AN ACT TO REWRITE THE IMMUNIZATION LAW.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 130 of the General Statutes is hereby rewritten to read as follows:

"Article 9.

§ 130-87. Immunization required. — (a) Every child present in this State shall be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, red measles (rubeola), and rubella, and, in addition, shall be immunized against smallpox upon a determination by the Commission for Health Services that such immunization is in the best interest of the public health. 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 insure that their child has received the required immunization at the age required by the Commission of Health Services; and, if a child has not received the required immunizations by the specified age, such persons shall have the responsibility to obtain the required immunization for their child as soon as possible after the lack of the required immunization is determined.

(b) Any child who has received immunization for measles prior to his obtaining 12 months of age shall be required to obtain a second measles immunization after the child has obtained 12 months of age in order to satisfy the requirement of subsection (a) with respect to immunization against measles.

(c) The Commission for Health Services shall promulgate and the Department of Human Resources shall enforce rules concerning the implementation of the immunization program. Such rules shall provide for:

(1) the child's age for administering each vaccine;

(2) the number of doses of each 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; and

(4) the procedures and practices for administering such vaccine.

(d) Only vaccine preparations may be used which 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 for Health Services.

§ 130-88. Obtaining immunization. — The required immunization may be obtained from a physician licensed to practice medicine in this State or from the local health department. The local health department shall administer the required immunizations without charge. The Department of Human Resources shall provide the necessary vaccines to the local health departments.

§ 130-89. Certificate of immunization. — The physician or local health department who administers the required vaccines shall give a certificate of such immunizations to the person who presented the child for immunization. The certificate shall state the name of the child, the name of the child's parent, guardian, or person responsible for the child obtaining the required
immunization, the address of the child and the parent, guardian or responsible person, the date of birth of the child, the sex of the child, the number of doses of the vaccine given, the date the doses were given, and other relevant information which may be required by the Commission for Health Services.

"§ 130-90. Submission of certificate to day-care facility and school authorities; record maintenance; reporting. — (a) No child shall attend any school (K-12), whether public, private or religious, or a day-care facility, as defined in G.S. 110-86(3), unless a certificate of immunization indicating that the child has received the immunizations required by G.S. 130-87 is presented to the school or facility. If on the first day of attendance of the child at the school or facility, a certificate of immunization is not presented to the principal of the school or operator of the facility, as defined in G.S. 110-86(7), or if a certificate of immunization indicating that the child has not received the required immunizations is presented, notice of such deficiency shall be given to the parent, guardian or responsible person by the principal or operator. The parent, guardian or responsible person shall have 30 calendar days from the first day of attendance in order to obtain the required immunization for the child. If the administration of vaccine in a series of doses given at medically approved intervals require a period in excess of 30 calendar days, additional days upon certification of a physician may be allowed in order to obtain the required immunization. Upon termination of the 30 calendar day or extended period, the principal or operator shall not permit any child to attend the school or facility unless he is immunized as required by G.S. 130-87.

(b) The school or day-care facility shall maintain on file immunization records for all children attending the school or facility which contain the information required for a certificate of immunization as specified in G.S. 130-89. Such certificates shall be open to inspection by agents of the Department of Human Resources and the local health department during normal business hours. Within 60 calendar days after the commencement of a new school year, the school shall file a report with the Department of Human Resources. The day-care facility shall file the report annually with the Department of Human Resources. The report shall be filed on forms prepared by the department and shall state the number of children attending the school or facility, the number of children who had not obtained the required immunization within 30 days of their first attendance, the number of children who received a medical exemption and the number of children who received a religious exemption.

"§ 130-91. Medical exemption. — If a physician licensed to practice medicine in this State certifies that an immunization required by G.S. 130-87 is or may be detrimental to a child's health, the child is not required to receive the specified immunization until the physician certifies that the immunization will not be detrimental to the child's health.

"§ 130-92. Religious exemption. — If the bona fide religious beliefs of a parent or person in loco parentis of a child are contrary to the immunization requirements contained in this Article, the child shall be exempt from such requirements. Upon submission of a written statement of the bona fide religious beliefs and their opposition to the immunization requirements, the child may attend the school or facility without presenting a certificate of immunization.

"§ 130-93. Delayed applicability. — Notwithstanding the provisions of G.S. 130-90(a), a child who has attended school during the 1978-1979 year shall not be required to receive immunization, not required during such years, in order to attend school during the 1979-1980 year. However, such child shall be required to have received all the immunizations required by G.S. 130-87 before he may attend school during the 1980-1981 year.

"§ 130-93.01. Enforcement. — (a) Any person as defined in G.S. 130-87 who violates any provision of this Article or the rules promulgated hereunder shall be guilty of a misdemeanor and upon conviction shall be punished, notwithstanding the provisions of G.S. 130-203, by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than six months for each violation.
(b) The Secretary of Human Resources or the local health director may institute a civil action in the superior court of the county in which the defendant in the action resides for injunctive relief to prevent a threatened or continuing violation of any provision of this Article or any rule promulgated hereunder. The provisions of G.S. 130-205 shall be inapplicable to actions instituted pursuant to this section.

Sec. 2. This act shall become effective July 1, 1979.

In the General Assembly read three times and ratified, this the 16th day of February, 1979.