

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 621
PROPOSED COMMITTEE SUBSTITUTE H621-PCS40438-SH-21

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

(Public)

Sponsors:

Referred to:

April 17, 2023

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

6 The General Assembly of North Carolina enacts:

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

8 **"§ 130A-152. Immunization required.**

9 (a) Every child present in this State shall be immunized against diphtheria, tetanus,
10 whooping cough, poliomyelitis, red measles (rubeola) and rubella. In addition, every child
11 present in this State shall be immunized against any other disease upon (i) a determination by the
12 Commission that the immunization is in the interest of the public ~~health.~~ health and (ii)
13 confirmation by the Commission that the vaccine used for immunization has been approved by
14 the United States Food and Drug Administration (FDA) for a minimum of three years; provided,
15 however, the Commission may add an FDA-approved vaccine to the State's childhood
16 immunization schedule that has been approved for less than the minimum three-year period
17 specified in this subsection upon recommendation by both the North Carolina Medical Society
18 Board of Directors and the North Carolina Pediatric Society Board of Directors.

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

26 (b) Repealed by Session Laws 2002-179, s. 10, effective October 1, 2002.

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

- 30 (1) The child's age at administration of each ~~vaccine;~~ vaccine.
31 (2) The number of doses of each ~~vaccine;~~ vaccine.
32 (3) Exemptions from the immunization requirements where medical practice
33 suggests that immunization would not be in the best health interests of a
34 specific category of ~~children;~~ children.
35 (4) The procedures and practices for administering the ~~vaccine; and~~ vaccine.
36 (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.