

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 222

Short Title: No CV19 Vaccine Mandates for NC Students. (Public)

Sponsors: Representatives Cleveland, Setzer, Pless, and Goodwin (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Health, if favorable, Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 1, 2023

A BILL TO BE ENTITLED

AN ACT PROHIBITING THE COMMISSION FOR PUBLIC HEALTH, STATE AND LOCAL PUBLIC HEALTH AGENCIES, AND STATE AND LOCAL PUBLIC HEALTH OFFICIALS FROM REQUIRING NORTH CAROLINA STUDENTS TO BE IMMUNIZED AGAINST CORONAVIRUS DISEASE (COVID-19).

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-152 reads as rewritten:

"§ 130A-152. Immunization required.

(a) Every child present in this State shall be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, red measles (rubeola) and rubella. In addition, except as otherwise provided in G.S. 130A-152.1, every child present in this State shall be immunized against any other disease upon a determination by the Commission that the immunization is in the interest of the public health.

(a1) Every parent, guardian, person in loco parentis and person or agency, whether governmental or private, with legal custody of a child ~~shall have the responsibility to ensure is responsible for ensuring that the child has received the required immunization each immunization required by this section at the age required specified by the Commission.~~ If a child has not received ~~the a required immunizations immunization~~ by the specified age, the responsible person shall obtain the required immunization for the child as soon as possible after the lack of the required immunization is determined.

(b) Repealed by Session Laws 2002-179, s. 10, effective October 1, 2002.

(c) The Commission shall adopt and the Department shall enforce rules concerning the implementation of ~~the an immunization program. program that meets the requirements of this Part.~~ The rules shall ~~provide for; delineate~~ all of the following:

- (1) The child's age at administration of each ~~vaccine; vaccine.~~
- (2) The number of doses of each ~~vaccine; vaccine.~~
- (3) Exemptions from the immunization requirements where medical practice suggests that immunization would not be in the best health interests of a specific category of ~~children; children.~~
- (4) The procedures and practices for administering the ~~vaccine; and vaccine.~~
- (5) Redistribution of vaccines provided to local health departments.
- (6) Reasonable fees health care providers may charge for the administration of vaccines provided by the State, in accordance with subsection (b) of G.S. 130A-433.



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1           (7) Limitations on the requirements that can be placed on children and their  
2           parents, guardians, or custodians as a condition for receiving vaccines  
3           provided by the State.

4       ~~(e1) The Commission for Public Health shall, pursuant to G.S. 130A-152 and~~  
5       ~~G.S. 130A-433, adopt rules establishing reasonable fees for the administration of vaccines and~~  
6       ~~rules limiting the requirements that can be placed on children, their parents, guardians, or~~  
7       ~~custodians as a condition for receiving vaccines provided by the State. These rules shall become~~  
8       ~~effective January 1, 1994.~~

9       (d) Only vaccine preparations which meet the standards of the United States Food and  
10       Drug Administration or its successor in licensing vaccines and are approved for use by the  
11       Commission may be used.

12       (e) When the Commission requires immunization against a disease not listed in ~~paragraph~~  
13       ~~subsection~~ (a) of this section, or requires an additional dose of a vaccine, the Commission is  
14       ~~authorized to may~~ exempt from the new requirement children who are or ~~who~~ have been enrolled  
15       in school (K-12) on or before the effective date of the new requirement."

16       **SECTION 2.** Part 2 of Article 6 of Chapter 130A of the General Statutes is amended  
17       by adding a new section to read:

18       "**§ 130A-152.1. COVID-19 vaccine requirements prohibited.**

19       Notwithstanding any provision of this Part or Chapter 166A of the General Statutes, the  
20       Commission, State and local public health agencies, and State and local public health officials  
21       are prohibited from requiring that any child or student present in this State be immunized against  
22       coronavirus disease (COVID-19) for any reason."

23       **SECTION 3.** This act is effective when it becomes law and applies to new vaccine  
24       requirements established for children in this State on or after that date.