

Introduced by

Representatives Skroch, Bellew, Fisher, Jones, Paulson, Rohr

Senators Dwyer, O. Larsen, Myrdal

1 A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota  
2 Century Code, relating to informed consent and notice of risks associated with vaccines; and to  
3 provide a penalty.

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

5 **SECTION 1.** A new section to chapter 23-12 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Informed consent for vaccines - Notice of risk - Penalty.**

- 8 1. Every government official, health care provider, and employer that provides an  
9 immunization or in the official capacity as a public official or public health officer  
10 formally provides information on immunizations, shall provide information of the  
11 potential risks of vaccination. This information must be provided to an individual, or if  
12 the individual is a minor, to the individual's parent or guardian, before a vaccine is  
13 administered and must include:
- 14 a. A current vaccination immunization statement produced by the federal centers for  
15 disease control and prevention and, upon request of the individual, parent, or  
16 guardian, the vaccine package insert provided by the manufacturer; and
- 17 b. If the patient is a minor, information regarding exemptions for vaccination as  
18 provided under section 23-07-17.1.
- 19 2. The state department of health shall make a vaccine exemption form publicly available  
20 on the department's website and in all public schools. The department also shall  
21 publish a document detailing vaccine exemption information clearly linked to the  
22 immunization information on the department's website. The exemption form must  
23 include a statement indicating the individual or, if a minor, the individual's parent or  
24 guardian, understands the benefits and risks of immunizations and the benefits and

- 1           risks of not being immunized. Before administering a vaccination to a minor, the  
2           government official, medical provider, and employer providing or requiring  
3           immunization shall inform the parent or guardian of the right to an exemption and  
4           make the exemption form available. The individual providing a vaccination may not  
5           use tactics that threaten, coerce, or intimidate a patient, or if the patient is a minor, the  
6           parent or guardian, to decide to receive a vaccine.
- 7           3. Every medical provider providing services to a pregnant woman shall provide a clear  
8           and detailed explanation of all vaccinations included in any consent for biological  
9           products. The fact that vaccinations have never been studied in pregnant women must  
10          be provided to the patient before administering a vaccination. Dissemination of this  
11          information may not be issued while the woman is in labor or under duress.
- 12          4. This section does not reduce or remove liability for a manufacturer of immunizations  
13          as liability relates to vaccine injury.
- 14          5. A government official, medical provider, or employer that violates this section is guilty  
15          of an infraction.
- 16          6. As used in this section, the term "biological product" has the same meaning as  
17          provided under section 19-02.1-14.3.