representative Carrie McLeod	Y
Representative Todd Porter	N
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion fails 7-7-0.

Vice Chairman Ruby – Moved to amend HB 1505. (On page 10 change “C Felony” and Representative place it with an “A Misdemeanor”) #(23.1059.01001)

Representative Rohr – Seconded the motion.

Voice vote: Motion carries

Representative Porter – moved a do not pass as amended on HB 1505.

Representative Dobervich – Seconded the motion.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	N
Representative Dawson Holle	N
Representative Dwight Kiefert	Y
Representative Carrie McLeod	N
Representative Todd Porter	Y
Representative Brandon Prichard	N
Representative Karen M. Rohr	N

Motion carries 9-5-0.

Bill carrier: Representative Porter

Chairman Weisz- Closed the hearing for HB 1505 at 4:12 PM

*Phillip Jacobs, Committee Clerk By: Leah Kuball*

23.1059.01001  
Title.02000

Adopted by the House Human Services  
Committee

February 8, 2023

2/8-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1505

Page 1, line 10, replace "class C felony" with "misdemeanor"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1505: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1505 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "class C felony" with "misdemeanor"

Renumber accordingly

**TESTIMONY**

**HB 1505**

HB 1505

Testimony in favor of HB 1505

Dear Chairman and members of the Human Services Committee.

I am writing to ask for a must-pass request for your law. Sadly you are already behind the 8-Ball against the CDC and Obamacare bill code changes made in January 2023.

As of last year there is a patient code added to EVERY patient in north Dakota called Z28.310 which tells the person's vaccination status. The hospitals have already filled in the diagnosis codes as incomplete for all people who haven't received the COVID-19 vaccines and boosters as prescribed by the CDC.

Z28 Is immunization not carried out

.31 is COVID-19 vaccine status

.310 is unvaccinated for COVID-19 (not shot-immunized with no regard for natural immunity)

.311 is undervaccinated for COVID-19 (you haven't had all of the boosters)

The CDC is allowed to violate HIPPA laws which require patient privacy from the federal government via immunizations and infectious diseases reporting without patient information attached, but with Obamacare codes rules and status codes applied to all patients...covid-19 subcodes allow the US government to track every person whether they are pureblood unvaccinated or partially vaccinated straight to the US government CDC with no regard to privacy. How that will be used later has nothing good, as the Covid-19 misinformation on the part of the US government since 2019 when Fauci predicted a pandemic virus coming out of China at a health summit, and then it did from one of his Ecohealth Alliance funded laboratories, and he covered it up by telling his colleagues to get burner phones and meet offline.

Your law is absolutely necessary, but needs to go further and remove the Z28.31 codes from patient files as they are a means of federal government overreach currently being used to no good end. It was bad enough that google was assisting the CDC and health officials during covid-19 to track people via their cell phones, without due process, without a subpoena or warrant. What will they do now as they have a back-door into every north dakotan's medical records? When a large number didn't get the covid-19 shot, the mass injustice and overreach is anyone's guess as to its extent and purpose.

Thank you for reading my testimony.

Sincerely,

Richard W. Jensen

Bismarck ND

My name is Lisa Pulkrabek of Mandan, ND - District 31. I am submitting this testimony in support of HB 1505.

No person, entity, school, employer, medical facility, government agency or NGO should be allowed to force, coerce, guilt, shame, fraud or mislead any person in to a treatment, biologic, vaccine, medicine, surgery, pill or drug for any reason. All persons should have the right to bodily autonomy and should be given true and correct information so that they give their informed consent before any such treatment is taken.

There should be no need for this bill and yet within the last few years people, employers, colleges and medical facilities have forced individuals into taking vaccines they didn't want.

Here I will the Nuremberg Code which I realize is not actually law in the USA or ND. However that does not mean that we in ND should not use it as a base for laws which will protect our citizens from harm.

#### THE NUREMBERG CODE

1. The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision. This latter element requires that, before the acceptance of an affirmative decision by the experimental subject, there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person, which may possibly come from his participation in the experiment. The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity.
2. The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.
3. The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study, that the anticipated results will justify the performance of the experiment.
4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.
5. No experiment should be conducted, where there is an a priori reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.
6. The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.
7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability, or death.

8. The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.
9. During the course of the experiment, the human subject should be at liberty to bring the experiment to an end, if he has reached the physical or mental state, where continuation of the experiment seemed to him to be impossible.
10. During the course of the experiment, the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill and careful judgment required of him, that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject. ("Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law)

I fully support HB 1505 and kindly ask you to render a DO PASS on this bill.

Chairman Weisz and members of the House Human Services Committee,

My name is Melyssa Howry and I am a resident of Plaza, ND. I would like to offer testimony in support of HB1505. Please read this personal story of how the exploitation of the Covid vaccine has affected our family over the past couple of years.

My husband is employed at a public school in a town near Plaza. In March of 2021, we learned that the school had decided to incentivize the Covid vaccine. But rather than just a simple reward for receiving the vaccine, they retroactively rewarded those who had already received at least the first of two doses (by March 23rd, the night of the school board meeting) with \$1,500. Those who had not yet received any doses, but did so by May 15th, would receive \$500. Everyone else, of course, would receive \$0.

This was a “Loyalty Payment” that was previously awarded to all teachers as long as they were in good standing. In 2021, the school decided that in order to be considered loyal employees, they must make a private medical decision that the school approved of, and subsequently disclose that private decision to their employer.

This special “Loyalty Payment” happened again in the fall of 2021, and once more in the spring of 2022. We thought they had finally begun to treat everyone as equals again, but in just December of 2022, they again awarded gifts cards valued at \$300 for all who received the booster, and \$100 for those who had not.

My husband attempted to speak with the school board and teacher’s union, only to be ignored. The rest of the staff have accepted this medical discrimination and poor treatment as just part of working at the school, and do not speak up for fear of retribution. I do not believe this should be legal. While I recognize that it was not a mandate, and the bill is intended to prohibit compulsory vaccination, I believe that this type of behavior by employers is similarly deplorable. Just as no one should be forced to get a vaccine in order to have or keep their job, no one should have to make a private medical decision in order to “enjoy any privilege” (wording taken from the bill) that comes from being deemed a loyal employee.

I leave you with this question: What kind of message does it send when employees are only valued based on what medical decisions they make? I appreciate your time and attention to this important matter. Thank you.

Hello Members of the House Human Services Committee,

My name is Tiffany Ormonde and I reside in District 31. I am asking you to please render a Do Pass on house bill 1505.

I believe there are many risks involved with vaccines that are not addressed. We are made to believe they are safe and that is our only option. Many people are not even aware of the VAERS, so the number of adverse events are often not accurately reported. We should be allowed the opportunity to research, weigh the pros and cons, and choose which vaccines we see fit for ourselves and our family. Vaccinations should not be forced upon any individual.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Tiffany Ormonde

Hello Members of the House Human Services Committee,

My name is David Ormonde and I reside in District 31. I am asking you to please render a Do Pass on house bill 1505.

We should be allowed the opportunity to research how effective the vaccine is and what the possible risks are and evaluate if we see it as safe. Vaccinations should not be forced upon any individual. Where there is risk, there must be choice.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

David Ormonde

Hello Members of the House Human Services Committee,

My name is Debra Bolte and I reside in District 31. I am asking you to please render a Do Pass on house bill 1505.

Vaccinations should never be forced on an individual when there is so much scientific evidence of their harm. There are far too many Doctors that have been silenced when trying to speak out on their experiences, it is alarming. How can you force something with so many red flags? People need to be given a choice.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Debra Bolte

**Testimony on HB 1505**  
**House Human Services Committee**  
**February 7, 2023**

Good morning, Chairman Weisz and members of the House Human Services. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. We represent 192 assisted living, basic care, and skilled nursing facilities in North Dakota. I am here to testify in opposition to HB 1505.

We rise in opposition because nursing facilities are required by federal regulation to vaccinate their staff to prevent the spread of Covid-19. Line 7 of the bill states, “notwithstanding law to the contrary, a person may not require an individual to undergo a vaccination,” so we don’t have a law stating we must comply with the vaccine requirement, but our federal rule has the effect of a law. We believe HB 1505 could adversely impact those with a vaccine requirement.

If we violate or don’t adhere to the federal requirements we can, at the very worst, be fined and closed and at the least receive notification of non-compliance. A deficiency of non-compliance requires corrective action, showing how you will comply. If you don’t comply and continue to ignore the federal regulations, you will be shut down, as we would lose all Medicaid funding. If that occurs, I’m not sure what would happen to the residents who depend on us to care for them.

