

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 121

Short Title: Medical Freedom Act. (Public)

Sponsors: Senators Moffitt, Lazzara, and Hanig (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 20, 2023

A BILL TO BE ENTITLED

AN ACT PROHIBITING STATE AGENCIES, LOCAL GOVERNMENTS, AND POLITICAL
SUBDIVISIONS OF THE STATE FROM DISCRIMINATING AGAINST PERSONS
BASED ON THEIR REFUSAL TO PROVIDE PROOF OF A COVID-19 VACCINATION
OR TO SUBMIT TO A COVID-19 VACCINATION AND PROHIBITING PUBLIC
SCHOOLS, STATE AND LOCAL PUBLIC HEALTH AGENCIES, STATE AND LOCAL
PUBLIC HEALTH OFFICIALS, AND LOCAL GOVERNMENTS FROM REQUIRING
ANY PERSON TO PROVIDE PROOF OF OR TO SUBMIT TO A COVID-19
VACCINATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-162.6. Discrimination against persons based on refusal of COVID-19 vaccination.

(a) No State agency, city, county, or political subdivision of the State shall deny or refuse employment to any person or discharge any person from employment on account of the person's having refused to provide proof of a COVID-19 vaccination or the person's refusal to submit to a COVID-19 vaccination or a series of COVID-19 vaccinations. This section shall not be construed to prevent the person from being discharged for cause. As used in this section, the term "COVID-19" means the coronavirus disease of 2019.

(b) No State agency, city, county, or political subdivision of the State shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to file a claim or complaint; initiate any inquiry, investigation, inspection, proceeding, or other action; or testify or provide information to any person with respect to the provisions of subsection (a) of this section."

SECTION 2.(a) Article 25B of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-377.1. Prohibited health requirements.

(a) Governing bodies of public school units shall not adopt any policies regarding the use of face coverings.

(b) Governing bodies of public school units shall not quarantine healthy students.

(c) If a public school unit violates this section, the student subject to the violation or that student's parent may bring a civil action against the governing body of the public school unit. A student or parent that prevails on a claim for a violation of this section shall be entitled to reasonable attorneys' fees and court costs."

SECTION 2.(b) G.S. 115C-12 is amended by adding a new subdivision to read:



1 "(49) Prohibited health requirements. – The State Board of Education shall not
2 implement any health requirement prohibited under G.S. 115C-377.1 in any
3 school operated under the control of the Board."

4 **SECTION 2.(c)** G.S. 115C-47 is amended by adding a new subdivision to read:

5 "(68) Prohibited health requirements. – Local boards of education shall not
6 implement any health requirement prohibited under G.S. 115C-377.1."

7 **SECTION 2.(d)** G.S. 115C-218.75 is amended by adding a new subsection to read:

8 "(k) Prohibited Health Requirements. – The board of directors of a charter school shall not
9 implement any health requirement prohibited under G.S. 115C-377.1."

10 **SECTION 2.(e)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

11 "(19) Prohibited health requirements. – The board of directors of a regional school
12 shall not implement any health requirement prohibited under
13 G.S. 115C-377.1."

14 **SECTION 2.(f)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

15 "(22) Prohibited health requirements. – The chancellor shall not implement any
16 health requirement prohibited under G.S. 115C-377.1."

17 **SECTION 2.(g)** This section is effective when it becomes law. Subsections (a) and
18 (b) of G.S. 115C-377.1, as enacted by this section, and subsections (b), (c), (d), (e), and (f) of
19 this section apply beginning with the 2023-2024 school year. Subsection (c) of G.S. 115C-377.1,
20 as enacted by this act, applies to violations that occur on or after the effective date of this section.

