

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS25101-MG-35A (02/10)

Short Title: Enact Stricter Immunization Requirements. (Public)

Sponsors: Senators Tarte, Barringer, and Van Duyn (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT ADDRESSING PUBLIC HEALTH POLICY FOR THE HEALTH, SAFETY, AND  
3 WELL-BEING OF OUR CHILDREN BY REVISING IMMUNIZATION  
4 REQUIREMENTS FOR SCHOOL ATTENDANCE TO MAKE THESE  
5 REQUIREMENTS MORE CONSISTENT WITH THE RECOMMENDATIONS OF THE  
6 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS  
7 FOR DISEASE CONTROL AND PREVENTION, ADVISORY COMMITTEE ON  
8 IMMUNIZATION PRACTICES; TO REQUIRE ALL STUDENTS TO BE SCREENED  
9 FOR SEVERE COMBINED IMMUNODEFICIENCY PRIOR TO IMMUNIZATION; TO  
10 AMEND THE MEDICAL EXEMPTION FOR REQUIRED IMMUNIZATIONS; AND TO  
11 REPEAL THE RELIGIOUS EXEMPTION FOR REQUIRED IMMUNIZATIONS.

12 The General Assembly of North Carolina enacts:

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

14 "§ 130A-152. Immunization required.

15 (a) ~~Every~~It is not the intent of the General Assembly to require any child in this State to  
16 be immunized, as it is the parent, guardian, or custodian of a child who makes the final  
17 determination as to whether or not to immunize the child. However, in order to attend school in  
18 this State (K-12), each student shall be immunized in accordance with this section.

19 (a1) In order to attend school in this State (K-12), a child present in this State shall be  
20 immunized against hepatitis A, hepatitis B, rotavirus, diphtheria, tetanus, whooping cough,  
21 poliomyelitis, red measles (rubeola) and rubella.(rubeola), rubella, mumps, pneumococcal  
22 disease, influenza, varicella, meningitis, and any other virus, disease, or condition against  
23 which the United States Department of Health and Human Services, Centers for Disease  
24 Control and Prevention, Advisory Committee on Immunization Practices (ACIP), currently  
25 recommends for persons aged from birth through 18 years, except that no child shall be  
26 required to be immunized against human papillomavirus (HPV) or any other sexually  
27 transmitted disease. In addition, every child present in this State shall be immunized against  
28 any other disease upon a determination by the Commission that the immunization is in the  
29 interest of the public health. Prior to receiving any of the immunizations required by this  
30 section, each child shall be screened for Severe Combined Immunodeficiency to determine if  
31 the child qualifies for a medical exemption under G.S. 130A-156. Every parent, guardian,  
32 person in loco parentis and person or agency, whether governmental or private, with legal  
33 custody of a child shall have the responsibility to ensure that that, unless qualified for a medical  
34 exemption under G.S. 130A-156, the child has received the required immunization at the age  
35 required by the Commission. Commission based on recommendations by ACIP. If a child has  
36 not received the required immunizations by the specified age, age and does not qualify for a



1 medical exemption under G.S. 130A-156, the responsible person shall obtain the required  
2 immunization for the child as soon as possible after the lack of the required immunization is  
3 determined.

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

5 (c) The Commission shall adopt and the Department shall enforce rules concerning the  
6 implementation of the immunization program. The rules shall provide ~~for~~for all of the  
7 following:

8 (1) The child's age at administration of each ~~vaccine~~vaccine.

9 (2) The number of doses of each ~~vaccine~~vaccine.

10 (3) Exemptions from the immunization requirements where medical practice  
11 suggests that immunization would not be in the best health interests of a  
12 specific category of ~~children~~children.

13 (4) The procedures and practices for administering the ~~vaccine~~and vaccine.

14 (5) Redistribution of vaccines provided to local health departments.

15 (c1) The Commission for Public Health shall, pursuant to G.S. 130A-152 and  
16 G.S. 130A-433, adopt rules establishing reasonable fees for the administration of vaccines and  
17 rules limiting the requirements that can be placed on children, their parents, guardians, or  
18 custodians as a condition for receiving vaccines provided by the State. These rules shall  
19 become effective January 1, 1994.

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

23 (e) When the Commission requires an additional immunization against a disease ~~not~~  
24 ~~listed in paragraph (a) of this section~~, or requires an additional dose of a ~~vaccine~~vaccine based  
25 on a new recommendation by the United States Department of Health and Human Services,  
26 Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices,  
27 the requirement for the additional immunizations shall be effective beginning with the next  
28 academic year. ~~the~~ The Commission is authorized to exempt from the new requirement children  
29 who are or who have been enrolled in school (K-12) on or before the effective date of the new  
30 requirement ~~requirement~~ if they are beyond the age at which vaccination is recommended."

31 **SECTION 2.** G.S. 130A-156 reads as rewritten:

32 "**§ 130A-156. Medical exemption.**

33 The Commission for Public Health shall adopt by rule medical contraindications to  
34 immunizations required by ~~G.S. 130A-152~~G.S. 130A-152 that are consistent with the General  
35 Recommendations of the Advisory Committee on Immunization Practices, Public Health  
36 Services, United States Department of Health and Human Services. If a physician licensed to  
37 practice medicine in this State certifies that a person has tested positive for Severe Combined  
38 Immunodeficiency, or that a required immunization is or may be detrimental to a person's  
39 health due to the presence of one of the contraindications adopted by the Commission, the  
40 person is not required to receive the specified immunization as long as the contraindication  
41 persists. The State Health Director may, upon request by a physician licensed to practice  
42 medicine in this State, grant a medical exemption to a required immunization for a  
43 contraindication not on the list adopted by the Commission."

44 **SECTION 3.** G.S. 130A-157 is repealed.

45 **SECTION 4.** This act becomes effective August 1, 2015, and applies beginning  
46 with the 2015-2016 academic year.