

**A BILL TO BE ENTITLED  
AN ACT TO PRESERVE, PROTECT, AND DEFEND COMPREHENSIVE HEALTH  
FREEDOM**

The General Assembly of North Carolina enacts:

**PART I. NO VACCINE MANDATES BY EXECUTIVE ORDER, RULES, AGENCY HEADS, OR PUBLIC HEALTH AUTHORITIES DURING DECLARED DISASTERS OR EMERGENCIES**

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

**§ 166A-19.12. Powers of the Division of Emergency Management.** 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:
- ...
- f. ~~Immunization procedures.~~ procedures subject to G.S. § 166A-19.30(c2), (c3), and (c4).

**SECTION 1.1(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 subsections (c2), (c3), and (c4) 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 subsections (c2), (c3), (c4), and (c5) of this section, the Governor has the following powers:

...

(c2) Notwithstanding any provision of law to the contrary, the Governor shall not require, coerce, or mandate that any person receive a vaccine or series of vaccines by operation of executive order. Any person who refuses to receive a vaccine or series of vaccines under this section shall not be subject to civil or criminal liability, isolation, or quarantine for the refusal of vaccine or series of vaccines.

(c3) Notwithstanding any provision of law to the contrary, the Governor shall not require, coerce, or mandate that any person receive immunity, antibody, or diagnostic test, or provide proof of immunity, antibody, or diagnostic test status by operation of executive order. Any person who refuses to receive immunity, antibody, or diagnostic test, or to provide proof of immunity, antibody, or diagnostic test status under this section shall not be subject to civil or criminal liability, isolation, or quarantine for the refusal to receive immunity, antibody, or diagnostic test, or to provide proof of immunity, antibody, and diagnostic test status.

(c4) Notwithstanding any provision of law to the contrary, the Governor shall not subject any person to punishment, isolation, quarantine, condition, restriction, requirement, limitation, adverse action, coercion, disparate treatment, or any other form of discrimination for refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test under this section, or to provide proof of vaccine, series of vaccines, immunity, antibody, or diagnostic test status by operation of executive order.

(c5) Notwithstanding any provision of law to the contrary, the Governor shall not incentivize any person to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test through the establishment and operation of a “lottery” to include cash prizes, educational scholarship prizes.

...

**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) Impose a mandate or requirement to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test, or to provide vaccine, series of vaccines, immunity, antibody, or diagnostic test status as a condition of the receipt, renewal, or reinstatement of a license by an agency.

(3b) Deny, refuse, condition, restrict, limit, coerce, penalize, punish, isolate, quarantine, take adverse action, treat disparately, or otherwise discriminate against a person for refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test under this section, or to provide vaccine, series of vaccines, immunity, antibody, or diagnostic test status as a condition of the receipt, renewal, or reinstatement of a license by an agency.

(3c) Close one or more business, educational institution, and religious institution, limit access to public and private property, impose occupancy restrictions, impose mask and face-covering requirements, impose tracking and tracing requirements 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 the effective date of this act.

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

**SECTION 2.1(a)** 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

subsections (f) (g), (h), and (i) of this section, every child present in this State shall be immunized against any other disease upon a determination by the Commission that the immunization is in the 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 ensure that the child has received the required immunization at the age required by the Commission. If a child has not received the required immunizations 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.

...

~~(f) Notwithstanding this section or other applicable State law, the Commission for Public Health, public school units, community colleges, constituent institutions of The University of North Carolina, and any private colleges or universities receiving State funds are prohibited from requiring a student to provide proof of vaccination against the coronavirus disease of 2019 (COVID-19) or to submit to a COVID-19 vaccination or series of COVID-19 vaccinations unless the requirement for vaccination or proof of vaccination is required for participating in a program of study, or fulfilling education requirements for a program, that requires working, volunteering, or training in a facility certified by the Centers for Medicare and Medicaid Services.~~

(g) 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 person to submit to a vaccine or series of vaccines if such action is medically contraindicated for the person, or if receiving the vaccine or series of vaccines is against the person's religious or philosophical beliefs, as described in G.S. 130A-157 and G.S. 130A-157.5, as enacted by Section 2.1(b) of this act. In the case of a minor, if the vaccine or series of vaccines is against the religious or philosophical beliefs of the parent, guardian, or person in loco parentis, as described in G.S. 130A-157 and G.S. 130A-157.5, as enacted by Section 2.1(b) of this act, then the public health authority is prohibited from requiring that the minor receive a vaccine or series of vaccines.

