

**HOUSE BILL NO. 1469**

Introduced by

Representatives Dobervich, Buffalo, Guggisberg, Mock, Schneider

Senator Hogan

1 A BILL for an Act to amend and reenact section 23-07-17.1 of the North Dakota Century Code,  
2 relating to exemptions from vaccine requirements before admission to school; and to provide an  
3 appropriation.

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

5 **SECTION 1. AMENDMENT.** Section 23-07-17.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **23-07-17.1. Inoculation required before admission to school - Exemptions.**

8 1. A child may not be admitted to any public, private, or parochial school, or day care  
9 center, child care facility, head start program, or nursery school operating in this state  
10 or be supervised through home-based instruction unless the child's parent or guardian  
11 presents to the institution authorities a certification from a licensed physician,  
12 advanced practice registered nurse, or physician assistant or from an authorized  
13 representative of the state department of health that the child has received age-  
14 appropriate immunization against diphtheria, pertussis, tetanus, measles, rubella  
15 (German measles), mumps, hepatitis B, haemophilus influenza type b (Hib), varicella  
16 (chickenpox), poliomyelitis, pneumococcal disease, meningococcal disease, rotovirus,  
17 and hepatitis A. In the case of a child receiving home-based instruction, the child's  
18 parent or legal guardian shall file the certification with the public school district in which  
19 the child resides.

20 2. A child may enter an institution upon submitting written proof from a licensed  
21 physician, advanced practice registered nurse, or physician assistant or from an  
22 authorized representative of the state department of health stating that the child has  
23 started receiving the required immunization or has a written consent by the child's  
24 parent or guardian for a local health service or department to administer the needed

1 immunization without charge or has complied with the requirements for certificate of  
2 exemption as provided for in subsection 3.

3 3. AnyA minor child is exempt from the provisions of this chapter if the child's parent or  
4 guardian provides the institution authorities a state department of health immunization  
5 exemption form and:

6 a. A minor child, through the child's parent or guardian, ~~may submit~~submits to the  
7 institution authorities either a certificate from a licensed physician, advanced  
8 practice registered nurse, or physician assistant, stating that the physical  
9 condition of the child is such that immunization would endanger the life or health  
10 of the child or a certificate signed by the; or

11 b. A child's parent or guardian ~~whoseseeking a~~ religious, philosophical, or moral  
12 beliefs are opposed to such immunization. The minor child is then exempt from-  
13 the provisions of this sectionexemption views the state department of health's  
14 vaccination education module online; prints, saves, or takes a screenshot or  
15 photograph of the vaccine education certificate upon completion; and submits  
16 this verification to the institution authorities.

17 4. The enforcement of subsections 1, 2, and 3 is the responsibility of the designated  
18 institution authority.

19 5. The immunizations required, and the procedure for their administration, as prescribed  
20 by the state department of health, must conform to recognized standard medical  
21 practices in the state. The state department of health shall administer the provisions of  
22 this section and the health council shall ~~promulgate~~adopt rules and regulations in the  
23 manner prescribed by chapter 28-32 for the purpose of administering this section.

24 6. When, in the opinion of the health officer, danger of an epidemic exists from any of the  
25 communicable diseases for which immunization is required under this section, the  
26 exemptions from immunization against such disease may not be recognized and  
27 children not immunized must be excluded from an institution listed in subsection 1  
28 until, in the opinion of the health officer, the danger of the epidemic is over. The  
29 designated institution authority shall notify those parents or guardians taking legal  
30 exception to the immunization requirements that their children are excluded from  
31 school during an epidemic as determined by the state department of health.

1           7.    When, in the opinion of the health officer, extenuating circumstances make it difficult or  
2                   impossible to comply with immunization requirements, the health officer may authorize  
3                   children who are not immunized to be admitted to an institution listed in subsection 1  
4                   until the health officer determines that the extenuating circumstances no longer exist.  
5                   Extenuating circumstances include a shortage of vaccine and other temporary  
6                   circumstances.

7           8.    The state department of health shall develop an online vaccination education module  
8                   to provide scientific, evidence-based information about childhood vaccinations, the  
9                   illnesses the vaccinations prevent or lessen the severity of, any potential harm that  
10                  may occur as a result of the vaccinations, and potential harm of not having the  
11                  vaccinations. The online module must include a certificate of completion to indicate  
12                  successful completion of the module. The department may work in collaboration with  
13                  licensed doctors, advanced practice registered nurses, and physician assistants with  
14                  expertise in infectious diseases and public health epidemiologists in the development  
15                  and production of the online vaccination education module.

16           **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general  
17           fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the  
18           sum as may be necessary, to the state department of health for the purpose of creating an  
19           online vaccination education module, for the biennium beginning July 1, 2021, and ending  
20           June 30, 2023.