

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1511

Page 1, line 3, replace "section" with "sections 23-01-05.3 and"

Page 1, line 3, after "to" insert "vaccine passports and"

Page 1, after line 9, insert:

**"SECTION 1. AMENDMENT.** Section 23-01-05.3 of the North Dakota Century Code is amended and reenacted as follows:

**23-01-05.3. Immunization data. (Effective through August 31, 2022)**

1. The state department of health may establish an immunization information system and may require the childhood immunizations specified in subsection 1 of section 23-07-17.1 and other information be reported to the department. The state department of health may only require the reporting of childhood immunizations and other data upon completion of the immunization information reporting system. A health care provider who administers a childhood immunization shall report the patient's identifying information, the immunization that is administered, and other required information to the department. The report must be submitted using electronic media, and must contain the data content and use the format and codes specified by the department.
2. If a health care provider fails to submit an immunization report required under this section within four weeks of vaccination:
  - a. That health care provider may not order or receive any vaccine from the North Dakota immunization program until that provider submits all reports required under this section.
  - b. The state department of health shall make a report to that health care provider's occupational licensing entity outlining that provider's failure to comply with the reporting requirements under this section.
3. Notwithstanding any other provision of law, a health care provider, elementary or secondary school, early childhood facility, public or private postsecondary educational institution, city or county board of health, district health unit, and the state health officer may exchange immunization data in any manner with one another. Immunization data that may be exchanged under this section is limited to the date and type of immunization administered to a patient and may be exchanged regardless of the date of the immunization.
4. The state department of health may not create, administer, provide, or contract for an immunization certificate, such as a vaccine passport or an electronic machine-readable code.

**Immunization data. (Effective after August 31, 2022)**

1. The department of health and human services may establish an immunization information system and may require the childhood immunizations specified in subsection 1 of section 23-07-17.1 and other information be reported to the department. The department of health and human services may only require the reporting of childhood immunizations and other data upon completion of the immunization information reporting system. A health care provider who administers a childhood immunization shall report the patient's identifying information, the immunization that is administered, and other required information to the department. The report must be submitted using electronic media, and must contain the data content and use the format and codes specified by the department.
2. If a health care provider fails to submit an immunization report required under this section within four weeks of vaccination:
  - a. That health care provider may not order or receive any vaccine from the North Dakota immunization program until that provider submits all reports required under this section.
  - b. The department of health and human services shall make a report to that health care provider's occupational licensing entity outlining that provider's failure to comply with the reporting requirements under this section.
3. Notwithstanding any other provision of law, a health care provider, elementary or secondary school, early childhood facility, public or private postsecondary educational institution, city or county board of health, district health unit, and the state health officer may exchange immunization data in any manner with one another. Immunization data that may be exchanged under this section is limited to the date and type of immunization administered to a patient and may be exchanged regardless of the date of the immunization.
4. The department of health and human services may not create, administer, provide, or contract for an immunization certificate, such as a vaccine passport or an electronic machine-readable code."

Page 2, line 7, after the "2." insert "Subsection 1 does not apply to the department of corrections and rehabilitation, a correctional facility as defined under section 12-44.1-01, the state hospital, or a public health unit.

3."

Page 2, line 7, after "state" insert "or doing business in this state"

Page 2, line 7, after "patron" insert ", client,"

Page 2, line 7, after "customer" insert "in this state"

Page 2, line 10, remove the overstrike over "~~This subsection~~"

Page 2, line 11, remove the overstrike over "~~does not apply to a~~" and insert immediately thereafter "developmental disability residential facility or a"

Page 2, line 11, remove the overstrike over "~~health care provider~~" and insert immediately thereafter an underscored comma

Page 2, line 11, remove the overstrike over "~~including a long term care provider~~" and insert immediately thereafter ", basic care provider, and assisted living provider"

Page 2, line 11, remove the overstrike over the overstruck period and insert immediately thereafter "As used in this subsection, a private business does not include a nonprofit entity that does not sell a product or a service."

Page 2, line 12, overstrike "3." and insert immediately thereafter "4."

Page 2, line 15, overstrike "4." and insert immediately thereafter "5."

Page 2, line 15, remove the overstrike over "~~Subsection 1 is not applicable to the state board of higher education, the university~~"

Page 2, remove the overstrike over lines 16 through 19

Page 2, line 20, overstrike "5." and insert immediately thereafter "6."

Page 2, line 22, remove "5."

Page 2, line 22, overstrike "This section"

Page 2, line 23, remove "does not apply to the"

Page 2, remove lines 24 through 26

Page 2, line 27, replace "6." with "7."

Page 3, line 5, replace "in this state" with "or contractor"

Page 3, line 5, replace "or" with an underscored comma

Page 3, line 5, after the second "employee" insert ", or independent contractor in this state"

Page 3, line 6, after "employment" insert "or a term of a contract"

Page 3, line 7, after "employer" insert "or contractor"

Page 3, line 7, after "employee" insert ", prospective employee, or independent contractor"

Page 3, line 8, replace "twelve" with "six"

Page 3, line 10, after "employer" insert "or contractor"

Page 3, line 10, after "employee" insert ", prospective employee, or independent contractor"

Page 3, line 11, remove "Under this subdivision, the"

Page 3, remove lines 12 and 13

Page 3, line 14, after "employer" insert "or contractor"

Page 3, line 14, after "employee" insert ", prospective employee, or independent contractor"

Page 3, line 16, after "a" insert "North Dakota"

Page 3, line 16, after "physician" insert ", physician assistant, or advanced practice registered nurse"

Page 3, line 17, after "employee" insert ", prospective employee, or independent contractor"

Page 3, line 18, after "employee" insert ", prospective employee, or independent contractor"

Page 3, line 19, after "employee" insert ", prospective employee, or independent contractor"

Page 3, line 19, after "employee's" insert ", prospective employee's, or independent contractor's"

Page 3, after line 20, insert:

"3. This section does not apply to the extent an employer or an independent contractor is required to comply with federal law, rules, or guidance relating to requirements for vaccinations for COVID-19 or resulting from Title 42, Code of Federal Regulations, part 416 et seq. [86 FR 61555 et seq. (2021)]; Title 29, Code of Federal Regulations, part 1910 et seq. [86 FR 61555 et seq. (2021)]; or the presidential executive order on ensuring adequate COVID safety protocols for federal contractors, issued September 9, 2021."

Page 3, line 21, replace "2" with "3"

Page 3, line 23, replace "3" with "4"

Renumber accordingly