

21.1105.01017

Sixty-seventh
Legislative Assembly
of North Dakota
Introduced by

HOUSE BILL NO. 1511

Representatives Weisz, Becker, Devlin, Lefor, Meier, Paulson, Porter, Schauer

Senators Lee, Wardner

(Approved by the Delayed Bills Committee)

This law does not prevent discrimination. This law allows discrimination against some people.

1 A BILL for an Act to create and enact a new section to chapter 34-03 of the North Dakota
2 Century Code, relating to employer-required COVID-19 vaccinations; to amend and reenact
3 ~~section~~ sections 23-01-05.3 and 23-12-20 of the North Dakota Century Code, relating to
4 vaccine
5 passports and limitations on requiring documentation of COVID-19 vaccinations, antibodies,
6 and post-transmission recovery status; to repeal section 23-12-20 of the North Dakota Century
7 Code and section 2 of this Act, relating to limitations on requiring documentation of COVID-19
8 vaccinations, antibodies, and post-transmission recovery status and employer-required
9 COVID-19 vaccinations; and to provide an effective date.

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

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

12 **23-01-05.3. Immunization data. (Effective through August 31, 2022)**

- 13 1. The state department of health may establish an immunization information system and
14 may require the childhood immunizations specified in subsection 1 of section
15 23-07-17.1 and other information be reported to the department. The state department
16 of health may only require the reporting of childhood immunizations and other data
17 upon completion of the immunization information reporting system. A health care
18 provider who administers a childhood immunization shall report the patient's
19 identifying information, the immunization that is administered, and other required
20 information to the department. The report must be submitted using electronic media,
21 and must contain the data content and use the format and codes specified by the
22 department.
- 23 2. If a health care provider fails to submit an immunization report required under this
24 section within four weeks of vaccination:

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- 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 immunization.

This law does not prevent ANY other entity from Vaccine Passports

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 machinereadable 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 immunization that is ad

Private information shared online is accessible to hackers.
HCPs are not allowed to protect your information.

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:

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- 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 includes immunization data for immunization administered to a patient and may include immunization information.

This law does not prevent ANY other entity from the creation of passports based on vaccination or 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.

SECTION 2. AMENDMENT. Section 23-12-20 of the North Dakota Century Code is 18 amended and reenacted as follows:

23-12-20. ~~Vaccine~~ COVID-19 vaccination and infection information.

1. ~~Except as provided under sections 15-1-23-02, 23-01-05.3, and 23-07-17.1,~~ neither ~~Neither~~ a state government entity nor any of its political subdivisions, agents, or assigns may:

a. Require documentation, whether physical or electronic, for the purpose of certifying or otherwise communicating the following before providing access to ~~state~~ property, funds, or services:

- (1) An individual's COVID-19 vaccination status;
- (2) The presence of COVID-19 pathogens, antigens, or antibodies; or
- (3) An individual's COVID-19 post-transmission recovery status;

b. Otherwise publish or share an individual's COVID-19 vaccination record or similar health information, except as specifically authorized by the individual or otherwise authorized by statute; or

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c. Require a private business to obtain documentation, whether physical or electronic, for purposes of certifying or otherwise communicating the following before employment or providing access to property, funds, or services based on:

(1) An individual's COVID-19

This group of people may be discriminated against. This is a violation of state and federal constitutions that will likely cost the state money to defend in court.

5 (2) The presence of COVID-19 pathogen

An individual's COVID-19 post-transmission

72. Subsection 1 does not apply to the department of corrections and rehabilitation, a
8correctional facility as defined under section 12-44.1-01, the state hospital, or a public
9health unit.

10 3. A private business located in this state or doing business in this state may not require

11 a patron, client, or customer in this state to provide any documentation certifying

12 COVID-19 vaccination, the presence of COVID - 19 pathogens, antigens, or
antibodies,

13 or COVID-19 post-transmission recovery to gain access to, entry upon, or services

14 from the business. This subsection does not apply to a developmental disability
15residential facility or a health care provider, including a long-term care provider, basic
16care provider, and assisted living provider. As used in this subsection, a private
17business does not include a nonprofit entity that does not sell a product or a service.

