

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 346

Short Title: Enact Stricter Immunization Requirements. (Public)

Sponsors: Senators Tarte, Barringer, Van Duyn (Primary Sponsors); Bryant, Robinson, and Smith.

Referred to: Health Care.

March 23, 2015

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



1 not received the required immunizations by the specified ~~age,~~ age and does not qualify for a
2 medical exemption under G.S. 130A-156, the responsible person shall obtain the required
3 immunization for the child as soon as possible after the lack of the required immunization is
4 determined.

5 (b) Repealed by Session Laws 2002-179, s. 10, effective October 1, 2002.

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

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

10 (2) The number of doses of each ~~vaccine;~~ vaccine.

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

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

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

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

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

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

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

33 "**§ 130A-156. Medical exemption.**

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

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

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