

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 614
Health Care Committee Substitute Adopted 4/22/99

Short Title: Immunization Law Changes.

(Public)

Sponsors:

Referred to:

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE IMMUNIZATION LAWS PERTAINING TO ADMINISTRATION AND REPORTING OF IMMUNIZATIONS, CERTIFICATES OF IMMUNIZATIONS RECEIVED IN OTHER STATES, SUBMISSION OF IMMUNIZATION CERTIFICATES TO CHILD CARE FACILITIES AND SCHOOL AUTHORITIES, AND TO MAKE OTHER TECHNICAL CHANGES TO THE IMMUNIZATION STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-41(b) reads as rewritten:

"(b) A local health director shall have the following powers and duties:

- (1) To administer programs as directed by the local board of health;
- (2) To enforce the rules of the local board of health;
- (3) To investigate the causes of infectious, communicable and other diseases;
- (4) To exercise quarantine authority and isolation authority pursuant to G.S. 130A-145;
- (5) To disseminate public health information and to promote the benefits of good health;
- (6) To advise local officials concerning public health matters;

- 1 (7) To enforce the immunization requirements of Part 2 of Article 7-6 of
2 this Chapter;
- 3 (8) To examine and investigate cases of venereal disease pursuant to Parts 3
4 and 4 of Article 6 of this Chapter;
- 5 (9) To examine and investigate cases of tuberculosis pursuant to Part 5 of
6 Article 6 of this Chapter;
- 7 (10) To examine, investigate and control rabies pursuant to Part 6 of Article
8 6 of this Chapter;
- 9 (11) To abate public health nuisances and imminent hazards pursuant to G.S.
10 130A-19 and G.S. 130A-20;
- 11 (12) To employ and dismiss employees of the local health department in
12 accordance with Chapter 126 of the General Statutes;
- 13 (13) To enter contracts, in accordance with The Local Government Finance
14 Act, G.S. Chapter 159, on behalf of the local health department.
15 Nothing in this paragraph shall be construed to abrogate the authority of
16 the board of county commissioners."

17 Section 2. G.S. 130A-153 reads as rewritten:

18 **"§ 130A-153. Obtaining immunization; reporting by local health departments;
19 access to immunization information in patient records; immunization of
20 minors.**

21 (a) The required immunization may be obtained from a physician licensed to
22 practice medicine or from a local health department. Local health departments shall
23 administer ~~the~~ required and State-supplied immunizations at no cost to the patient. The
24 Department shall provide the vaccines for use by the local health departments. A local
25 health department may redistribute these vaccines only in accordance with the rules of
26 the Commission.

27 (b) Local health departments shall file monthly immunization reports with the
28 Department. The report shall be filed on forms prepared by the Department and shall ~~state~~
29 state, at a minimum, each patient's age and the number of doses of each type of vaccine
30 administered.

31 (c) Immunization certificates and information concerning immunizations
32 contained in medical or other records shall, upon request, be shared with the Department,
33 local health departments, and the patient's attending physician. In addition, an insurance
34 institution, agent, or insurance support organization, as those terms are defined in G.S.
35 58-39-15, may share immunization information with the Department. The Commission
36 may, for the purpose of assisting the Department in enforcing this Part, provide by rule
37 that other persons may have access to immunization information, in whole or in part.

38 (d) A physician or local health department may immunize a minor with the
39 consent of a parent, guardian, or person standing in loco parentis to the minor. A
40 physician or local health department may also immunize a minor who is presented for
41 immunization by an adult who signs a statement that he or she is authorized by a parent,
42 guardian, or person standing in loco parentis to the minor to obtain the immunization for
43 the minor."

1 Section 3. G.S. 130A-154 reads as rewritten:

2 **"§ 130A-154. Certificate of immunization.**

3 (a) A physician or local health department administering a required vaccine shall
4 give a certificate of immunization to the person who presented the child for
5 immunization. The certificate shall state the name of the child, the name of the child's
6 parent, guardian, or person responsible for the child obtaining the required immunization,
7 the address of the child and the parent, guardian or responsible person, the date of birth of
8 the child, the sex of the child, the number of doses of the vaccine given, the date the
9 doses were given, the name and address of the physician or local health department
10 administering the required immunization and other relevant information required by the
11 Commission.