(h) 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 person to receive an immunity, antibody, or diagnostic test if such action is medically contraindicated for the person, or if receiving the immunity, antibody, or diagnostic test is against the person's religious or philosophical beliefs. In the case of a minor, if the immunity, antibody, or diagnostic test is against the religious or philosophical beliefs of the parent, guardian, or person in loco parentis, then the public health authority is prohibited from requiring that the minor receive an immunity, antibody, or diagnostic test.

(i) 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 deny, refuse,

condition, restrict, limit, penalize, coerce, take adverse action, treat disparately, or otherwise discriminate against a person based on vaccine, series of vaccines, immunity, antibody, or diagnostic test status.

**SECTION 2.1(b)** Article 6 of Chapter 130A of the General Statutes is amended by adding a new section to read:

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

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

**SECTION 2.1(c)** These sections apply to any vaccine and series of vaccines requirements imposed upon an adult or a child by a college, university, public or private school (Pre-K through 12), or child care facility on or after the effective date of this act.

**PART III. NO IMPLIED CONSENT TO VACCINE, IMMUNITY, ANTIBODY, AND DIAGNOSTIC TEST TRACKING**

**SECTION 3.1(a)** 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, immunity, antibody, and diagnostic test tracing and tracking.**

(a) 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 persons residing in this State who have received or not received a vaccine, series of vaccines, immunity, antibody, or diagnostic test, including, but not limited to, the North Carolina Immunization Registry, the statewide health information exchange known as NC HealthConnex, NC Fast System, and the North Carolina COVID-19 Vaccine Management System, shall provide for the following:

- (1) Written, informed consent from each adult and, in the case of a minor, from a parent or guardian of each minor, whose vaccine, series of vaccines, immunity, antibody, and diagnostic test records and information are added to the system for the following:
  - a. The person's participation in the system or inclusion in the system of the person's vaccine, series of vaccines, immunity, antibody, and diagnostic test record and status, or refusal to receive a vaccine, series of vaccines, immunity, antibody, and diagnostic test.
  - b. The disclosure or sharing of information concerning the person's vaccine, series of vaccines, immunity, antibody, and diagnostic test record and

status, or refusal to receive a vaccine, series of vaccines, immunity, antibody, and diagnostic test.

c. Written, informed consent requirements apply to disclosures and sharing by the system, a person's health care providers, an person's health insurer, and with any other public or private entity or person.

(2) An option for an adult or, in the case of a minor, a parent or guardian to withdraw previously granted consent that would trigger the deletion of all the person's vaccine, series of vaccines, immunity, antibody, and diagnostic test records from the system and any other files maintained by the State agency responsible for operating the system.

(3) A health care provider shall at the request of the patient insert a notation in that patient's medical record that the patient has a religious, moral, or philosophical objection to the administration of vaccine, series of vaccines, immunity, antibody, or diagnostic test. In the case of a minor, the minor's health care provider shall insert such notation into the minor's medical record at the direction of the parent or guardian.

(b) It shall be unlawful for the State agency responsible any system used to track or record data and information about persons residing in this State to create, develop, facilitate, implement, or otherwise operate a "Vaccine Passport Program," alone or jointly with any other public or private entity or person.

(c) It shall be unlawful for any system used to track or record data and information about persons residing in this State to be accessible to any public or private entity or person without a legal or contractual strictly prohibiting the use of data and information to create, develop, facilitate, implement, link to, or otherwise operate a "Vaccine Passport Program," alone or jointly with any other public or private entity or person.

(d) Any "Vaccine Passport Program" in development, created, facilitated, implemented, linked to, or otherwise operational in whole or in part on the effective date of this act shall be terminated immediately on the effective date of this act.

**SECTION 3.1(b)** This section applies to each system used to track or record information about persons residing in this State on or after the effective date of this act.

#### **PART IV. AMEND G.S. § 130A-20**

**SECTION 4.** G.S. § 130A-20 is repealed on the effective date of this act:

~~(e) The Secretary shall have the authority to determine that a class or category of property the Secretary may order owners, operators, or other persons in control of that class or category of property uses to abate the statewide imminent hazard. If the Secretary has notified the Governor, and the Governor has received the concurrence of the Council of State, such order may be extended for up to 30 days at a time. The Secretary may, after notice to or reasonable attempt to notify the owners, operators, or other persons in control of a specific property not complying with the order of abatement, enter upon the property and take any action necessary to abate the imminent hazard. If the Secretary's orders under this subsection would extend the application of the class or categories of properties in areas, when combined, to statewide application, the Secretary shall notify the Governor, and the Governor shall seek the concurrence of the Council of State in accordance with this subsection prior to extension of any of the orders.~~

