

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 621
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10318-MG-7

Short Title: 3-Year FDA Approval for New Childhood Vaxx. (Public)

Sponsors: Representative Blackwell.

Referred to:

A BILL TO BE ENTITLED

AN ACT PROHIBITING THE COMMISSION FOR PUBLIC HEALTH FROM ADDING ANY NEW VACCINES TO THE STATE'S CHILDHOOD IMMUNIZATION SCHEDULE UNLESS THE VACCINE HAS BEEN LICENSED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR A MINIMUM OF THREE YEARS.

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, every child present in this State shall be immunized against any other disease upon (i) a determination by the Commission that the immunization is in the interest of the public ~~health~~ health and (ii) confirmation by the Commission that the immunization has been licensed by the United States Food and Drug Administration (FDA) for a minimum of three years; provided, however, that the Commission may add to the State's childhood immunization schedule an immunization that has been licensed by the FDA for less than the minimum three-year period specified in this subsection by a three-fifths vote of the members of the Council of State.

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(b) Repealed by Session Laws 2002-179, s. 10, effective October 1, 2002.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



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1 (6) Reasonable fees health care providers may charge for the administration of
2 vaccines provided by the State, in accordance with subsection (b) of
3 G.S. 130A-433.

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

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

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

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

19 **SECTION 2.** This act is effective when it becomes law and applies to new vaccine
20 requirements established for children in this State on or after that date.