Regarding vaccination, on November 2, 2021, CMS issued an interim final rule with comment period, (86 FR 61555), titled “Medicare and Medicaid

Program; Omnibus Covid-19 Health Care Staff Vaccination”, (also referred to as the “staff vaccination requirement”). This interim final rule revised the requirements to establish Covid-19 vaccination requirements for staff at applicable Medicare and Medicaid certified providers and suppliers. The staff vaccination requirement for all CMS certified providers and suppliers has been enforced in all states since February 20, 2022.

CMS expects all providers and suppliers staff to have received the appropriate number of doses of the primary vaccine series unless exempted as required by law, or delayed as recommended by CDC.

Facility staff vaccination rates under 100% constitute non-compliance under the rule. Non-compliance does not necessarily lead to termination, and facilities will generally be given opportunities to return to compliance. But you must have a plan of achieving compliance.

Regarding who the vaccination requirement applies to within a nursing facility:

- 1) Facility employees
- 2) Licensed practitioners
- 3) Students, trainees, and volunteers, and
- 4) Individuals who provide care, treatment or other services for the facility and/or it’s residents, under contract or by other arrangements.

As you know, the Public Health Emergency is ending on May 11, 2023. We are excited to see an end to the many restrictions facilities are still required to comply with. We are not sure the impact the end of the Public Health Emergency will have on the vaccination requirement for our skilled nursing facilities. We do know we must comply with the federal regulations if we wish to operate as a skilled nursing facility. We urge you to vote no on this legislation.

I would be happy to answer any questions.

Shelly Peterson, President  
North Dakota Long Term Care Association  
1900 North 11<sup>th</sup> Street  
Bismarck, ND 58501  
(701) 222-0660

Testimony Prepared for the  
**House Human Services Committee**  
February 7, 2023  
By: Mary Korsmo  
ND State Association of City & County Health Officials



**RE: Opposition to HB 1505**

Chair Weisz and members of the House Human Services Committee, the North Dakota State Association of City and County Health Officials (NDSACCHO) opposes any reduction of vaccination requirements in North Dakota that reduce the spread of vaccine preventable disease.

SACCHO is comprised of all 28 local public health units. We appreciate the opportunity to communicate our opposition to this bill and urge a Do Not Pass.

02/06/2022

House Human Services Committee  
Opposition HB 1505Brenda Stallman  
Hillsboro**Hello, Chair Weisz and Members of the House Human Services Committee,**

My name is Brenda Stallman, I am the Executive Director of Traill District Health Unit, located in Hillsboro and I am here to speak in opposition to HB 1505.

Never in my 40 years of being a registered nurse, and particularly in the last 30 years as a nurse working in the public health arena, did I ever imagine having to defend the benefits of immunizations that are given to prevent death and disease related to vaccine preventable diseases. And yet, here I am not only as an advocate of vaccines, but also to disagree with this proposal of an assigned legal penalty that would be charged in the case they are required to protect our public.

You have heard endless testimony from the medical profession, public health professionals, & experts on vaccine, but today I want to speak about the importance of vaccines as a mother of 2 adult sons and how vaccines impact us through the life span. My children at birth were vaccinated shortly after birth with a hepatitis b shot to prevent a blood borne disease that may be transmitted by the baby's mother during the birth process. The disease damages the liver and can also be transmitted through close contact with others who are infected.

Six or so weeks later, many of us pack up these precious little ones that are totally dependent on us for their health & safety and drop them off at day care. We all have heard of the day care crisis and lack of spots in licensed facilities in our state and nation. That problem has been on the forefront for all my years of public health service. It has only worsened in time. Imagine sending these babies off to day care, to an

environment that they are no longer protected from diphtheria, pertussis, meningitis, or polio? And how will this make our day care situation more palatable, when disease outbreaks make attendance at daycare impossible, and workers impacted by the same exposures?

Somehow we survive the day care years, and we foolishly believe we will have more money once that expense has been eliminated and our kids go off to school. None of us want to talk about Covid, and this is not about covid vaccine, as it is not a required vaccination. What I do want to stress, is Covid was highly infectious, was dangerous, and because of these characteristics, school officials and those of us in public health worked long and hard every day to determine how to keep sick kids and staff from the population that was not. There was little time for anything else.

That was one disease. Now multiply that by 11; the number of diseases children are currently protected from through required vaccines for school entry. Do any of these sound familiar? Diphtheria, tetanus, pertussis, hepatitis b, polio, meningococcal disease, hepatitis A, measles, mumps, rubella, and varicella. All of these diseases have serious outcomes, including potential death. When would our educators have time to teach when they are tracking a multitude of life threatening illnesses and who has been in contact with each one. And then monitor the days the student can come back to school, which would require an environment free of any of the before mentioned conditions.

So next our kids enter middle school. No longer are they confined within the borders of our own community, but extracurricular activities now take them outside of our towns to

all corners of the state. What school can promise absence of disease where there is lack of required immunizations against these highly contagious diseases?

In a blink of the eye, off to college they go. There, not only are they exposed to diseases circulating around our state, but additionally, those in other parts of the country and world. Do we really want to join these countries that have reduced or absent vaccination requirements and further jeopardize our children's health?

Daycare is a priority issue currently. Another is building and sustaining our workforce. How do we do either when we take away the promise of a safe work environment; one that is free from vaccine preventable diseases. If a worker is out with a case of pertussis, which is a real possibility currently due to increasing numbers of unvaccinated people, if granted, a full recovery may take up to 3 months. That's just one worker not showing up. Imagine if these workers are health care workers in long term care or hospital settings. There is no wiggle room currently to work with fewer staff, and nor can we take the risk of exposure to residents and patients in these facilities.

Today my 80+ year old mother called me and asked me to give you a quote. Mother Myrna says: "We were so happy and relieved when vaccines were developed and available for measles, mumps, chicken pox, and polio. Do any of you in the room want your child or grandchild to have any of these horrible diseases?"

Please consider my testimony in opposition to HB 1505.

Thank you,

Brenda Stallman

Mr. Chairman, Madam Vice Chairman, and members of the committee,

I am writing in support of HB1505. As a registered nurse of over 18 years, it should be made clear that no one should ever be forced to do anything against their will, especially in the context of a healthcare setting. This has been taught to us in our medical training over and over. I support HB1505 because I am appalled to report witnessed sentiment within the medical community regarding forced vaccination status and clear discrimination of students and neglect of patients based on vaccination status. This should be a punishable offense and should be taken very seriously.

Please accept this support in writing.

Thank you,

Heidi Oien

My name is Jodi Plecity and I am a business woman from Fargo. I am in support of HB 1505 because it is my right and personal preference on what I choose to inject or NOT inject into my body. This is the right of the individual and should never be forced.

Please support this bill and protect our rights.

Thank you

Jodi Plecity

Testimony in Opposition to on HB 1505

House Human Services Committee

Chairman Weisz and Members of the Human Services Committee

For the record, my name is Bob Marthaller, representing North Dakota United and its membership of teachers, k-12 support personnel, Higher Education faculty and staff and state employees. I stand to speak in opposition to HB 1505.

Chairman Weisz and Members of the Committee, North Dakota United certainly has no objection to individuals choosing on their own behalf to reject or to accept vaccination or inoculation. However, there may be times when individual choice may jeopardize the general health and wellbeing of the general population.

North Dakota has a long-established law codified in NDCC 23-07-17.1 which requires a child to be immunized before being admitted to any public, private, or parochial school, or day care center, childcare facility, head start program or nursery school or that the process of immunization has been started. Parents of children receiving home education must certify to the school district that children have been vaccinated. Parents already have the option of opting out of this requirement based on a physician certification, or a parent may opt a child out of the requirements based on religious, philosophical, or moral beliefs. It is our understanding, Chairman Weisz, and Committee Members, that HB 1505 may nullify other laws requiring immunizations and potentially endanger the health of hundreds of thousands of children, teachers, and other school staff.

Chairman Weisz, and Members of the Committee, it is also our understanding that HB 1505 would prevent employers that already require employee vaccination to stop this practice. Many hospitals and long-term care facilities require certain vaccinations to protect patients,

residents, staff, and the public. Without this requirement, thousands of North Dakota residents might suffer adverse health conditions.

Chairman Weisz, HB 1505 begins with the phrase “Notwithstanding law to the contrary . . .” Mr. Chairman and members of the committee, I am not an attorney so to me this language and the intent is not clear as drafted. With all due respect, I would suggest that substituting language such as “Except as otherwise provided by law . . .” might be better.

Chairman Weisz, Committee Members, it is for these reasons that North Dakota United urges a unanimous No Not Pass recommendation on HB 1505.

Thank you and I will try to answer any questions you may have.