~~(d) The Secretary of Environmental Quality, in accordance with subsection (e) of this section, may enforce the provisions of Articles 9 and 10 of this Chapter.~~

**PART V. AMEND G.S. § 130A-145**

**SECTION 5.** G.S. § 130A-145 is repealed on the effective date of this act:

~~(f) Notwithstanding the first sentence of subsection (d) of this section, for a period of no and order that a class or category of persons need to be quarantined or isolated to protect the public health. If such an order under this section applies statewide, the State Health Director may move the court for extensions of the order in accordance with subsection (e) of this section after the State Health Director has notified the Governor, and the Governor has received the concurrence of the Council of State. If such an order applies less than statewide, the State Health Director may move the court for extension of the order in accordance with subsection (e) of this section. If the State Health Director's orders under this subsection would extend the application of the class or categories in areas, when combined, to statewide application, the State Health Director shall notify the Governor, and the Governor shall seek the concurrence of the Council of State in accordance with this subsection prior to moving the court for the extension of any of the orders.~~

**PART VI. NO VACCINE, IMMUNITY, ANTIBODY, AND DIAGNOSTIC TEST MANDATES FOR HEALTH CARE PROVIDERS, STAFF, AND PATIENTS**

**PROTECTIONS FOR HEALTH CARE PROFESSIONALS**

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

**§ 93B-8.1A. Use of vaccination, immunity, antibody, and diagnostic test history records**

(a) The following definitions apply in this section:

- (1) Applicant. – A person who makes application for licensure from an occupational licensing board.
- (2) Board. – An occupational licensing board or a State agency licensing board as defined in G.S. 93B-1.
- (3) Licensee. – A person who has obtained a license to engage in or represent himself or herself to be a member of a particular profession or occupation.
- (4) Vaccination. – The act of introducing a product into the body that stimulates a person's immune system to produce immunity to a specific disease, protecting the person from that disease through various methods, including needle injections and mouth or nasal spray.
- (5) Vaccination history record. – Written or digital documentation containing information about a person's vaccinations as a child or adult, including records from health care providers, local health departments, the North Carolina Immunization Registry, employer, or educational institution.
- (6) Immunity, antibody, and diagnostic test history record -- Written or digital documentation containing information about a person's immunity, antibody, and diagnostic test as a child or adult, including records from health care providers, local health departments, the North Carolina Immunization Registry, employer, or educational institution.

(b) Applicants. – Notwithstanding any other provision of law, a board shall not coerce, condition, restrict, limit, deny, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against an applicant (1) on the basis of whether the applicant has or (2) has not received a specific vaccination, series of vaccinations, immunity, antibody, or diagnostic test as shown in the applicant's vaccination history record and

immunity, antibody, and diagnostic test history record. A board shall not require the submission of documents containing medical information for the sole purpose of ascertaining an applicant's vaccination history record and immunity, antibody, and diagnostic test history record as part of an application process for licensure. A board shall not use any documents provided or information gathered tending to show a vaccination history record or immunity, antibody, and diagnostic test history record as the basis to deny the applicant a license.

(c) Licensees. – Notwithstanding any other provision of law, a board shall suspend, revoke, decline to renew, decline to reinstate, or take any disciplinary action against, coerce, condition, restrict, limit, deny, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against a licensee on the basis of whether the licensee has or has not received a specific vaccination, series of vaccinations, immunity, antibody, or diagnostic test as shown in the applicant's vaccination history record and immunity, antibody, and diagnostic test history record.

(d) Remedies. – A person whose rights under this section are violated may bring a civil action in district court against the board and obtain any of the following remedies:

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

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

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

**§ 131E-79.5. No discrimination against hospital patients on the basis of vaccine, immunity, antibody, or diagnostic test status.**

(a) No hospital licensed under this Article shall coerce, condition, restrict, limit, deny, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against any patient (i) on the basis of the patient's vaccine, series of vaccine, immunity, antibody, or diagnostic test status or (ii) because of the patient's refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test.

(b) No hospital licensed under this Article shall coerce, condition, restrict, limit, deny, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against any prospective patient (i) on the basis of the prospective patient's vaccine, series of vaccine, immunity, antibody, or diagnostic test status or (ii) because of the patient's refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test.

