

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

1

HOUSE BILL 876

Short Title: Vaccination Private Choice Protection Act. (Public)

Sponsors: Representatives Moffitt, Warren, Kidwell, and Setzer (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

May 5, 2021

A BILL TO BE ENTITLED

1
2 AN ACT (1) TO PROTECT INDIVIDUAL DECISION MAKING AND HEALTH
3 INFORMATION WITH REGARD TO AN INDIVIDUAL'S PRIVATE CHOICES ABOUT
4 RECEIVING A COVID-19 VACCINE, (2) TO PROHIBIT THE STATE OR ANY
5 POLITICAL SUBDIVISION OF THE STATE FROM ISSUING A COVID-19 VACCINE
6 PASSPORT, (3) TO PROTECT AGAINST EMPLOYMENT-RELATED
7 DISCRIMINATION BASED ON AN EMPLOYEE'S REFUSAL OF EXPERIMENTAL
8 VACCINES, (4) TO PROTECT THE INDIVIDUAL'S RIGHT AGAINST REQUIRED
9 VACCINATIONS OF ANY SORT DURING DECLARED DISASTERS AND
10 EMERGENCIES, AND (5) TO PROHIBIT REQUIRED DISCLOSURE OF ANY
11 VACCINE STATUS REGARDING ANY ADULT OR CHILD UNDER ANY
12 CIRCUMSTANCE WHETHER RELATED TO EDUCATION, HEALTH CARE,
13 OCCUPATIONAL LICENSING, HEALTH INSURANCE, OR DRIVING PRIVILEGES.

14 Whereas, many North Carolinians may not be able to receive a COVID-19
15 vaccination due to valid medical, religious, or other personal reasons; and

16 Whereas, many North Carolinians may elect not to receive a COVID-19 vaccination
17 because the vaccines have not received U.S. Food and Drug Administration approval pursuant to
18 the Project BioShield Act of 2004, U.S.C. § 360bbb-3; and

19 Whereas, many North Carolinians may refuse the COVID-19 vaccine because the
20 vaccines currently available have only been granted emergency use authorization by the U.S.
21 FDA, thereby making their use optional under the emergency use authorization 21 U.S.C. §
22 360bbb-3(e)(1)(A)(ii)(III); and

23 Whereas, an individual's medical history and condition are private health information
24 that should only be shared at the discretion of the individual; and

25 Whereas, the rights and freedoms granted to individual citizens by the Constitutions
26 of the United States and the Great State of North Carolina are not contingent to health
27 qualifications; and

28 Whereas, the General Assembly enacted S.L. 2020-89 on July 2, 2020, (H118),
29 granting liability immunity to all health care facilities, health care providers, and businesses who
30 make reasonable accommodations against the spread of COVID-19; and

31 Whereas, the General Assembly of North Carolina finds it necessary to enact this
32 Prohibition Against the Issuance of Vaccine Passports or Requirements; Now, therefore,
33 The General Assembly of North Carolina enacts:
34

35 **PART I. PROTECTION REGARDING COVID-19 VACCINATION DECISIONS**



1 **SECTION 1.1.(a)** Prohibition Against Public Health Order Requiring COVID-19
2 Vaccination. – Notwithstanding any provision of Chapter 130A or Chapter 166A of the General
3 Statutes or any other provision of law to the contrary, no public health authority in the State,
4 including the Secretary of the Department of Health and Human Services, the State Health
5 Director, the Commission for Public Health, or the director of any local health department, may
6 issue an order requiring any individual to submit to a COVID-19 vaccination or series of
7 vaccinations if such action is medically contraindicated for the individual, or if receiving the
8 vaccination or series of vaccinations is against the individual's religious or philosophical beliefs,
9 as described in G.S. 130A-157 and G.S. 130A-157.5, as enacted by Section 5.1(a) of this act. In
10 the case of a minor, if the vaccination or series of vaccinations is against the religious or
11 philosophical beliefs of the parent, guardian, or person in loco parentis, as described in
12 G.S. 130A-157 and G.S. 130A-157.5, as enacted by Section 5.1(a) of this act, then the public
13 health authority is prohibited from requiring that the minor receive a COVID-19 vaccination or
14 series of vaccinations.

