GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

HOUSE BILL 572
Committee Substitute Favorable 5/6/21

Short Title: No Vaccine Mandate by EO, Rule, or Agency. (Public)

Sponsors:

Referred to:

April 19, 2021

A BILL TO BE ENTITLED
AN ACT TO PROHIBIT THE CREATION OF A VACCINE MANDATE BY USE OF AN
EXECUTIVE ORDER OR THE RULEMAKING PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1.1.(a) G.S. 166A-19.12 reads as rewritten:


The Division of Emergency Management shall have the following powers and duties as delegated by the Governor and Secretary of Public Safety:

…

(3) Coordination with the State Health Director to amend or revise the North Carolina Emergency Operations Plan regarding public health matters. At a minimum, the revisions to the Plan shall provide for the following:

a. The epidemiologic investigation of a known or suspected threat caused by nuclear, biological, or chemical agents.

b. The examination and testing of persons and animals that may have been exposed to a nuclear, biological, or chemical agent.

c. The procurement and allocation of immunizing agents and prophylactic antibiotics.

d. The allocation of the Strategic National Stockpile.

e. The appropriate conditions for quarantine and isolation in order to prevent further transmission of disease.

f. Immunization procedures subject to G.S. 166A-19.30(c1).

g. The issuance of guidelines for prophylaxis and treatment of exposed and affected persons.

…"

SECTION 1.1.(b) G.S. 166A-19.30 reads as rewritten:


(a) In addition to any other powers conferred upon the Governor by law, and subject to subsection (c1) of this section, during a gubernatorially or legislatively declared state of emergency, the Governor shall have the following powers:

…

(b) During a gubernatorially or legislatively declared state of emergency, with the concurrence of the Council of State, and subject to subsection (c1) of this section, the Governor has the following powers:

…
(c1) Notwithstanding any provision of law to the contrary, the Governor shall not require
or mandate that any person receive a vaccination by operation of executive order. Any person
who refuses to receive a vaccination under this section shall not be subject to civil or criminal
liability for the refusal of vaccination.

..."

SECTION 1.1.(c) Subsection (b) of this section applies to executive orders and
directives issued on or after the effective date of this act.

SECTION 1.2.(a) G.S. 150B-19 reads as rewritten:

"§ 150B-19. Restrictions on what can be adopted as a rule.

An agency may not adopt a rule that does one or more of the following:

…

(3a) Imposes a mandate or requirement resulting in disciplinary action for a person
to receive a vaccination as a condition of the receipt, renewal, or reinstatement
of a license by an agency.

..."

SECTION 1.2.(b) This section applies to proposed rules published in the North
Carolina Register and proposed rules posted on the website of the Office of Administrative
Hearings on or after October 1, 2021.

SECTION 1.3. Notwithstanding any provision of Chapter 130A or Chapter 166A of
the General Statutes or any other provision of law to the contrary, no public health authority in
the State, including the Secretary of the Department of Health and Human Services, the State
Health Director, the Commission for Public Health, or the director of any local health department,
may issue an order requiring any individual to submit to a COVID-19 vaccination or series of
vaccinations.

SECTION 2. Except as otherwise provided, this act is effective when it becomes
law.