**2023 HOUSE BILL 1505**  
**House Human Services Committee**  
**Robin Weisz, Chairman**  
**February 7, 2023**

Chairman Weisz and members of the House Human Services Committee. I am J'Patrick Fahn, a board-certified physician, and I serve as chief medical officer at CHI St. Alexius Medical Center. I am here to testify in opposition to House Bill 1505. I respectfully ask that you give this bill a **Do Not Pass** recommendation.

The bill would prohibit anyone from requiring a vaccination, an inoculation, or any means of inducing an immune response as a condition for an individual to exercise any right, perform any duty, or enjoy any privilege. Let me start by confirming that vaccinations are always voluntary. Adults decide whether they want to be vaccinated and parents decide whether to vaccinate their children. Our schools have liberal exemptions for those who have objections to vaccination. Failure to be vaccinated may have consequences, but there is always bodily autonomy and the right to refuse.

Our concern with this bill is not only with the effect it could have on public health but also how it would negatively impact health care facilities' ability to operate. It makes North Dakota more vulnerable to preventable diseases and it would punish the very people who are trying to keep us safe. This bill would criminalize a core function of public health by making any vaccination requirement a class C felony with a penalty of up to five years imprisonment, a fine of ten thousand dollars, or both. It would remove all immunization requirements – even routine wellness vaccines – for employers, health care facilities, schools, universities, and more settings where diseases spread. Parents should have the right to choose what they deem best for their children, including the decision to vaccinate them without fear of punishment from the law.

This bill would also take away the ability of hospitals to require staff be vaccinated against any disease, including mumps, measles, rubella and polio, and seriously impair the ability of health care providers to protect their patients and employees. It would also be in direct

conflict with current health care worker vaccine requirements of the Centers for Medicare and Medicaid Services (CMS) and would threaten hospital Medicare and Medicaid funding. Because more than 60 percent of hospital services in North Dakota are paid for by Medicare and Medicaid, the financial impact would be devastating. It would put hospitals in the difficult spot of having to choose between violating state law or federal regulations.

Requiring healthcare workers to be vaccinated is not new. Hospitals have long required vaccinations for measles, mumps, rubella, chicken pox, hepatitis B, and influenza with remarkable impact on staff and patient safety. These immunizations are well-researched, safe and provide incredible protection from the greater risk of illness. Vaccinations are a global health success story, saving millions of lives every year. Immunization is a key component of primary health care and it's one of the best health investments money can buy. If a health care worker is not willing to get vaccinated to protect vulnerable patients, it is his choice, but that worker should understand why that choice means he may no longer be allowed to work in the health care setting. I would also like to note that we lost very few employees due to the COVID-19 vaccination requirements.

In summary, this bill would have too many negative consequences for health care providers. And that is why we oppose the bill and ask that you give it a **Do Not Pass** recommendation. I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

J'Patrick Fahn, DO

Chairman Weisz and members of the House Human Services Committee,

My name is Tara Dukart, and I reside in District 33. **I am writing in support of HB 1505.**

Throughout the past few years, I have witnessed family members and friends be forced, guilted, and coerced into making a choice between keeping their job and being injected with an experimental vaccine that they did not want and did not need.

I believe in true informed consent. Forced vaccines are a violation of this right.

If vaccines were truly “safe” and “effective” as some may claim, then I ask—why are they liability free for the manufactures? Why are the people who recommend and require them—including the CDC, local health departments, doctors, corporations, and employers NOT held liable for injury or death as a direct or indirect result of vaccines?

I think these are questions worth asking.

I urge you to support HB 1505.

Thank you for your time and for serving the people of this state.

Sincerely,

Tara Dukart  
Hazen, ND

Please do pass HB 1505. North Dakotans should not be forced to be vaccinated. It is everyone's right to make their own decision if they should or should not be vaccinated. You should not be penalized for deciding not to be vaccinated. Some people have a religious or medical reason for not getting vaccinated and they should not be penalized for their decision.

To the members of the House Human Services Committee.

I am writing in support of House Bill HB 1505, relating to a prohibition on requiring a vaccination.

As a resident of North Dakota I am grateful for the freedom we have had from the Pandemic related policies introduced in other states. Many americans have had to deal with issues such as being required to submit to multiple Covid-19 vaccinations to be allowed to keep their job. These vaccinations were rushed out to the market with little or no safety testing, many americans have been injured as a result most of whom may not have been injured had they not been required to submit to the treatment in order to earn a living.

Myself and many other citizens of North Dakota do not support forced vaccinations.

Please support our freedom to make our own health decisions by passing HB 1505.

Thank you.

House Human Services Committee  
HB1505  
February 7, 2023

Chairman Weisz and Committee Members,

My name is Parveen Wahab and I am a pediatric hospitalist physician at CHI St. Alexius Health in Bismarck. I am submitting this testimony to express my opposition to HB1505.

As a healthcare provider, I am deeply concerned about the impact this bill could have on public health. It would criminalize a core function of public health by making the requirement of any vaccination a Class C felony with severe penalties. This would remove all immunization requirements for employers, healthcare facilities, schools, universities, and many other settings where diseases can spread.

While I understand that parents should have the right to make decisions about what is best for their children, including the decision to vaccinate, I strongly believe that this legislation goes too far by putting healthcare providers in the position of violating the law if they try to protect their patients, employees, and the public from disease outbreaks.

Furthermore, this bill puts healthcare facilities that accept Medicare and Medicaid at odds with federal requirements for healthcare worker vaccinations. They would be in violation of those federal requirements and risk losing vital funding if they comply with the bills mandates.

In conclusion, I believe that this legislation would make North Dakota more vulnerable to preventable diseases and punish those who are working to keep us safe. For these reasons, I respectfully request a DO NOT PASS recommendation on the bill. Thank you for your time and consideration.

February 7, 2023

Chairman Weisz, Former Colleagues, and Members of the House Human Services Committee,

I am before you today to testify in support of House Bill 1505 and urge a DO PASS recommendation.

While the subject matter of this bill includes vaccinations, I will not be speaking to you today about potential benefits or known risks of any particular vaccine. I trust that others who testify for this bill, or numerous others introduced this session on the topic, will.

My father is fond of relating a story of a man who purchased a new piece of land. This property was marked by boundary stones and in one corner of the property there was a rather large portion of land outside the boundary stones compared to the other three. Now the man was well aware that the actual boundary of the property included a portion outside the boundary stones, and being the industrious fellow he was, removed the boundary stones to make use of every available acre on the property. Unfortunately, he hadn't bothered to ask the prior owner why the boundary stones had been set as they were. To this day, no crop has grown on that extra bit of land despite all the best efforts of the new steward, and he learned why the boundary stones had been placed where they were.

In 1919, on the heels of the biggest waves of what was called the "Spanish flu", and while new cases were still being recorded in this state, the 16<sup>th</sup> Legislative Assembly of the State of North Dakota took decisive action to protect the people from coerced vaccination with the approval of Senate Bill 31 on St. Valentine's Day, 1919. <https://www.ndlegis.gov/assembly/sessionlaws/1919/sl1919.pdf#page=492>

Much like the Bill of Rights to the U.S. Constitution, Senate Bill 31 was quite simple, stating "No form of vaccination or inoculation shall hereafter be made a condition precedent, in this State, for the admission to any public or private school or college, of any person, or for the exercise of any right, the performance of any duty, or the enjoyment of any privilege, by any person." It was also enacted with an emergency provision which stated, "An emergency is hereby declared to exist in that it is necessary to safeguard the health and welfare of the people of the State of North Dakota".

The law remained in effect for a few generations, until 1975, when the 44<sup>th</sup> Legislative Assembly with House Bill 1093, replaced the prohibition on coerced vaccination with compulsory vaccination for admission to public, private, or parochial elementary school, or day care center, child care facility, head start program, or nursery school operating in North Dakota, with a very limited exemption. <https://www.ndlegis.gov/assembly/sessionlaws/1975/pdf/helth.pdf#page=18>

Most likely, the members of the 44<sup>th</sup> Legislative Assembly did not consult with members of the 16<sup>th</sup> Legislative Assembly before moving their prudently placed boundary stones. Like the man who set the boundary stone, many members of the 16<sup>th</sup> Legislative Assembly were likely dead at the time, God rest their souls. It should be sufficient to note that just over a decade later there was enough damage caused by vaccination of children for vaccine manufacturers to request liability immunity from Congress with the passage of National Childhood Vaccine Injury Act of 1986.

Fast forward to 2020 to present and coerced inoculation has expanded broadly, and perhaps most impactfully, to the workplace. People of our state have been coerced into accepting an injection of undisclosed content to put food on the table for themselves and their children. The 1919 law protected the people of our state from that too.