15 **SECTION 1.1.(b)** Protection of Patient Privacy Rights Regarding COVID-19
16 Vaccination. – No health care provider authorized to administer a COVID-19 vaccination in this
17 State may require a patient, as a condition of receiving the vaccination, to agree, orally or in
18 writing, to any of the following:

- 19 (1) Permission to use or disclose the patient's protected health information, as
20 defined in 45 C.F.R. § 160.103, or personal identifying information for
21 marketing or other business purposes.
- 22 (2) Waiver of any of the rights guaranteed under sections 261 through 264 of the
23 federal Health Insurance Portability and Accountability Act of 1996, P.L.
24 104-191, as amended, and any federal regulations adopted to implement these
25 sections, as amended, except for what is necessary to safely administer the
26 vaccination to the patient and seek reimbursement for the cost of such
27 administration from a third-party payor.

28 **SECTION 1.1.(c)** Prohibition Against Discrimination Based on COVID-19
29 Vaccination Status. – All of the following are prohibited discriminatory practices by the
30 following entities if based on an individual's COVID-19 vaccination status:

- 31 (1) The State, any of its political subdivisions, and any entity receiving State
32 funding in any form to refuse, withhold from, or deny to an individual any
33 State, local, or federal funds or any services, goods, facilities, advantages,
34 privileges, licensing, educational opportunities, or access to health care.
- 35 (2) Any person to refuse employment to an individual, to bar an individual from
36 employment, or to base any employment-related decision including
37 compensation or any term, condition, or privilege of employment. This
38 subdivision does not apply to any church or religious denomination.
- 39 (3) Any public accommodation to exclude, limit, refuse to serve, or otherwise
40 treat adversely.

41 **SECTION 1.1.(d)** Permitted COVID-19 Vaccination Status Policies. – An entity,
42 employer, or public accommodation referenced in subsection (c) of this section may institute a
43 policy or practice requiring an individual to receive a COVID-19 vaccination or verify a person's
44 COVID-19 vaccination status provided all of the following apply:

- 45 (1) The entity, employer, or public accommodation notifies the individual that the
46 individual may decline to be vaccinated, may decline to verify the person's
47 COVID-19 vaccination status, or both.
- 48 (2) The individual may decline to receive a COVID-19 vaccine, decline to verify
49 the person's COVID-19 vaccination status, or both, based on any of the
50 following:

- 1 a. Medical contraindication or other condition requiring a reasonable
- 2 accommodation.
- 3 b. Natural immunity.
- 4 c. Reasons of conscience including sincerely held religious beliefs.
- 5 (3) If the individual is a minor, the individual's parent or legal guardian may on
- 6 behalf of the minor decline to have the minor receive a COVID-19
- 7 vaccination, decline to verify the minor's COVID-19 vaccination status, or
- 8 both.

9 Any entity, employer, or public accommodation that adopts a COVID-19 vaccination
10 status policy pursuant to this subsection shall allow an individual who declines to receive a
11 COVID-19 vaccination, declines to provide evidence of having received a COVID-19
12 vaccination, or both, to do so verbally or in writing at the individual's discretion. The entity,
13 employer, or public accommodation shall keep an individual's decision to receive or decline to
14 receive a COVID-19 vaccination confidential. The entity, employer, or public accommodation
15 shall keep an individual's decision to verify or decline to verify the individual's COVID-19
16 vaccination status confidential. If the entity, employer, or public accommodation is subject to
17 Chapter 132 of the General Statutes, then any document evidencing a person's decision to receive
18 or decline to receive a COVID-19 vaccination as well as any document evidencing a person's
19 decision to verify or decline to verify the individual's COVID-19 vaccination status is not a public
20 record as defined in G.S. 132-1.