(c) Any patient or prospective patient whose rights under this section were violated may bring a civil action in district court against the hospital and obtain any one or more of the following remedies:

- (1) An injunction against any further violations.
- (2) Appropriate affirmative relief.
- (3) Any other relief necessary to ensure compliance with this section.

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

**§ 131E-79.6. No discrimination against physicians, medical residents or clinical program students on the basis of vaccine, immunity, antibody, or diagnostic test status.**

(a) No hospital licensed under this Article shall deny, terminate, or suspend a physician's hospital privileges, coerce, condition, restrict, limit, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against a physician (i) on the basis of the physician's vaccine, series of vaccine, immunity, antibody, or diagnostic test status or (ii) because of the physician's refusal to receive a vaccine, series of vaccine, immunity, antibody, or diagnostic test.

(b) No hospital licensed under this Article that offers a medical residency program or a clinical program or experience necessary to satisfy a student's degree requirements shall do either of the following:

- (1) Deny, coerce, condition, restrict, limit, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against an applicant for a medical residency program or a clinical program or experience (i) on the basis of the student's vaccine, series of vaccine, immunity, antibody, or diagnostic test status or (ii) because of the applicant's refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test.
- (2) Terminate participation, coerce, condition, restrict, limit, deny, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against a student in a medical residency program or a clinical program or experience (i) on the basis of a student's vaccine, series of vaccine, immunity, antibody, or diagnostic test status or (ii) because of the student's refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test.

(c) Any physician, or any applicant for, student in a residency program or clinical program or experience offered by a hospital licensed under this Article whose rights under this section are violated may bring a civil action in district court against the hospital and obtain any one or more of the following remedies:

- (1) An injunction against any further violations.
- (2) Appropriate affirmative relief, including, but not limited to, reinstatement of physician privileges or admission or reinstatement in the residency program or clinical program or experience.
- (3) Any other relief necessary to ensure compliance with this section.

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

**SECTION 6.2(b)** These sections apply to hospitals on or after the effective date of this act.

**PROTECTION FOR APPLICANTS AND RESIDENTS OF OTHER HEALTH CARE FACILITIES**

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

**§ 131D-9.5. No discrimination against adult care home residents based on vaccine, immunity, antibody, or diagnostic test status.**



(a) No adult care home licensed under this Article shall terminate, coerce, condition, restrict, limit, deny, withhold, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against any resident (i) on the basis of the resident's vaccine, series of vaccine, immunity, antibody, or diagnostic test status or (ii) because of the resident's refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test.

(b) No adult care home licensed under this Article shall deny admission, coerce, condition, restrict, limit, withhold, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against any applicant for residence (i) on the basis of the applicant's vaccine, series of vaccine, immunity, antibody, or diagnostic test status or (ii) because of the applicant's refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test.

(c) Any resident or applicant for residence whose rights under this section are violated may bring a civil action in district court against the adult care home and obtain any one or more of the following remedies:

- (1) An injunction against any further violations.
- (2) Appropriate affirmative relief.
- (3) Any other relief necessary to ensure compliance with this section.

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

**SECTION 6.3(b)** This section apply to adult care homes on or after the effective date of this act.

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

**§ 131E-113.5. No discrimination against nursing home residents based on vaccine, immunity, antibody, or diagnostic test status**

(a) No nursing home licensed under this Article shall terminate, coerce, condition, restrict, limit, deny, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against a resident of the facility (i) on the basis of the resident's vaccine, series of vaccine, immunity, antibody, or diagnostic test status or (ii) because of the resident's refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test.

(b) No nursing home licensed under this Article shall deny admission, coerce, condition, restrict, limit, withhold, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against any applicant for residence (i) on the basis of the applicant's vaccine, series of vaccine, immunity, antibody, or diagnostic test status or (ii) because of the applicant's refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test.

(c) Any resident or applicant for residence whose rights section may bring a civil action in district court against the nursing home and obtain any one or more of the following remedies:

- (1) An injunction against any further violations.
- (2) Appropriate affirmative relief.
- (3) Any other relief necessary to ensure compliance with this section.

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

**SECTION 6.4(b)** This section applies to nursing homes on or after the effective date of this act.

## **PART VII. PROTECTION AGAINST EMPLOYMENT DISCRIMINATION FOR REFUSAL OF VACCINES, IMMUNITY, ANTIBODY, AND DIAGNOSTIC TEST**

**SECTION 7.1(a)** Article 3 of Chapter 95 of the General Statutes is amended by adding a new section to read:

### **§ 95-28.2A. Discrimination against persons for refusal of vaccine, immunity, antibody, and diagnostic test.**

(a) As used in this section, the term “employer” means the State and all political subdivisions of the State, public and quasi-public corporations, boards, bureaus, commissions, councils, and all private employers.