House Bill 1505 before you today offers that same simple solution. It similarly states, “Notwithstanding law to the contrary, a person may not require an individual to undergo a vaccination, an inoculation, or any means of inducing an immune response as a condition for the individual to exercise any right, perform any duty, or enjoy any privilege.” While the class C felony penalty may appear a bit stiff, and you may wish to reduce it, it is on par with that for breach of confidentiality of HIV positive individuals as found in North Dakota Century Code section 23-07-21.

Please consider replacing the boundary stones set by our predecessors and give House Bill 1505 a DO PASS recommendation.

Sincerely,

Sebastian Ertelt  
Fmr. State Rep.  
Fmr. Dist. 26  
PO Box 1008  
Lisbon, ND  
[sertelt@proton.me](mailto:sertelt@proton.me)  
701.680.7988

thereof, shall be confined in the county jail not exceeding 90 days, and shall be fined in any sum not exceeding \$300.00 or may be punished by both such fine and imprisonment. The penal clause of this action shall be deemed and construed to be cumulative, and the civil action in this section provided for shall be in no wise altered or taken away by virtue of the clause in this section providing for the fine and imprisonment of persons guilty of violation of Section 6072 or Section 6073 hereof.

Sec. 2. REPEALING.) All Acts or parts of Acts conflicting with this Act are hereby repealed.

Approved February 14, 1919.

## VACCINATION

### CHAPTER 236.

(S. B. No. 31—Wenstrom.)

#### SCHOOLS—VACCINATION NOT NECESSARY.

An Act Making No Form of Vaccination or Inoculation a Condition Precedent to Admission to any Public or Private School or College, or the Exercise and Enjoyment of any Right or Privilege in this State; Repealing Section 425 of the Compiled Laws of North Dakota 1913 and Conflicting Provisions to this Act; Emergency.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. VACCINATION OR INOCULATION NOT TO BE MADE A CONDITION PRECEDENT.) No form of vaccination or inoculation shall hereafter be made a condition precedent, in this State, for the admission to any public or private school or college, of any person, or for the exercise of any right, the performance of any duty, or the enjoyment of any privilege, by any person.

Sec. 2. REPEAL.) Section 425 of the Compiled Laws of North Dakota is hereby repealed, as well as are all Acts and parts of Acts in conflict with the provisions of this Act.

Sec. 3. EMERGENCY.) An emergency is hereby declared to exist in that it is necessary to safeguard the health and welfare of the people of the State of North Dakota, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved February 14, 1919.

## CHAPTER 224

HOUSE BILL NO. 1093  
(Eagles)

## INOCULATIONS

AN ACT to provide for a safe level of immunization for the people of North Dakota against diphtheria, pertussis, tetanus, measles (rubeola), rubella, mumps, and poliomyelitis; and to repeal section 23-07-17 of the North Dakota Century Code, relating to compulsory vaccination or inoculation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. INOCULATION REQUIRED BEFORE ADMISSION TO SCHOOL.)

1. No child shall be admitted to any public, private, or parochial elementary school, or day care center, child care facility, head start program, or nursery school operating in North Dakota unless such child's parent or guardian presents to the school authorities a certification from a licensed physician or authorized representative of the state department of health that such child has received immunization against diphtheria, pertussis, tetanus, measles (rubeola), rubella, mumps, and poliomyelitis.
2. A child may enter school upon submitting written proof from a licensed physician stating that he has started receiving the required immunization or has a written consent by the child's parent or guardian for a local health service or department to administer the needed immunization without charge.
3. The immunizations required, and the procedure for their administration, as prescribed by the state department of health, shall conform to recognized standard medical practices in the state. The state department of health shall administer the provisions of this Act and shall promulgate rules and regulations in the manner prescribed by chapter 28-32 for the purpose of administering this Act.
4. The list of diseases in subsection 1 may be revised through regulations by the state department of health upon the development of a nationally recognized effective vaccine against a disease.

5. Any minor child, through his parents or guardian, may submit to the school authorities a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child and the minor child shall then be exempt from the provisions of this Act.
6. Before any child is immunized the school authorities shall notify the parent or guardian of their right to refuse such immunization.

SECTION 2. REPEAL.) Section 23-07-17 of the North Dakota Century Code is hereby repealed.

Approved March 20, 1975

Dear Chairman Weisz and Committee,

I am Robin Johnson from Hebron ND. I graduated MSU-Billings in my mid 30's with a Biology degree. Near the end of my Junior year, the faculty Geneticist, Dr Tasneem Khalil, asked me to help her on a study of tree hormones, and then asked me to present our work at the American Academy of Science my Senior year. It's been awhile since I did such activity as that but I am not a stranger to setting up experiments and controls, doing a literature search, doing the lab work and presenting the results. One of my better talents is finding information to answer the question at hand and I hope to share a lot of very good information with you for your consideration.

I am in support of HB1505. I would, however, ask you for an amendment to strike "notwithstanding law to the contrary." What could be contrary to making an informed decision to protect our own health and that of our children? We all know that our agencies write rules which become law and they are hard to keep track of until the damage is done. Case in point: about 10 years ago our state Health Dept wrote a rule instituting 24/7 call schedules for all ambulance services including rural ambulance services that utilize volunteers. In the 7 years I have been an EMT I have witnessed the closure of rural ambulance services and the downsizing of most of the rest, including ours, all because of the tyranny of the call schedule. We didn't have a volunteer problem until that rollout.

As for HB1505:

In early 2020 I learned that Dr Yan Li-Meng, a research scientist in Hong Kong had discovered HIV segments in the Covid19 coronavirus and she told the world it was manmade. She had to flee Hong Kong, her family denounced her and she has been in hiding in the US ever since. ([https://www.pop.org/wp-content/uploads/2021/01/PRI-Review-2020-Nov-Dec\\_web-1.pdf](https://www.pop.org/wp-content/uploads/2021/01/PRI-Review-2020-Nov-Dec_web-1.pdf)) see page 2.

Soon after, a lab in France verified that Dr Shi Zheng-Li, the creator of Covid19 in Wuhan, China, had indeed worked in their lab learning to manipulate HIV sequences. ([www.science.org](http://www.science.org) vol 369, no 6503)

In the meantime, a group of researchers in Japan discovered snake DNA in a Covid sample. This was all very early in 2020, just a few months after an Event 201 meeting ([www.centerforhealthsecurity.org](http://www.centerforhealthsecurity.org)) in New York, October 18, 2019, in which a tabletop exercise involving a coronavirus pandemic had taken place. Many of us knew early on that we were possibly the target of a bioweapon.

And Dr Simone Gold, founder of America's Frontline Doctors was shouting from the rooftops: "Don't get the shot, the test animals died!" I found the study she referred to, I'm sure it was on PubMed. It seems to have been removed. I can no longer find it. The mRNA-injected ferrets did die upon being exposed to the wildtype virus, from antibody-dependent enhancement.

The very minute I heard that an mRNA vaccine was proposed, I exclaimed "What in the world are they thinking?!!"

Our bodies are designed to eliminate foreign RNA. In some lab experiments, clothing is worn to help avoid any RNA contamination. Every cell in our body has its own RNA to make proteins and the gatekeepers of the cell quickly eliminate foreign RNA. I knew something was up. Something not good.

Then the CDC changed the definition of 'vaccine.' When the 'Covid19-vaccinated' began to need emergency care soon after their shot, the CDC and the hospitals told them they were not considered vaccinated until 14 days after the injection, therefore it was not a vaccine injury. Then when they came needing care two or more weeks post-'vaccination' they were told it couldn't possibly be a vaccine injury because that wouldn't happen more than 14 days after the shot. I spoke to an individual who worked in the office at St Alexis and she said filing reports with VAERS was very difficult and sometimes the doctors told them not to report. I visited with a nurse whose post-menopausal mother-in-law started bleeding after a family member living in the same household took the 'vaccine.'

We all saw the ranks of healthcare workers depleted when the vaccines were mandated. To this day I am told there are empty rooms in the hospitals because the administrators refuse to be fair to those who have a little intellectual curiosity and saw this so-called vaccine for what it is: a bioweapon that is causing neurological deficits, myocarditis, clotting,

hemorrhaging and death. I don't relish the thought of having a surgeon who might have a sudden heart attack or stroke in the middle of a surgery, one little slip of the scalpel...