21 PROHIBITION AGAINST COVID-19 VACCINE PASSPORTS

22 **SECTION 1.2.(a)** Prohibition Against Public Agencies Issuing or Establishing
23 COVID-19 Passports. – Notwithstanding any other provision of State or federal law, State or
24 federal rule, executive order, local ordinance, or State or local declaration of emergency, no
25 officer or employee of the State or any political subdivision of the State may issue or establish
26 any standardized documentation, including something styled as a vaccine passport or vaccine
27 pass, for the purpose of verifying an individual's COVID-19 vaccination status to a third party,
28 or otherwise publish or share any individual's COVID-19 vaccination record.

29 **SECTION 1.2.(b)** Exception. – Nothing in this section shall prohibit an individual
30 who has received a COVID-19 vaccination from receiving from the person who administered the
31 vaccine a COVID-19 Vaccination Record Card from the Centers for Disease Control and
32 Prevention indicating the person received a COVID-19 vaccination.

33 COVID-19 DEFINITIONS

34 **SECTION 1.3.** As used in this Part, the following definitions apply:

- 35 (1) COVID-19. – The disease caused by the SARS-CoV-2 virus.
- 36 (2) Vaccination status. – An indication of whether a person has received one or
37 more doses of a COVID-19 vaccine.

38 **SECTION 1.4.** This Part is effective when this act becomes law.

39 PART II. EXPERIMENTAL VACCINES/PROTECTION AGAINST EMPLOYMENT 40 DISCRIMINATION FOR REFUSAL TO RECEIVE

41 **SECTION 2.1.(a)** Article 2A of Chapter 95 of the General Statutes is amended by
42 adding a new section to read:

43 **"§ 95-25.6A. No mandatory emergency use vaccinations; no adverse action based on
44 vaccination status.**

45 (a) The General Assembly finds that an employee or a prospective employee has the right
46 to work free of mandatory experimental vaccination requirements imposed by an employer.
47 Therefore, it is the policy of this State to prohibit certain workplace vaccination requirements.
48 Further, it is the policy of this State to recognize the right of employees and prospective
49

1 employees to be free of discrimination or retaliation on account of an individual's vaccination
2 status.

3 (b) No employer may do any of the following:

4 (1) Inquire about whether an employee or prospective employee has received a
5 vaccination of a drug approved by the U.S. Food and Drug Administration
6 only for emergency use.

7 (2) Require, as a condition of employment, that an employee receive a vaccination
8 of a drug approved by the U.S. Food and Drug Administration only for
9 emergency use.

10 (3) Discharge, discipline, retaliate against, fail to promote, or otherwise
11 discriminate against an employee or prospective employee who opposes a
12 workplace vaccination program to administer a drug approved by the U.S.
13 Food and Drug Administration only for emergency use.

14 (c) A prospective, current, or former employee may commence a civil action against an
15 employer for a violation of this section. A prevailing plaintiff is entitled to any one or more of
16 the following:

17 (1) Back pay or reinstatement, with back pay plus three times the employee's
18 wages and fringe benefits or prospective wages and benefits.

19 (2) Damages, including punitive damages and actual damages.

20 (3) Injunctive and any other court-approved relief.

21 (4) Reasonable attorney fees and costs.

22 These remedies are in addition to, and not in lieu of, any other remedies or relief allowed by
23 law.

24 (d) Nothing in this section shall be construed to prohibit an employer from requiring that
25 employees be immunized in compliance with health and safety regulations under Article 16 of
26 Chapter 95 of the General Statutes."

27 **SECTION 2.1.(b)** G.S. 95-241(a) reads as rewritten:

28 "(a) No person shall discriminate or take any retaliatory action against an employee
29 because the employee in good faith does or threatens to do any of the following:

30 ...

31 (6) Exercise a right, or oppose a practice, under G.S. 95-25.6A."

32 **SECTION 2.1.(c)** This Part is effective when this act becomes law and applies to
33 employment in this State on or after that date.

34 **SECTION 2.1.(d)** This Part applies to employers, employees, and prospective
35 employees on and after the effective date of this act.