18 4. This section

This group of people may be discriminated against. This is a violation of state and federal constitutions that will likely cost the state money to defend in court.

19 individual's own personal
health information

individual's rights to access that
right to access personal
right to access.

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This group of people may be discriminated against. This is a violation of state and federal constitutions that will likely cost the state money to defend in court.

~~214.5.~~ Subsection 1 is not applicable to the state board of higher education, the university system, or institutions under the control of the state board of higher education to the extent the entity has adopted policies and procedures governing the type of documentation required, the circumstances under which such documentation may be shared, and exemptions from providing such documentation.

~~265.6.~~ This section is not applicable during a public health disaster or emergency declared in accordance with chapter 37-17.1.

~~286.5.~~ This section is limited in application to the state board of higher education and drug administration pursuant to an emergency declaration.

Truly, why bother if a simple letter from a government official, such as the Governor or a Mayor, can undo the very limited protection this provides?

~~30.~~ ~~extent a federal law, rule, or guidance preempts application, or to the extent application would result in a person incurring direct financial losses due to noncompliance with the federal law, rule, or guidance.~~

~~6.~~ 7. As used in this section, the term "COVID-19" means severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2 and any mutation or viral fragments of SARS-CoV-2.

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SECTION 3. A new section to chapter 34-03 of the North Dakota Century Code is created and enacted as follows:

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COVID-19 vaccination requirements - Exemptions.

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1. As used in this section, the term "COVID-19" means severe acute respiratory

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syndrome coronavirus 2 identified as SARS-CoV-2 and any mutation or viral

fragments of SARS-CoV-2.

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Note: This law clearly states that employers CAN discriminate against you for utilizing your inalienable and enumerated right to chose to deny medical treatments.

122. If an employer ~~in this state~~ or contractor requires an employee ~~or~~, prospective
13 employee, or independent contractor in this state to be vaccinated against COVID-19
14 as a condition of employment or a term of a contract:

15a. The employer or contractor shall allow the employee, prospective employee, or
16 independent contractor to submit proof of COVID-19 antibodies as an
exemption Violation of GINA act
17 to the vaccination requirement. Such proof is valid for ~~twelve~~ six months from
18 the date of the antibody test.

19b. The employer or contractor shall allow the employee, prospective employee, or
20 independent contractor to submit to periodic COVID-19 tests as an exemption
21 to the vaccination PCR tests are also EUA – which you have the legal constitutional right to refuse. They are taking away your rights, while telling you they are giving you an exemption.
require more than
23 the cost of the testing.

24c. The employer or contractor shall allow the employee, prospective employee, or
25 independent contractor to submit one of the following certificates as an
26 exemption to the vaccination requirement:

27(1) A certificate from All exemptions legally recognize the government’s right to control which medical treatments you can receive. The exemptions can be denied or taken away entirely as has been done in most other states.
28 advanced pra
29 employee, p
30 immunization would endanger the life or health of the employee, prospective
31 employee, or independent contractor; or

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This is a violation of your inalienable, constitutional rights.
You are not supposed to have to document your religion
and request that the government approve it.

(2) A certificate signed by the employee , prospective employee, or independent contractor stating the employee's , prospective employee's, or independent contractor's religious, philosophical, or moral beliefs are opposed to such immunization.

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.

12 **SECTION 4. REP**
13 of this Act are repealed
14 **SECTION 5. EFF**
15 The remainder of

The state of North Dakota is currently a party in a federal law suit, challenging the authority of the federal government to control an individual's medical treatments. Passing 1511, may (likely) remove our ability to participate in this law suit. Our complaint may (likely) be denied, due to this very section. This may then also effect other states. Further, this is a violation of your US Constitutional rights, the GINA act, ADA, EEOA, Civil Right Act, and [Title 21 Section 360bb](#), [Title 29 Section 1635.3](#), [Title 31 Section 3729](#), [Title 42 Section 2000ff-1 Section 202\(b\)](#) and [Title 45 Section 160.103](#) of the Federal US and Civil Code

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