

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 803

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

Sponsors: Representatives Blackwell, Biggs, Potts, and Rhyne (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Education - K-12, if favorable, Rules, Calendar, and
Operations of the House

April 8, 2025

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 EITHER BEEN APPROVED BY THE UNITED STATES
5 FOOD AND DRUG ADMINISTRATION (FDA) FOR A MINIMUM OF THREE YEARS
6 OR, IF FDA-APPROVED FOR LESS THAN THREE YEARS, UPON THE
7 RECOMMENDATION OF BOTH THE NORTH CAROLINA MEDICAL SOCIETY
8 BOARD OF DIRECTORS AND THE NORTH CAROLINA PEDIATRIC SOCIETY
9 BOARD OF DIRECTORS.

10 The General Assembly of North Carolina enacts:

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

12 **"§ 130A-152. Immunization required.**

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

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

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

32 (c) The Commission shall adopt and the Department shall enforce rules concerning the
33 implementation of ~~the an immunization program. program that meets the requirements of this~~
34 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.
- (6) Reasonable fees health care providers may charge for the administration of vaccines provided by the State, in accordance with subsection (b) of G.S. 130A-433.
- (7) Limitations on the requirements that can be placed on children and their parents, guardians, or custodians as a condition for receiving vaccines provided by the State.

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

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

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

(f) Notwithstanding this section or other applicable State law, the Commission for Public Health, public school units, community colleges, constituent institutions of The University of North Carolina, and any private colleges or universities receiving State funds are prohibited from requiring a student to (i) provide proof of vaccination against the coronavirus disease of 2019 (COVID-19) or ~~to~~ (ii) submit to a COVID-19 vaccination or series of COVID-19 vaccinations unless the requirement for vaccination or proof of vaccination is required for participating in a program of study, or fulfilling education requirements for a program, that requires working, volunteering, or training in a facility certified by the Centers for Medicare and Medicaid Services."

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