

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 803
Apr 7, 2025
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30333-MG-1A

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

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, except as provided in subsection (f) of this section, 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 and (ii) confirmation by the Commission that the vaccine used for immunization has been approved by the United States Food and Drug Administration (FDA) for a minimum of three years. The Commission may, however, add to the State's childhood immunization schedule an FDA-approved vaccine that has been approved for less than the minimum three-year period specified in this subsection upon recommendation by both the North Carolina Medical Society Board of Directors and the North Carolina Pediatric Society Board of Directors.

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(b) Repealed by Session Laws 2002-179, s. 10, effective October 1, 2002.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



* D R H 3 0 3 3 - M G - 1 A *

- 1 (3) Exemptions from the immunization requirements where medical practice
2 suggests that immunization would not be in the best health interests of a
3 specific category of ~~children;~~children.
- 4 (4) The procedures and practices for administering the ~~vaccine;~~ and vaccine.
- 5 (5) Redistribution of vaccines provided to local health departments.
- 6 (6) Reasonable fees health care providers may charge for the administration of
7 vaccines provided by the State, in accordance with subsection (b) of
8 G.S. 130A-433.
- 9 (7) Limitations on the requirements that can be placed on children and their
10 parents, guardians, or custodians as a condition for receiving vaccines
11 provided by the State.
- 12 ~~(c1) The Commission for Public Health shall, pursuant to G.S. 130A-152 and~~
13 ~~G.S. 130A-433, adopt rules establishing reasonable fees for the administration of vaccines and~~
14 ~~rules limiting the requirements that can be placed on children, their parents, guardians, or~~
15 ~~custodians as a condition for receiving vaccines provided by the State. These rules shall become~~
16 ~~effective January 1, 1994.~~
- 17 (d) Only vaccine preparations ~~which~~that meet the standards of the United States Food
18 and Drug Administration or its successor in licensing vaccines and are approved for use by the
19 Commission may be used.
- 20 (e) When the Commission requires immunization against a disease not listed in ~~paragraph~~
21 subsection (a) of this section, or requires an additional dose of a vaccine, the Commission is
22 authorized to exempt from the new requirement children who are or ~~who~~ have been enrolled in
23 school (K-12) on or before the effective date of the new requirement.
- 24 (f) Notwithstanding this section or other applicable State law, the Commission for Public
25 Health, public school units, community colleges, constituent institutions of The University of
26 North Carolina, and any private colleges or universities receiving State funds are prohibited from
27 requiring a student to (i) provide proof of vaccination against the coronavirus disease of 2019
28 (COVID-19) or ~~to~~ (ii) submit to a COVID-19 vaccination or series of COVID-19 vaccinations
29 unless the requirement for vaccination or proof of vaccination is required for participating in a
30 program of study, or fulfilling education requirements for a program, that requires working,
31 volunteering, or training in a facility certified by the Centers for Medicare and Medicaid
32 Services."
- 33 **SECTION 2.** This act is effective when it becomes law and applies to new vaccine
34 requirements established for children in this State on or after that date.