36
37 **PART III. LIMITATIONS ON VACCINE MANDATES BY EXECUTIVE ORDER,**
38 **RULES, AGENCY HEADS, OR PUBLIC HEALTH AUTHORITIES DURING**
39 **DECLARED DISASTERS OR EMERGENCIES**

40 **SECTION 3.1.(a)** G.S. 166A-19.12 reads as rewritten:

41 "**§ 166A-19.12. Powers of the Division of Emergency Management.**

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

44 ...

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

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

50 b. The examination and testing of persons and animals that may have
51 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.~~ procedures subject to G.S. 166A-19.30(c1).
- g. The issuance of guidelines for prophylaxis and treatment of exposed and affected persons.

...."

SECTION 3.1.(b) G.S. 166A-19.30 reads as rewritten:

"§ 166A-19.30. Additional powers of the Governor during state of emergency.

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

SECTION 3.2.(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 3.2.(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.

PART IV. NO IMPLIED CONSENT TO VACCINE TRACKING

SECTION 4.1. Part 2 of Article 6 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-158.5. Written, informed consent required for vaccine tracking.

Notwithstanding any provision of this Article, Article 29B of Chapter 90 of the General Statutes, or any other provision of law to the contrary, each system used to track or record information about individuals residing in this State who have received specific vaccinations or a series of specific vaccinations, including the North Carolina Immunization Registry, the statewide health information exchange known as NC HealthConnex, and the North Carolina COVID-19 Vaccine Management System, shall, to the extent allowed by applicable federal law without jeopardizing federal funds, provide for the following:

- 1 (1) Written, informed consent from each adult and, in the case of a minor, from a
2 parent or guardian of each minor, whose vaccination records and vaccination
3 information are added to the system for the following:
4 a. The individual's participation in the system or inclusion in the system
5 of the individual's vaccination record or vaccine status with respect to
6 a specific vaccine or series of vaccines.
7 b. The disclosure or sharing of information concerning the individual's
8 vaccination record, vaccine status with respect to a specific vaccine or
9 series of vaccines, or refusal to receive a specific vaccine or series of
10 vaccines. This written, informed consent requirement applies to
11 disclosures and sharing by the system, an individual's health care
12 provider, and an individual's health insurer.
13 (2) An option for an adult or, in the case of a minor, a parent or guardian to
14 withdraw previously granted consent that would trigger the deletion of all the
15 individual's vaccination records and other vaccination information from the
16 system and any other files maintained by the State agency responsible for
17 operating the system."

19 **PART V. NO VACCINE MANDATES BY SCHOOLS OR CHILD CARE FACILITIES**

20 **SECTION 5.1.(a)** Article 6 of Chapter 130A of the General Statutes is amended by
21 adding a new section to read:

22 **"§ 130A-157.5. Philosophical exemption.**

23 The moral, philosophical, or other personal beliefs of many citizens are contrary to the
24 immunization requirements contained in this Chapter. All citizens have a right to expect that their
25 personal privacy rights, particularly in the area of personal health, will be protected by this State.
26 Therefore, the matter of whether a person chooses for oneself, for one's children, or for anyone
27 for whom that person stands in loco parentis to receive a vaccine or not to receive it shall remain
28 a private matter not to be violated. Because the requirement of a written statement of the moral,
29 philosophical, or personal beliefs and opposition to the immunization requirements would violate
30 those privacy rights, no such statement shall be required of anyone, nor shall the question of
31 whether such an affected person has received an immunization be asked of anyone as a condition
32 of attending any college, university, public or private school (Pre-K through 12), or child care
33 facility."

34 **SECTION 5.1.(b)** This section applies to any vaccination requirement, including a
35 COVID-19 vaccination requirement, imposed upon an adult or a child by a college, university,
36 public or private school (Pre-K through 12), or child care facility on or after the effective date of
37 this act.