(b) It is an unlawful employment practice if the employer fails or refuses to hire, coerces, conditions, restricts, limits, takes adverse action, treats disparately, discharges, penalizes, or otherwise discriminates against an employee or applicant for employment with respect to compensation, the terms, conditions, or privileges of employment (i) on the basis of the employee’s or applicant’s vaccine, series of vaccines, immunity, antibody, or diagnostic test status, or (ii) because of the employee’s or applicant’s refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test.

(c) An employee or applicant for employment whose rights in this section are violated may bring a civil action in district court against the employer or prospective employer and obtain any one or more of the following remedies:

- (1) An injunction against any further violations.
- (2) Appropriate affirmative relief, including, but not limited to, reinstatement of employment with back pay plus ten percent (10%) interest.
- (3) An order of reinstatement without loss of position, seniority, or benefits.
- (4) An order directing the employer to offer employment to the prospective employee.
- (5) Any other relief necessary to ensure compliance with this section.

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

(e) The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict, but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

**SECTION 7.1(b)** This section applies to employers, employees, and applicants for employment on or after the effective date of this act.

## **PART VIII. NO VACCINE, IMMUNITY, ANTIBODY, AND DIAGNOSTIC TEST MANDATE TIED TO PUBLIC SPACES**

**SECTION 8.1(a)** Chapter 99D of the General Statutes is amended by adding a new section to read:

### **§ 99D-1.5. No discrimination in public spaces on the basis of vaccine, immunity, antibody, and diagnostic test status.**

- (a) Notwithstanding any other provision of law to the contrary, it is a discriminatory practice for the State and any political subdivisions of the State, public and quasi-public corporations, boards, bureaus, commissions, councils, and any person, corporation, nonprofit corporation, partnership, or other business organization recognized under the laws of North Carolina to coerce, condition, restrict, limit, deny, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against any person's full and equal enjoyment of goods, services, privileges, advantages, facilities, and public spaces (i) on the basis of the person's vaccine, series of vaccines, immunity, antibody, or diagnostic test status, or (ii) because of the person's refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test. This subsection shall be construed to prohibit all of the following:
- (1) Providing any disposition, service, financial aid, or benefit to a person that is different, or is provided in a different manner from that provided to other members of the general public.
  - (2) Subjecting any person to segregation or separate treatment in any matter related to that person's receipt of any disposition, service, financial aid, or benefit provided to other members of the general public.
  - (3) Restricting a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit provided to other members of the general public.
  - (4) Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that persons are required to meet in order to be provided any disposition, service, financial aid, or benefit available to other members of the general public.
  - (5) Denying a person an opportunity to participate in a program through the provision of service or otherwise afford that person an opportunity to do so that is different from that afforded to other members of the general public.
- (b) Notwithstanding any other provision of law to the contrary, it is a discriminatory practice for the State and any political subdivisions of the State, public and quasi-public corporations, boards, bureaus, commissions, councils, and any person, corporation, nonprofit corporation, partnership, or other business organization recognized under the laws of North Carolina to coerce, condition, restrict, limit, deny, refuse, require, penalize, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against any person's full and equal enjoyment of goods, services, privileges, advantages, facilities, and public spaces (i) on the basis of the person's vaccine, series of vaccines, immunity, antibody, or diagnostic test status, or (ii) because of the person's refusal to receive a vaccine, series of vaccines, immunity, antibody, or diagnostic test. This subsection shall be construed to prohibit all of the following:
- (1) Entry into any business or public space.
  - (2) Receipt of any service or good.
  - (3) Full and equal enjoyment of goods, services, privileges, advantages, facilities, and public spaces
- (c) Notwithstanding any other provision of law to the contrary, the State and all political subdivisions of the State, public and quasi-public corporations, boards, bureaus, commissions, councils, and any person, corporation, nonprofit corporation, partnership, or

other business organization recognized under the laws of North Carolina shall not create, adopt, acquire, collect, store, develop, share, use, participate in, impose, link to, or allow to be imposed any program, device, system, or other method of physical, electronic, or digital identification, or biometric or facial recognition that would coerce, deny, refuse, condition, restrict, require, limit, control access to, subject to adverse action, disparate treatment, or otherwise discriminate against of any person to any of the following:

- (1) Entry into any business or public space.
- (2) Receipt of any service or good.
- (3) Full and equal enjoyment of goods, services, privileges, advantages, facilities, and public spaces.
- (4) Interact with another or others digitally.
- (5) Access online accounts, including, but not limited to, social media platforms, email services, online banking and finance, professional license, transit, transportation, driver's license, healthcare and telemedicine portals, gaming communities, education and online learning, government services, voting system, and any other State, political subdivision of the State, public and quasi-public corporation, board, bureau, commission, council, and any person, corporation, nonprofit corporation, partnership, or other business organization recognized under the laws of North Carolina website and application.