In the airline industry, the FAA is now approving annual EKGs of pilots that have an extended PR interval because so many pilots took the 'vaccination.' ( <https://www.trib247.com/articles/report-faa-quietly-widened-the-ekg-parameters-for-americas-pilots>) Pilot deaths rose from 1 in 2019 to 6 in 2020 and 111 in 2021 ( <https://www.globalresearch.ca/us-pilot-deaths-increase-by-1750-after-covid-vaccine-rollout/5764830> ) some of them in their seats in the planes. There is also discussion in the FAA of allowing some flights to take off with only one pilot. I'm done flying, thank you.

A few days ago, on Feb 2, 2023, Dr Masanori Fukushima, an infectious disease expert & professor emeritus at Kyoto University, and colleagues had a press conference in which they announced they had "filed a lawsuit against the Japanese government for cancellation of the administrative action." It goes on to explain these doctors are suing because of the Covid shot and its fallout. (<https://dailyclout.io/japanese>)

The Princess Bajrakitiyabha of Thailand is in a coma from the Covid 'vaccination.' Her family is banning Pfizer.( <https://www.eutimes.net/2023/02/thailand-to-ban-pfizer-after-thai-princess-falls-into-a-coma-following-booster-jab/>)

Back to the snake DNA: Dr Bryan Ardis, a retired chiropractor from Texas has looked into the 'vaccine' extensively. He has discovered that Gentauro, a biomedical product supplier, sells hundreds of types of venoms and that vaccine researchers have been using these venoms for decades. In particular, the Covid spike protein is a glycoprotein consisting of homologs of Cobra venom, krait venom and conotoxin. It's interesting that the symptoms of Covid are the same symptoms caused by each of these venoms. We not only have ACE2 receptors on our cells but also nicotinic acetylcholine receptors in our brainstem, on the beta cells in the pancreas and elsewhere. He tells that venom attaches to the nicotine receptors but they will let go of the venom glycoproteins in the presence of ivermectin and nicotine. Those on nicotine therapy have full recovery of smell and taste in hours to a few days.

The fallout of the masks, mandates, the shots, the fear, the lockdowns...what a travesty. Apparently, 'informed consent' doesn't mean anything anymore. The good people of North Dakota should NEVER have to submit to a treatment that they do not want to take, for any reason.

Please amend this Bill and make a good solid declaration that North Dakotans have freedom from medical tyranny from private, state, and federal entities. You are the law in North Dakota. You stand between us and those who wish us harm.

Thank you for serving us. If I can offer further information for you please contact me.

Robin Johnson djrjohnsn@yahoo.com



**HB 1505**  
**House Human Services**

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Good afternoon, Chairman Weisz and members of the House Human Services committee. My name is Sandy Tibke and I am the Executive Director of Foundation for a Healthy North Dakota.

I am providing testimony in opposition to HB1505.

This bill would create and enact a new subsection of the North Dakota Century Code (23-07-17.2). This new subsection violates a core pillar of public health by removing all immunization requirements – even those for routine wellness vaccines – for employers, healthcare facilities, schools, universities, and more settings where diseases spread.

This legislation would criminalize the rights of businesses to protect their employees, customers, and economic success from disease outbreaks. Similarly, it restricts private, independent healthcare institutions from enforcing vaccine requirements that are in place to protect their staff and patients. Finally, educational institutions could not maintain vaccine requirements, undermining existing school requirements that have been in place for decades to keep students and teachers safe.

The Foundation is also concerned this subsection will threaten the ability of parents to make the choice to vaccinate their children without fear of punishment from the law. This legislation notes that violation of this law would be a Class C felony. That would group vaccination amongst various kinds of assault, including aggravated assault.

The North Dakota Century Code notes that aggravated assault is a Class C felony when a person willfully causes serious bodily injury to another person and knowingly causes bodily injury to another person with a weapon (because in these circumstances, possession of that weapon indicates an intent or readiness to inflict serious bodily injury).<sup>1</sup> Our organization objects to the comparison of requiring vaccines, when the science is clear they are safe and effective, to willfully and knowingly causing bodily injury to another person. A vaccine is not a deadly weapon, and this bill irresponsibly conflates the two.

Thank you for the opportunity to speak. I am open to your questions.

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#### References

1. [NDCC 12.1-17-02](#)

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Good morning, Chairman Weisz and members of the House Human Services Committee. My name is Dr. Nizar Wehbi. I am North Dakota State Health Officer.

I am providing testimony in opposition to HB1505. This legislation will negatively impact the health of North Dakotans by eliminating all routine vaccination requirements in North Dakota, including those for childcare settings, schools, universities and healthcare facilities.

Childcare, school, university and healthcare immunization requirements play an important role in maintaining the health and safety of children, students and patients. Measles is so contagious that experts recommend a 95% vaccination rate to prevent outbreaks from occurring. If childcare, school and university immunization requirements are discontinued, vaccination rates may decline, placing North Dakotans at risk for vaccine-preventable diseases.

North Dakota already has one of the most relaxed childcare and school immunization policies in the United States. NDCC 23-07-17.1 allows medical, religious and moral/philosophical exemptions. To claim a religious, moral/philosophical exemption, parents simply have to sign a document before school entry. North Dakota universities also allow the same exemptions to their vaccination requirements for measles and meningitis.

North Dakota is one of only 15 states that still allow moral/philosophical exemptions; many of the other states that allow philosophical exemptions require a notary signature or education from a healthcare provider before claiming an exemption. Six states allow medical exemptions and don't offer religious or philosophical exemptions.<sup>1</sup> States that have easily obtained personal belief exemptions have higher rates of pertussis and measles.<sup>2,3</sup>

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<sup>1</sup> [States With Religious and Philosophical Exemptions From School Immunization Requirements \(ncsl.org\)](https://www.ncsl.org/legislative-analysis/federal-legislation/individual-and-community-risks-of-measles-and-pertussis-associated-with-personal-exemptions-to-immunization)

<sup>2</sup> [Nonmedical Exemptions to School Immunization Requirements: Secular Trends and Association of State Policies With Pertussis Incidence | Infectious Diseases | JAMA | JAMA Network](https://pubmed.ncbi.nlm.nih.gov/32311111/)

<sup>3</sup> [Individual and community risks of measles and pertussis associated with personal exemptions to immunization - PubMed \(nih.gov\)](https://pubmed.ncbi.nlm.nih.gov/32311111/)

HB1505 will also impact employers who may need to require certain vaccines to protect their employees. Examples of immunization requirements that may be impacted are law enforcement, who need to be vaccinated against hepatitis B in the event of a needle stick, restaurant workers who may need to be vaccinated against hepatitis A if exposed, and veterinarians who need to be protected against rabies. There are likely many other examples.

Before immunizations were available, diseases like diphtheria, measles, whooping cough, polio, *Haemophilus influenzae* type B and rubella caused severe illness, hospitalization and death in the United States. Before 1963, when the measles vaccination program started, it is estimated that 3 to 4 million people in the United States were infected with measles each year. Also, each year among reported cases, an estimated 400 to 500 people died, 48,000 were hospitalized, and 1,000 suffered encephalitis (swelling of the brain) from measles.<sup>4</sup> Because of the successes of vaccines, many people have forgotten these vaccine-preventable diseases and their negative health consequences.

In 2017, the Minnesota Department of Health spent \$2.3 million in five months responding to an outbreak of 79 cases of measles.<sup>5</sup> Columbus, Ohio is currently responding to a measles outbreak of 85 cases, 36 hospitalized. None of the cases occurred in fully vaccinated children, four occurred in children partially vaccinated, and one case has an unknown vaccination status. Twenty-five cases occurred in children under the age of one, too young to be vaccinated. Over 17 childcare facilities and schools have been impacted.<sup>6</sup>

In conclusion, current vaccination laws and policies in North Dakota for childcare, schools and universities provide simple ways for parents and/or students to submit for an exemption. Maintaining high rates of routine, wellness vaccinations is necessary to keep North Dakotans protected against vaccine-preventable diseases.

Thank you for the opportunity to appear before you today. I would be happy to respond to any questions you may have.

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<sup>4</sup> [About Measles Vaccination | CDC](#)

<sup>5</sup> [MN Health Dept. Spent \\$2.3M During 5-Month Measles Outbreak – WCCO | CBS Minnesota \(cbslocal.com\)](#)

<sup>6</sup> [Measles Public Report | Tableau Public](#)



GREATER NORTH DAKOTA CHAMBER  
HB 1505  
House Human Services Committee  
Chair Robin Weisz  
February 5, 2023

Mr. Chairman and members of the House Human Services Committee, my name is Andrea Pfennig with the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state. We stand in **opposition** of House Bill 1505.