39 **PART VI. NO VACCINE MANDATES FOR HEALTH CARE PROVIDERS, STAFF, OR** 40 **PATIENTS**

41 **PROTECTION FOR HEALTH CARE PROFESSIONALS**

42 **SECTION 6.1.(a)** Chapter 93B of the General Statutes is amended by adding a new
43 section to read:

44 **"§ 93B-8.1A. Use of vaccination history records.**

45 (a) The following definitions apply in this section:

- 46 (1) Applicant. – A person who makes application for licensure from an
47 occupational licensing board.
48 (2) Board. – An occupational licensing board or a State agency licensing board as
49 defined in G.S. 93B-1.
50

- 1 (3) Licensee. – A person who has obtained a license to engage in or represent
2 himself or herself to be a member of a particular profession or occupation.
3 (4) Vaccination. – The act of introducing a product into the body that stimulates
4 a person's immune system to produce immunity to a specific disease,
5 protecting the person from that disease through various methods, including
6 needle injections and mouth or nasal spray.
7 (5) Vaccination history record. – Written or digital documentation containing
8 information about a person's vaccinations as a child or adult, including records
9 from health care providers, local health departments, the North Carolina
10 Immunization Registry, employer, or educational institution.

11 (b) Application. – Notwithstanding any other provision of law, a board shall not deny an
12 applicant a license on the basis of whether the applicant has or has not received a specific
13 vaccination, or a series of vaccinations, as shown in the applicant's vaccination history record. A
14 board shall not require the submission of documents containing medical information for the sole
15 purpose of ascertaining an applicant's vaccination history record as part of an application process
16 for licensure. A board shall not use any documents provided or information gathered tending to
17 show a vaccination history record as the basis to deny the applicant a license.

18 (c) Discipline. – Notwithstanding any other provision of law, a board shall not suspend,
19 revoke, decline to renew, decline to reinstate, or take any disciplinary action against a licensee
20 on the basis of whether the licensee has or has not received a specific vaccination or a series of
21 vaccinations as shown in the licensee's vaccination history record.

22 (d) Remedies. – A person who is denied the issuance, reinstatement, or renewal of a
23 license in violation of this section may bring a civil action in district court against the board who
24 violates the provisions of this section and seek to obtain any of the following remedies:

- 25 (1) Injunctive relief.
26 (2) Affirmative relief.
27 (3) Issuance, renewal, or reinstatement of licensure.
28 (4) Any other relief deemed appropriate."

29 **SECTION 6.1.(b)** This section applies to applications for licensure, renewals,
30 reinstatements, and revocations of licenses and disciplinary actions on or after the effective date
31 of this act.
32

33 **PROTECTION FOR HOSPITAL PATIENTS AND STAFF**

34 **SECTION 6.2.** Part 2 of Article 5 of Chapter 131E of the General Statutes is
35 amended by adding two new sections to read:

36 "**§ 131E-79.5. No discrimination against hospital patients on the basis of vaccination status.**

37 No hospital licensed under this Article shall refuse to provide any health care services to a
38 patient (i) on the basis of the patient's vaccination history or (ii) because of the patient's refusal
39 to receive a specific vaccination or series of vaccinations or provide proof of immunity to a
40 specific disease.

41 "**§ 131E-79.6. No discrimination against physicians, medical residents, or interns on the**
42 basis of vaccination status.

43 (a) Notwithstanding any other provision of law to the contrary, no hospital licensed under
44 this Article shall deny, terminate, or suspend a physician's hospital privileges (i) on the basis of
45 the physician's vaccination history or (ii) because of the physician's refusal to receive a specific
46 vaccination or series of vaccinations or provide proof of immunity to a specific disease.

47 (b) Notwithstanding any other provision of law to the contrary, no hospital licensed under
48 this Article that offers a medical residency program or a clinical program or experience necessary
49 to satisfy a student's degree requirements shall do either of the following:

- 50 (1) Discriminate against a program applicant for an internship or residency or
51 prohibit the applicant's admission, enrollment, or employment as an intern or

1 resident (i) on the basis of the student's vaccination history or (ii) because of
2 the student's, intern's, or resident's refusal to receive a specific vaccination or
3 series of vaccinations or provide proof of immunity to a specific disease.