12 (b) Except as otherwise provided in this subsection, a person who received
13 immunizations in a state other than North Carolina shall present an official certificate or
14 record of immunization to the child care facility, school (K-12), or college or university.
15 This certificate or record shall state the person's name, address, date of birth, and sex; the
16 type and number of doses of administered vaccine; the dates of the first MMR and the
17 last DTP and polio; the name and address of the physician or local health department
18 administering the required immunization; and other relevant information required by the
19 Commission."

20 Section 4. G.S. 130A-155 reads as rewritten:

21 **"§ 130A-155. Submission of certificate to child care ~~facility~~ facility, preschool and**
22 **school authorities; record maintenance; reporting.**

23 (a) No child shall attend a school (~~K-12~~), (pre K-12), whether public, private or
24 religious, a child care facility as defined in G.S. 110-86(3), unless a certificate of
25 immunization indicating that the child has received the immunizations required by G.S.
26 130A-152 is presented to the school or facility. The parent, guardian, or responsible
27 person must present a certificate of immunization on the child's first day of attendance to
28 the principal of the school or operator of the facility, as defined in G.S. 110-86(7). If a
29 certificate of immunization is not presented on the first day, the principal or operator
30 shall present a notice of deficiency to the parent, guardian or responsible person. The
31 parent, guardian or responsible person shall have 30 calendar days from the first day of
32 attendance to obtain the required immunization for the child. If the administration of
33 vaccine in a series of doses given at medically approved intervals requires a period in
34 excess of 30 calendar days, additional days upon certification by a physician may be
35 allowed to obtain the required immunization. Upon termination of 30 calendar days or the
36 extended period, the principal or operator shall not permit the child to attend the school or
37 facility unless the required immunization has been obtained.

38 (b) The school or child care facility shall maintain on file immunization records
39 for all children attending the school or facility which contain the information required for
40 a certificate of immunization as specified in G.S. 130A-154. These certificates shall be
41 open to inspection by the Department and the local health department during normal
42 business hours. When a child transfers to another school or facility, the school or facility
43 which the child previously attended shall, upon request, send a copy of the child's

1 immunization record at no charge to the school or facility to which the child has
2 transferred.

3 (c) Within 60 calendar days after the commencement of a new school year, the
4 school shall file an immunization report with the Department. The child care facility shall
5 file an immunization report annually with the Department. The report shall be filed on
6 forms prepared by the Department and shall state the number of children attending the
7 school or facility, the number of children who had not obtained the required
8 immunization within 30 days of their first attendance, the number of children who
9 received a medical exemption and the number of children who received a religious
10 exemption.

11 (d) Any adult who attends school (~~K-12~~), (pre K-12), whether public, private or
12 religious, shall obtain the immunizations required in G.S. 130A-152 and shall present to
13 the school a certificate in accordance with this section. The physician or local health
14 department administering a required vaccine to the adult shall give a certificate of
15 immunization to the person. The certificate shall state the person's name, address, date of
16 birth and sex; the number of doses of the vaccine given; the date the doses were given;
17 the name and addresses of the physician or local health department administering the
18 required immunization; and other relevant information required by the Commission."

19 Section 5. G.S. 130A-155.1(d) is repealed.

20 Section 6. G.S. 130A-156 reads as rewritten:

21 "**§ 130A-156. Medical exemption.**

22 The Commission for Health Services shall adopt by rule ~~a list of~~ medical
23 contraindications to immunizations required by G.S. 130A-152. If a physician licensed to
24 practice medicine in this State certifies that a required immunization is or may be
25 detrimental to a person's health due to the presence of one of the contraindications ~~listed~~
26 adopted by the Commission, the person is not required to receive the specified
27 immunization as long as the contraindication persists. The State Health Director may,
28 upon request by a physician licensed to practice medicine in this State, grant a medical
29 exemption to a required immunization for a contraindication not on the list adopted by
30 the Commission."

31 Section 7. This act is effective when it becomes law.