

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 572
PROPOSED COMMITTEE SUBSTITUTE H572-PCS30404-BC-30

Short Title: No Vaccine Mandate by EO, Rule, or Agency.

(Public)

Sponsors:

Referred to:

April 19, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE CREATION OF A VACCINE MANDATE BY USE OF AN
3 EXECUTIVE ORDER OR THE RULEMAKING PROCESS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.1.(a)** G.S. 166A-19.12 reads as rewritten:

6 "**§ 166A-19.12. Powers of the Division of Emergency Management.**

7 The Division of Emergency Management shall have the following powers and duties as
8 delegated by the Governor and Secretary of Public Safety:

9 ...

10 (3) Coordination with the State Health Director to amend or revise the North
11 Carolina Emergency Operations Plan regarding public health matters. At a
12 minimum, the revisions to the Plan shall provide for the following:

- 13 a. The epidemiologic investigation of a known or suspected threat caused
14 by nuclear, biological, or chemical agents.
15 b. The examination and testing of persons and animals that may have
16 been exposed to a nuclear, biological, or chemical agent.
17 c. The procurement and allocation of immunizing agents and
18 prophylactic antibiotics.
19 d. The allocation of the Strategic National Stockpile.
20 e. The appropriate conditions for quarantine and isolation in order to
21 prevent further transmission of disease.
22 f. Immunization procedures-procedures subject to G.S. 166A-19.30(c1).
23 g. The issuance of guidelines for prophylaxis and treatment of exposed
24 and affected persons.

25"

26 **SECTION 1.1.(b)** G.S. 166A-19.30 reads as rewritten:

27 "**§ 166A-19.30. Additional powers of the Governor during state of emergency.**

28 (a) In addition to any other powers conferred upon the Governor by law, and subject to
29 subsection (c1) of this section, during a gubernatorially or legislatively declared state of
30 emergency, the Governor shall have the following powers:

31 ...

32 (b) During a gubernatorially or legislatively declared state of emergency, with the
33 concurrence of the Council of State, and subject to subsection (c1) of this section, the Governor
34 has the following powers:

35 ...



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1 (c1) Notwithstanding any provision of law to the contrary, the Governor shall not require
2 or mandate that any person receive a vaccination by operation of executive order. Any person
3 who refuses to receive a vaccination under this section shall not be subject to civil or criminal
4 liability for the refusal of vaccination.

5"

6 **SECTION 1.1.(c)** Subsection (b) of this section applies to executive orders and
7 directives issued on or after the effective date of this act.

8 **SECTION 1.2.(a)** G.S. 150B-19 reads as rewritten:

9 **"§ 150B-19. Restrictions on what can be adopted as a rule.**

10 An agency may not adopt a rule that does one or more of the following:

11 ...

12 (3a) Imposes a mandate or requirement resulting in disciplinary action for a person
13 to receive a vaccination as a condition of the receipt, renewal, or reinstatement
14 of a license by an agency.

15"

16 **SECTION 1.2.(b)** This section applies to proposed rules published in the North
17 Carolina Register and proposed rules posted on the website of the Office of Administrative
18 Hearings on or after October 1, 2021.

19 **SECTION 1.3.** Notwithstanding any provision of Chapter 130A or Chapter 166A of
20 the General Statutes or any other provision of law to the contrary, no public health authority in
21 the State, including the Secretary of the Department of Health and Human Services, the State
22 Health Director, the Commission for Public Health, or the director of any local health department,
23 may issue an order requiring any individual to submit to a COVID-19 vaccination or series of
24 vaccinations.

25 **SECTION 2.** Except as otherwise provided, this act is effective when it becomes
26 law.