21 **SECTION 3.(a)** G.S. 130A-152 reads as rewritten:

22 "**§ 130A-152. Immunization required.**

23 (a) Every child present in this State shall be immunized against diphtheria, tetanus,
24 whooping cough, poliomyelitis, red measles (rubeola) and rubella. In addition, except as
25 provided in subsection (f) of this section, every child present in this State shall be immunized
26 against any other disease upon a determination by the Commission that the immunization is in
27 the interest of the public health. Every parent, guardian, person in loco parentis and person or
28 agency, whether governmental or private, with legal custody of a child shall have the
29 responsibility to ensure that the child has received the required immunization at the age required
30 by the Commission. If a child has not received the required immunizations by the specified age,
31 the responsible person shall obtain the required immunization for the child as soon as possible
32 after the lack of the required immunization is determined.

33 ...

34 (f) Notwithstanding this section or other applicable State law, the Commission for Public
35 Health, public schools (pre-K through 12), and public colleges and universities located in this
36 State are prohibited from requiring a student to provide proof of vaccination against the
37 coronavirus disease 2019 (COVID-19) or to submit to a COVID-19 vaccination or series of
38 COVID-19 vaccinations for any purpose."

39 **SECTION 3.(b)** Part 2 of Article 6 of Chapter 130A of the General Statutes is
40 amended by adding a new section to read:

41 "**§ 130A-158.3. COVID-19 vaccination; requirement prohibited.**

42 Notwithstanding any provision of this Chapter or Chapter 166A of the General Statutes to
43 the contrary, no State or local public health agency or public health official may require any
44 person, including an applicant for employment or an employee, to provide proof of a COVID-19
45 vaccination or to submit to a COVID-19 vaccination or series of COVID-19 vaccinations for any
46 purpose. For purposes of this section, the following definitions apply:

47 (1) Applicant for employment. – Any person who seeks to be permitted, required,
48 or directed by a State or local public health agency, or any person employed
49 by a State or local public health agency, to engage in employment in
50 consideration of direct or indirect gain or profit.

51 (2) COVID-19. – The coronavirus disease 2019.

- 1 (3) Employee. – Any individual employed by a State or local public health
2 agency.
- 3 (4) State or local public health agency. – Includes the following:
4 a. The Department or any of its divisions.
5 b. The Commission for Public Health or any district created by the
6 Commission pursuant to subsection (d) of G.S. 130A-29.
7 c. A local health department as defined in subdivision (5) of
8 G.S. 130A-2.
- 9 (5) State or local public health official. – Includes the following:
10 a. The Secretary or a designee.
11 b. The State Health Director or a designee.
12 c. The head of any State or local public health agency or a designee."

13 **SECTION 4.(a)** Article 23 of Chapter 153A of the General Statutes is amended by
14 adding a new section to read:

15 **"§ 153A-461. COVID-19 vaccination; requirement prohibited.**

16 No county may require any person, including an applicant for employment or an employee,
17 to provide proof of a COVID-19 vaccination or to submit to a COVID-19 vaccination or a series
18 of COVID-19 vaccinations for any purpose. For purposes of this section, the following
19 definitions apply:

- 20 (1) Applicant for employment. – Any person who seeks to be permitted, required,
21 or directed by a county or any person employed by a county to engage in
22 employment in consideration of direct or indirect gain or profit.
- 23 (2) COVID-19. – The coronavirus disease 2019.
- 24 (3) Employee. – As defined in G.S. 153A-99(b)(1)."

25 **SECTION 4.(b)** Article 21 of Chapter 160A of the General Statutes is amended by
26 adding a new section to read:

27 **"§ 160A-499.6. COVID-19 vaccination; requirement prohibited.**

28 No city may require any person, including an applicant for employment or an employee, to
29 provide proof of a COVID-19 vaccination or to submit to a COVID-19 vaccination or a series of
30 COVID-19 vaccinations for any purpose. For purposes of this section, the following definitions
31 apply:

- 32 (1) Applicant for employment. – Any person who seeks to be permitted, required,
33 or directed by a city or any person employed by a city to engage in
34 employment in consideration of direct or indirect gain or profit.
- 35 (2) COVID-19. – The coronavirus disease 2019.
- 36 (3) Employee. – As defined in G.S. 160A-169(b)(1)."

37 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
38 law.