(d) As used in this section, "public space" includes all of the following:

- (1) Places of public accommodation.
- (2) Any building or space, whether indoors or outdoors, that is owned, leased, operated, occupied, or otherwise used by a public body.
- (3) Any other building or space, whether indoors or outdoors, that is generally open to the public.

(e) Remedies. – Any person whose exercise or enjoyment of a right described in 99D-1.5 has been interfered with, or against whom an attempt has been made to interfere with the exercise or enjoyment of such a right, by a violation of this section may bring a civil action. The court may restrain and enjoin such future acts, and may award compensatory and punitive damages to the plaintiff. The court may award court costs and attorneys' fees to the prevailing party. A prevailing defendant may be awarded reasonable attorneys' fees only upon a showing that the case is frivolous, unreasonable, or without foundation.

(f) A civil action may be brought or maintained, and liability may be imposed, under 99D-1.5 against a governmental unit, a government official with respect to actions taken within the scope of his official governmental duties, or an employer or his agent with respect to actions taken concerning his employees within the scope of the employment relationship.

**SECTION 8.1(b)** This section applies on or after the effective date of this act.

## **PART IX. NO VACCINE. IMMUNITY, ANTIBODY, AND DIAGNOSTIC TEST MANDATES BY GROUP HEALTH BENEFIT PLANS OF LIFE INSURANCE PLANS**

**SECTION 9.1(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 a person, to limit the amount, extent, or kind of coverage available to a person, discriminate against, or to charge a person a

different rate for the same coverage, solely because of a person's vaccine, series of vaccine, and immunity, antibody, or diagnostic test status.

**SECTION 9.1(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 vaccine, immunity, antibody, and diagnostic test status.**

An insurer offering a health benefit plan in this State shall not use the vaccine, series of vaccine, immunity, antibody, or diagnostic test status of any patients of a health care provider for any of the following:

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

**SECTION 9.1(c)** Article 51 of Chapter 58 of the General Statutes is amended by adding a new section to read:

**§ 58-51-2. Prohibition of the use of insured vaccine, immunity, antibody, and diagnostic test status.**

No insurer offering a group health plan on the large group market, as defined in G.S. 58-68-25, shall use the vaccine, series of vaccines, immunity, antibody, or diagnostic test status of any insured as a factor in the rating of a group health plan that provides coverage in this State."

**SECTION 9.1(d)** This section becomes effective and applies to contracts issued, renewed, or amended on or after that date.

**PART X. NO VACCINE, IMMUNITY, ANTIBODY, AND DIAGNOSTIC TEST MANDATES TIED TO DRIVING PRIVILEGES OR THE ISSUANCE OF STATE IDENTIFICATION CARDS**

**SECTION 10.** Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

**§ 20-43.5. Vaccine, immunity, antibody, and diagnostic test records shall not be collected or required by Division; discrimination prohibited.**

- (a) The Division shall not collect or maintain vaccine, series of vaccines, immunity, antibody, and diagnostic test information or connect Division records to the vaccine, series of vaccines, immunity, antibody, and diagnostic test information of a person.
- (b) The Division shall not require a person to provide vaccine, series of vaccines, immunity, antibody, or diagnostic test information as a condition of obtaining an identification card, a learner's permit, or a driver's license.
- (c) Any business or governmental entity that requires a person to present a Division-issued identification card, learner's permit, or driver's license to verify identification may not require a person to provide vaccine, series of vaccines, immunity, antibody, or diagnostic test information, and the business or

governmental entity may not discriminate, deny services or access, coerce, condition, limit, refuse, or otherwise penalize a person for not receiving a vaccine, series of vaccines, or immunity, antibody, or diagnostic test.