4 (2) Terminate an internship or residency on the basis of an intern's or resident's
5 refusal to receive a specific vaccination or series of vaccinations or provide
6 proof of immunity to a specific disease.

7 (c) Any physician whose hospital privileges are denied, terminated, or suspended in
8 violation of this section or any applicant for or participant in a residency program or clinical
9 program or experience offered by a hospital licensed under this Article who is denied admission
10 into or terminated from the program, in violation of this section, may bring a civil action in
11 district court against the hospital that violates the provisions of this section and obtain any one
12 or more of the following remedies:

13 (1) An injunction against any further violations.

14 (2) Appropriate affirmative relief, including, but not limited to, reinstatement of
15 physician privileges or admission or reinstatement in the residency program
16 or clinical program or experience.

17 (3) Any other relief necessary to ensure compliance with this section.

18 (d) The court may award reasonable costs, including court costs and attorneys' fees, to
19 the prevailing party in an action brought pursuant to this section."

20 21 **PROTECTION FOR APPLICANTS AND RESIDENTS OF OTHER HEALTH CARE** 22 **FACILITIES**

23 **SECTION 6.3.** Part 2 of Article 1 of Chapter 131D of the General Statutes is
24 amended by adding a new section to read:

25 "**§ 131D-9.5. No discrimination against adult care home residents based on vaccination**
26 **status.**

27 An adult care home licensed under this Article is prohibited from refusing to admit an
28 applicant or provide services to a resident of the facility (i) on the basis of the applicant's or
29 resident's vaccination history or (ii) because of the applicant's or resident's refusal to receive a
30 specific vaccination or series of vaccinations or provide proof of immunity to a specific disease."

31 **SECTION 6.4.** Part 1 of Article 6 of Chapter 131E of the General Statutes is
32 amended by adding a new section to read:

33 "**§ 131E-113.5. No discrimination against nursing home residents based on vaccination**
34 **status.**

35 A nursing home licensed under this Article is prohibited from refusing to admit an applicant
36 or provide services to a resident of the facility (i) on the basis of the applicant's or resident's
37 vaccination history or (ii) because of the applicant's or resident's refusal to receive a specific
38 vaccination or series of vaccinations or provide proof of immunity to a specific disease."

39 40 **PART VII. NO VACCINE MANDATES TIED TO PUBLIC SPACES**

41 **SECTION 7.1.** Chapter 99D of the General Statutes is amended by adding a new
42 section to read:

43 "**§ 99D-1.5. No discrimination in public spaces on the basis of vaccination status.**

44 (a) It is a discriminatory practice for a person to deny any individual the full and equal
45 enjoyment of goods, services, privileges, advantages, facilities, and public spaces on the basis of
46 their vaccination or immunity status. This subsection shall be construed to prohibit all of the
47 following:

48 (1) Providing any disposition, service, financial aid, or benefit to an individual
49 that is different or is provided in a different manner from that provided to other
50 members of the general public.