HB 1505 would infringe on employers' ability to require any vaccine. This bill would apply to more than COVID vaccines. It would apply to every vaccine, including those for deadly diseases like polio, measles, and diphtheria that have largely been eradicated due to vaccines. The last few years have demonstrated that we cannot anticipate what may occur in the future. This bill is far-reaching and could hinder possible solutions to other public health emergencies that may arise. Depending on the future federal regulatory environment, this bill has the potential to make employers choose whether to break state or federal laws & regulations.

GNDC has long supported the right of employers to determine policies for their operations and workforce. Businesses know the best course of action for their functions, and it is their choice to determine the policies they enact.

We strongly urge a Do Not Pass on HB 1505.



**House Human Services Committee  
HB 1505  
February 7, 2023**

Chairman Weisz and Committee Members, my name is Joan Connell. I am a pediatrician in Bismarck and I'm president of the North Dakota Medical Association's 6<sup>th</sup> District Medical Society. I present this testimony on behalf of the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

NDMA opposes this HB 1505. Although COVID-19 immunizations were probably the source of the bill, it applies to all vaccines, including those against influenza, measles, polio, influenza, pertussis, and hepatitis B.

This bill would prohibit hospitals and clinics from mandating any vaccines. In the healthcare setting, mandating vaccines for healthcare workers as a condition of employment is a common policy that was initially prompted by the goals of protecting patients from healthcare-acquired influenza and to protecting the workplace from the disruption and expense of worker illnesses. This is against the free-market principle of allowing business owners to do what's best for their business, workforce, and patients. Healthcare facilities know the best course of action for their facility, and it should be their choice to determine what policies they enact.

This bill also conflicts with the Occupational Safety and Health Act and Centers for Medicare and Medicaid Services (CMS) vaccine requirements, which include other vaccines such as hepatitis B and influenza in addition to COVID. Therefore, this bill will significantly burden healthcare facilities in ensuring they properly adhere to immunization policies set by federal standards and state law.

NDMA requests a DO NOT PASS recommendation on the bill. Thank you for the opportunity to testify today. I would be happy to answer any questions.

House Bill 1505  
Human Services Committee  
February 7<sup>th</sup>, 2023

Good morning, Chairman Weisz and members of the House Human Services Committee. My name is Kylie Hall. I currently reside in north Fargo in District 45. I have a Master's Degree in Public Health, with an emphasis in the management of infectious diseases. I have spent the last 7.5 years working on vaccine-related projects at North Dakota State University in the Center for Immunization Research and Education, where I am the currently the Operations Director. I would like to make clear that my comments today are not on behalf of North Dakota State University.

House Bill 1505 would remove childcare, school and university immunization requirements. We know that these requirements play a key role in the prevention and control of vaccine preventable diseases. In North Dakota, parents that do not want to vaccinate their children can claim an exemption to vaccination for medical, religious or philosophical reasons.

There are many jobs in North Dakota for which vaccination may be required, either by the employer or by state or federal law. This bill would do away with employer and state vaccine requirements. Vaccine requirements protect the employee, often act as a barrier against the spread of infections, and protect those the employee serves. Some examples:

- Many hospitals and long-term care facilities require influenza vaccination for employees to protect staff and patients.
- Hepatitis B vaccine is often required for staff who are high-risk for blood exposure. Blood exposure can occur in healthcare settings, but also occurs in areas like law enforcement, where the individual may be exposed to a needle while serving in the line of duty. State law also requires hepatitis B vaccination for those working in tattoo and body art facilities.
- Veterinary clinics or animal control staff may require rabies vaccination for staff, either prior to employment or following contact with a potentially rabid animal.
- Laboratory workers who regularly work with *Neisseria meningitidis* isolates should be vaccinated against meningococcal bacteria.

This law could place certain employers (ex. healthcare facilities) at odds with federal requirements for vaccination (ex. through CMS or OSHA).

Lastly, this bill could subject vaccinating parents to a charge of a class C felony. In North Dakota, 93% of kindergartners are up-to-date on their kindergarten vaccines, and a majority of parents support immunization requirements for school attendance. More than 9 in 10 parents vaccinate their children statewide. If this bill passes, requiring your children to be vaccinated could be considered a class C felony, and it would impact more than 90% of parents in the state.

Please vote “do not pass” on House Bill 1505.

Respectfully submitted,

Kylie Hall, MPH

Fargo, ND – District 45



## **HB 1505**

House Human Services Committee

February 7, 2023

Katie Fitzsimmons, Director of Student Affairs, NDUS

701-328-4109 | [katie.fitzsimmons@ndus.edu](mailto:katie.fitzsimmons@ndus.edu)

Chair Weisz and members of the House Human Services Committee. My name is Katie Fitzsimmons, and I serve as the Director of Student Affairs for the North Dakota University System. I am here today on behalf of the North Dakota University System and its eleven institutions to provide testimony in opposition related to HB 1505, enlighten the committee about the current process used throughout the North Dakota University System, and provide consideration for an amendment.

Currently, with respect to vaccination data, the eleven campuses engage in a process to obtain sufficient records to ensure the safety of all students on campus in the event of an outbreak. Providing proof of vaccination is not required. Students are given two options: 1) Provide MMR and meningitis vaccination record to the campus OR 2) Complete the immunization exemption form and decline to provide records to the campus.

Option two is for students who prefer to not disclose whether they have received vaccinations. We do not ask why a student is requesting an exemption; we simply ask so we know the possible impact of an outbreak, should one occur on our campus or community. If an outbreak were to occur, the students who exempted from the requirement would be considered not vaccinated. As such, those students might not be allowed to attend classes in person or live on campus until the threat of disease is no longer present; that would be dependent on the assessment and recommendations of the local public health unit. We do not require any vaccination information from faculty, staff, or visitors to our campuses. However, if a faculty or staff member chooses to enroll in a course and attend it in person, they must also provide records or complete the exemption form.

We currently do not require any vaccine but asking for documentation one way or the other is a requirement for enrollment. Thus, our current process would not be congruent with state law if this bill were enacted. If we are required to change our current protocol, it could present challenges if an outbreak of a preventable disease were to occur. If this bill moves forward, the North Dakota University System requests an indemnification clause to lift the liability of severe injury, loss of access to education, and death if such circumstances were encountered due to a case of measles, mumps, rubella, or meningitis. Our concern lies in the ability to rapidly respond to possible cases of disease, and we feel equipped to do so under our current process.

This concludes my testimony related to HB 1505. I respectfully request consideration of our amendment, if our current process would no longer be allowed. I will gladly work with the clerk and Legislative Council to draft such an amendment if necessary. I remain available for questions from Committee members and bill sponsors.



**House Human Services Committee  
HB 1505  
February 7, 2023**

Chair Weisz and committee members, thank you for this opportunity to weigh in on this important issue to health care in North Dakota. My name is Andy Askew, and I serve as Essentia Health's Vice President of Public Policy. Prior to joining Essentia in February 2020, I served as its contract lobbyist here in Bismarck while working as an attorney.

Essentia Health is an integrated health system serving patients in North Dakota, Minnesota, and Wisconsin. Headquartered in Duluth, Minnesota, we roughly 15,000 employees who serve patients and communities through our 14 hospitals, 77 clinics, 6 long-term care facilities, 3 assisted living facilities, 3 independent living facilities, 6 ambulance services, 24 retail pharmacies, and 1 research institute. Essentia Health is an accredited accountable care organization by the National Committee for Quality Assurance and is focused on the triple aim of better health, improving patient experience, and lowering costs.

Essentia Health has made the decision to require the COVID-19 vaccine as a condition of employment at all our facilities. Review of the extensive scientific research demonstrates that the COVID-19 vaccination is a safe and highly effective way to reduce the spread of COVID-19 – for our patients and health care professionals. To this end, it is vital that all who can receive the vaccine do so, especially health care workers whose duty it is to protect the vulnerable, elderly and critically ill. Just as we have done with our flu vaccine policy, which was adopted in 2017, there is a process for employees to request a medical exemption based upon guidelines from the Centers for Disease Control and Prevention or a religious exemption.

Patients entrust their care to us in some of the most vulnerable times in their lives. Our mission and values obligate us to do all we can to protect our patients from COVID-19, while providing high-quality care that they need. For these reasons, we respectfully ask that you assign a Do Not Pass recommendation to HB 1505 and allow health care providers to continue to take the measures necessary to keep our most vulnerable patients safe and healthy.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andy Askew".

Andrew Askew  
Vice President of Public Policy  
Essentia Health



**HB 1505**  
**Testimony of Amy De Kok**  
**House Human Services**  
**February 7, 2023**

Chairman Weisz and members of the committee, my name is Amy De Kok. I am General Counsel for the North Dakota School Boards Association. NDSBA represents all North Dakota public school districts and their boards. NDSBA stands in opposition to HB 1505.

