

**SECOND ENGROSSMENT  
with House Amendments  
REENGROSSED SENATE BILL NO. 2276**

Introduced by

Senators J. Lee, Dever, Heckaman

Representatives Kaldor, Weisz

1 A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota  
2 Century Code, relating to the North Dakota immunization program; to amend and reenact  
3 section 23-01-05.3 of the North Dakota Century Code, relating to reporting immunization data;  
4 and to provide for a legislative management study.

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

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

8 **23-01-05.3. Immunization data.**

- 9 1. The state department of health may establish an immunization information system and  
10 may require the childhood immunizations specified in subsection 1 of section  
11 23-07-17.1 and other information be reported to the department. The state department  
12 of health may only require the reporting of childhood immunizations and other data  
13 upon completion of the immunization information reporting system. A health care  
14 provider who administers a childhood immunization shall report the patient's  
15 identifying information, the immunization that is administered, and other required  
16 information to the department. The report must be submitted using electronic media,  
17 and must contain the data content and use the format and codes specified by the  
18 department.
- 19 2. If a health care provider fails to submit an immunization report required under this  
20 section within four weeks of vaccination:
- 21 a. That health care provider may not order or receive any vaccine from the North  
22 Dakota immunization program until that provider submits all reports required  
23 under this section.

1           b. The state department of health shall make a report to that health care provider's  
2           occupational licensing entity outlining that provider's failure to comply with the  
3           reporting requirements under this section.

4           3. Notwithstanding any other provision of law, a health care provider, elementary or  
5           secondary school, early childhood facility, public or private postsecondary educational  
6           institution, city or county board of health, district health unit, and the state health officer  
7           may exchange immunization data in any manner with one another. Immunization data  
8           that may be exchanged under this section is limited to the date and type of  
9           immunization administered to a patient and may be exchanged regardless of the date  
10          of the immunization.

11          **SECTION 2.** A new section to chapter 23-01 of the North Dakota Century Code is created  
12          and enacted as follows:

13          **Immunization program - Provider choice - Purchasing.**

14          1. As used in this section:

15           a. "Department" means the state department of health.

16           b. "North Dakota immunization advisory committee" means the group of private  
17           health care providers, local public health units, department staff, and other  
18           applicable individuals which makes immunization and vaccine selection  
19           recommendations to the North Dakota immunization program.

20           c. "North Dakota immunization program" means the program administered by the  
21           department to provide vaccinations to North Dakota children consistent with state  
22           and federal law.

23           d. "Program-eligible child" means any child, who is under nineteen years of age,  
24           whose custodial parent or legal guardian resides in this state, who receives  
25           vaccinations from a North Dakota provider, and who is not eligible for the  
26           vaccines for children program.

27           e. "Vaccine" means any vaccine recommended by the federal advisory committee  
28           on immunization practices of the centers for disease control and prevention.

29           f. "Vaccines for children program" is a federally funded program that provides  
30           vaccines at no cost to eligible children pursuant to section 1928 of the Social  
31           Security Act [42 U.S.C. 1396s].

- 1        2. As part of the North Dakota immunization program:
- 2            a. The department shall implement a provider choice system as part of the state's
- 3            implementation of the vaccines for children program. This provider choice system
- 4            must provide a health care provider participating in the state's vaccines for
- 5            children program or in any other immunization program for children, adolescents,
- 6            or adults which is administered through the state using federal or state funds,
- 7            may select any licensed vaccine, including combination vaccines, and any
- 8            dosage forms that have in effect a recommendation from the federal advisory
- 9            committee on immunization practices. This subsection does not apply in the
- 10           event of a disaster, public health emergency, terrorist attack, hostile military or
- 11           paramilitary action, or extraordinary law enforcement emergency.
- 12           b. The department shall establish a program through which the department
- 13           purchases vaccines through the federal vaccine purchasing contract.
- 14           (1) The department shall supply public health units with the purchased
- 15           vaccines. A public health unit that receives vaccines under this subdivision
- 16           shall administer the vaccines to program-eligible children.
- 17           (2) A public health unit that receives vaccines under this subdivision may not bill
- 18           an insurer for the cost of the vaccine but may charge an administration fee.
- 19           (3) The department shall fund this purchasing program through participation in
- 20           the vaccines for children program and the federal section 317 immunization
- 21           grant program.

22        **SECTION 3. LEGISLATIVE MANAGEMENT IMMUNIZATION STUDY.** During the 2011-12

23 interim, the legislative management shall consider studying the North Dakota immunization

24 program and the feasibility and desirability of extending the program's vaccine purchasing

25 program to provide vaccines to private health care providers. The legislative management shall

26 report its findings and recommendations, together with any legislation required to implement the

27 recommendations, to the sixty-third legislative assembly.