- (d) Remedies. – Any person whose exercise or enjoyment of a right described in 20-43.5 has been interfered with, or against whom an attempt has been made to interfere with the exercise or enjoyment of such a right, by a violation of this section may bring a civil action. The court may restrain and enjoin such future acts, and may award compensatory and punitive damages to the plaintiff. The court may award court costs and attorneys’ fees to the prevailing party. A prevailing defendant may be awarded reasonable attorneys’ fees only upon a showing that the case is frivolous, unreasonable, or without foundation.
- (e) A civil action may be brought or maintained, and liability may be imposed, under 20-43.5 against a governmental unit, a government official with respect to actions taken within the scope of his official governmental duties, or an employer or his agent with respect to actions taken concerning his employees within the scope of the employment relationship.

## **PART XI. PROTECTION OF PATIENT PRIVACY RIGHTS**

**SECTION 11.** No health care provider authorized to administer a vaccine or series of vaccines, immunity, antibody, and diagnostic test in this State may require a patient, as a condition of receiving the vaccine, series of vaccines, immunity, antibody, or diagnostic test to agree, orally or in writing, to any of the following:

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

## **PART XII. COVID-19 VACCINATION AND EXEMPTION**

**SECTION 12.1(a)** Article 10 of Chapter 143 of the General Statutes is repealed:

### **~~§ 143-162.10. Discrimination against persons based on refusal of COVID-19 vaccination and exemption.~~**

~~(a) No State agency, city, county, or political subdivision of the State shall deny or refuse employment to any person or discharge any person from employment due to the person's refusal to provide proof of a COVID-19 vaccination or the person's refusal to submit to a COVID-19 vaccination or a series of COVID-19 vaccinations, unless the exemption in subsection (c) of this section applies. This section shall not be construed to prevent the person from being discharged for cause. As used in this section, the term "COVID-19" means the coronavirus disease of 2019.~~

~~(b) No State agency, city, county, or political subdivision of the State shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to file a claim or complaint; initiate any inquiry, investigation, inspection, proceeding, or other action;~~

or testify or provide information to any person with respect to the provisions of subsection (a) of this section:

- (c) An exemption to subsections (a) and (b) of this section applies to the following:
  - (1) Any employee, vendor, volunteer, trainee, or student that is required by a facility certified by the Centers for Medicare and Medicaid Services to show proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination or COVID-19 series of vaccinations.
  - (2) An employee employed by any entity that receives federal funding if complying with subsection (a) or (b) of this section would result in the loss of that federal funding.
  - (3) An employee employed by the Department of Health and Human Services in the Division of State Operated Healthcare Facilities if the Department requires the COVID-19 vaccination or series of vaccinations for that employee.

**SECTION 12.1(b)** Part 2 of Article 6 of Chapter 130A of the General Statutes is repealed:

**§ 130A-158.3. COVID-19 vaccination requirement prohibited; exemption.**

(a) Notwithstanding any provision of this Chapter or Chapter 166A of the General Statutes to the contrary, no State or local public health agency or public health official may require any person, including an applicant for employment or an employee, to provide proof of a COVID-19 vaccination or to submit to a COVID-19 vaccination or series of COVID-19 vaccinations unless the exemption in subsection (b) of this section applies. For purposes of this section, the following definitions apply:

- (1) Applicant for employment.—Any person who seeks to be permitted, required, or directed by a State or local public health agency, or any person employed by a State or local public health agency, to engage in employment in consideration of direct or indirect gain or profit.
  - (2) COVID-19.—The coronavirus disease of 2019.
  - (3) Employee.—Any individual employed by a State or local public health agency.
  - (4) State or local public health agency.—Includes the following:
    - a. The Department or any of its divisions.
    - b. The Commission for Public Health or any district created by the Commission pursuant to subsection (d) of G.S. 130A-29.
    - c. A local health department as defined in subdivision (5) of G.S. 130A-2.
  - (5) State or local public health official.—Includes the following:
    - a. The Secretary or a designee.
    - b. The State Health Director or a designee.
    - c. The head of any State or local public health agency or a designee.
- (b) An exemption to subsection (a) of this section applies to the following:
- (1) Any employee, vendor, volunteer, trainee, or student that is required by a facility certified by the Centers for Medicare and Medicaid Services to show proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination or COVID-19 series of vaccinations.
  - (2) An employee employed by any entity that receives federal funding if complying with subsection (a) of this section would result in the loss of that federal funding.