- 1 (2) Subjecting any individual to segregation or separate treatment in any matter
2 related to that individual's receipt of any disposition, service, financial aid, or
3 benefit provided to other members of the general public.
- 4 (3) Restricting an individual in any way in the enjoyment of any advantage or
5 privilege enjoyed by others receiving any disposition, service, financial aid,
6 or benefit provided to other members of the general public.
- 7 (4) Treating an individual differently from others in determining whether that
8 individual satisfies any admission, enrollment, quota, eligibility, membership,
9 or other requirement or condition that individuals are required to meet in order
10 to be provided any disposition, service, financial aid, or benefit available to
11 other members of the general public.
- 12 (5) Denying an individual an opportunity to participate in a program through the
13 provision of service or otherwise afford that individual an opportunity to do
14 so that is different from that afforded to other members of the general public.
- 15 (b) Notwithstanding any other provision of law to the contrary, an individual may not be
16 required to take, be administered, or otherwise receive or disclose whether the individual has
17 taken, been administered, or otherwise received a COVID-19 vaccination as a condition for any
18 of the following:
- 19 (1) Entry into any business or public space.
20 (2) Receipt of any service or good.
21 (3) Enjoyment of any facilities, privileges, advantages, or public spaces.
- 22 (c) Neither the State of North Carolina nor any agency or subdivision of the State of
23 North Carolina shall create, impose, or allow to be imposed any device or method of
24 identification that might be considered to be a vaccine passport which would be required of any
25 citizen seeking to travel, to enter any public space or private property, or to do any business
26 within the State of North Carolina.
- 27 (d) As used in this section, "public space" includes all of the following:
- 28 (1) Places of public accommodation.
29 (2) Any building or space, whether indoors or outdoors, that is owned, leased,
30 operated, occupied, or otherwise used by a public body.
31 (3) Any other building or space, whether indoors or outdoors, that is generally
32 open to the public."

PART VIII. NO VACCINE MANDATES BY GROUP HEALTH BENEFIT PLANS OR LIFE INSURANCE PLANS

SECTION 8.1.(a) G.S. 58-3-25 is amended by adding a new subsection to read:

"(d) No insurer shall refuse to insure or refuse to continue to insure an individual; to limit the amount, extent, or kind of coverage available to an individual; or to charge an individual a different rate for the same coverage, solely because of an individual's vaccination status."

SECTION 8.1.(b) Part 7 of Article 50 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-50-286. Prohibitions on use of health care provider patient vaccination status.

An insurer offering a health benefit plan in this State shall not use the vaccination status of any patients of a health care provider for any of the following:

- 45 (1) As a qualification or requirement for entering into a contract with the health
46 care provider.
- 47 (2) As a basis for terminating a contract with the health care provider.
- 48 (3) As a factor in the provision of financial incentives for a health care provider.
- 49 (4) As a factor in the imposition of penalties, including financial penalties, on a
50 health care provider."

1 **SECTION 8.1.(c)** Article 51 of Chapter 58 of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 58-51-2. Prohibition of the use of insured vaccination status.**

4 No insurer offering a group health plan on the large group market, as defined in
5 G.S. 58-68-25, shall use the vaccination status of any insured as a factor in the rating of a group
6 health plan that provides coverage in this State."

7 **SECTION 8.1.(d)** This section becomes effective October 1, 2021, and applies to
8 contracts issued, renewed, or amended on or after that date.

9
10 **PART IX. NO VACCINE MANDATES TIED TO DRIVING PRIVILEGES OR THE**
11 **ISSUANCE OF STATE IDENTIFICATION CARDS**

12 **SECTION 9.1.** Article 3 of Chapter 20 of the General Statutes is amended by adding
13 a new section to read:

14 **"§ 20-43.5. Vaccination records shall not be collected or required by Division;**
15 **discrimination prohibited.**

16 (a) The Division shall not collect or maintain vaccination information or connect
17 Division records to the vaccination information of a person.

18 (b) The Division shall not require a person to provide vaccination information as a
19 condition of obtaining an identification card, a learner's permit, or a drivers license.

20 (c) Any business or governmental entity that requires a person to present a
21 Division-issued identification card, learner's permit, or drivers license to verify identification
22 may not require a person to provide vaccination information or proof of immunity, and the
23 business or governmental entity may not discriminate, deny services or access, or otherwise
24 penalize a person for not receiving a vaccination or providing proof of immunity."
25

26 **PART X. SEVERABILITY CLAUSE**

27 **SECTION 10.1.** If any provision of this act or its application is held invalid, the
28 invalidity does not affect other provisions or applications of this act that can be given effect
29 without the invalid provision or application and, to this end, the provisions of this act are
30 severable.

31
32 **PART XI. EFFECTIVE DATE**

33 **SECTION 11.1.** Except as otherwise provided, this act is effective when it becomes
34 law.