

HOUSE BILL NO. 1200

Introduced by

Representatives Hoverson, K. Anderson, Bellew, Christensen, Fisher, Meier, Prichard,
Schatz, VanWinkle

Senators Boehm, Clemens, Paulson

1 A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota
2 Century Code, relating to COVID-19 vaccinations and experimental vaccines for students at
3 institutions of higher education; and to amend and reenact subsection 1 of section 23-07-17.1 of
4 the North Dakota Century Code, relating to school and day care immunizations.

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

6 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
7 and enacted as follows:

8 **COVID-19 and experimental vaccinations - Limitations.**

9 1. An institution under the control of the state board of higher education may not:

- 10 a. Require a student to be vaccinated against severe acute respiratory syndrome
11 coronavirus 2, identified as SARS-CoV-2 (COVID-19) or receive an experimental
12 vaccine, as a condition of enrollment or in-person attendance.
13 b. Promote student vaccination against COVID-19 or receipt of an experimental
14 vaccine.

15 2. As used in this section, "experimental vaccine" means a vaccine approved by the
16 United States food and drug administration which does not meet each of the following
17 criteria:

- 18 a. The pivotal clinical trial the United States food and drug administration relied on
19 to approve the vaccine evaluated the safety of the vaccine for at least one year
20 after the vaccine was administered against a control group that received either a
21 placebo or another vaccine that meets the criteria under this subsection.

- 1 b. The department of health and human services has posted on the department's
2 website the injuries or diseases caused by the vaccine and the rate at which the
3 injury or disease occurs from the vaccine.
- 4 c. The department of health and human services has determined the risk of
5 permanent disability or death from the vaccine has been proven to be less than
6 the risk caused by the infection the vaccine is intended to prevent.
- 7 d. The vaccine's manufacturer has liability, including for design defect claims, for
8 any death or injury caused by the vaccine.

9 **SECTION 2. AMENDMENT.** Subsection 1 of section 23-07-17.1 of the North Dakota
10 Century Code is amended and reenacted as follows:

- 11 1. A child may not be admitted to any public, private, or parochial school, or day care
12 center, child care facility, head start program, or nursery school operating in this state
13 or be supervised through home-based instruction unless the child's parent or guardian
14 presents to the institution authorities a certification from a licensed physician or
15 authorized representative of the department of health and human services that the
16 child has received age-appropriate immunization against diphtheria, pertussis,
17 tetanus, measles, rubella (German measles), mumps, hepatitis B, haemophilus
18 influenza type b (Hib), varicella (chickenpox), poliomyelitis, pneumococcal disease,
19 meningococcal disease, rotovirus, and hepatitis A. The immunizations required under
20 this section do not include the severe acute respiratory syndrome coronavirus 2,
21 identified as SARS-CoV-2 (COVID-19), vaccine. An immunization listed under this
22 subsection is not required if the immunization is provided by an experimental vaccine.
23 In the case of a child receiving home-based instruction, the child's parent or legal
24 guardian shall file the certification with the public school district in which the child
25 resides. As used in this subsection, "experimental vaccine" means a vaccine approved
26 by the United States food and drug administration which does not meet each of the
27 following criteria:
- 28 a. The pivotal clinical trial the United States food and drug administration relied on
29 to approve the vaccine evaluated the safety of the vaccine for at least one year
30 after the vaccine was administered against a control group that received either a
31 placebo or another vaccine that meets the criteria under this subsection.

- 1 b. The department of health and human services has posted on the department's
2 website the injuries or diseases caused by the vaccine and the rate at which the
3 injury or disease occurs from the vaccine.
- 4 c. The department of health and human services has determined the risk of
5 permanent disability or death from the vaccine has been proven to be less than
6 the risk caused by the infection the vaccine is intended to prevent.
- 7 d. The vaccine's manufacturer has liability, including for design defect claims, for
8 any death or injury caused by the vaccine.