- (3) ~~An employee employed by the Department of Health and Human Services in the Division of State Operated Healthcare Facilities if the Department requires the COVID-19 vaccination or series of vaccinations for that employee.~~

**SECTION 12.1(c)** Article 23 of Chapter 153A of the General Statutes is repealed:

**§ 153A-465. COVID-19 vaccination requirement prohibited; exemption.**

~~(a) No county may require any person, including an applicant for employment or an employee, to provide proof of a COVID-19 vaccination or to submit to a COVID-19 vaccination or a series of COVID-19 vaccinations, unless the exemption in subsection (b) of this section applies. For purposes of this section, the following definitions apply:~~

- ~~(1) Applicant for employment.—Any person who seeks to be permitted, required, or directed by a county or any person employed by a county to engage in employment in consideration of direct or indirect gain or profit.~~
- ~~(2) COVID-19.—The coronavirus disease of 2019.~~
- ~~(3) Employee.—As defined in G.S. 153A-99(b)(1).~~

~~(b) An exemption to subsection (a) of this section applies to the following:~~

- ~~(1) Any employee, vendor, volunteer, trainee, or student that is required by a facility certified by the Centers for Medicare and Medicaid Services to show proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination or COVID-19 series of vaccinations.~~
- ~~(2) An employee employed by any entity that receives federal funding if complying with subsection (a) of this section would result in the loss of that federal funding.~~
- ~~(3) An employee employed by the Department of Health and Human Services in the Division of State Operated Healthcare Facilities if the Department requires the COVID-19 vaccination or series of vaccinations for that employee.~~

**SECTION 12.1(d)** Article 21 of Chapter 160A of the General Statutes is repealed:

**§ 160A-499.10. COVID-19 vaccination; requirement prohibited and exemption.**

~~(a) No city may require any person, including an applicant for employment or an employee, to provide proof of a COVID-19 vaccination or to submit to a COVID-19 vaccination or a series of COVID-19 vaccinations, unless the exemption in subsection (b) of this section applies. For purposes of this section, the following definitions apply:~~

- ~~(1) Applicant for employment.—Any person who seeks to be permitted, required, or directed by a city or any person employed by a city to engage in employment in consideration of direct or indirect gain or profit.~~
- ~~(2) COVID-19.—The coronavirus disease of 2019.~~
- ~~(3) Employee.—As defined in G.S. 160A-169(b)(1).~~

~~(b) An exemption to subsection (a) of this section applies to the following:~~

- ~~(1) Any employee, vendor, volunteer, trainee, or student that is required by a facility certified by the Centers for Medicare and Medicaid Services to show proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination or COVID-19 series of vaccinations.~~
- ~~(2) An employee employed by any entity that receives federal funding if complying with subsection (a) of this section would result in the loss of that federal funding.~~



- (3) ~~An employee employed by the Department of Health and Human Services in the Division of State Operated Healthcare Facilities if the Department requires the COVID-19 vaccination or series of vaccinations for that employee.~~

**SECTION 12.1(e)** These sections are repealed on the effective date of this act.

### **PART XIII. MINOR CONSENT**

**SECTION 13.1(a)** G.S. § 90-21.5 is amended to read:

#### **§ 90-21.5. Minor's consent insufficient for certain medical health services.**

(a) ~~Subject to subsection (a1) of this section, any~~ No minor who is not emancipated may give effective consent to a physician licensed to practice medicine in North Carolina for medical health services, including, but not limited to, for the prevention, diagnosis and treatment of (i) venereal disease and other diseases reportable under G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, ~~and~~ (iv) emotional disturbance, . This section does not authorize (v) the inducing of an abortion, (vi) medical separation pursuant to G.S. 90-21.9, (vii) performance of a sterilization operation, or (viii) admission to a 24-hour facility licensed under Article 2 of Chapter 122C of the General Statutes except as provided in G.S. 122C-223. This section does not prohibit the admission of a minor to a treatment facility upon his own written application in an emergency situation as authorized by G.S. 122C-223.

(a1) ~~Notwithstanding any other provision of law to the contrary, a health care provider shall obtain written consent from a parent or legal guardian prior to administering any vaccine, series of vaccine, immunity, antibody, and diagnostic test to that has been granted emergency use authorization and is not yet fully approved by the United States Food and Drug Administration to an individual minor who is not emancipated under 18 years of age.~~

...

**SECTION 13.1(b)** G.S. 90-21.8 Procedure for waiver of parental consent is deleted in its entirety.

### **PART XIV. SEVERABILITY CLAUSE**

**SECTION 14.** If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end, the provisions of this act are severable.

### **PART XV. EFFECTIVE DATE**

**SECTION 15.** Except as otherwise provided, this act is effective when it becomes law.