If passed, HB 1505 would prohibit any person, employer, or governmental entity from requiring an individual to obtain a vaccination or inoculation as a condition for the individual to exercise any right, perform any duty or enjoy any privilege. The North Dakota Constitution guarantees every child who resides in North Dakota the right to a free and appropriate public education. North Dakota law provides that a child may not be admitted to any public, private or parochial school unless the child's parent or guardian presents to the school a certification from a licensed physician that the child has received age-appropriate immunizations. These requirements are found in NDCC 27-07-17.1. The law also provides exemptions to these requirements. Indeed, North Dakota already has one of the most relaxed school immunization policies in the country. North Dakota allows medical, religious, and moral/philosophical exemptions. HB 1505 would have the effect of removing all immunization requirements for employers, healthcare facilities, schools, universities, and more settings where diseases spread.

Our schools serve arguably the most vulnerable population of citizens. Parents entrust their children to our schools to protect them and keep them safe from harm, especially preventable harm. If passed, HB 1505 will make it difficult for schools to keep kids and their employees safe and protected from the spread of vaccine preventable diseases, like measles, mumps, and rubella. School immunization requirements play an important role in increasing immunization rates and ensuring environments where children congregate are safe.

For these reasons, NDSBA urges a Do Not Pass recommendation on HB 1505, and I am happy to stand for any questions. Thank you for your time.

23.1117.01000

Sixty-eighth  
Legislative Assembly  
of North Dakota

**BILL NO.**

Introduced by

Senator Estenson

1 A BILL for an Act to amend and reenact sections 14-02.4-01, 14-02.4-02, 14-02.4-03,  
2 14-02.4-04, 14-02.4-05, 14-02.4-06, 14-02.4-08, and 14-02.4-09, subsection 1 of section  
3 14-02.4-14, subsection 1 of section 14-02.4-15, and sections 14-02.4-16 and 14-02.4-17 of the  
4 North Dakota Century Code, relating to creating a new status related to human rights and  
5 antidiscrimination policies.

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

7 **SECTION 1. AMENDMENT.** Section 14-02.4-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **14-02.4-01. State policy against discrimination.**

10 It is the policy of this state to prohibit discrimination on the basis of race, color, religion, sex,  
11 national origin, age, the presence of any mental or physical disability, health status, status with  
12 regard to marriage or public assistance, or participation in lawful activity off the employer's  
13 premises during nonworking hours which is not in direct conflict with the essential  
14 business-related interests of the employer; to prevent and eliminate discrimination in  
15 employment relations, public accommodations, housing, state and local government services,  
16 and credit transactions; and to deter those who aid, abet, or induce discrimination or coerce  
17 others to discriminate.

18 **SECTION 2. AMENDMENT.** Section 14-02.4-02 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **14-02.4-02. Definitions.**

21 In this chapter, unless the context or subject matter otherwise requires:

- 22 1. "Age" insofar as it refers to any prohibited unfair employment or other practice means  
23 at least forty years of age.

- 1        2. "Aggrieved person" includes any person who claims to have been injured by a  
2        discriminatory practice.
- 3        3. "Court" means the district court in the judicial district in which the alleged  
4        discriminatory practice occurred.
- 5        4. "Department" means the division of human rights within the department of labor and  
6        human rights.
- 7        5. "Disability" means a physical or mental impairment that substantially limits one or  
8        more major life activities, a record of this impairment, or being regarded as having this  
9        impairment.
- 10       6. "Discriminatory practice" means an act or attempted act which because of race, color,  
11       religion, sex, national origin, age, physical or mental disability, status with regard to  
12       marriage or public assistance, or participation in lawful activity off the employer's  
13       premises during nonworking hours which is not in direct conflict with the essential  
14       business-related interests of the employer results in the unequal treatment or  
15       separation or segregation of any persons, or denies, prevents, limits, or otherwise  
16       adversely affects, or if accomplished would deny, prevent, limit, or otherwise adversely  
17       affect, the benefit of enjoyment by any person of employment, labor union  
18       membership, public accommodations, public services, or credit transactions. The term  
19       "discriminate" includes segregate or separate and for purposes of discrimination  
20       based on sex, it includes sexual harassment. Sexual harassment includes unwelcome  
21       sexual advances, requests for sexual favors, sexually motivated physical conduct or  
22       other verbal or physical conduct or communication of a sexual nature when:  
23       a.    Submission to that conduct or communication is made a term or condition, either  
24       explicitly or implicitly, of obtaining employment, public accommodations or public  
25       services, or education;  
26       b.    Submission to or rejection of that conduct or communication by an individual is  
27       used as a factor in decisions affecting that individual's employment, public  
28       accommodations or public services, education, or housing; or  
29       c.    That conduct or communication has the purpose or effect of substantially  
30       interfering with an individual's employment, public accommodations, public  
31       services, or educational environment; and in the case of employment, the

1                    employer is responsible for its acts and those of its supervisory employees if it  
2                    knows or should know of the existence of the harassment and fails to take timely  
3                    and appropriate action.

4            7. "Employee" means a person who performs services for an employer, who employs  
5            one or more individuals, for compensation, whether in the form of wages, salaries,  
6            commission, or otherwise. "Employee" does not include a person elected to public  
7            office in the state or political subdivision by the qualified voters thereof, or a person  
8            chosen by the officer to be on the officer's political staff, or an appointee on the  
9            policymaking level or an immediate adviser with respect to the exercise of the  
10           constitutional or legal powers of the office. Provided, "employee" does include a  
11           person subject to the civil service or merit system or civil service laws of the state  
12           government, governmental agency, or a political subdivision.

13           8. "Employer" means a person within the state who employs one or more employees for  
14           more than one quarter of the year and a person wherever situated who employs one  
15           or more employees whose services are to be partially or wholly performed in the state.

16           9. "Employment agency" means a person regularly undertaking, with or without  
17           compensation, to procure employees for an employer or to procure for employees  
18           opportunity to work for an employer and includes any agent of the person.

19           10. "Health status" means an individual's medical records or preferences relating to the  
20           right to refuse a medical procedure, treatment, injection, device, vaccine, or  
21           prophylactic.

22           11. "Labor organization" means a person, employee representation committee, plan in  
23           which employees participate, or other organization which exists solely or in part for the  
24           purpose of dealing with employers concerning grievances, labor disputes, wages,  
25           rates of pay, hours, or other terms or conditions of employment.

26           ~~11-12.~~ "National origin" means the place of birth of an individual or any of the individual's  
27           lineal ancestors.

28           ~~12-13.~~ "Otherwise qualified person" means a person who is capable of performing the  
29           essential functions of the particular employment in question.

30           ~~13-14.~~ "Person" means an individual, partnership, association, corporation, limited liability  
31           company, unincorporated organization, mutual company, joint stock company, trust,

1 agent, legal representative, trustee, trustee in bankruptcy, receiver, labor organization,  
2 public body, public corporation, and the state and a political subdivision and agency  
3 thereof.

4 ~~44.15.~~ "Public accommodation" means every place, establishment, or facility of whatever  
5 kind, nature, or class that caters or offers services, facilities, or goods to the general  
6 public for a fee, charge, or gratuity. "Public accommodation" does not include a bona  
7 fide private club or other place, establishment, or facility which is by its nature distinctly  
8 private; provided, however, the distinctly private place, establishment, or facility is a  
9 "public accommodation" during the period it caters or offers services, facilities, or  
10 goods to the general public for a fee, charge, or gratuity.

11 ~~45.16.~~ "Public service" means a public facility, department, agency, board, or commission  
12 owned, operated, or managed by or on behalf of this state, a political subdivision  
13 thereof, or a public corporation.

14 ~~46.17.~~ "Readily achievable" means easily accomplishable and able to be carried out without  
15 much difficulty or expense by a person engaged in the provision of public  
16 accommodations.

17 ~~47.18.~~ "Reasonable accommodations" means accommodations by an employer that do not:  
18 a. Unduly disrupt or interfere with the employer's normal operations;  
19 b. Threaten the health or safety of the individual with a disability or others;  
20 c. Contradict a business necessity of the employer; or  
21 d. Impose undue hardship on the employer, based on the size of the employer's  
22 business, the type of business, the financial resources of the employer, and the  
23 estimated cost and extent of the accommodation.

24 ~~48.19.~~ "Sex" includes pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

25 ~~49.20.~~ "Status with regard to public assistance" means the condition of being a recipient of  
26 federal, state, or local assistance, including medical assistance, or of being a tenant  
27 receiving federal, state, or local subsidies, including rental assistance or rent  
28 supplements.

