

§ 130A-158.3. COVID-19 vaccination requirement prohibited; exemption.

(a) Notwithstanding any provision of this Chapter or Chapter 166A of the General Statutes to the contrary, no State or local public health agency or public health official may require any person, including an applicant for employment or an employee, to provide proof of a COVID-19 vaccination or to submit to a COVID-19 vaccination or series of COVID-19 vaccinations unless the exemption in subsection (b) of this section applies. For purposes of this section, the following definitions apply:

- (1) Applicant for employment. – Any person who seeks to be permitted, required, or directed by a State or local public health agency, or any person employed by a State or local public health agency, to engage in employment in consideration of direct or indirect gain or profit.
 - (2) COVID-19. – The coronavirus disease of 2019.
 - (3) Employee. – Any individual employed by a State or local public health agency.
 - (4) State or local public health agency. – Includes the following:
 - a. The Department or any of its divisions.
 - b. The Commission for Public Health or any district created by the Commission pursuant to subsection (d) of G.S. 130A-29.
 - c. A local health department as defined in subdivision (5) of G.S. 130A-2.
 - (5) State or local public health official. – Includes the following:
 - a. The Secretary or a designee.
 - b. The State Health Director or a designee.
 - c. The head of any State or local public health agency or a designee.
- (b) An exemption to subsection (a) of this section applies to the following:
- (1) Any employee, vendor, volunteer, trainee, or student that is required by a facility certified by the Centers for Medicare and Medicaid Services to show proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination or COVID-19 series of vaccinations.
 - (2) An employee employed by any entity that receives federal funding if complying with subsection (a) of this section would result in the loss of that federal funding.
 - (3) An employee employed by the Department of Health and Human Services in the Division of State Operated Healthcare Facilities if the Department requires the COVID-19 vaccination or series of vaccinations for that employee. (2023-134, s. 5.8(b).)