29 **SECTION 3. AMENDMENT.** Section 14-02.4-03 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **14-02.4-03. Employer's discriminatory practices.**

- 2       1. It is a discriminatory practice for an employer to fail or refuse to hire an individual; to  
3       discharge an employee; or to accord adverse or unequal treatment to an individual or  
4       employee with respect to application, hiring, training, apprenticeship, tenure,  
5       promotion, upgrading, compensation, layoff, or a term, privilege, or condition of  
6       employment, because of race, color, religion, sex, national origin, age, physical or  
7       mental disability, health status, status with respect to marriage or public assistance, or  
8       participation in lawful activity off the employer's premises during nonworking hours  
9       which is not in direct conflict with the essential business-related interests of the  
10      employer.
- 11      2. It is a discriminatory practice for an employer to fail or refuse to make reasonable  
12      accommodations for an otherwise qualified individual with a physical or mental  
13      disability, because that individual is pregnant, ~~or~~ because of that individual's religion,  
14      or because of that individual's health status. An employer is not required to provide an  
15      accommodation that would disrupt or interfere with the employer's normal business  
16      operations; threaten an individual's health or safety; contradict a business necessity of  
17      the employer; or impose an undue hardship on the employer, taking into consideration  
18      the size of the employer's business, the type of business, the financial resources of  
19      the employer, and the estimated cost and extent of the accommodation.
- 20      3. This chapter does not prohibit compulsory retirement of any employee who has  
21      attained sixty-five years of age, but not seventy years of age, and who, for the  
22      two-year period immediately before retirement, is employed in a bona fide executive or  
23      high policymaking position, if the employee is entitled to an immediate nonforfeiture  
24      annual retirement benefit from a pension, profit-sharing, savings, or deferred  
25      compensation plan, or any combination of those plans, of the employer of the  
26      employee, which equal, in the aggregate, at least forty-four thousand dollars.

27      **SECTION 4. AMENDMENT.** Section 14-02.4-04 of the North Dakota Century Code is  
28      amended and reenacted as follows:

29      **14-02.4-04. Employment agency's discriminatory practices.**

30      It is a discriminatory practice for an employment agency to accord adverse or unequal  
31      treatment to a person in connection with an application for employment, referral, or request for

1 assistance in procurement of employees because of race, color, religion, sex, national origin,  
2 age, physical or mental disability, health status, or status with respect to marriage or public  
3 assistance, or to accept a listing of employment on that basis.

4 **SECTION 5. AMENDMENT.** Section 14-02.4-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-02.4-05. Labor organization's discriminatory practices.**

7 It is a discriminatory practice for a labor organization to deny full and equal membership  
8 rights to an applicant for membership or to a member; to expel, suspend, or otherwise discipline  
9 a member; or to accord adverse, unlawful, or unequal treatment to a person with respect to the  
10 person's hiring, apprenticeship, training, tenure, compensation, upgrading, layoff, or a term or  
11 condition of employment because of race, color, religion, sex, national origin, age, physical or  
12 mental disability, health status, or status with respect to marriage or public assistance.

13 **SECTION 6. AMENDMENT.** Section 14-02.4-06 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **14-02.4-06. Certain employment advertising deemed discriminatory.**

16 It is a discriminatory practice for an employer, employment agency, or labor organization, or  
17 the employees, agents, or members thereof directly or indirectly to advertise or in any other  
18 manner indicate or publicize that individuals of a particular race, color, religion, sex, national  
19 origin, age, physical or mental disability, health status, or status with respect to marriage or  
20 public assistance, or who participate in lawful activity off the employer's premises during  
21 nonworking hours which activity is not in direct conflict with the essential business-related  
22 interests of the employer, are unwelcome, objectionable, not acceptable, or not solicited.

23 **SECTION 7. AMENDMENT.** Section 14-02.4-08 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **14-02.4-08. Qualification based on religion, sex, national origin, physical or mental**  
26 **disability, or marital status.**

27 Notwithstanding sections 14-02.4-03 through 14-02.4-06, it is not a discriminatory practice  
28 for an employer to fail or refuse to hire and employ an individual for a position, to discharge an  
29 individual from a position, or for an employment agency to fail or refuse to refer an individual for  
30 employment in a position, or for a labor organization to fail or refuse to refer an individual for  
31 employment, on the basis of religion, sex, national origin, physical or mental disability, health

1 status, or marital status in those circumstances where religion, sex, national origin, physical or  
2 mental disability, health status, or marital status is a bona fide occupational qualification  
3 reasonably necessary to the normal operation of that particular business or enterprise; nor is it  
4 a discriminatory practice for an employer to fail or refuse to hire and employ an individual for a  
5 position, or to discharge an individual from a position on the basis of that individual's  
6 participation in a lawful activity that is off the employer's premises and that takes place during  
7 nonworking hours and which is not in direct conflict with the essential business-related interests  
8 of the employer, if that participation is contrary to a bona fide occupational qualification that  
9 reasonably and rationally relates to employment activities and the responsibilities of a particular  
10 employee or group of employees, rather than to all employees of that employer.

11 **SECTION 8. AMENDMENT.** Section 14-02.4-09 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **14-02.4-09. Seniority, merit, or other measuring systems and ability tests not**  
14 **discriminatory.**

15 Notwithstanding sections 14-02.4-03 through 14-02.4-06, it is not a discriminatory practice  
16 for an employer to apply different standards of compensation, or different terms, conditions, or  
17 privileges of employment pursuant to a bona fide seniority or merit system, or a system which  
18 measures earnings by quantity or quality of production or to employees who work in different  
19 locations provided that the differences are not the result of an intention to discriminate because  
20 of race, color, religion, sex, national origin, age, physical or mental disability, health status,  
21 status with respect to marriage or public assistance, or participation in lawful activity off the  
22 employer's premises during nonworking hours; or for an employer to give and to act upon the  
23 results of any professionally developed ability test; provided, that the test, its administration, or  
24 action upon the results is not designed, intended, or used to discriminate because of race, color,  
25 religion, sex, national origin, age, physical or mental disability, health status, status with respect  
26 to marriage or public assistance, or participation in a lawful activity off the employer's premises  
27 during nonworking hours.

28 **SECTION 9. AMENDMENT.** Subsection 1 of section 14-02.4-14 of the North Dakota  
29 Century Code is amended and reenacted as follows:

30 1. It is a discriminatory practice for a person engaged in the provision of public  
31 accommodations to fail to provide to a person access to the use of any benefit from

1 the services and facilities of the public accommodations; or to give adverse, unlawful,  
2 or unequal treatment to a person with respect to the availability to the services and  
3 facilities, the price or other consideration therefor, the scope and equality thereof, or  
4 the terms and conditions under which the same are made available because of the  
5 person's race, color, religion, sex, national origin, age, physical or mental disability,  
6 health status, or status with respect to marriage or public assistance.

7 **SECTION 10. AMENDMENT.** Subsection 1 of section 14-02.4-15 of the North Dakota  
8 Century Code is amended and reenacted as follows:

- 9 1. It is a discriminatory practice for a person engaged in the provision of public services  
10 to fail to provide to an individual access to the use of and benefit thereof, or to give  
11 adverse or unequal treatment to an individual in connection therewith because of the  
12 individual's race, color, religion, sex, national origin, age, physical or mental disability,  
13 health status, or status with respect to marriage or public assistance.

14 **SECTION 11. AMENDMENT.** Section 14-02.4-16 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **14-02.4-16. Advertising public accommodations or services - Discriminatory**  
17 **practices - Exceptions.**

18 It is a discriminatory practice for a person to advertise or in any other manner indicate or  
19 publicize that the patronage of persons of a particular race, color, religion, sex, national origin,  
20 age, physical or mental disability, health status, or status with respect to marriage or public  
21 assistance is unwelcome, objectionable, not acceptable, or not solicited. This section does not  
22 prohibit a notice or advertisement banning minors from places where alcoholic beverages are  
23 being served.

24 **SECTION 12. AMENDMENT.** Section 14-02.4-17 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **14-02.4-17. Credit transactions - Discriminatory practices.**

27 It is a discriminatory practice, except as permitted or required by the Equal Credit  
28 Opportunity Act [15 U.S.C. 1691], for a person, whether acting as an individual or for another, to  
29 deny credit, increase the charges or fees for or collateral required to secure credit, restrict the  
30 amount or use of credit extended, impose different terms or conditions with respect to the credit  
31 extended to a person, or item or service related thereto because of race, color, religion, sex,

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- 1 national origin, age, physical or mental disability, health status, or status with respect to
- 2 marriage or public assistance. This section does not prohibit a party to a credit transaction from
- 3 considering the credit history of a person or from taking reasonable action thereon.